



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 18 Meán Fómhair 2012

Tuesday, 18 September 2012

Chuaigh an Ceann Comhairle i gceannas ar 14.00 p.m.

Paidir.
Prayer.

Ceisteanna - Questions

Priority Questions

An Ceann Comhairle: Before I call on the Minister, I remind Members that two minutes are allowed for the Minister's initial reply and four minutes overall for supplementary questions.

Local Government Fund

37. **Deputy Barry Cowen** asked the Minister for the Environment; Community and Local Government the funding originally budgeted for the Local Government Fund in 2012; the total amount estimated to be spent in view of cuts to the grant on the basis of household charge payment rates in each local authority area; the estimated average cut to the Local Government Fund allocation in each local authority area; and if he will make a statement on the matter. [39116/12]

41. **Deputy Brian Stanley** asked the Minister for the Environment; Community and Local Government in view of the impending financial problems facing local authorities throughout the State, if he will reverse the cuts in the Local Government Fund and restore adequate funding for the provision of council services to our citizens and communities. [39373/12]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 37 and 41 together.

I assume that the questions refer to general purpose grants from the local government fund. The two principal sources of revenue for the local government fund are the proceeds of motor tax and income from the household charge. The Local Government (Household Charge) Act

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2011 provides that income from the household charge is to be paid into the local government fund. The proceeds from the household charge are being redistributed on an equalised basis to local authorities within the context of the annual allocations of general purpose grants.

General purpose grants contribute towards meeting the reasonable cost to local authorities of providing services to their customers. Some €651 million in general purpose grants had been allocated to local authorities for 2012. It has been necessary for me to withhold general purpose grant funding to local authorities in the third quarter of this year in light of the level of compliance so far this year with the household charge.

It is estimated that there are some 1.6 million residential properties liable for the household charge. As such, if collected in full, the household charge has the potential to raise €160 million annually. As of 14 of September, some €103 million had been collected nationally. A total of €15,695,292 was withheld from the quarter 3 general purpose grant payment. For county and city councils, this represented a reduction of between 1% and 3% of the total general purpose grant allocation for 2012.

I am keeping the income generated from the household charge under constant review. However, it is up to individual local authorities to address any potential funding shortfalls arising from non-compliance with the legislation and to pursue those who may have a liability and initiate court proceedings where it is considered appropriate. It is a matter for the authorities to use their local knowledge to follow-up on non-compliant households in order to maximise collection of the charge. Data-sharing exercises are also underway centrally in accordance with section 14 of the Local Government (Household Charge) Act 2011 and it is intended that data will be used from sources such as the non-principal private residence charge, NPPR, Property Registration Authority, PRA, Private Residential Tenancies Board, PRTB, ESB networks and other Departments, namely, the Department of Social Protection and Revenue Commissioners, to identify households that may be liable to pay the household charge.

I wish to emphasise that local authorities can progressively recoup their original general purpose grant allocation through improved household charge compliance. The final amount of general purpose grants available for 2012 will be revisited and reviewed in the final quarter of the year to take account of the then financial position, including progress on securing an increased household charge yield. I am confident that the level of general purpose grants, together with other Government grants and subsidies and income raised from local sources, is appropriate to meet the costs of providing a reasonable level of local authority services to communities.

An Ceann Comhairle: As two questions are being taken together, 12 minutes are allocated for them.

Deputy Barry Cowen: I welcome back the Minister and thank him for his response. It is as if nothing has changed. The environment could be described as a new Angola there are that many landmines exploding throughout the country-----

Deputy Phil Hogan: The Deputy's brother would know all about that.

Deputy Barry Cowen: -----as a result of various actions or inactions by the Government parties on issues such as this.

I am mindful of the situation that has emanated from Clare County Council in the last day

or two. It now appears to be the policy of local authorities to seek a tax clearance certificate or a household charge receipt when it comes to education grants. Is that something the Minister has ordered his Department to obtain from councils throughout the country and is it the case that we can expect a request for a receipt to be provided for the household charge in respect of all Government payments to be made into the future?

The Minister knows that councillor colleagues in his party earlier this year provided a budget for their constituents on the basis of central Government funding, which in itself had been decreased, on the basis of rate income, which had decreased, and on the basis of planning and development charges, which had decreased substantially. With great difficulty they saw fit to provide a group of services and facilities on their part as a local authority to the constituents they represent. There was ineptitude on the part of the Minister and his Department in terms of the manner in which the Minister devised a very poor system to collect the household charge-----

An Ceann Comhairle: Has the Deputy a question?

Deputy Barry Cowen: -----and he is now penalising them for something that is no fault of theirs but is the result of the incoherence of his Government.

To return to the bones of my question-----

An Ceann Comhairle: Thank you.

Deputy Barry Cowen: -----in light of developments in recent days, is it now policy that local authorities and the Departments which hand out funding to those in need will now seek a receipt for payment of the household charge before payments are made? Is that what we have got in terms of this incoherence? Is that where this will get us to? Has nothing changed? Are we to continue with this myriad of disasters one after another?

Deputy Phil Hogan: I wish to congratulate Deputy Cowen on his elevation to high office as Fianna Fáil spokesman for the environment and I wish him well. I hope what we have just heard will not be the way in which he will continue. He will be aware that the reason we have a household charge and a property tax is that it was negotiated by people, who would be well known to him in the Fianna Fáil Party, in November 2010. If we want to continue to have funding for our essential public services, we are obliged by the troika to meet those requirements of the EU and the IMF.

I thank the people of Ireland who have contributed to the almost 66% compliance in terms of the payment of the household charge in spite of provocation by people on the opposite side of the House and ill-informed people who advocated non-compliance with legislation. These are the people who fully understand that this is an essential part of the budget which was agreed earlier this year to deliver local services.

The reason for this charge is well known. It is an essential part of delivering local services. If one does not have money in terms of the budget, services have to be cut and that is what the councillors in the area have decided to do.

Clare County Council and its county management are doing no more and no less than any other county council or city manager. They are putting in place plans to get in the remaining moneys owed to them in respect of the household charge and any other moneys owed to them. That is what any business would do. Otherwise, they are faced with the difficult situation of

cutting services. I have incentivised them to do so by saying to them that if they do not increase the level of compliance in terms of the payment of the household charge, then they cannot expect to provide the level of service. That is a matter for the people in the area and for the management in the county council area. Given that the Act states that this is the care of management of the local authorities, Clare County Council has decided to take on board the gathering of information on higher education grants. I understand it is working closely with the local government management agency on the protocols that allows it to do so.

I look forward to the same level of activity in whatever means is necessary to get an increased level of compliance on the payment of the household charge. Otherwise the people who are against the payment of this charge will have to explain why services are being cut.

Deputy Joe Higgins: Students do not own the houses.

Deputy Brian Stanley: An issue arising out of this is that two of the largest local authorities in the State have passed a motion requesting the Minister to overturn this measure. In the case of Dublin City Council, it was passed unanimously, which means that Government party councillors backed the motion. I bring to the Minister's attention also that when councillors sat down to pass their budgets last year and try to carve out as best they could the moneys available to them they were not notified that the local government grant was conditional on full collection of this payment. The Minister sought to implement it in the third quarter on the day we left this building for the recess. That was a cynical move on his part. It may seem to be a clever move, and many people might smile at it, but it was a cynical move on the day the Dáil went into recess.

I have asked about this matter previously, and I know it will come up under other questions about local government reform, because all we are seeing is services and money being taken away from local authorities. Local authorities are in crisis. The morale of councillors of all parties and none is very low. They cannot see where all of this is going. We have been trying to get information about it from the Minister here without any luck; he continues to give the same answers. The morale of local authority staff also is very low with the situation they are trying to deal with.

The Clare County Council situation has been mentioned. The Minister for Education and Skills, Deputy Quinn, stated this morning that he expects other councils will follow suit in the future but that it will be on their own initiative. The question was asked, and I want to ask the Minister directly, if there is an initiative from his Department. Has he advised councils to do this? Has an instruction gone out to local authorities to use the payment of the household charge as a condition for processing third level grant applications or to slow down or speed up those applications? Has the Minister had any discussions with the Local Government Management Services Board on that matter?

Deputy Joe Higgins: It is disgraceful bullying.

Deputy Phil Hogan: I am glad to tell Deputy Stanley that I have not issued any instruction to any local authority in regard to higher education grants, and I understand that moneys have not been withheld at this stage by Clare County Council in respect of higher education grants. I understand Clare County Council is in a position where it asked for a lot of information, not just about higher education, but issues relating to the payment of the non-principal private residence charge, water rates and commercial rates, as appropriate. It gathers information in that way.

Clare County Council is doing the same as all local authorities, instructed by me, to ensure we get a higher compliance in terms of the household charge. Otherwise, they will be faced with the consequences of not having the same amount of money in their budget as they had at the earlier part of the year and having to cut their budgets. It is a matter for the local authority members and the management of the local authorities to decide to stay within their budgets. That is what one would expect any good and prudent management of a council to do. Deputy Stanley is the last man who should talk about compliance with an interim property tax like the household charge considering what his party is doing in another jurisdiction on the same island.

Deputy Barry Cowen: The Minister mentioned “as instructed by me” so I take that as a “Yes” to Deputy Stanley’s question. Can the Minister tell me if the Data Protection Commissioner has been consulted by his Department on foot of the actions of Clare County Council and, it appears, what we can expect from other councils into the future?

Deputy Phil Hogan: I have instructed all local authorities to collect the amount of money that is outstanding, and he would expect me to do that. He would be very familiar with the charge and the reason we have it. I have asked them to stay within their budget and use whatever means to do that. The Local Government Management Agency is in constant contact, as the agents who are dealing with this charge on behalf of local authorities, with the data protection systems and I am sure it has all of the necessary compliance requirements and protocols in place.

Deputy Barry Cowen: Has the Data Protection Commissioner been consulted?

Deputy Phil Hogan: That is a matter for each local authority under the Act. They will discuss these issues with the Local Government Management Agency-----

Deputy Barry Cowen: Is the Minister aware whether he has been consulted or not?

Deputy Phil Hogan: No, I am not. I do not micro-manage local authorities.

Deputy Barry Cowen: But the Minister is aware that-----

An Ceann Comhairle: I call Deputy Ellis. We are out of time. Twelve minutes were spent on those two questions.

Pyrite Panel Report Implementation

38. **Deputy Dessie Ellis** asked the Minister for the Environment; Community and Local Government the position regarding the progress made on the implementation of the recommendations of the Pyrite report and any other work being undertaken to resolve the issue. [39326/12]

(Deputy Phil Hogan): The pyrite report, which contains 24 interrelated recommendations covering a wide range of issues, provides a comprehensive framework to enable me and the other stakeholders to make progress towards providing solutions for homeowners. Implementation of many of the recommendations requires the involvement and co-operation of a number of stakeholders and other bodies. My Department and I will be working to achieve progress on implementation of these recommendations as quickly as possible. The report recommends engagement by those stakeholders in processes which will provide solutions for homeowners.

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My preferred approach to solutions for homeowners is for responsible stakeholders to take ownership of this problem and work with the Department to provide an industry-led solution thereto. I have already begun a consultation process with key stakeholders and have given them until the end of September to come back to me with credible solutions. In the absence of a voluntary approach in this regard, I will have to consider an imposed solution along the lines recommended in the report in relation to the imposition of a levy.

The National Standards Authority of Ireland, NSAI, has begun working on the development of a testing protocol and a method statement for remediation work. I am hopeful this work will be completed quickly. The recently published draft building control amendment regulations provide for the introduction of mandatory certificates of compliance as recommended by the panel. My Department has had discussions with the Construction Industry Federation, CIF, in regard to the establishment of a registration process for builders and contractors.

Deputy Dessie Ellis: I thank the Minister. It is nearly three months since the report was issued. It was a good report with many good recommendations, many of which concern levies on the building industry, the insurance bodies and other groups, such as the quarries. The levy would take a long time to build up if it came to fruition. One of the significant issues is the seriousness of the circumstances that obtain. It is estimated in the report that there are 12,000 homes affected. There is probably a lot more. They are generally private homes, not local authority homes and the others in question. There is a considerable number in addition.

I have a number of questions for the Minister on this matter. The CIF, the Irish Concrete Federation, Homebond and other stakeholders have been given until this month to respond. Have any of them done so with any idea on their contributing, helping out or, in some way, bailing out the people who are badly affected? Will legislation be required at any stage in regard to this? Will local authorities that are looking for funding to carry out remedial works be availed of through the fund? Will the money come from the fund or from local government funding? Before there can be further progress, we need central government funding to start the process. Does the Minister intend to put in place a Government fund of some description? It can be taken from the levies if these are imposed.

Deputy Phil Hogan: Deputy Ellis realises that the State is not liable in this matter, and there is case law to show that. I do not know why the Government would be putting money into a system in respect of which it is not liable. We are facilitating a process to help homeowners who, through no fault of their own, have been put in a difficult position arising from the pyrite problem. In the report, it is estimated that 850 dwellings currently have a claim with a guaranteed provider and need remediation immediately. There are approximately 10,300 homes that are potentially exposed according to the panel's estimation. We are developing a test, through the NSAI, to ensure we will be in a position to identify the extent of the problem among the 10,300.

I have given the stakeholders until the end of the month to come back with proposals. I am prepared to wait until the end of the month to determine whether there will be any. However, I assure the Deputy I will be implementing a new set of proposals. If legislation is required, I will bring it forward as quickly as possible to ensure we will have funds from the industry to carry out remediation on the houses that need it urgently.

Deputy Dessie Ellis: I thank the Minister for his response. Some 850 houses are significantly damaged. The situation is so serious that urgent attention is necessary. Will the Minister

stick to his September deadline and impose on the relevant parts of the industry a mechanism to deal with the issue? If legislation is required, will it be backdated? I am worried that it will be argued that what happened occurred in the past whereas everything will be okay from this point onwards.

Deputy Phil Hogan: If I had wanted to wash my hands of this problem, I would have done so a long time ago, as the State is not liable. Thanks to the panel's expertise, I have developed a set of recommendations that I am anxious to implement on behalf of home owners. I would like to believe that the stakeholders being consulted will be positive in their responses and will table proposals. I assure the Deputy that I am determined to help home owners by imposing a solution if one is not offered voluntarily.

Deputy Dessie Ellis: What about legislation?

Deputy Phil Hogan: We will need to consider that matter following the responses from the stakeholders.

Private Rented Accommodation Provision

39. **Deputy Maureen O'Sullivan** asked the Minister for the Environment; Community and Local Government the legal obligations for landlords in Dublin City to maintain a high standard quality of their rental accommodation, to prevent overcrowding in their properties, to prevent the dereliction of their rented accommodation internally and externally, to replace and maintain appliances in their properties for their tenants and to manage waste and dumping; the legal avenues that exist for communities and residents in Dublin Central that are having difficulties with landlords who are not addressing these issues; and if he will make a statement on the matter. [39327/12]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): Minimum standards for rental accommodation are prescribed in the Housing (Standards for Rented Houses) Regulations 2008, made under section 18 of the Housing (Miscellaneous Provisions) Act 1992. These regulations were further amended by the Housing (Standards for Rented Houses) (Amendment) Regulations 2009, which expanded the definition of "a proper state of structural repair" to allow for all aspects of the internal and external appearance of a dwelling to be taken into account for the purposes of the regulations. All landlords have a legal obligation to ensure that their rented properties comply with these regulations. Responsibility for enforcing the regulations rests with the relevant local authority, supported by a dedicated stream of funding allocated by my Department.

Article 12 of the regulations provides that each house must have access to suitable and adequate pest and vermin-proof refuse storage facilities. In addition, section 12 of the Residential Tenancies Act 2004, as amended by section 100 of the Housing (Miscellaneous Provisions) Act 2009, requires a landlord of a dwelling to provide receptacles suitable for the storage of refuse outside the dwelling except where the provision of such receptacles is not within the power or control of the landlord, as could arise, for example, where it is a function of a management company to provide such a service.

Following the enactment of the 2009 Act, local authorities have a strengthened, updated legislative and regulatory framework available to them that provides for the issuing of improve-

ment notices and prohibition notices where landlords are in breach of their obligations under the regulations. Fines for continuing non-compliance with the regulations have also been significantly increased.

The issue of overcrowded houses is dealt with in Part IV of the Housing Act 1966. Under that Act, a housing authority may request information from the owner or occupier of a house such as will allow that authority to determine if a house can be deemed to be overcrowded, having regard to section 63 of the Act. The housing authority may serve notice on the owner of a house specifying the maximum number of persons that may occupy a house without causing overcrowding and, where the owner of a house is causing or permitting the house to be overcrowded, may require the owner to desist from causing or permitting such overcrowding within a period not exceeding 21 days. Any person who neglects or refuses to comply with these requirements is guilty of an offence.

Deputy Maureen O’Sullivan: I wish to draw a matter to the Minister of State’s attention. According to the 2011 census, more than 75% of households in north inner city Dublin were not owner occupied. Of those, approximately 70% were private rental accommodation, a significant number of which were not registered with the Private Residential Tenancies Board, PRTB.

There are responsible landlords. In the space of two months, however, I attended approximately eight community forum meetings in Dublin Central. The common denominator was the other kind of landlord, people who had a complete disregard for the communities in which their rental accommodation was located. They are a plague on the lives of other people living in those communities. There is overcrowding, the rubbish is unbelievable, there is serious anti-social behaviour and some of the houses are substandard.

The legislation requires one thing, but the reality is something different. We have met the local authority and the Garda, but their hands are tied because the legislation is not strong enough. Will the Minister of State’s Department be the driving force to determine where the gaps lie and consider how to have joined-up thinking to allow for an interagency approach? The fire section would do one bit, the planning section would do another bit and the local authorities and Garda would do something else.

The landlords in question are disregarding the requests of the local authority and the Garda to meet. It is not working and something stronger is needed. Will the Minister of State address that point?

Deputy Jan O’Sullivan: There are significant powers so local authorities can take action with regard to both the improvement and prohibition notices. There are fines stipulated, with a maximum fine of €5,000 and €400 for each day of a continuing offence. It is probably the case that many local authorities do not take that kind of action but the powers exist.

The Private Residential Tenancies Board, PRTB, also has significant powers. We are aware of the need for some amendments in the area and we have published legislation to amend the law relating to the PRTB. We hope that will come to the Chamber in the near future and we welcome any proposals from Deputy O’Sullivan or others in that regard. I intend to bring some amendments to the published legislation, including one relating to deposit retention. Nevertheless, significant powers already exist, although we recognise the need to strengthen legislation. We will do so.

Deputy Maureen O’Sullivan: The existing powers are not strong enough as they are not

working on the ground. I acknowledge the work of Dublin City Council, whose representatives would argue that their hands are tied. We can see the consequences at meetings with residents.

I asked that waste could become the responsibility of a landlord, although the Minister of State indicated there would be no legislation introduced in that regard. It is currently impossible to go after 20 individual tenants, whereas if the landlord was responsible for all waste in a premises, it might bring about results. Another proposal might be the provision of a behaviour clause in a tenancy agreement, as there is with local authority tenants. I would like both of these ideas to be considered.

Deputy Jan O'Sullivan: I would be very happy to take on board any suggestions that could strengthen the rights of tenants. There are certain actions that local authorities can take, although I am not sure if there are interventions in every case. We will consider any suggestions coming from any side of the House when we debate the legislation in the near future.

Water Charges

40. **Deputy Barry Cowen** asked the Minister for the Environment, Community and Local Government the current timeframe for the introduction of water metering; and if he will make a statement on the matter. [39118/12]

Deputy Phil Hogan: The programme for Government and the memorandum of understanding with the EU, the IMF and the ECB provide for the introduction of domestic water charges and the establishment of a State-owned water utility. The Government considers that charging for water based on usage is the fairest way and it has decided that water meters should be installed in households connected to public water supplies. International evidence has shown that where meters have been installed, significant reductions have been achieved in the level of consumption, and this is also borne out by the water savings achieved with metering in the group water sector.

The Government has also decided that Irish Water, a new State-owned water company to be established as an independent subsidiary within the Bord Gáis Éireann group, will be responsible for the metering programme. The Government has recently approved the preparation of legislation to assign the necessary powers to allow Irish Water to undertake the metering programme. The objective is to have the Bill enacted by the end of this year. Pending the enactment of the legislation, my Department will be working with the local authorities to progress aspects of the metering programme, including the carrying out of surveys of domestic connections, and the Department will also be progressing the tender documentation for elements of the meter infrastructure.

Deputy Barry Cowen: A couple of questions emanate from the Minister's answer. The timeframe seems to have been amended because earlier this year - to great fanfare when the process was announced - the date for the installation of all the water meters was 2014. There was also an indication that 2,000 jobs would be created. Is the timeframe now in tatters? Today, Bord na Móna announced much restructuring and some job losses. I would like to know, in writing in the coming weeks if it is impossible today, why that organisation was overlooked in favour of Bord Gáis for the water metering process. The Minister has moved back from his initial commitment to have this done more quickly. Will he confirm that Bord Gáis is continuing to recruit personnel and how many have been recruited so far? For what purposes is this

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recruitment taking place? Will the 2,000 jobs be filled when there is nothing to do for half of the personnel?

Over the past number of years, some county councils have from their own resources begun a process of installing water meters not only in private estates, but in public authority estates. It is ironic to think those who showed this forward thinking are to be penalised by virtue of the local government charge in the same fashion as anybody else who did not have the foresight to do this in recent years, irrespective of what agreement or options may have been laid down with the troika with regard to funding being made available to the State.

Deputy Phil Hogan: As the Deputy knows from the troika agreement, water charges are to be introduced in 2014. This is what the previous Government negotiated. Whether or not there are meters there will be water charges in 2014.

Deputy Barry Cowen: We know it is an option.

Deputy Phil Hogan: The Deputy knows it is there. It is not a surprise.

Deputy Barry Cowen: We know you made a commitment to the electorate you would overturn it, re-negotiate it and do everything with it. However, when it suits you it is a problem.

An Ceann Comhairle: Through the Chair.

Deputy Phil Hogan: We have abandoned our economic sovereignty thanks to the policies pursued by our predecessors and we are doing our best to sort it out. An independent assessment was carried out by PwC on behalf of the Department to establish which semi-State body would be appropriate and would have the necessary skills and expertise and two companies were considered, namely, Bord na Mona and Bord Gáis Éireann. Its independent recommendation, which was subsequently approved by the Government, was that Bord Gáis Éireann had the best synergy to deal with the issues because it was already involved in dealing with utility customers.

Deputy Barry Cowen: Will the Minister publish it?

Deputy Phil Hogan: That is a separate question.

An Ceann Comhairle: There is a time limit on this question.

Deputy Phil Hogan: In addition to this, procurement documentation is being drawn up and it must be done in a way that is legal and according to EU tendering arrangements. Those who will obtain jobs are fitters, plumbers and people in the construction industry who were abandoned arising from the downturn.

Deputy Joe Higgins: Fix the leaks in the State.

Deputy Phil Hogan: We will do that also.

Deputy Joe Higgins: It would be much better to do this than to waste money on meters.

An Ceann Comhairle: Perhaps the Minister would reply to the Deputy's question.

Deputy Phil Hogan: I remind Deputies that people already pay water charges. People provide water supplies themselves, as do commercial people, and this is extending the principle

to public supplies.

Deputy Clare Daly: Every citizen pays for water.

Deputy Joe Higgins: We all pay for water through our taxes.

Deputy Phil Hogan: You do not want to pay for anything.

Deputy Barry Cowen: I have a follow-on question on the fact that Bord Gáis-----

Deputy Phil Hogan: You do not want to pay for anything.

Deputy Joe Higgins: When we buy goods in shops we pay for the shopkeepers' water charges also.

An Ceann Comhairle: I ask the Deputy to please adhere to the rules of the House.

Deputy Barry Cowen: It appears that Bord Gáis is in the process of recruiting fitters and engineers but I have yet to learn when their work might commence and I do not know to what infrastructure they have access. Where stands the expertise in the local authorities to which the Minister so proudly states he can provide funding so they can provide services? He is taking one of the long-standing-----

An Ceann Comhairle: A question please Deputy.

Deputy Barry Cowen: -----facilities available to the electorate, namely, local authority water services. Where stands this expertise and local knowledge and these engineers in local authorities? How will they be employed in local authorities? Are they being asked to transfer to Bord Gais?

Deputy Phil Hogan: Local authority staff work very closely with Bord Gáis and in the coming seven years they will continue to do so through providing the infrastructure for rolling out the metering programme and in providing the water infrastructure to be laid down in the legislation to come before the House. This legislation will give Bord Gáis the necessary powers with regard to arrangements with the Commission for Energy Regulation and the roll-out of the water metering programme. During these seven years the local authorities and Bord Gáis will work out the systems they must put in place to deliver what is probably one of the largest public utility projects since the establishment of the ESB. The experience in local authorities will be used to good effect with regard to rolling out the programme.

Question No. 41 answered with Question No. 37.

Other Questions

An Ceann Comhairle: For the benefit of Deputies six minutes are allowed for each question, two minutes for the Minister's reply and four minutes for supplementary questions with a limit of one minute per supplementary question and one minute for the Minister's reply to a supplementary question.

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Proposed Legislation

42. **Deputy Michael Colreavy** asked the Minister for the Environment; Community and Local Government the progress that has been made on the road map to develop a Climate Change Bill; and the contact he has had with his counterparts in the Northern Assembly. [39073/12]

44. **Deputy Catherine Murphy** asked the Minister for the Environment; Community and Local Government if he will give a commitment on the introduction of climate change legislation before the end of December 2012; if he will outline the intended role he envisages for the sub Committee on the Environment, Community and Local Government in helping to draft the heads of the proposed legislation; and if he will make a statement on the matter. [39039/12]

Deputy Phil Hogan: I propose to take Questions Nos. 42 and 44 together.

The programme for the development of a national climate policy and legislation, which I announced last January, is progressing on schedule.

In terms of key milestones, the public consultation has been completed. It attracted a very strong response, with in excess of 600 submissions being received. Details of the consultation response are available on the Department's website, together with summary information on the overall outcome.

On the policy analysis element of the programme, the secretariat to the National Economic and Social Council has submitted its interim report to me. As indicated in the programme, I will release the report shortly and will then invite views from the Oireachtas Joint Committee on the Environment, Culture and the Gaeltacht.

Looking ahead to the next stage of the programme, I will make the heads of a climate Bill available before the end of the year for consideration by both the Oireachtas committee and stakeholders.

As I stated previously, and clearly signalled, in the policy development programme, I foresee a central role for the joint committee in regard to the policy development process. I attach particular importance to input from the committee on the critical issue of coming to a clear national understanding on how to meet our binding EU and wider international emission reduction commitments as well as pursuing national objectives in a low carbon global economy. I look forward to receiving the committee's report on national climate policy development and appropriate legislation in June 2013.

As the climate policy development programme matures, I also look forward to sharing our experience and achievements with my counterparts in Northern Ireland in the context of ongoing bilateral engagement and exchanges on environment policy matters.

Deputy Brian Stanley: The response from the Minister was confusing because earlier this year he said the heads of the Bill would be published this year. The Taoiseach informed me in July that it would be 2013, which was the first time that date was mentioned. Perhaps the Minister will clarify the difference between himself and the Taoiseach on this matter.

As the Minister said, the consultation process is over. At what stage is progress given the fact the Taoiseach gave a different date from him? If the date is different, it deviates from the roadmap and the commitments the Minister gave to the committee and the Dáil. We will hold

the EU Presidency from January and the Minister, like myself, is a good European.

Deputy Phil Hogan: I am delighted to hear it.

Deputy Brian Stanley: We do not want to be seen to be the odd man out here. The Minister will be president of the Environment Council and it will be embarrassing if we do not make substantial progress on this matter.

I welcome what the Minister said that he will liaise with Minister Attwood in the Northern Ireland Assembly on this matter. I would encourage him to do that and that, as far as possible, we have a joined up all-Ireland policy on climate change because climate change will not stop at the Border. We need good environmental policy North and South. Perhaps the Minister will clarify the issue of the difference between himself and the Taoiseach on this matter.

Deputy Phil Hogan: As usual, there is no difference between the Taoiseach and myself on this matter. He indicated, as have I, that the heads of the climate change Bill will be available for publication at the end of the year.

Deputy Brian Stanley: He said 2013. It is on the record.

Deputy Phil Hogan: The Deputy probably misunderstood him. The legislation will be enacted in 2013.

Deputy Brian Stanley: No, I heard him.

Deputy Phil Hogan: If the Deputy needs any clarification-----

An Ceann Comhairle: Sorry-----

Deputy Phil Hogan: A Cheann Comhairle-----

An Ceann Comhairle: Speak through the Chair. Thank you.

Deputy Phil Hogan: If the Deputy needs any clarification, that is the clarification he needs. Last January, I set out what the roadmap would be and it is on schedule.

Deputy Brian Stanley: I took note of it.

An Ceann Comhairle: Deputy, listen to the reply. We will let you in again if we have time.

Deputy Phil Hogan: All Ireland policy stop with various policies. It is a good one to have on climate change but not so good on household charges. The heads of the Bill are on track for publication through the committee at the end of the year. The legislation will be enacted in 2013. I do not think there is any reason to be embarrassed.

Deputy Catherine Murphy: Will there be a linkage between the approach to climate change in the Bill and energy security because there is a distinct linkage between them? It is not about whether it will be enacted next year apart from the embarrassment of holding the EU Presidency and not having the legislation in place.

Does the Minister agree that it is critical we have energy security and that it is linked to climate change? If, for example, we are to encourage people from the private sector to invest in renewable energy, there must be some certainty but we are pushing this further down the road.

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Is it intended to link the two? What dialogue is taking place between the Minister and the Minister for Communications, Energy and Natural Resources in regard to that linkage? In the absence of a secure energy supply, we are not going to be at the races in terms of guaranteeing growth in our economy. Renewables will play a key part in that growth.

Deputy Phil Hogan: I agree with Deputy Catherine Murphy that it is important that all Departments, and particularly the Department of Communications, Energy and Natural Resources, act in a co-ordinated and integrated way with my Department on the issue of climate change. The Cabinet sub-committee on climate change holds regular meetings in which we seek to co-ordinate our response and ensure Departments are exploring and, indeed, implementing policies that will reduce our greenhouse gas emissions and deal with the issue of energy security.

I know the Ceann Comhairle has a personal interest in this matter because he was the Chairman of the Joint Committee on Climate Change and Energy Security in the last Dáil, which brought forward draft legislation and a number of meaningful policy documents in this area. We are looking at these in terms of implementing a package of measures to respond to our obligations under the EU.

Deputy Brian Stanley: On 10 July 2013, the Taoiseach stated-----

Deputy Phil Hogan: The legislation has already been promised.

Deputy Brian Stanley: He stated that the heads of the Bill would be published in 2013. On the question of economic development, environmental protection and sustainability, does the Minister accept that we have to send out positive signals? There have been significant developments in the energy sector, particularly in the midlands, but there are concerns about where we are going as a country in terms of the further development of that sector. Does he recognise the importance of this area?

Deputy Phil Hogan: Deputy Stanley will be aware that the Minister for Communications, Energy and Natural Resources recently published an energy policy setting out the milestones through which he is seeking to implement a more robust regime for renewables. Targets have been set for energy policy for 2020 and 2050. The Minister is conscious not only of his EU obligations, but also of the importance of reducing our dependence on imports of oil and less reliable fuels in driving our economic recovery and future development. His new energy policy clearly sets out the priority he attaches to the areas to which the Deputy referred.

I expect to put the heads of the climate change Bill before the Oireachtas committee before the end of this year.

Deputy Catherine Murphy: One of the measures that has been at the centre of what the Minister describes as the recovery of this country was the proposal in his party's manifesto to invest €7 billion in green infrastructure. The absence of the legislation required to give coherence to this area makes it difficult for people. Much of this money will come from the private sector. We are sending a poor message and it appears that the private sector is making decisions for itself in the absence of a policy framework. We are probably missing significant opportunities for securing investment at an early stage by virtue of the fact that the legislation is being delayed until the middle of next year. Is there any prospect of it being brought forward in a speedier timeframe? Can our committee, for example, play a stronger role in doing that? Even the trimming of several months from the timeframe would be valuable rather than accepting that it will not be ready until the middle of next year.

Deputy Phil Hogan: When I set out a roadmap in January the Deputy opposite did not believe it would happen and now it is going to happen, she wants to bring forward the timeframe for the sake of bringing it forward. We are going to try to get it right on this occasion. My predecessor tried to bring forward climate change legislation but encountered enormous difficulties not only within his own Government, but also with outside stakeholders. We will get one opportunity to do this properly and I am determined to work with the committee to get the balance right with regard to everyone's obligation to deal with this important issue.

The Deputy referred to NewERA in relation to investment in key infrastructural developments. During this term, we will bring forward legislation on water and proposals on broadband and energy. We are considering the sale of non-strategic State assets in order to provide investment in this area of activity. We said there is no reason why, over a five year period, we could not spend €7 billion from those resources and from private sector investment. That is still on track.

Local Government Reform

43. **Deputy Willie O'Dea** asked the Minister for the Environment; Community and Local Government the status of his local government reform document; the timeframe for its publication; and if he will make a statement on the matter. [39000/12]

56. **Deputy Brian Stanley** asked the Minister for the Environment; Community and Local Government his plans to reform town councils; and if so, the criteria he will be using and the consultation that will take place with the public and with elected representatives. [39071/12]

69. **Deputy Catherine Murphy** asked the Minister for the Environment; Community and Local Government the date on which he intends to publish new proposals for the reform of local government; and if he will make a statement on the matter. [39040/12]

74. **Deputy Brian Stanley** asked the Minister for the Environment; Community and Local Government the stage of his proposals for local government reform; when same will be made public; and the programme of consultation with the public and elected representative that will take place. [39076/12]

(Deputy Phil Hogan): I propose to take Questions Nos. 43, 56, 69 and 74 together.

The Government's broad policy approach in this area was set out in the programme for Government. In line with this, I intend to publish shortly a detailed policy statement and action programme for the reform of local government. The programme will set out a clear vision for the future of local government and proposals to achieve it, with particular focus on strengthening structures generally at regional, county and sub-county levels, expanding the role of local government, maximising operational and organisational efficiency and improving governance, oversight, local political and executive leadership and citizen engagement.

The reform programme will also reflect other work under way in regard to various aspects of local government, including local authority mergers, efficiency implementation, local government funding and alignment of local and community development with local government. The statement will outline implementation arrangements for the reform programme and certain issues which will be the subject of further policy work in the future.

Work on the development of these policy proposals has been informed by the extensive analysis and consultation that has taken place in regard to reform over the years. In recent times, I have received submissions from, and held discussions with, the local government representative associations, with individual local authority members and with interested groups. Some months ago, I also invited each individual councillor in the country to submit views to me on a number of issues relating to local government reform.

Publication of the policy statement will provide a further opportunity for public comment and input ahead of the development of legislation to provide for these reform measures and this legislation will be brought forward in 2013, in time for the local elections in 2014. The content of local government reform legislation will be a matter for Government decision in the first instance and will, of course, be the subject of Oireachtas scrutiny and debate in the normal way. In due course, I will be letting the Joint Committee on Environment, Culture and the Gaeltacht know the exact details of this legislation and of the implementation of our policy statement.

Deputy Barry Cowen: I thank the Minister for his answer. When he brings forward his local government reform package I hope he does not simply seek to grab headlines and score political points by cutting councils and councillors for the sake of it. I am aware of the need for streamlining in this area. We cannot have, for example, up to 115 representatives in one county. I am also aware that local authorities have lost many of their functions over the years. They are no longer responsible for primary roads or waste collection and the Government now proposes to remove their responsibility for water services. Lack of funding has led to the deterioration or curtailment of other services, such as library facilities and fire services.

I hope whatever reform package the Minister introduces will give more power to local authorities. Whether in welfare, education or health, local authorities must be given more leverage to become better functioning authorities, which they can do with a proper reform package.

There has been much debate by the Minister's colleagues in Government about the performance of the Croke Park agreement and how each Department has effected the required savings. What savings has the Minister achieved in his Department, within the parameters of the agreement? Can he keep us constantly updated on such savings and let us know the savings he envisages in the coming years until a new agreement is put in place?

It is only right that Ministers begin to account for the management of their Departments. It is too easy to appeal, in soundbites, to certain sections of their own supporters and say that savings cannot be effected when pay is not on the table.

Deputy Phil Hogan: I am glad Deputy Cowen has decided to acknowledge that the decisions I make regarding my Department are not made for any populist reasons.

Deputy Finian McGrath: That is for sure.

Deputy Phil Hogan: I am doing what I believe is right and it does not matter to the members of the public if the public or private sector delivers services as long as they get a good quality service. The public wants services from local authorities that are delivered effectively and effectively. Over the last three years, 8,000 staff have left the local government system, with numbers falling from 37,000 to 29,000 and those staff are still expected to deliver the same level of services. All of the various allowances and matters under benchmarking, which I opposed at the time, have imposed an enormous cost on the delivery of those services to the consumer. That is why so many local authorities got out of the waste collection system, because

it was much more expensive to operate than in the private sector.

This year we will save €195 million by putting in place measures to achieve efficiencies through better procurement, IT and HR centralisation and shared services and over the next year we will see those savings accruing to the local government sector. They will not all be achieved this year but there will be €195 million savings as set out in detail in the local government efficiency review group.

Estimated savings of €800 million could be made in local government in the next few years. Those savings have been identified by the local government efficiency review group out of the €7 billion we are providing in current and capital expenditure to the local government sector. There are opportunities to deliver better and more effective services without the traditional structures that have built up over the years.

Deputy Brian Stanley: I have listened carefully to the Minister's reply and I am no clearer where this is going. It is in the programme for Government that local government reform will be introduced. On that subject, we are at one with the Minister; reform is needed and it has not happened under previous Governments. Local government must be modernised because the system does not match up properly. Town councils in some areas with a small population have huge powers while other large towns have town commission status. There are all sorts of anomalies in the system that we have discussed before. The Minister told me a number of times he would announce the reform programme before the summer recess but we have not heard anything. I have listened carefully to the Minister over the summer and I heard nothing about this. We need that reform. When will we have the policy statement and when can the House discuss it? When will the Oireachtas committee be able to discuss the services local authorities should provide and their functions, powers, finances and boundaries? Are we talking about county councils or town and district councils?

I acknowledge the savings that have been made and that local authority numbers have fallen from 37,000 to 29,000 and that this new staff complement is doing the same amount of work. That is a testament to those working in local authorities. One area the Minister might examine is directors of services and senior executive officers. There are two grades at the top of departments in small councils. We should examine if there is a need for both. Could a manager not liaise directly with a senior executive officer and do the same job?

I am anxious to see the Minister's proposals and would like to know when we will have the discussion.

Deputy Phil Hogan: The proposals on local government are before Government and I hope we will be in a position to clear them in the next week or two. The efforts being made to achieve this, because it is so important, are significant. Deputy Cowen mentioned the level of savings that could be achieved through doing things better and differently. In the last two and half years in local government, €553 million has been saved by delivering certain services differently, with some being outsourced and some being privatised, and others organised using structures that achieve better outcomes. That thinking informs some of the 106 recommendations made in 2010 by Mr. McLaughlin's group on local government efficiency. The public expects that.

The Deputy is particularly interested in structures on an all-Ireland basis and structures are being significantly reduced in Northern Ireland. The outcome of our discussions on these matters will lead to reductions in the number of authorities and public representatives. Those are

not all of the proposals we will make, they are just two of many.

Deputy Catherine Murphy: We do not have a local government system in this country in the real sense of the word, we have a local administration. If we are to change that, it will not happen as an event but through a process. Could the Minister outline how he sees that playing out? Will there be legislation next year followed by a process over a period years after that? What will be the final shape of the local government system?

When the last Government issued a Green Paper on local government, it was very frank about the mistrust between local and national government and how that has persisted since the foundation of the State. If we are to have a real system of local government, that must be addressed and there must be a transfer of powers between the administration to those who were elected. Will that form any part of the changes that will be made?

When we talk about reform, the only aspects that are discussed are the efficiencies from the point of view of costs. I acknowledge those are important but they are not the only issues that must be covered. We are missing an opportunity to reform the entire political system by not reforming the local government system in the first instance. I hope this will be an ambitious plan. Will the Minister outline the final shape envisaged for local government and the time-frame involved in shaping it?

Deputy Phil Hogan: The policy statement will be implemented between now and the 2014 local elections, that is the timeframe for the enactment of the legislation and the establishment of the new structures. The Boundary Commission must be established and report in good time to allow people to decide which electoral area they wish to stand in and to allow candidates and parties to get organised. On the last occasion, the Boundary Commission report was published in June 2008 for elections in 2009. I hope to give more time than that during this process for those who wish to consider standing.

I agree with Deputy Murphy in that we have had local administration rather than local government. I am anxious to secure agreement from my colleagues in Government that the process of devolution of powers from central Government and national agencies to local level is at the heart of the policy statement.

Deputy Eoghan Murphy: In line with those proposals for 2014, can the Minister inform us if there will be a directly elected mayor for Dublin by then?

Deputy Phil Hogan: The Deputy must wait until I get Government approval for the suite of measures on local government reform before I can answer that question.

Deputy Mick Wallace: Does the Minister agree that a more democratic and autonomous local government system would be in our best interests if we are to get citizen participation in local communities? We need a bottom up approach rather than top down, which is what we have had for a long time.

Deputy Phil Hogan: I agree with Deputy Wallace and I was taken with Deputy Cowen's remarks earlier that we are removing functions from local government when we have the most centralised system in the world thanks to his predecessors in Government taking away powers from local authorities and giving them to agencies and quangos. I want to see the reorganisation of local government structures resulting in more decisions being made at local level and community and with local development programmes aligned with local government to a greater

extent.

The issue we must grapple with, the funding of such services, must also be addressed. Funding is critical for power at local level and that challenge exists for all local representatives who are genuinely interested in local government and its funding. It must be possible to raise and spend money at local level more openly and freely on the basis of local priorities.

An Ceann Comhairle: Three other Deputies have indicated and we are running out of time so I ask them to put their questions. The Minister will then reply.

3 o'clock

Deputy Clare Daly: Does the Minister agree there is a certain contradiction between him saying he aspires to more devolution and greater powers at local level while Government policy seems to be removing decision making from local authorities? How will he square that circle against the backdrop of a public sector recruitment embargo? Is it not the case that he is engaged in a slash and burn butchering of the number of councils and dressing it up as reform when it is just a continuation of the *status quo*?

Deputy Brendan Griffin: Will the Minister consider empowering councillors with the ability to represent people in respect of medical card applications and social welfare inquiries? Deputies currently do many of these jobs through the Oireachtas inquiry lines and this would free up the time of parliamentarians to deal with legislative issues. If the number of councillors is reduced, will he consider making these positions fully salaried to address the jumping through hoops process that exists whereby councillors drive all over the country attending conferences and so on, which is a waste of everybody's time? Will the Minister consider these proposals as part of the overall reform of local government?

Deputy Brian Stanley: The last Boundary Commission report was published in 2008 and it caused problems for councillors, particularly a few in the Minister's party who were caught out on the wrong side of a boundary. Given the local elections will be held in June 2014, if the commission is to report earlier this time, it would have to do so late this year or early next year to improve on what the previous Government did. I hope the Minister will do that.

With regard to the North, there have been huge local government reforms but huge powers have also been devolved to local government.

Deputy Barry Cowen: My question relates to Deputy Daly's question. Does the Minister not feel it is ridiculously ironic that he is telling the House he will bring forward a reform document that will empower local authorities and give them more functions and legislative powers while, at the same time, he is taking away water facilities and the water protection system? He is taking away the local knowledge that was most evident during our big freeze the winter before last. That local knowledge and expertise is being taken away from local authorities. What can he give them that is not being taken from them? He wanted to blame the previous Government for centralising local authority facilities and services.

Deputy Phil Hogan: I will retain local knowledge and the involvement of the local government system in Irish Water, as I said earlier. I will devolve as many functions as I can with the agreement of my colleagues. The agreement of Cabinet colleagues and agencies is needed on such issues. I intend to ensure devolution as far as possible.

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In response to Deputy Daly, I am in favour of greater devolution. If she feels that 114 local authorities for a country of this size and in the current circumstances is too few, I disagree with her.

Deputy Clare Daly: No, I do not, but the Minister might give them a few powers.

Deputy Phil Hogan: I am anxious to ensure we have sufficient representation, greater democratic input and greater decision making at local level, as I said in reply to Deputy Wallace. I expect to bring forward a Boundary Commission report in March or April next year.

With regard to Deputy Griffin's questions, local councillors make representations. As a former councillor, I made many representations on national issues, especially where offices were located locally. That is what I intend but I subscribe to the Deputy's overall principle that we need to ensure more powers are vested in local councillors in order that Parliament can have more of an opportunity to deal with national issues.

Question No. 44 answered with Question No. 42.

Water Meters

45. **Deputy John McGuinness** asked the Minister for the Environment; Community and Local Government the current time frame for the introduction of water metering; and if he will make a statement on the matter. [38988/12]

Deputy Phil Hogan: The programme for Government and the memorandum of understanding with the EU, IMF and ECB provide for the introduction of domestic water charges and the establishment of a new State-owned water utility. The Government considers that charging for water based on usage is the fairest way to charge for water and it has decided that water meters should be installed in households connected to public water supplies. International evidence has shown that where meters have been installed, significant reductions have been achieved in the level of consumption, and this is also borne out by the water savings achieved with metering in the group water sector.

The Government has also decided that Irish Water, a new State-owned water company to be established as an independent subsidiary within the Bord Gáis Éireann group, will be responsible for the metering programme. The Government recently approved the preparation of legislation to assign the necessary powers to allow Irish Water to undertake the metering programme. The objective is to have the Bill enacted by the end of this year. Pending the enactment of the legislation, my Department will work with local authorities to progress aspects of the metering programme, including the carrying out of surveys of domestic connections. It will also progress the tender documentation in parallel for elements of the meter infrastructure.

Local Government Fund

46. **Deputy Barry Cowen** asked the Minister for the Environment; Community and Local Government if he will outline the reduction in the Local Government Fund allocation to each local authority area in tabular form; and if he will make a statement on the matter. [38983/12]

Deputy Phil Hogan: I assume the question refers to general purpose grants from the local government fund. As indicated in the reply to Questions Nos. 37 and 41, the two principal sources of revenue for the local government fund are the proceeds of motor tax and the income from the household charge. The Local Government (Household Charge) Act 2011 provides that income from the household charge be paid into the local government fund. The proceeds from the household charge are being redistributed on an equalised basis to local authorities within the context of the annual allocations of general purpose grants.

General purpose grants contribute towards meeting the reasonable cost to local authorities of providing services to their customers. Some €651 million in general purpose grants had been allocated to local authorities for 2012. I have decided to withhold general purpose grant funding to local authorities in the third quarter of this year in light of the level of compliance, so far, with the household charge. It is estimated that €160 million will be collected each year as part of the local government budget, and this was part of the budget at the beginning of the year for each local authority. As of 14 September, €103 million had been collected nationally. A total of €15.69 million was withheld from the third quarter general purpose grant payment, which represents a reduction of between 1% and 3% of the total general purpose grant allocation for 2012.

I am keeping the income generated from the household charge under constant review. It is up to individual local authorities to address potential funding shortfalls arising from non-compliance with the legislation and to pursue those who may have a liability and initiate court proceedings, where it is considered appropriate. Local authorities can progressively recoup their original general purpose grant allocation through improved household charge compliance. The final amount of general purpose grants available for 2012 will be revisited and reviewed in the final quarter of the year to take account of the then financial position, including progress on securing an increased household charge yield. I am confident that the level of general purpose grants, together with other Government grants and subsidies and income raised from local sources, is appropriate to meet the costs of providing a reasonable level of local authority services to communities.

The tabular statement sets out the information requested in respect of individual county and city councils.

Local Authority	Withheld from Quarter 3 General Purpose Grant Payment
Carlow County Council	246,235
Cavan County Council	419,804
Clare County Council	243,631
Cork County Council	979,559
Donegal County Council	1,016,872
Fingal County Council	545,285
Dún Laoghaire-Rathdown County Council	343,583
Galway County Council	779,835
Kerry County Council	417,043

Kildare County Council	564,622
Kilkenny County Council	412,407
Laois County Council	409,600
Leitrim County Council	291,318
Limerick County Council	453,821
Longford County Council	330,750
Louth County Council	278,293
Mayo County Council	641,589
Meath County Council	644,835
Monaghan County Council	340,589
Tipperary North Riding County Council	376,593
Offaly County Council	386,784
Roscommon County Council	436,249
Sligo County Council	325,113
South Dublin County Council	475,210
Tipperary South Riding County Council	462,782
Waterford County Council	507,283
Westmeath County Council	414,356
Wexford County Council	481,697
Wicklow County Council	369,163
Cork City Council	446,103
Dublin City Council	1,172,960
Galway City Council	123,887
Limerick City Council	203,098
Waterford City Council	154,343

Deputy Barry Cowen: I cannot understand how the Minister can be so confident that local authorities will meet the demands of their constituents in providing services next year, given the difficulties they face towards the end of this year, by virtue of him penalising them for something they had nothing do with. With regard to the household charge and its child, the property tax, how long has the Minister had the Thornhill report on his desk? Has he brought it to Government? Has it been discussed at Cabinet? When does he expect to make a recommendation?

Deputy Phil Hogan: The property tax report, or the Thornhill report as it is known, has been with me since June and I will bring it to Government in the context of the budgetary matters that will be under discussion over the next few weeks.

Deputy Barry Cowen: There must be many pages in it.

Deputy Phil Hogan: It is a budgetary matter.

Deputy Barry Cowen: It must be an excessively big document when one thinks the Minister has had it since June and has not brought it to Cabinet yet.

Deputy Phil Hogan: I have read it.

Deputy Barry Cowen: The whole country can talk about options that might or might not be in the report while the Minister decides what he wants to take from it. This fanfare must come to an end. The Minister has to bring about a proper budgetary and management system. The whole thing is in complete disarray.

Deputy Phil Hogan: It goes back to-----

Deputy Barry Cowen: It goes back to the troika and all the rest of it. We are hearing that for the past few years.

Deputy Jan O'Sullivan: The budget is in December.

Deputy Phil Hogan: Deputy Cowen will be aware that as part of the negotiated agreement, with which he is well familiar----

Deputy Barry Cowen: That the Government did not renegotiate the agreement, having promised it would.

Deputy Phil Hogan: -----a property tax was in the text. The EU-IMF require us to implement such a tax. The interim tax was the household charge, which will help to develop the database to ensure people get a bill in 2013 and beyond. The Minister for Finance will bring forward the property tax and it will be part of the Budget Statement.

Deputy Richard Boyd Barrett: Does the Minister think it is completely unacceptable that Clare County Council is blackmailing applicants for higher education grants in the context of the household charge-----

An Ceann Comhairle: Deputy, we have dealt with that. This has nothing to do with the question.

Deputy Richard Boyd Barrett: -----and threatening the future of young people and their career and education prospects?

Deputy Finian McGrath: Hear, hear.

An Ceann Comhairle: Thank you, Deputy. There is a Deputy sitting here who has been waiting for the past three quarters of an hour for his question. I thought the Deputy had a question when I gave him the floor. I call Deputy Higgins.

Deputy Barry Cowen: The Minister is not from County Clare, thank God.

Deputy Joe Higgins: I ask the Minister to acknowledge that since the household tax is almost an austerity tax to bail out the speculators and bondholders, it is absolutely immoral for him to cut back on funds for services from central taxation that will affect the lives and livelihoods of ordinary people. Does the Minister not agree further that it is an outrage that county councils would threaten students with their grants-----

An Ceann Comhairle: I thank the Deputy and ask him to put his question in respect of what is on the Order Paper.

Deputy Joe Higgins: -----to try to blackmail their parents into giving up their completely justified boycott against this tax?

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Deputy Finian McGrath: Hear, hear.

An Ceann Comhairle: We have already dealt with that issue.

Deputy Phil Hogan: As Deputy Higgins is aware, the Government is trying to broaden the tax base from a standing start with no database and it will do that.

Deputy Joe Higgins: The Minister should listen to Peter Bacon, who has ridiculed that idea. He rebuts it.

Deputy Phil Hogan: The Deputy must be the only socialist in the world who is against that-----

Deputy Richard Boyd Barrett: Is it okay to blackmail people?

Deputy Phil Hogan: -----as one of the few so-called socialists in the place. However, the Government will broaden the tax base. Unlike Deputy Higgins, it does not wish to impose any more tax on workers.

Deputy Joe Higgins: Who will pay the property tax? Will it be someone from Mars?

An Ceann Comhairle: We will turn to Question No. 47.

Deputy Joe Higgins: Apparently, a Cheann Comhairle, there are secret pots of gold under every house.

An Ceann Comhairle: Thank you, Deputy. Please speak through the Chair.

Deputy Phil Hogan: The Deputy should try the fracking.

An Ceann Comhairle: Thank you. Please speak through the Chair.

Septic Tank Registration Scheme

47. **Deputy Micheál Martin** asked the Minister for the Environment; Community and Local Government the number of septic tank owners that have signed up to the registration system; and if he will make a statement on the matter. [39006/12]

50. **Deputy Martin Ferris** asked the Minister for the Environment; Community and Local Government the financial supports that will be put in place to assist households upgrading their septic tanks to meet the new standards. [39072/12]

76. **Deputy Charlie McConalogue** asked the Minister for the Environment; Community and Local Government if he will outline the details of the septic tank registration information campaign he has undertaken; the money budgeted for the campaign; and if he will make a statement on the matter. [39011/12]

Deputy Phil Hogan: I propose to take Questions Nos. 47, 50 and 76 together.

The Water Services (Amendment) Act 2012 provided for the establishment of a new system for the registration and inspection of septic tanks and other domestic waste water treatment systems. The 2012 Act augments the duty of care placed on the owners of on-site waste water

treatment systems, under section 70 of the Water Services Act 2007, to ensure their systems do not endanger public health or the environment. The basic standard to be met by all on-site systems is they are operated and maintained correctly and do not endanger public health or the environment. Following a public consultation process earlier this year, I made regulations in June specifying standards for the operation and maintenance of treatment systems. The standards set out in the regulations are consistent with what owners should be doing as a matter of course to ensure their systems are working properly.

I also made separate regulations in June setting out the procedures for householders to register details of their treatment systems with their local authorities. The Local Government Management Agency, LGMA, has developed for the 34 county and city councils, on a shared service basis, an online registration facility and the agency is also tasked with managing a central bureau to process payments of the registration fee. There are just ten days remaining for people to avail of the reduced registration fee of €5 and thereafter, up to the end of February 2013, the fee will be €50 and I encourage householders to register as soon as possible. Application forms are available from local authority offices, public libraries and citizens' information centres or the fee can be paid online at www.protectourwater.ie. I have asked the local authorities to distribute an information leaflet to all homes in un-sewered areas advising householders of how they can register, as well providing some practical advice on the operation and maintenance of septic tanks. In addition, the LGMA has placed advertisements with local newspapers and radio stations informing the public about the requirement to register and in particular about the reduced registration fee available until 28 September.

Revenue from the registration fee will be used to cover the costs of developing and maintaining the register and associated costs, including publicity and awareness measures.

Deputy Barry Cowen: Will the Minister penalise local authorities if he does not achieve the level of registration he expects or seeks in this regard as well? I note the Minister has been in possession of the Thornhill report since June and Members are waiting to find out when he will finish reading it before bringing it to the Government. Second, for how long has the Minister had to hand the recommendations in respect of the guidelines that might form a uniform guideline to be applicable nationwide in respect of standards for septic tanks? I presume the Minister has made no provision for funds that might be available for those who do not meet such guidelines for standards when he eventually publishes them.

Deputy Brian Stanley: The Minister should indicate the number of people who have registered as I have not heard an answer to date. In a similar question to the previous speaker, will the local authorities be penalised on a *pro rata* basis in this regard? I refer to the financial supports that will be available because people are taking a leap of faith in this regard. While they may not be happy to do so, some people are registering. However, as matters stand they have no certainty or clue as to what kind of financial support will be in place. I am thinking in particular of low-income households that cannot afford to carry out the upgrades that will be required as per the inspections.

An Ceann Comhairle: The Minister to wind up.

Deputy Phil Hogan: The standards for septic tanks were agreed by the Oireachtas joint committee early last July and they are standard nationwide for each local authority. Consequently, they are well known by the Oireachtas Joint Committee on Environment, Culture and the Gaeltacht and I assume everyone is clear with regard to them. A total of 76,000 have regis-

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tered to date with the Local Government Management Agency.

Deputy Barry Cowen: Will the Minister penalise local authorities?

Deputy Phil Hogan: No.

Leaders' Questions

Deputy Micheál Martin: Before the last general election, the Minister for Health, Deputy Reilly, personally led a deeply cynical campaign on health promises and health issues. Across the length and breadth of the country, he promised that he and Fine Gael would ensure that no one lost any services and that a set of new, free services would be provided. Upon his appointment, the Minister announced the abolition of the management structures of the health services and that he was taking personal charge, but they have been leaderless and lacking governance ever since. He announced that waiting lists would reduce, prescriptions would be cheaper and free GP care for all was on the way. Since then, waiting lists have lengthened, prescriptions are just as expensive and the extension of free GP care is nowhere to be seen, despite being announced numerous times. He presented a false and dishonest budget to the House last year. He was warned repeatedly about this and was alerted about the crippling position regarding the health finances but did absolutely nothing except to repeat the mantra that front line services would be protected, while he already was implementing disproportionate and unfair cuts on the most vulnerable.

There is a deep sense of despair across the health sector in hospitals and community care. Members of the Government, as well as backbenchers, have been quoted left right and centre across the media as criticising the Minister, Deputy Reilly, and in particular his recent announcements in respect of cuts to those with disabilities. They have described those cuts in that announcement as being a catastrophe and regrettable. One Labour Party Minister was accused of having stated that “he should have had [I will translate - the liathróidí] to... announce the cuts himself, not hide behind one of his HSE lackeys”. There is no precedent for a situation in which a Taoiseach praises a Minister for being brave in reversing cuts while the Minister simultaneously still is claiming the cuts never actually happened. The Minister of State, Deputy Shortall, at least has been honest about the failure by the Minister, Deputy Reilly, to manage the health budget by, for example, not negotiating a new agreement with the pharmaceutical sector.

An Leas-Cheann Comhairle: I ask the Deputy to conclude the question please.

Deputy Micheál Martin: She even offered to chair those negotiations herself. However, she wrote to the Minister on 27 July asking for a report and stating she had no delegated statutory authority in respect of primary care and that she had not been consulted with regard to any matter pertaining to the budget.

I put it to the Taoiseach that the Minister of State, Deputy Shortall, was asked specifically a number of times whether she had confidence in the Minister, Deputy Reilly, on Newstalk, on “Morning Ireland” and in newsprint. The Minister for Social Protection, Deputy Burton, and the Minister of State at the Department of the Environment, Community and Local Govern-

ment, Deputy Jan O'Sullivan, also were asked, in newsprint. All of them refused to state, very simply, "I have confidence in the Minister, Deputy James Reilly".

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

Deputy Micheál Martin: I ask the Taoiseach whether the Minister of State, Deputy Shortall, is correct in stating the Government's commitment to health reform genuinely is being questioned because of the Minister's lack of proactive engagement with the issues. Will the Taoiseach comment on reports that there will be numerous cutbacks in hospitals? Will he outline to the House how hospital deficits will be dealt with between now and December? Is he aware of planned closure of wards?

The Taoiseach: The Deputy is anticipating the motion of no confidence in the Minister, Deputy Reilly, tabled by his party. I understand Fianna Fáil had some kind of think-in in recent days because I seem to have heard this comment and statement from the Deputy. He said the Minister, Deputy Reilly, introduced a deeply cynical budget, which I reject. He made three points: that he committed to waiting lists being reduced, that prescriptions would be cheaper and that free GP care would be on the way. Those are the three charges he made and he has repeated them on numerous occasions.

It is reasonable to say that no one would be in a position to clear up the extent of the mess that was left behind after the Deputy and his colleagues removed themselves - or were removed by the people - from these benches. For his information, with regard to waiting list progress, for instance, there has been a reduction of 225 in the number of patients waiting on trolleys between January and September of this year when compared with the same period last year. That equates to 13,450 fewer patients waiting on trolleys. In addition, the number of adults having to wait more than 12 months for inpatient and day case surgery has reduced by 85% and the number waiting more than nine months has reduced by 63%. Those are not cynical allegations but are facts.

In respect of cheaper prescriptions, the legislation on reference pricing for drugs was introduced in the Seanad in July and will recommence there tomorrow.

Deputy Barry Cowen: It is a good job we still have it.

The Taoiseach: The Committee and Remaining Stages of the Health (Pricing and Supply of Medical Goods) Bill 2012 will be taken tomorrow. I assure Deputy Martin and everyone else that given the extent of legislation published and introduced into the House in the last period, this is a priority for this session and it starts again tomorrow.

In regard to free GP care, this is a little behind time, I admit. The legislation agenda is published today and this item is on the A list. The Government considered this and it is a priority. Work continues on that Bill to get it into the House as quickly as we can in order that free GP care can be extended to persons with prescribed illnesses. In addition, legislation to abolish restrictions on GPs wishing to become contractors under the General Medical Services, GMS, scheme is now in place.

Those are the three issues Deputy Martin raised and with which he bombarded his party at its think-in. Those are his answers.

Deputy Micheál Martin: Fundamentally I asked the Taoiseach two core questions. First,

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does the Minister of State, Deputy Shortall, have genuine confidence in the Minister, Deputy Reilly? That relates to very fractious correspondence between the two in July and May, when the Minister of State, Deputy Shortall, confirmed that despite seeking delegated authority on primary care, she had been frustrated time and again by the Minister, Deputy Reilly.

Furthermore, I did not say the Minister's budget was cynical. I said his election campaigning was cynical. I said his budget was false and dishonest. I agree with the Minister of State, Deputy Shortall. The Minister pencilled in €124 million for pharmaceuticals, another €140 for health insurance companies and €100 million for halving the agency staff.

Deputy James Reilly: The Deputy should get his facts right.

Deputy Micheál Martin: The Minister did not do a single thing in regard to any of those in the first eight months of this year, knowing full well that those targets were not realisable. That is why I charged that it was a false budget and that is what has put the health service into the crisis in which it finds itself this year in terms of finances.

The Taoiseach mentioned waiting lists. The cynical thing the Minister did on waiting lists was to change the targets and timelines. World benchmarks are three months and six months. He went out to nine months and 12 months-----

An Leas-Cheann Comhairle: A question, please.

Deputy Micheál Martin: -----above which there are very few people, and then he quotes percentages. The key targets and objectives of the National Treatment Purchase Fund and its achievements over the years were dramatically reducing those on waiting lists for more than three months and six months. Since the Minister, Deputy Reilly, has come to office those waiting lists-----

Deputy James Reilly: There has been a 66% reduction.

Deputy Micheál Martin: -----have escalated and gone through the roof.

Deputy Finian McGrath: What about people with disabilities? What did the Government do for them?

(Interruptions).

Deputy Micheál Martin: It is not just those on this side of the House who have deep misgivings about how the Minister, Deputy Reilly, is acting. One Labour Minister is quoted as saying: "Several times I have tried to work with him on a number of things and he appears to be so partisan that if you're not one of his cronies, he doesn't want to know. I don't have that problem with any other Fine Gael Minister." Another Labour Minister said: "I would have some respect for him, but it was so [expletive deleted] cowardly, and for the amount of money involved, the heat we're all going to get from this is farcical."

Deputy James Reilly: Dúirt bean liom go ndúirt bean léi.

Deputy Micheál Martin: "The first I heard of the cuts was the HSE announcement," said the Minister of State, Deputy Sherlock. "Everyone else has managed to live with Croke Park and keep within budget. What is so special about James Reilly?" asked one senior figure. I

ask the Taoiseach to read any newspaper in the past three weeks. The benches here deserted that man in droves in recent weeks and left him isolated because of his mismanagement of the emergency services. It is unprecedented that when Ministers are asked the simple question as to whether they have confidence in a fellow colleague, a senior Minister, Deputy Burton, and Ministers of State, Deputies Jan O'Sullivan and Shortall, could not articulate confidence in a senior colleague. That is the bottom line.

An Leas-Cheann Comhairle: I call the Taoiseach.

Deputy Micheál Martin: The Taoiseach would be well advised not to be attacking this side of the House but to reflect on what is, unfortunately and regrettably, a common refrain across this House irrespective of party or constituency in terms of the management of the health service in 2012.

An Leas-Cheann Comhairle: I call the Taoiseach.

A Deputy: Deputy Martin ran away.

Deputy Barry Cowen: Let the Taoiseach answer.

Deputy Pat Deering: Do we have a new Ceann Comhairle now?

Deputy Patrick O'Donovan: No, a new leader.

The Taoiseach: It is a bit rich for Deputy Martin to come into the House on the resumption of parliamentary business and talk about cynicism and misleading information and comments. Does he belong to a party that told the people they would have the cheapest bailout in history? Did I hear that from his party? Does the Deputy bear that brand on his forehead?

Deputy Barry Cowen: Fine Gael voted for it.

An Leas-Cheann Comhairle: Order, please.

The Taoiseach: The cheapest bailout in history.

Deputy Michael Healy-Rae: The new Minister for Health will not pay for one-----

(Interruptions).

An Leas-Cheann Comhairle: I remind Deputy Healy-Rae that this is Leaders' Questions.

The Taoiseach: Deputy Martin never bothered-----

Deputy Micheál Martin: Do they have confidence?

An Leas-Cheann Comhairle: Order, please.

The Taoiseach: Deputy Martin never bothered to look at what his Government created when it set up the original structure of the HSE. I want to tell him something now.

Deputy Micheál Martin: I want to tell the Taoiseach something about the files in the Taoiseach's office that were shredded. Is that a figment of his imagination, Lenin coming to Ireland

in 1922?

An Leas-Cheann Comhairle: Deputy Martin-----

The Taoiseach: The only reason the Deputy wants to take the course he is now taking is that he is terrified of the party on his right-hand side and his opportunism knows no bounds.

Deputy Micheál Martin: I think the Taoiseach is terrified of some of those on his left-hand side.

A Deputy: Who is coming second in the opinion polls?

The Taoiseach: The motion of no confidence takes place this evening and tomorrow. There will be a vote on it and he can be assured of the Minister and his Ministers of State speaking in his defence-----

Deputy Micheál Martin: Speaking in his defence?

The Taoiseach: -----and the Fine Gael and Labour parties supporting the work of the Minister for Health as he goes about his duties in so far as his remit is concerned.

I ask Deputy Martin to look at the consequence of what his Government created. He should go down to Kiltimagh in my county.

Deputy Micheál Martin: Roscommon.

Deputy Barry Cowen: Nenagh.

An Leas-Cheann Comhairle: The Taoiseach without interruptions, please.

Deputy Micheál Martin: The Taoiseach promised them left, right and centre, and was caught out on tape.

Deputy Barry Cowen: He stood in the square.

The Taoiseach: He should go down and speak-----

Deputy Micheál Martin: He swore blind in here that he gave them no promise, but the tape appeared and he was recorded making a very definitive commitment.

Deputy Paul Kehoe: Does the Deputy want to hear the truth?

The Taoiseach: -----to the proprietor of Home Care Medicals and walk into its warehouse. There is at least €3 million worth of equipment in that warehouse that has not been used for three years because of the bureaucracy that the Deputy's Government set up when the HSE was implemented in the first place.

Deputy Timmy Dooley: The Taoiseach has been in government for a year and a half. Why does he not do something about it?

An Leas-Cheann Comhairle: Please-----

The Taoiseach: Each piece of that equipment has been decontaminated, packed and bar-coded. However, simply because of the structure Deputy Martin's Government set up, people

throughout the country have not been able to access beds, mattresses, hoists or wheelchairs.

Deputy Micheál Martin: Whom is the Taoiseach coddling?

The Taoiseach: We had endless recurring purchasing within the structure of the HSE. The Deputy should go down and have a look at it. That will change because I informed the Minister, Deputy Reilly, of it last night.

Deputy Timmy Dooley: That is not a big medical crisis.

The Taoiseach: Does Deputy Martin realise that a mattress for one of these beds costs €1,000-----

Deputy Micheál Martin: Does the Taoiseach realise that every penny spent on those mattresses is-----

An Leas-Cheann Comhairle: Order, please.

(Interruptions).

Deputy Barry Cowen: The number of trolleys or mattresses will not resolve the problem.

Deputy Micheál Martin: Are we going to face more ward closures? Can the Taoiseach confirm that?

Deputy Arthur Spring: What was Fianna Fáil's plan?

The Taoiseach: -----of which there are 500? Does the Deputy realise that 147 people are currently waiting for one of these beds, which they could have in their own homes?

Deputy Micheál Martin: The Taoiseach is diverting from the core question.

The Taoiseach: In terms of the structure which Deputy Martin set up, he never bothered to look at the monster he created. That is all going to change now.

The Deputy raised three points.

Deputy Barry Cowen: He will raise another three later.

The Taoiseach: Waiting lists are down 22%, or 13,450 patients in the past 12 months. In respect of day surgery, the list is down 85% and the waiting list in respect of those waiting more than nine months is down by 63%. The legislation in respect of cheaper prescriptions is back before the Seanad tomorrow and will be taken here as quickly as possible.

Deputy Micheál Martin: Will there be ward closures?

The Taoiseach: The legislation will be taken in the Seanad tomorrow and will be taken in this House as quickly as possible.

Deputy Micheál Martin: Will there be ward closures?

The Taoiseach: The legislation in regard to GP care is a matter of priority.

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Deputy Micheál Martin: Will there be ward closures?

The Taoiseach: Fianna Fáil can have its vote of confidence and will see the result.

Deputy Micheál Martin: Will there be ward closures?

An Leas-Cheann Comhairle: I call Deputy Gerry Adams.

Deputy Micheál Martin: I have asked the Taoiseach five times if there will be ward closures.

Deputy Michael Healy-Rae: Deputy Martin will have to ask him again.

An Leas-Cheann Comhairle: Order, please. I have called Deputy Adams.

Deputy Gerry Adams: Táimid ar ais arís agus ba mhaith liom an Taoiseach a fháiltiú ar ais go dtí an Dáil. Tá súil agam go raibh sos maith aige thar an samhradh.

I am sure the Taoiseach will agree that the high point of the samhradh was the achievement of our Olympians and Paralympians. For me, the low point was the Government's plan to take entitlements from citizens with disabilities. Among other entitlements, the Government proposes to reduce personal assistant hours. Citizens with disabilities have rights. Those disabled citizens and carers who camped outside Tithe an Rialtais and picketed the Cabinet are to be commended. Is laochra iad agus daoine an-chróga atá ag déanamh obair an-tábhachtach agus iontach ar son a gclann agus a bpáistí agus ar son fear agus ban eile atá faoi chois ag an Rialtas.

These brave citizens forced the Government to do a U-turn. However, it still intends to proceed with cuts in home help hours and home care packages. The proposed reductions in agency staff and overtime will throw our hospitals into even greater crisis. Cuts to hospitals across this State, including in my own constituency, will result in more bed and ward closures, more citizens on trolleys and the undermining of essential services. This is nothing short of a scandal.

This Government has been in office for 18 months. I acknowledge it picked up a mess left by the people on my left. However, will the Taoiseach accept that following 18 months in office he and the Minister, Deputy Reilly, are presiding over a deep crisis in our health services? Does he not see that the cuts promised in the forthcoming budget will make this crisis even worse?

The Taoiseach: Tá fáilte roimh an Teachta Adams thar n-ais. Tá sé ag leanúint ar aghaidh leis an rud a bhí sé ag rá roimh an samhradh.

Deputy Gerry Adams: Sin é.

The Taoiseach: Tá súil agam go bhfeicfidh mé é Dé Domhnaigh seo chugainn freisin. B'fhéidir gur pointe an-ard a bheas ann. Deputy Adams will shortly have an opportunity to put on the record his party's constructive suggestions as to how we should deal with the fiscal challenge faced by our people and country not just for the next year, but beyond. I look forward to hearing constructive suggestions from him.

It is not with any pleasure that anybody stands up to say difficult choices must be made in the time ahead. The proposal to reduce personal assistant hours for those who work with members of their families or persons who are disabled was dealt with swiftly by the Minister, Deputy Reilly. I listened to the powerful words of Martin Naughton when he spoke outside Government Buildings. That matter was dealt with swiftly by the Minister, Deputy Reilly. The

savings will come from cash management, travel and so on from within the administrative disability budget.

On the progress made over the past weekend at the Labour Relations Commission in respect of consultants and the number of other matters to be referred to the Labour Court, progress within the Croke Park agreement will lead to further savings, increased efficiency, greater throughput of patients and greater focus on patients' needs. That is an issue on which the Deputy will have an opportunity to have his say. Deputy Adams should not kid himself; while we have made steady progress through choppy economic waters, this country faces a series of challenges up ahead, which will not be easy for anybody. I do not underestimate the scale of that. In so far as health is concerned, the focus of the Minister for Health and the Government must be on the patient who deserves the best care and attention he or she can get.

Within the resources available, it is clear that many people are now doing so much more with less and that the impact that was assumed back in February when many people left the public service by choice was dealt with efficiently by front line staff in a whole range of areas.

We have work to do to change the structure of the health system to get to the point where the programme for Government can be implemented in terms of a single tier health system in which there is far greater focus and affect on the needs, requirements and facilities available to patients. Does Deputy Adams not understand that everybody in this House has the same philosophy in that regard? We may have differences of view about how one goes about this. The Minister, Deputy Reilly, dealt swiftly with the issue the Deputy raised.

An Leas-Cheann Comhairle: I call Deputy Adams who has one minute for a supplementary question.

Deputy Gerry Adams: I am sure the Taoiseach will agree that the judgment of any society of any state is the protections it affords to its citizens, in particular the elderly, children, vulnerable people and people with disabilities.

Deputy Shane McEntee: Such as Jean McConville.

Deputy Gerry Adams: In particular, a State which calls itself a republic-----

Deputy Shane McEntee: Jean McConville.

Deputy Gerry Adams: -----where citizens have rights. The heckler is totally out of order. I will raise that matter later with the Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: This is Leaders' Questions.

Deputy Gerry Adams: The Deputy is totally out of order.

Deputy Tom Hayes: What did he say?

Deputy Gerry Adams: We are dealing with serious issues here. The Taoiseach in his response to me said that the Government is making difficult choices. The Government is making the wrong choices.

Deputy Pearse Doherty: Hear, hear.

Deputy Gerry Adams: It is also making the wrong choices in regard to its election com-

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mitments. Most of what it is doing is totally in contradiction with what it promised. Does the Taoiseach recall the Leaders' debate in February 2011? The Tánaiste said that the first issue the Labour Party would address in government, in terms of equality and decent supports for people, would be that of disability. The Taoiseach agreed with that and said it would be an absolute priority. However, once the Fine Gael and Labour parties got into government they commenced cutting services to the elderly and those with disabilities while at the same time kowtowing to vested interests in the EU and the financial sector. Next month, on the Taoiseach's watch, unguaranteed bondholders will receive another €1 billion. The Government is taking money from vulnerable front line sectors to put into unguaranteed bondholders.

The Taoiseach and Tánaiste have expressed confidence in the Minister, Deputy Reilly, which is hardly surprising.

An Leas-Cheann Comhairle: A question please, Deputy.

Deputy Gerry Adams: Apart from the "Yes" men and women in the Labour and Fine Gael parties, he is on his own.

Deputy Finian McGrath: Hear, hear.

Deputy Gerry Adams: The Taoiseach is totally and absolutely on his own. Those who are working in and using the services do not share that confidence. With more cuts planned for December, will the Taoiseach not accept that it is long past time for the Minister, Deputy Reilly, to go? I know he is only implementing Government policy. Minister Reillys come and Minister Reillys go.

Deputy Patrick O'Donovan: Deputy Adams will always be here.

Deputy Gerry Adams: It is important the Government gets back to implementing the mandate it was given and keeps the promises it made as opposed to doing the exact opposite. It should uphold the rights of citizens, in particular, those who are vulnerable.

The Taoiseach: I am interested in the Deputy's comment about protection of our citizens. I would like if he would elaborate on that sometime.

Deputy Gerry Adams: Absolutely. Does the Taoiseach want me to do it now? The Taoiseach asked me a question. Does he want me to do that now?

An Leas-Cheann Comhairle: Deputy, the Taoiseach has the floor. One speaker at a time, please.

The Taoiseach: I hope that comment is not out of order. I would be interested to hear the Deputy elaborate on his comment.

Deputy Gerry Adams: Má shuíonn an Taoiseach síos, déanfaidh mé anois é. Is it better to do it now? Let us have a real debate now.

An Leas-Cheann Comhairle: Deputy Adams.

Deputy Gerry Adams: Certain citizens with disabilities had to camp outside-----

The Taoiseach: The Deputy will be aware that up to 2011 there were budget reductions of approximately €1.75 billion in the health services. The year 2012 saw further reductions

of €0.75 billion. The fact is that €130 million in additional savings have to be achieved by the end of this year. Some €63 million or almost 50% will come from more focused cash and stock management initiatives, savings in medical equipment which are non-capital, items such as furniture, education, training, office expenses, travel, subsistence and advertising. Some €6 million in savings will come from the non-imburement of certain non-essential products. Removing gluten free products will result in savings of about €3.6 million on an annual basis.

Deputy Pádraig Mac Lochlainn: Shame on the Taoiseach. Coeliacs are----

The Taoiseach: All of those have no impact on patient care. That means that €60.5 million in savings will come from specific service related measures. Deputy Adams will have an opportunity shortly to spell out what he would do, not that he will ever have the chance. Agency and overtime reductions will account for savings of €35 million. The reduction in average length of stay is key to the delivery of agreed activity levels with fewer beds and therefore less staffing. There will be re-alignment of services in line with international best practice, redeployment of staff and revision of rostering practices. All of these have been referred to by the Minister, Deputy Reilly, and will be dealt with again in the debate on the motion of no confidence.

Deputy Gerry Adams: What about home help hours and home care packages?

The Taoiseach: The Minister has directed that every efficiency will be extracted prior to cutting any service. Patient safety is paramount. Care and sensitivity is to be applied in the case of Letterkenny, Naas and Our Lady of Lourdes Hospital, Drogheda where there are significant service challenges and a heavy dependency on overtime and agencies. The Deputy will be aware of the situation in so far as sick leave is concerned and so on. Inpatient discharges are 2.7% higher than the period last year and 8.1% above target. All of these can be dealt with during the course of the Private Members' motion.

The point is that the Minister, Deputy Reilly, and his Ministers of State follow Government policy and the mandate given to the Government was to sort out the public finances of the country, restore our economic sovereignty and give an opportunity for this country to provide jobs, employment and careers for our people and young people in particular and not to have them travel to other lands by necessity. That is a situation that is not easy to achieve. It is not with any great pleasure that any Minister has to refer to this as the challenging road ahead but as a woman said to me last week, sometimes it is necessary to do hard things in the interests of the country. The impact of what has to be done in terms of patient care and patient facility is very close to the heart of Government and the heart of the Minister, Deputy Reilly, and will continue to be so.

An Leas-Cheann Comhairle: I call Deputy Ross on behalf of the Technical Group.

Deputy Shane Ross: No one would deny the difficulty that the Government has in making the cuts and balancing the budget in the current situation. The problem, as enunciated by two previous speakers, is that no adequate explanations have been given for the cuts being proposed. I refer not only to the cuts in the health service, which several speakers have addressed, but there seems to be a competing appetite for austerity among some of the Taoiseach's Ministers, competing on a daily basis to target sections of the population who cannot afford to pay for those cuts. I refer particularly to the recent decision - in respect of which the House deserves an explanation - not only to tax property owners but to tackle pensioners as though they are particularly well off.

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Property tax is something the Taoiseach is asking middle Ireland to pay when middle Ireland has paid enough. Middle and lower income citizens will be asked to pay sums they cannot afford. Property tax will affect people from Dublin and lower income people disproportionately. Property tax will affect people in negative equity and in that case it will be, in effect, a tax on liabilities. It will also discriminate against people who have already paid large amounts of stamp duty. Middle Ireland cannot understand how it is being asked for more when many have not even paid the household charge. The time for a property tax to be introduced was in 2005 to 2007. I would like the Taoiseach to comment on this. That was the time when there was a-----

(Interruptions).

An Leas-Cheann Comhairle: Order, please.

Deputy Patrick O'Donovan: Was the Deputy advocating that in the *Sunday Independent*?

An Leas-Cheann Comhairle: Could Deputy Ross frame his question?

Deputy Shane Ross: Yes. I am coming to the question.

(Interruptions).

Deputy Shane Ross: The time for that was when the furnace was burning not now when the Taoiseach is trying to extract some oxygen from the ashes.

Why can the Taoiseach not go back to the troika which is demanding a property tax, and with whom it has agreement, and tell it about the report last week from the IMF? The Taoiseach will have read it. The IMF said that growth rates in this country will be down by almost half its projections for this year - from 0.7% to 0.4% and that growth rates next year will be down from 2.4% to 1.4%. What it is saying is that we cannot afford to pay, based on the assumptions set out in the bailout. Could the Taoiseach not go back to the troika and tell it that by the IMF's own criterion we cannot impose these sorts of taxes on middle Ireland because it will not be able to pay them?

The Taoiseach: I have often given the Deputy credit for his extensive knowledge of-----

Deputy Eamonn Maloney: Middle Ireland.

Deputy Mattie McGrath: It is no laughing matter.

The Taoiseach: -----the broad world of economics but he said that the time to introduce a property tax was in 2005 or 2007. The Deputy realises that if a property tax was introduced in those years with house values the way they were, the level of such a tax would have been extraordinary when people were paying €1 million for end of terrace houses and multiples of millions for houses in the greater Dublin area and places around the country.

Deputy Timmy Dooley: You did not think of that one. It depends on how much one charges.

The Taoiseach: Deputy Ross should be clear on this. The following is the situation in so

far as a property tax is concerned. A property tax will be introduced.

Deputy Joan Collins: A family home tax.

The Taoiseach: The Government made a decision that the Revenue Commissioners would design the process and the mechanics of how that would apply. A property tax will apply from 1 July next year. The Minister for Finance ruled out implementing a property tax in the way and at the level that the IMF recently reported, as 0.5% of market value.

Deputy Barry Cowen: It has not been brought to Government yet.

The Taoiseach: The situation is that anything outside that is entirely speculative. The Government has not considered the Thornhill report in detail, it will do so collectively and will make a decision on that.

Deputy Barry Cowen: It takes the Minister three months.

The Taoiseach: When I joined the county council many years ago, people paid for water and refuse services and they paid rates. Surely in Deputy Ross's constituency in Dublin, he recognises that year after year commercial ratepayers were completely squeezed and have come to the point where many of them, with the downturn in retail activity, have not been able to draw anything from their business for quite some time. The requirement here is to broaden the tax base by having an equitable and affordable property tax. That is the question that the Government will decide on in due course.

Deputy Joe Higgins: So you are not the one who said it was a vampire tax.

An Leas-Cheann Comhairle: Order please. I have called Deputy Shane Ross.

(Interruptions).

An Leas-Cheann Comhairle: Could we have order please?

Deputy Shane Ross: I thank the Taoiseach for his reply. The Taoiseach said that any comment on this was speculative. Does that include his own statement that it would raise €500 million, which he is on record as saying?

Deputy Barry Cowen: Which he has not decided.

Deputy Shane Ross: Does that include the fact that the Minister for Finance has already said that it would not be 0.5%?

Deputy Barry Cowen: Which he has not decided.

Deputy Shane Ross: Does that include other statements from members of the Government about it coming in? What is happening here is a softening up process.

Deputy Mattie McGrath: Yes.

Deputy Shane Ross: The Government is leaking stuff to the press left, right and centre. It is appearing all the time. It is making statements on the record as well-----

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A Deputy: We would not dream of it.

Deputy Shane Ross: -----to soften people up and then saying-----

(Interruptions).

Deputy Shane Ross: -----that this is speculative. What is happening here is that the middle classes and the lower paid are being prepared for another blow which they cannot pay. Would the Taoiseach therefore give some comfort to those in negative equity that they will not have to pay property tax? Will he give some comfort to house owners in Dublin that they will not have to pay a disproportionate amount based on the value of their houses? Will he give some comfort to those on low incomes that they will not have to pay the same amount as those on higher incomes, and will he give some comfort to any other person in a vulnerable position who will not be able to pay that tax?

Deputy Barry Cowen: Hear, hear.

The Taoiseach: What the Deputy is engaged in is a box ticking exercise to rule out or rule in certain references to the property tax so that he can narrow the field, as it were.

Deputy Mattie McGrath: Kicking the can down the road.

The Taoiseach: I will repeat for the Deputy the concrete decisions that have been made. There will be a property tax. The Revenue Commissioners have been asked to design the mechanics of that scheme. It will apply from 1 July next year.

In respect of people being frightened, the IMF report which was published was ruled out by the Minister for Finance in so far as the implementation of its reference to a property tax as 0.5% was concerned. Anything else outside those concrete decisions is speculative. I have seen one newspaper indicate that a decision was made that the rate would be at a certain level. All of these things are speculative. The one that is ruled out in terms of rate of tax is 0.5% of market value.

Let us be clear on this. The Government will consider the recommendations from the Minister in respect of the Thornhill report in due course and Government will reflect on that very carefully. We would like that the property tax to be introduced would be as fair and as affordable as possible.

An Leas-Cheann Comhairle: That concludes Leaders' Questions. Does the Taoiseach wish to make a statement?

The Taoiseach: Will I do it now or on the Order of Business?

An Leas-Cheann Comhairle: Is the House agreed that it be made now? Agreed.

Constitutional Referendum: Announcement by Taoiseach

The Taoiseach: I wish to announce for the information of the House that the Government

has finalised the wording of a constitutional amendment on the protection of children and has decided to hold a referendum on this important issue on Saturday, 10 November next.

Deputy Micheál Martin: On a point of order-----

The Taoiseach: I am not making a speech. It is only for information, Deputy. It is my intention, along with the Minister for Children and Youth Affairs-----

Deputy Micheál Martin: On a point of order-----

The Taoiseach: -----to brief the leaders of the Opposition parties in advance of the publication of the wording of the proposed amendment tomorrow, and tomorrow the Minister will publish also the adoption (amendment) Bill, announce the establishment of a referendum commission and name its chairperson.

As was done with the European Stability Mechanism referendum earlier this year, the Government is committed to ensuring that the people have all the information they need to make an informed decision on 10 November and to that end there will be a well resourced referendum commission along with a comprehensive Government information campaign.

The protection of children is an issue that is of concern to us all. Numerous reports over many years have called for dedicated constitutional provisions for children. There has been very good cross-party co-operation on this issue over many years. I believe that the referendum proposals which will be announced tomorrow, along with the other reforms that are already under way to improve our child welfare and protection services, will be an historic step forward. I look forward to working with Members of the House and with civil society organisations over the coming months to ensure a positive outcome. I will brief the Opposition parties, publish the wording and the adoption Bill and name the referendum commission chairperson tomorrow.

Deputy Micheál Martin: I would make the point to the Taoiseach that this is very slack behaviour, frankly. He should have consulted with us today that this announcement was being made. There is no major difficulty about it. Our spokesman spoke to the Minister, Deputy Fitzgerald, last week. It is common courtesy and proper parliamentary procedure to involve the Opposition in announcements of this kind-----

(Interruptions).

Deputy Micheál Martin: -----and that we are alerted if announcements are going to be made by the Taoiseach on any issue, particularly on an issue pertaining to the amendment of the Constitution.

Deputy Pat Rabbitte: Which you never did.

Deputy Micheál Martin: That is proper procedure, and it is important that is adhered to in future because a tendency is developing where it is ruled by the Executive. This is an important issue. As the Taoiseach has outlined, it has involved all parties over quite some time. We want to adopt a constructive approach to the issue and I would have appreciated it if our spokespeople had been consulted earlier today in regard to this.

An Leas-Cheann Comhairle: If Deputies wish to raise this issue on the Order of Business

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they may do so. We have questions to the Taoiseach before that which I would like to go on to now.

The Taoiseach: In response to Deputy Martin, the decision was only made at Cabinet today and finalised. I merely wanted to inform the House of the process of the briefing of party members - it is not the first time they have been briefed - and the procedure that will be followed.

Ceisteanna - Questions (Resumed)

An Leas-Cheann Comhairle: If Deputies want to have conversations could they please have them outside the Chamber? We are on questions to the Taoiseach.

Discussions with European Leaders

1. **Deputy Gerry Adams** asked the Taoiseach the contacts that he has had with European leaders since the summer recess. [37878/12]

2. **Deputy Gerry Adams** asked the Taoiseach the issues he will prioritise for the European Council meeting of 18 and 19 October. [37879/12]

3. **Deputy Gerry Adams** asked the Taoiseach if he has been in contact with German Chancellor Angela Merkel since the Dáil went into recess. [37880/12]

4. **Deputy Micheál Martin** asked the Taoiseach if he has met or spoken with Chancellor Merkel recently; and if he will make a statement on the matter. [38800/12]

5. **Deputy Micheál Martin** asked the Taoiseach his plans to visit European capitals prior to Ireland's presidency of the EU; and if he will make a statement on the matter. [38801/12]

6. **Deputy Joe Higgins** asked the Taoiseach the European leaders with whom he has had discussions with since the summer recess. [38949/12]

7. **Deputy Joe Higgins** asked the Taoiseach if he has submitted any proposals for the EU Summit taking place on the 18 to 19 October in Brussels; the issues he will prioritise; and if he has received an agenda. [38952/12]

8. **Deputy Micheál Martin** asked the Taoiseach whether he has been contacted by Prime Minister Samaras to discuss developments in Greece; and if he will make a statement on the matter. [39017/12]

9. **Deputy Micheál Martin** asked the Taoiseach if he has had any discussions recently with President Hollande; and if he will make a statement on the matter. [39027/12]

10. **Deputy Richard Boyd Barrett** asked the Taoiseach the EU leaders he intends to meet in the autumn and winter period; the issues he intends to raise; and if he will make a statement on the matter. [39031/12]

101. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to Prime Minister

Monti recently regarding developments in Italy; and if he will make a statement on the matter. [36945/12]

102. **Deputy Micheál Martin** asked the Taoiseach if there is any informal EU Council meeting planned over the next two months; and if he will make a statement on the matter. [36946/12]

The Taoiseach: I propose to take Questions Nos. 1 to 10, inclusive, and 101 and 102 together.

With regard to my recent contacts with other European Union leaders, I met the Slovenian Prime Minister, Janez Janša, in Government Buildings on Wednesday last. Our discussions focused on the euro crisis and the efforts under way to resolve it including proposals for progress towards banking union, the fiscal position in each of our countries and the challenges we face in reducing our budget deficit. We both welcomed the verdict of the Constitutional Court in Germany that morning, allowing the ESM, a vital part of the architecture for stability in Europe, to proceed. I also took the opportunity to brief the Prime Minister on our forthcoming Presidency.

In relation to my forthcoming plans for meetings with my European Council colleagues, I will meet Prime Minister Monti in Rome on Friday morning next, where our discussions will focus on developments in the eurozone; banking issues, including those related to Irish bank debt; the multiannual financial framework; and the priorities and themes for the Irish Presidency. Arrangements are being finalised for meetings with other leaders who will also be present.

On Wednesday, 3 October, I will travel to Brussels with a number of my Cabinet colleagues for a meeting with President José Manuel Barroso and the College of Commissioners. The meeting will be focused in particular on Ireland's Presidency. Later that afternoon I will meet European Council President, Herman van Rompuy. In addition to preparations for Ireland's EU Presidency, I will discuss with him the key issues that the European Council will address in the period ahead, especially his ongoing work on economic and monetary union, and prospects for agreement on the MFF.

I plan travel to Berlin in early November for a meeting with Chancellor Merkel. In addition, officials in my Department are making preparations for a visit to Paris to meet President Hollande. Prime Minister Samaras has not been in contact with me over the course of the summer recess but I will see him and all my other European Union colleagues at the next meeting of the European Council on 18-19 October.

While the agenda for the October meeting has not been finalised, I expect that discussions will focus in particular on President Van Rompuy's interim report on strengthening economic and monetary union. Ireland has a vital national interest in ensuring a strong and stable currency and I will be engaging positively with colleagues to secure that outcome.

There are no informal European Councils planned for the next two months. However, an additional European Council meeting has now been convened for 22-23 November. It is expected that this meeting will focus on the multiannual financial framework and the Union's budget for the period 2014 to 2020.

4 o'clock

Deputy Gerry Adams: Táim buíoch as ucht an fhreagra. Perhaps the Taoiseach could help

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us in regard to media reports this morning. It is a habit that the Government thinks a lot through the media as opposed to the House. There are reports that the Government is considering issuing a 40-year bond to re-finance the bailout of Anglo Irish Bank. Has this been discussed with the European leaders with whom the Taoiseach has been in contact?

The Taoiseach stressed on a number of occasions the importance of the European Stability Mechanism, ESM, as part of the solution to the promissory note problem that Fianna Fáil left on the shoulders of Irish citizens. Has he encountered political opposition to the use of the ESM as a means of trying to deal with the bad-banking crisis? He may be aware that Chancellor Merkel was quoted as saying there is no change in respect of bank debt relief for Ireland. The quotation I have implies there is no change in her agenda at this time.

Earlier, the Taoiseach was saying he would be glad to hear Sinn Féin's constructive suggestions on health issues. I am very pleased to be able to say that what we have been arguing for from the outset, namely, the need to separate bank debt from sovereign debt, appears to have been taken on board by the Government. I welcome that. The Taoiseach says we are never constructive and that we never welcome what the Government does, but I welcome this initiative. It is a good approach but it is a pity it took the Government so long to get around to it.

A Government spokesperson said October is the deadline for working out an agreement. Can the Taoiseach confirm that this is still the deadline? Is progress achievable within the specified timeframe?

The Taoiseach: The Government has always put forward the view that the negotiations, which are quite tortuous and very complex, are about restructuring and re-engineering the scale of debt placed on the backs of the Irish people. That has been the thrust of Government activity in this matter. The Deputy is aware that the decision of 29 June, into which Ireland was written, was to break the link between sovereign debt and bank debt. Many people said this could never happen. One should bear in mind, however, the progress the country has made in difficult times, the recognition of the scale of the burden on the Irish taxpayer since the blanket guarantee was given and the recognition of assistance for Ireland.

The view put forward by Commissioner Rehn is that the process should be concluded by the end of October. Clearly, the ongoing discussions in respect of Spain's borrowings for its banks and to deal with its deficit problem are not discussions over which we in Ireland have control. The important point is that the conclusion must involve the right and best deal for Ireland's economy and people. I am more concerned about that than adhering to the deadline that was mentioned as a target by Commissioner Rehn. I pointed out some time ago that there would be some slippage from that.

The Deputy is aware that the Minister for Finance, Deputy Noonan, was in Paris, Rome and Berlin last week prior to the informal meeting in Cyprus and that good progress was reported in that regard.

I will not comment on headlines in the newspapers about different ways of dealing with this; suffice it to say that the focus of the discussions, which are tortuous and very complex, is on the restructuring and re-engineering of debt such that it can be lessened for the people, including the taxpayer. It is a case of getting the very best deal for the people and not just a question of adhering to an intended target date that may not result in the best deal that could eventually be on offer.

Deputy Micheál Martin: I have approximately five questions on this issue and the Taoiseach covered them all in his opening reply. Over recent months, there seem to have been very intense discussions taking place across Europe on actions to tackle the eurozone debt crisis. Prime Ministers have been crisscrossing the Continent holding meetings to promote their national positions and to seek agreement. It seems the Taoiseach is opting out of this role in regard to Ireland's national position on bank debt. It seems from his reply that he has not had any substantive meeting with any key player who matters regarding the bank crisis or bank debt issue and the separation of bank debt from sovereign debt since the June summit. It seems once again that the Government, particularly the Taoiseach, is sitting back and hoping something will fall into its lap such that we can claim a negotiating victory. We know this happened in June with Prime Ministers Monti and Rajoy forcing Chancellor Merkel's hand at the time. To a certain extent, we are beginning to hear her resiling from the June agreement or at least procrastinate with regard to the implementation of that agreement, which the Tánaiste described as a game changer.

The Taoiseach stated he does not want to comment on the headlines in the newspapers. With the greatest respect, they are his headlines. There has been spin. Ministers have been talking to the media and that is what is giving rise to the headlines. We need a little honesty about what is happening.

A restructuring of the promissory note is not actually a separation of sovereign debt and banking debt; rather, it is a cash-flow operation. It is beneficial if one pushes it out far enough but there is no actual separation. Ultimately, it falls on the sovereign to pay.

Deputy Peter Mathews: It changes the creditors.

Deputy Micheál Martin: Yes, but it is not in line with the principle as agreed in June. We do not seem to have any sense of movement in this regard.

Deputy Adams asked the Taoiseach about Chancellor Merkel's comment, as reported today, that she will not countenance any change for quite some time and her statement that Greece and Spain are her highest priority. I refer also to the comment that the banking union issue takes precedence over any discussion on the separation of sovereign debt from bank debt. The Taoiseach needs to comment on the headline this morning and to offer clarity to the House on the promissory note issue. He needs to refer to the utilisation of the ESM in respect of Allied Irish Banks, Bank of Ireland and Permanent TSB. It is time that the House and public heard a more honest debate about these issues. People are at sixes and sevens with all the different messages coming from the Government and the newspaper headlines. There is incoherence, kite flying and serial leaks. It is a case of every Minister for himself and of Ministers saying what is on their minds and what is happening in the latest chapter. It is disingenuous and not good enough for the Taoiseach to say he will not comment on a newspaper headline when it was authored by him or his colleagues. The Minister for Education and Skills, Deputy Quinn, should not be shaking his head because the position on the headlines is obvious. We were told last week we were making great progress; this week we are told something else and next week there will be something else. We need to respect this House and have a genuine debate here on the issues and what is occurring in the negotiations.

Deputy Peter Mathews: The open and honest debate is missing in Europe, France, Spain and Germany.

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Deputy Micheál Martin: I accept that.

The Taoiseach: The Deputy's mantra is that I should be travelling to Europe to meet all the leaders on a daily basis. He states I do not meet any of the key players. He understands, however, that all the key players came together on 29 June. The decision was made in the preparations for that meeting and in the meeting itself. Ireland is written into that decision and is one of only two countries mentioned therein.

Deputy Peter Mathews: Thanks to the efforts of the Taoiseach.

The Taoiseach: The key players were around the table. Since the markets reacted positively to the 29 June agreement, a factor, I am sure, in the capacity of the NTMA to return to the treasury bill and bond markets in July and last week, and on which platform the Minister for Finance and his officials have sought to build, with a degree of success, I might say, there have been intensive discussions between the officials of the Department of Finance and their counterparts abroad. They have had meetings in Paris, Berlin, Helsinki, Rome and The Hague and have had lots of conversations about specific issues from here to there.

The discussions with the troika, especially with the ECB, on replacing the promissory note have been ongoing for over a year. We had some success in the settling of the 31 March 2012 payment under a long-term Government bond. The direct recapitalisation of Irish banks is clearly and directly linked to developments in Spain and is contingent on the establishment of a single European banking supervisor. The proposals for that, as Deputy Martin knows, were presented by the European Commission just last week.

Those intensive discussions between the officials and their counterparts were followed up last week by the Minister, Deputy Noonan. He has given his progress report on that, which was accepted generally as being satisfactory given that these are very complex issues. There were also statements and comments by the ECB, the IMF and the Commission on the progress this country has made in restoring order to the public finances, in restructuring the banking system and in delivering on more than 120 measures in the EU-IMF programme. This has been recognised as a real strength, although a challenge for us here, in our negotiations on the banking debt.

The question of dealing with the promissory note and the requirement to pay €3.1 billion each March is an issue that is central to these discussions. As the Minister, Deputy Noonan, pointed out on Saturday, there is strong political support for dealing with that problem in respect of Ireland. It is how one deals with it that is the question. It would obviously have beneficial implications for Ireland and our debt level if a way could be found to deal with it that was satisfactory.

I do not really deal in speculation about deadlines. I can echo for the Deputy the comments by the ECB on Friday last, namely, that negotiators are under heavy time pressure, as they called it. I would like to think that the end of October target date could be met but, frankly, I do not see that as a reality. As I told Deputy Adams, I am far more concerned with getting the maximum deal for the taxpayer and the country in the negotiations that are ongoing. As I said clearly, Spain is an issue there. What the Spanish negotiators are doing is obviously an issue that has a direct bearing on us here also.

Deputy Micheál Martin: May I ask a supplementary question?

An Leas-Cheann Comhairle: I will revert to the Deputy.

Deputy Joe Higgins: When in her post-summer press conference the German Chancellor stated that no changes were necessary to the Irish bailout austerity agenda, which, in case we forget, sees working people and the poor salvaging the financial market speculators in Europe, and that everything - the cuts, the crisis and the hundreds of thousands of people who are unemployed - was fine with Ireland, what did she mean? During the general election campaign, the current Taoiseach rushed over to Berlin to be at Chancellor Merkel's side. He sought security, a profile and gravitas in her shadow. Is it not the truth that she has stabbed him in the back and that she has told the real truth about the real thinking of the European elite with regard to the Irish austerity bailout agenda, namely, that the Irish people will continue being forced to pay? Is it not the truth that the Taoiseach has tried to string along the Irish people with fairy tales about miracles emanating from Europe regarding the millstone of debt created by bankers and speculators that our people are forced to carry? How does the seismic shift of which the Taoiseach spoke in June with regard to debt now stand in view of Chancellor Merkel's statement to the effect that Ireland does not need changes, even as another €1 billion goes to the AIB bondholders on 1 October?

The Taoiseach must comment on the claim made by the media today to the effect that the Government is contemplating the stringing out of this massive burden of debt over 40 years, in particular to pay off the Anglo Irish Bank gamblers and others. Is this the truth? Is the Taoiseach prepared to condemn not only the children of this nation or their children, but also their children's children to carry this millstone of debt for which they bear no responsibility? Is it not true that the Taoiseach's claims about major changes that would alleviate the totally unjustified debt burden on the Irish people have been exposed as a sham, given the German Chancellor's statement?

The Taoiseach: No, it is not. The German Chancellor agreed with and was very supportive of the European Council decision on 29 June. The commitment by the Heads of State and Government on 29 June stated: "to examine the situation of the Irish financial sector with a view to enhancing the sustainability of the well-performing programme". As I said to Deputy Martin, the focus of the discussions that have been and are taking place here and the focus of the political interaction that has taken and will take place are on how best we can restructure and re-engineer the level of debt placed on the Irish taxpayer and get the maximum benefit and result from that in the interest of the country's people. Those discussions centre around how best that can be done.

I have read comments and seen speculation about what is under discussion. I do not deal in speculation, to be frank with Deputy Higgins. I much prefer to have clarity about results that are in our people's interests. It is true to say a range of issues and proposals have been and are being considered as to how best that level of debt should be re-engineered and restructured.

In so far as the Heads of Government are concerned, everyone signed off on that agreement. Many people thought that comment or statement by the Heads of Government could never be achieved. We now have to build on that. As I pointed out to other Deputies, meetings have taken place at an intensive level between Department of Finance officials and their counterparts in a range of European capitals. When I meet Prime Minister Monti, President Hollande and a number of other leaders this weekend - details of meetings are being finalised - this obviously will be a focus of our talks at Heads of Government level. What we are interested in, as I am sure Deputy Higgins is as well, is getting the best deal possible for our people. That has been

and will be the continuing focus of our discussions and negotiations.

There is strong political support for implementing this decision of the Council. I would like to think it would be implemented as soon as possible in everybody's interest, but it is to get the best result for everybody.

Deputy Joe Higgins: What sort of formal proposals?

The Taoiseach: These are not fairy tales.

Deputy Richard Boyd Barrett: Last week, the Irish Fiscal Advisory Council, which was set up as part of the troika deal, warned that growth forecasts had been consistently off and overly optimistic and that unless growth targets were met - it is looking highly likely that they will not be met - our debt would become unsustainable. That is what the Fiscal Advisory Council, not the left or the Opposition, is indicating. It has warned that all the growth projections so far have been wrong, and all the dangers are on the down side.

Against that background is the question of us getting some relief on the debt, which is absolutely urgent as it will become unsustainable otherwise. Over the summer months the Taoiseach and the Minister for Finance have intimated there might be some progress on the debt issue but last week German Chancellor Angela Merkel put that to bed and said we would get nothing. She indicated there is no envisaged change and none is necessary. She set out her stall. The only idea those people seem to be concerned with is that we continue to impose austerity and even if there is a restructuring of the debt, it would be conditional on further austerity. We are either in the grips of the loan sharks in the troika and their demands for austerity or the requirements of the markets to impose austerity.

Is there any choice for the people in the country that would give relief from austerity? Is the Taoiseach pursuing any deal on the debt that will allow him to say, in the upcoming budget in December or the following budget, that people will endure less pain or austerity? Will the Taoiseach comment on the fact that, in its report, the Fiscal Advisory Council indicated that three quarters of the way through next year this country will not be spending more than it can afford, with the entire basis of the deficit being interest on debt? Is it an acceptable choice that in 2013, we are saying it is more important to pay bondholders and satisfy the loan sharks of the international markets while subjecting the people of this country, who simply cannot take any more, to further cuts and austerity?

The Taoiseach: Everybody agrees that the quicker this can be done, the better, but it is not as simple as the Deputy pretends. Other European leaders now recognise that the challenge facing us is being met by the Government and its people. The position is challenging and many people have suffered as a consequence. Nobody will walk in here and write a cheque for €13 billion to sort out the problem.

Deputy Richard Boyd Barrett: We have to write a cheque for bondholders.

The Taoiseach: This is a problem we must deal with ourselves. The discussions which are taking place are focused on bringing a conclusion to the decision of the Heads of Government, including Chancellor Merkel, on 29 June. I do not want this country to see any pretensions about a second bailout. We want out of this bailout as quickly as we can so we can fly economically and run our country as efficiently as I know is possible. The promissory note issue, which has been there a while, means there is a requirement to pay €3.1 billion every year for ten years.

The Deputy did not cause that but we must deal with it. It is a central focus for many discussions and the Deputy should believe me when I say it is not as simple as he pretends when he says we should wipe it out or change it in a way to bring the best financial benefit for Ireland.

Commentators got it wrong about Ireland's growth rate and the extent of our economy. Growth figures depend on a range of issues, and it is very difficult to predict what they can be for an exporting nation when other countries in Europe have a range of difficulties. The Deputy is aware of other countries either in programmes or on the verge of them because of difficulties. That has an impact on our capacity for export, as many of these countries buy what we produce.

I understand the Fiscal Advisory Council put forward even tougher measures that would see us emerge from the bailout programme more quickly than the Government proposes. The single most important element of the Government's action in 2013, working with its people, is to produce a budget that will meet our targets and have a direct impact on the fact that we borrow at 5% above the German rate. As a consequence, this economy is capital-starved. Until we can deal with that yield, it will be difficult for banks to borrow on the markets and it is less attractive for investment to flow here. These are external and international factors on which we must work, and this does not in any way take away from the fact that there is a series of very difficult challenges to deal with at home.

I look forward to the Deputy's contributions on how this can be rectified, and I do not want any hallucinations on how he might think it would happen. There are some challenging times ahead and the Government will make its decisions collectively, in the fairest and most equitable way possible. We are three quarters of the way across this river and it behoves everybody in the country to focus on what we can do to pull on the rope and get us back to economic independence and sovereignty. That will help us move on to implement a programme where people can have confidence, strength will return to our economy and opportunities for jobs and careers will filter through. Such action is not always as easy as it sounds but it is the case that we must face up to that challenge with courage.

Deputy Joe Higgins: The Taoiseach is spinning more fairy tales.

The Taoiseach: In our international negotiations we will continue to focus on getting the best deal, with the maximum benefit for our people. Even if it takes a little longer than was originally targeted, I hope the process will be worth it on its conclusion.

Deputy Micheál Martin: The Taoiseach mentioned hallucinations in referring to other Deputies but it was his own party and the Labour Party that dramatically raised expectations before the last election. It was said that bondholders would be burned and such reckless comments were made during the election; the year and a half since has been a long journey but it is extraordinary for the Taoiseach to use a phrase such as "things are not as easy as they sound". We heard "Labour's way or Frankfurt's way" as a rallying clarion call some time ago. The Taoiseach has since accepted that Europe did not have the right policies at the outset of the crisis and the ECB did not deal with the issue as decisively and effectively as it could have. It imposed debts on Ireland through promissory notes that were unfair. We have a moral basis for renegotiating these as much as anything else.

Mr. Mario Draghi has been a very effective Governor of the European Central Bank and some of his action has had a dramatic impact on the markets. He has a more elastic interpretation of his remit and mandate, which has been positive and had the single greatest impact on

market confidence in the eurozone's capacity to emerge from this crisis. We are not there yet. Will the Taoiseach facilitate debate on this in the House? In an earlier phase of this debate there was a famous technical paper going around that involved the Cabinet and representatives of the troika. That seems to have disappeared into the ether. Did that technical paper ever exist and could it be published or at least furnished to Members of the Houses so we can see what scenarios are being worked through with regard to debt sustainability?

There are a number of questions relating to the banking union. What is our position on it? With regard to the regulating and governing role of the ECB, are we in favour of a union that involves all banks or do we support the German position which wants to limit it to 20 major systemic banks or approximately 200 banks? What is the position of the Taoiseach and the Government on the banking union and the extent of the remit of the ECB in terms of regulating the banks?

Has Ireland prepared a position paper on the treaty changes which have been raised by other leaders? It was floated by Chancellor Angela Merkel. Will we again sit back and wait for new treaty papers to arrive and another treaty proposition will come before the people in the form of a referendum? The big debate in Europe has been on the German position, which wants countries to sort out their own fiscal situation first, then wants the regulatory situation sorted and was very reluctant, as we know, to go along with developing the role of the ECB as a lender of last resort or for buying bonds. The June summit represented a shift in this debate when Prime Ministers Mariano Rajoy and Mario Monti put it to the German Chancellor that something had to give. This issue has dragged on and now it seems we are getting a very slow play out of the June decision with the Germans stating they want the banking union first before they go down the route of separating sovereign debt from banking debt. The issue is dragging on again. This is why I believe the Taoiseach should be on the diplomatic circuit. He should meet other leaders. Will Mr. Rajoy submit to a programme and what is happening on this front? These issues are grave and I believe we have a strong enough moral position to argue for a genuine deal on it and it has the support of everybody in the House.

The Taoiseach: I heard one of Deputy Martin's Deputies state after the collective assertion of their position this week that they were off the leash.

Deputy Micheál Martin: We were in a modest location. There was no Carton House for us.

The Taoiseach: The repayment of €3.1 billion every year for ten years is what is at stake. It is true to state Mr. Draghi has had a very fresh approach towards the ECB and in how he views the European Union. Ms Lagarde has been very supportive of Ireland as has Commissioner Rehn, the German Minister for Finance, Mr. Schäuble, and Mr. Rasmussen. The focus is on putting all this goodwill and translating it into negotiations that would bring a result for us.

Deputy Martin asked about the banking union. We welcome progress towards a euro area banking union but everybody recognises that as we have 6,000 banks here it is a complex undertaking. However, I must state there is a realisation that work must proceed as quickly as possible. The new arrangements are supposed to be in place by 1 January next year.

Deputy Micheál Martin: What is the Taoiseach's position?

The Taoiseach: We welcome progress towards a European banking union. It is highly ambitious.

Deputy Micheál Martin: Does the Taoiseach support the Commission's view or the German view?

The Taoiseach: We will continue to make this an issue when we assume the Presidency and building shared supervision at EU level is a crucial step towards what was decided at the June European Council meeting. The Commission has also proposed a phased approach to the single supervisory mechanism to be in place by 1 January. We believe this should be considered urgently and, significantly, when it is established it will open the way for the ESM to be used to recapitalise banks directly.

Deputy Micheál Martin: Does the Taoiseach want all banks to be supervised?

The Taoiseach: Deputy Martin asked whether a paper was prepared on treaty changes. No paper will be prepared on treaty changes until these matters are finalised to see in what eventuality a treaty change might have to take place.

Deputy Micheál Martin: Is the Taoiseach in favour of the Commission's position that all banks be supervised by the ECB or of the German position?

The Taoiseach: All banks.

Deputy Micheál Martin: What about the technical paper between the troika and the Government? Does the Taoiseach remember the famous technical paper?

The Taoiseach: Yes.

Deputy Micheál Martin: The Taoiseach got approximately six months out of it on Leaders' Questions.

The Taoiseach: Yes, we have moved beyond it.

Deputy Micheál Martin: So it has disappeared.

The Taoiseach: We have moved well beyond it.

Deputy Micheál Martin: The Taoiseach is one of the best at spinning. He got half a year out of that technical paper which never existed.

Deputy Bernard J. Durkan: Nobody can beat your good self.

Deputy Micheál Martin: Was it shredded?

The Taoiseach: I certainly cannot find anything on the other one.

Deputy Joe Higgins: With regard to the banking debt and the European Union, I recall a movie from a long time ago called "The Secret Life of Words". Do these words have some secret meaning that I miss? The Taoiseach quoted them. He obtained a commitment in June to examine the situation of the Irish financial sector with a view of further improving the sustainability of the wealth performing adjustment programme. That is it. Would the Taoiseach agree that calling it a seismic shift is investing in very simple words meanings that have no relation to the reality and that his credibility has been badly undermined by Chancellor Merkel? What have the European Union leaders been saying to him concretely as he and the Minister for Finance have been lobbying them in this regard?

Has the Taoiseach read the state of the union address by the President of the Commission, José Manuel Barroso? He called for a more liberalised Europe with more austerity and more flexibility, in other words workers must give more and more to meet the demands of the markets. Does the Taoiseach agree with this? Does the Taoiseach agree with President Barroso's call for more privatisation, which he has been driving for some time? Does the Taoiseach agree with his call for a Europe that is capable of deploying military missions, in other words a militarised union? Does the Taoiseach agree with him when he calls for a federation of Europe, in other words a mirror image of imperialist United States of America, a Europe which can wave a big stick or armaments over poor people throughout the world to get its way? Is this the Taoiseach's vision as well as that of the European elite? Will the Taoiseach explain how in any sense this could mean a better world for the 25 million or 27 million of our people throughout Europe who are unemployed at present and for those who are suffering under the disastrous travails of austerity and the dictatorship of the bond markets and speculators? Is the Taoiseach at one with Mr. Barroso on this?

The Taoiseach: In all of the comments Mr. Barroso has made in my listening to him at many meetings he has always been careful to distinguish between the role, responsibilities and policies of various countries. He has always singled out this country as a small country making headway in difficult times. His understanding of Ireland's position in so far as other countries are concerned with regard to membership of NATO and their views on the bigger issues of military connections throughout the world is very clear. With regard to these discussions, Deputy Higgins is aware that we receive emergency liquidity on an almost weekly basis and this cannot be translated into long-term finance. This is an issue for serious consideration by the Minister for Finance and his officials and others. What happened as referred to was a seismic shift because very few people who think they know all these things will have contemplated that the Heads of Government at European Council level would make a decision to break the link between sovereign and bank debt. All of those who comment on these things never foresaw that this country would be written into the decision. The reason for that was, in part, because of the decision made by the Irish people, which the Deputy opposed, in respect of the fiscal stability treaty that strengthened the hand of our country and our negotiators in building trust with our colleagues and in having the support, which I outlined to Deputy Martin, of so many influential leaders and so many persons involved in positions of influence to deal with our particular problem. Our problem, of course, is that when the decision was made a number of years ago, we were burdened, unprecedentedly for a country in Europe, with a savage imposition and it is that problem which we need to deal with and why it is in the decision of 29 June. That is why it was a seismic shift for European countries and why the requirement of Italy to roll over billions every month and why the issues being debated and considered in respect of Spain and its enormous economy have a direct impact on Ireland.

Let me repeat that the thrust of the questions asked was, what are we doing about it? Our intention is focused on getting the best and maximum deal for our people and our country and while I would like to think it might be able to be adhered to by the end of October, frankly, I do not think that will be kept. My priority is to get the very best deal for our people, which I am sure Deputy Higgins will welcome when it is concluded.

From that point of view, these discussions will continue this weekend when I meet with a number of leaders, as I outlined to other Deputies, and apace with the officials from the Department of Finance and their counterparts in quite a number of countries. The goodwill and the support is there politically. It is there from the influencers in the Commission and the European

Central Bank. Translating that goodwill into reality for our people is our focus and that is where we will continue to keep our priority.

Deputy Richard Boyd Barrett: I do not know if Dr. Angela Merkel and EU leaders are making a fool of the Taoiseach or he is making a fool of the people of this country.

Deputy Micheál Martin: Both.

Deputy Richard Boyd Barrett: Someone is leading the people of this country on a merry dance where we are told there are negotiations and discussions that may lead to something and there are hopes of relief, but nothing materialises. Meanwhile the hammer of austerity falls again. People in this country are quaking in their shoes at the prospect of what may be done to them in the budget in December. The Taoiseach should not underestimate the fear and anxiety out there. He must know it. In the face of that, Dr. Angela Merkel said we are getting nothing. Are these negotiations, which the Taoiseach said he is pursuing, going to bring any relief to the public who are terrified about further austerity?

Does the Taoiseach think it is acceptable, given that Europe and Dr. Merkel are giving us nothing and that we are getting diddly-squat from Europe in terms of debt relief, that we are still going to allow €1 billion to be paid out to unsecured Allied Irish Banks bondholders on 1 October? Does he think our negotiating strategy is working? Does he not think it is time to get tough and say that if they do not give us something that will give relief to the people of this country who have suffered enough, we are not going to pay off these unsecured and unguaranteed bondholders on 1 October?

The Taoiseach: The Deputy misses the point completely. I do not know where he was all summer. He should understand that we do not hold the cheque book here. We are in a bailout programme.

Deputy Richard Boyd Barrett: Unsecured and unguaranteed bondholders-----

The Taoiseach: The Cabinet cannot just make decisions for developments here and there because we are getting emergency liquidity assistance. The Deputy does not seem to realise that is the case and that our country is in a bailout position. As a republic, we do not have our economic independence. Our ambition is to get that back as quickly as possible. The European Central Bank, which supplies this country with money, has said we will not burn the senior bondholders and most of that money has been paid off. However, there is a recognition from the ECB, the Commission and the IMF that Ireland shouldered an enormous burden in the way this was done a number of years ago. Our job is to try to restructure and re-engineer that with benefits for everybody but it is not as simple as the Deputy pretends, that one can just bang the table and it happens.

When one sits around with 26 other leaders, or 16 as in the case of the eurozone, they all have their problems. Some of them are in bailout programmes too but, unfortunately, we were first out in this way so it is a case of continuing to negotiate very hard in the interests of the people and relieving and restructuring that level of debt that is on our people.

The Deputy says we are not getting anything. We do not control this because we are not economically independent but through our Minister for Finance and our Minister for Public Expenditure and Reform we renegotiated very substantial elements of the troika programme, not least of which was being able to say that when the Government decides to dispose of State

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assets for best result, that money can be invested in job creation and sustainable programmes for our people. That was not the case previously when it was all to go to debt reduction. There have been a whole series of those renegotiations.

The Deputy should not disregard the goodwill of other governments and other leaders which has been brought about by a sense of their understanding that Ireland, in a difficult position, has made serious progress. We want to continue that progress. As I said, we are three quarters of the way across the river. We have drawn down more than three quarters of the moneys to be allocated under that programme. The way ahead is challenging but the prize is enormous for our people and our country. That is why in the course of the discussions between now and the next ten weeks, I will be interested to hear what the Deputy has to say about what can be done realistically and not his airy-fairy economics that suddenly one can go home and say this is all sorted out.

Deputy Joe Higgins: It is the Taoiseach who is airy-fairy.

Deputy Peter Mathews: My question will follow a few observations that are extremely important. I sense the tension from our leader on the Government side and from the Opposition side. I sense a tension that is playing itself out in the other parliaments of Europe and I sense that over the past number of years Europe has been ruled by powerful vested interests and - I will use a word we all understand - bullies, but no one of stature and courage has stood up to challenge this undemocratic power.

I will pass around to Members a link to a website in which MIT Professor Johnston revealed that one of the world's largest banks, Deutsche Bank, with a €2.2 trillion balance sheet, is far shakier than realised to date. What these people who run these banks around the world, and who are paid multiple times what the leaders of countries and parliaments are paid, are doing to control and manipulate the flows of finance and capital around the markets of the world, which is frightening the leaders of democratically elected governments, is wrong and we have to stand up to it.

An Leas-Cheann Comhairle: I hope the Deputy has a question at the end of this.

Deputy Peter Mathews: This is important. If we keep doing what we have been doing, we will get more of what we have got. What we have got to date has been very disappointing despite really honest efforts, but we have not had the truth from other parliaments. We have not had the truth from the German Parliament. In Germany they have not been told about the reality of the economic and financial standing of their country and their banks, and the debt that exists. Spain's banks have admitted they have a problem worth €100 billion but it is a minimum of five times that magnitude.

An Leas-Cheann Comhairle: I ask the Deputy to frame a question.

Deputy Mattie McGrath: He is doing well.

Deputy Peter Mathews: I ask everybody in this House to pay attention to these matters and to inform themselves rather than get distracted by the traditional accusation and counter accusation. We have to bring the truth of the problem to Germany. I will explain this matter of re-engineering more than 40 years of promissory notes very quickly and then I will sit down. The 40 year proposal for a bond means that, instead of a promissory note over ten years, the people of Ireland say they will take on a debt they do not owe to anybody. Fundamentally there is a

problem in this. Why should we re-engineer and lengthen a debt that is not properly presentable to the people of Ireland? It is wrong. A 40 year bond at a lower interest rate will become an asset of a busted bank, the IBRC, and will earn income at the lower rate over 40 years while being used as security on a loan from the ECB. The loan from the ECB will repay the emergency liquidity assistance from the Central Bank of Ireland. It is all a nonsense of mirrors. We have to stop this nonsense and say we do not owe at least €70 billion to the ECB or the Central Bank because the origin of that money was the redemption of bonds that should not and could not be repaid from the resources of the banks in which they were invested. We have taken not one hit but €70 billion for Europe and that is wrong. We have to get that fundamental message across.

The Taoiseach: I thank Deputy Mathews for his intervention. The point he made about massive flows of money is true in the sense that this was raised at European Council meetings before the ESM was set up and was raised in respect of the manipulation of money around the world. Clearly, with the presidential election coming in the United States, issues arise about fiscal cliffs, as they are seen there, and Mr. Bernanke has made his decisions.

Our yields have fallen since the announcement from the ECB. Indeed, the secondary market for Government bonds has fallen to 5.2% for the ten year benchmark and the yield on treasury bills, at 0.7% on Thursday, 13 September, is 1.1% lower than in July.

The answer I have given to a number of Deputies is that our officials from the Department of Finance are focused in the discussions on getting the best deal for our people and our country arising from the decision of 29 June, which was accepted by all the heads of Government. It is in that context that our discussions and negotiations will continue to take place.

An Leas-Cheann Comhairle: That concludes Taoiseach's questions.

Deputy Micheál Martin: May I ask a brief question?

An Leas-Cheann Comhairle: Very brief.

Deputy Micheál Martin: I welcome what Deputy Mathews said.

Deputy Peter Mathews: I support the Taoiseach 100%.

Deputy Micheál Martin: He made a point about honest engagement and debate. The bottom line is that there is no transparency in what is happening. He referred to the 40 year bond. That was a headline in a newspaper today. We asked a basic question about it and the Taoiseach told us he does not speculate on headlines. He would not answer one single question about whether it is true, false or indifferent. That is the problem in this House. I asked a question about the troika paper. We were told for six to nine months that a technical paper was being prepared between the troika and the Government.

Deputy Peter Mathews: The problems are bigger in Spain and Germany.

Deputy Micheál Martin: I know all that.

Deputy Peter Mathews: Europe is in a mess.

Deputy Micheál Martin: That is the point we have been making for the last 12 months. I give some credit to Mario Draghi, in contrast with his predecessor.

Deputy Peter Mathews: He is a former banker, a Goldman Sachs guy.

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Deputy Micheál Martin: The troika paper has disappeared into thin air. Apparently it does not exist. It was meant to set out various scenarios. Everyone in this House-----

Deputy Peter Mathews: We are all on the same side.

Deputy Micheál Martin: -----would be supportive in terms of debt sustainability but the position of not answering any questions in the House, not sharing information with the House-----

Deputy Bernard J. Durkan: Deputy Martin would know all about the answers. Was he not there to meet the troika?

Deputy Micheál Martin: -----is not helping an honest debate in this country or across the eurozone in general. That is the basic point I have been trying to make.

Deputy Peter Mathews: The debate here is honest. In Germany it is not.

The Taoiseach: Our intention is to re-engineer and restructure the level of debt on our people. It is a pity that Deputy Martin was not as forthright and strong when he went off to make the decision in the first place, which left us with the €3.1 billion for ten years.

Deputy Paul Kehoe: Hear, hear.

Deputy Micheál Martin: He is back at it again.

An Leas-Cheann Comhairle: Please-----

The Taoiseach: He is not off the leash on that.

An Leas-Cheann Comhairle: We are out of time.

Deputy Micheál Martin: The Taoiseach accepted on the record that Europe made a mistake.

The Taoiseach: He will not be.

Deputy Micheál Martin: The Taoiseach is back to adversarial and partisan politics.

An Leas-Cheann Comhairle: I call Deputy Adams.

Deputy Gerry Adams: We may have stumbled on a way of having better discussions and informed debates in this House. Deputy Mathews answered my question about the 40 year bond in a clear and concise way. The Taoiseach just ignored my question. I wanted to move on to very important questions about the North. I have been sitting here for nearly 45 minutes listening to a rerun. I suggest to the Taoiseach, with respect, that perhaps in these questions he should allow Deputy Mathews to come forward. The Deputy would answer them in a more concise and clear way.

Deputy Peter Mathews: Forget the point scoring.

The Taoiseach: We have a lot of questions for Deputy Adams.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Paschal Donohoe - the need to provide an update on the discussions regarding those persons suffering as a result of thalidomide; (2) Deputy Michael Healy-Rae - the problems facing the farming community this winter because of the bad weather during the summer; (3) Deputy Patrick O'Donovan - the urgent need for the establishment of a DNA database as an aid to fighting crime; (4) Deputy Jerry Buttimer - the need for the Commission for Energy Regulation to prioritise householders when considering requests from energy providers to increase prices; (5) Deputy Derek Keating - the problems with receiving social welfare payments at Lucan village, Dublin; (6) Deputy Pádraig Mac Lochlainn - the impact of €3.5 million worth of cuts on Letterkenny General Hospital, County Donegal, over the next four months; (7) Deputy Pat Deering - the changes to the school transport system and the possible effects on school building projects; (8) Deputy Brendan Griffin - the threatened loss of 30 jobs at Simpson Strong-Tie, Killorglin, County Kerry; (9) Deputy Anthony Lawlor - the provision of new school buildings in the Kildare north area; (10) Deputy Charlie McConalogue - the need to discuss the Bank of Ireland postgraduate loan scheme; (11) Deputy Joe Higgins - the actions of Clare County Council in linking the household charge with the awarding of third level grants; (12) Deputy Martin Ferris - the status of the investigation into the loss of the *Père Charles* trawler; (13) Deputy Billy Kelleher - the recent agreement reached at the Labour Relations Commission with the medical organisations; (14) Deputy Joan Collins - the actions of Clare County Council in linking the household charge with the awarding of third level grants; (15) Deputy Jonathan O'Brien - the need to address conditions at Rushbrooke national school, Cobh, County Cork; (16) Deputy Kevin Humphreys - the ongoing uncertainty regarding the Poolbeg waste-to-energy incinerator, Dublin; (17) Deputy Timmy Dooley - the possible link between the household charge with the payment of third level grants; (18) Deputy Caoimhghín Ó Caoláin - Health Service Executive plans to cut hospital beds, reduce staff numbers and curtail services in the Louth-Meath Hospital Group; (19) Deputy Brian Stanley - the decision by Clare County Council to link the awarding of third level grants with the household charge; and (20) Deputy Mick Wallace - the completion and publication of the expert group on abortion.

The matters raised by Deputies Paschal Donohoe, Charlie McConalogue, Anthony Lawlor and Kevin Humphreys have been selected for discussion.

Order of Business

The Taoiseach: It is proposed to take No. 4, National Vetting Bureau (Children and Vulnerable Persons) Bill 2012 - Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 9 p.m. and shall adjourn on the adjournment of Private Members' business which shall be No. 57, motion re confidence in the Minister for Health, and shall take place on the conclusion of the opening speeches of No. 4 or at 7.30 p.m. whichever is the later, and shall, if not previously concluded, adjourn after 90 minutes.

An Leas-Cheann Comhairle: Is the proposal that the Dáil shall sit later than 9 p.m. agreed

to? Agreed.

Deputy Micheál Martin: The Fiscal Advisory Council has published a weighty and substantive report on the current situation of the economy and, in particular, on debt sustainability and policy regarding consolidation of the public finances. It makes serious, if somewhat unpalatable, recommendations. What concerns me is that the only response from the Government to date has been to the effect that it is not bound by the council's decisions. We are all agreed that in the current climate the establishment of the Fiscal Advisory Council is welcome in terms of providing objective independent advice to the Government and the Oireachtas. Would the Taoiseach agree to a structured debate on the report by putting it before the House and inviting Members of the council to the relevant committee in order that members could flesh out the content of the report in greater detail?

Deputy Richard Boyd Barrett: They are coming in.

Deputy Micheál Martin: It is somewhat disconcerting that there has been an almost nonchalant dismissal of the report because it raises serious issues in regard to our current trajectory. Whatever one's perspective, we need to discuss it.

Will the Taoiseach indicate when he will publish the Thornhill report on property tax?

5 o'clock

The Minister for the Environment, Community and Local Government confirmed that it has been with the Government since June. Given the significant debate on the matter in the media and among the public, the publication of the report would be of benefit.

Can the Taoiseach confirm whether the order to delegate ministerial functions regarding primary care has been laid before the House? If not, when does the Taoiseach intend to lay it before the House in order to delegate responsibility for primary care matters to the Minister of State at the Department of Health, Deputy Róisín Shortall? We were all under the illusion that had happened and that the Minister of State, Deputy Shortall, had been delegated statutory authority, but we have learned, from freedom of information documents revealed to The Sunday Times, that she had asked on numerous occasions for such delegated authority only to be denied it by the Minister for Health. Can the Taoiseach tell the House when that ministerial order will be laid before the House?

The Taoiseach: I would have no objection to the Fiscal Advisory Council report being debated here and reported to the joint committee. That debate would be worthwhile. It could be tied into an economic debate in the House about circumstances as we move ahead.

The Thornhill report has been with the Minister for some time. It will come to Government with the Minister's recommendations and the decision to publish it will then be made.

Deputy Micheál Martin: Could it not be published now?

The Taoiseach: I will keep the House informed as to when that will be. The Minister will come to Government first with his recommendations arising from the Thornhill report.

Deputy Micheál Martin: So much has been published by the Government, through leaks and otherwise, about this tax. The Government announced something else today. Surely, the easiest thing would be to publish it.

The Taoiseach: I am not nominating a date for its publication.

Deputy Micheál Martin: This is obfuscation again.

The Taoiseach: I will have the Minister for Health, Deputy Reilly, confirm the position regarding the delegated statutory authority for primary care. That is a political decision for the Minister and the Minister of State.

Deputy Micheál Martin: It is a matter for the Government.

The Taoiseach: It is a political decision.

Deputy Micheál Martin: It is not a political decision. It is a definitive governmental decision to delegate authority to a Minister of State.

The Taoiseach: The Minister informs the Cabinet.

Deputy Micheál Martin: When the Taoiseach announced the members of the Cabinet and the Ministers of State, he appointed Deputy Róisín Shortall as Minister of State with specific responsibility for primary care.

The Taoiseach: There is no need for Deputy Martin to explain that.

Deputy Micheál Martin: The Taoiseach made a wrong statement. He said this is a personal decision for the Minister for Health.

The Taoiseach: The Minister notifies the Cabinet and that is the way it applies.

Deputy Micheál Martin: It is a Government decision and the Taoiseach is the Head of the Government.

The Taoiseach: Yes.

Deputy Micheál Martin: He should not try to push the decision down the line.

The Taoiseach: Neither should the Deputy try to put words in my mouth.

Deputy Micheál Martin: Why has it not happened? Deputy Kenny is the Taoiseach. The Government has been in office for 18 months.

The Taoiseach: It is a political decision. The Minister delegates a function to the Minister of State.

Deputy Micheál Martin: No. It goes before the Cabinet.

The Taoiseach: I said I will have the Minister confirm the position in the House.

Deputy Micheál Martin: The Cabinet has to agree the decision.

The Taoiseach: Yes.

Deputy Micheál Martin: It is extraordinary that a Minister of State, in writing to her Minister, says she has asked, time and time again, for delegated authority and has not been given it. The Taoiseach is the Head of the Government. He knows the responsibilities he allocated to each Minister of State when he appointed them. Now, a year and a half later, we find that one

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Minister of State has no delegated authority to discharge her duties and is being attacked by her Minister for failure to deal with budgetary overruns even though she has no delegated authority to deal with them.

The Taoiseach: The Deputy is making a mountain out of a molehill.

Deputy Micheál Martin: I am not making a mountain out of anything. The Minister of State, Deputy Shortall, has put this in writing to her Minister. It is in the public domain, thanks to freedom of information legislation.

Deputy Timmy Dooley: The Labour Party does not really matter in all of this.

The Taoiseach: The Minister, Deputy Reilly, and the Ministers of State, Deputies Shortall and Lynch, will not renege on their responsibilities in the Department of Health as Deputy Martin did.

Deputy Micheál Martin: That is the usual old rubbish from the Taoiseach. He should have some respect.

The Taoiseach: There was report after report.

Deputy Micheál Martin: Deputy Kenny is the Taoiseach. When will the Minister of State, Deputy Shortall, be delegated statutory authority by the Government?

The Taoiseach: We are driving on.

Deputy Gerry Adams: I leith reachtaíochta atá fógraithe, I welcome the fact that the Government has concluded its position on the referendum on children's rights. It was a good thing to establish the Department of Children and Youth Affairs and that Deputy Frances Fitzgerald was given the post of Minister for Children and Youth Affairs. Deputy Ó Caoláin has done work on this issue over a long time and Sinn Féin has co-operated with the Minister on this issue. I hope I will not be disappointed with what comes forward.

It would have been better if the Minister's briefing had taken place before the public announcement. I am not quibbling about this. I simply say it would be better to have some coherence on an issue on which we all agree. At least, we all agree about the need to protect our children.

Earlier, the Taoiseach asked about Sinn Féin's ideas on protecting citizens. One way of protecting citizens is to grant them legal underpinning. That goes for a range of people. In a republic, citizens should have legal entitlements. I welcome today's decision and I look forward to scrutinising what the Minister has brought forward.

My question refers to another issue about which there has not been clarity. Can the Taoiseach give the House an update on the Government's plans for the Seanad? When does the Taoiseach plan to publish legislation for a referendum and when would he expect such a referendum to take place?

The Taoiseach: I thank Deputy Adams for his comments on the referendum on children's rights. It is out of courtesy that I informed the House that the Cabinet this morning finalised its decision in respect of the wording of the constitutional amendment and decided to publish the adoption Bill simultaneously with the referendum Bill. I will not give any further information,

because the Minister for Children and Youth Affairs has already briefed Opposition parties and will continue to do so. She will give a briefing tomorrow morning on the wording of the amendment, the adoption Bill and the person appointed to chair the commission. Today, I simply wish to give the House the date of the referendum. I will make no other comment about the wording of the amendment or the content of the referendum Bill.

Deputy Micheál Martin: When will the referendum take place?

The Taoiseach: On Saturday, 10 November.

Deputy Gerry Adams: Agus an cheist faoin tSeanad?

The Taoiseach: There is no proposal to publish that legislation yet.

Deputy Joe Higgins: Has there been a secret statutory instrument to give county councils the right to threaten students seeking third level grants over whether their parents have paid the household tax? I ask this because the Minister for Education and Skills scandalously, and quite disgracefully, championed this bullying of students instead of championing the right of students to their education. Has the Minister been reprimanded for his encouragement of this bullying of students by Clare County Council?

The Taoiseach: The Minister for Education and Skills was very clear. Clare County Council, on its own initiative, must process applications for third level grants.

Deputy Micheál Martin: It is not on its own initiative.

The Taoiseach: It is quite in order for the council to seek to find out if households which have lodged applications for assistance in respect of third level education are in compliance with the legal requirement to pay the household charge.

Deputy Joe Higgins: There is no legal requirement.

Deputy Micheál Martin: There is no legal basis for the council's action.

Deputy Sandra McLellan: It is outrageous.

The Taoiseach: The same applies if a disabled person applies for a grant to build a back kitchen and must produce a C2 certificate.

Deputy Gerry Adams: That is a house application.

Deputy Micheál Martin: That is quite different.

The Taoiseach: Questions are always asked about the payment of the non-principal private residence charge. This is nothing new.

Deputy Joe Higgins: What has that do to with students?

The Taoiseach: Deputy Higgins might not like this but it is unfair to the majority of people who have paid the charge to suggest that others should not make the effort to do so.

Deputy Micheál Martin: The Government has the means to deal with non-payment.

The Taoiseach: Clare County Council, on its own initiative, is entirely in order in doing

what it has done

Deputy Joe Higgins: Some 50% of people have not paid the tax.

Deputy Paul Kehoe: Deputy Higgins wants to have everything and pay for nothing.

An Leas-Cheann Comhairle: Deputies, there are other ways of raising this issue. It is not in order to discuss it on the Order of Business.

Deputy Micheál Martin: I do not want to be disorderly, a Leas-Cheann Comhairle, but it is appropriate on the Order of Business to ask if there is a legal basis for the county council demand. Unless some statutory instrument has been laid by the Minister for the Environment, Community and Local Government, there is no legal basis for it. The Taoiseach has confirmed there is not. In that case, neither the House nor the Government should condone any agency engaging in behaviour that has no legal basis, irrespective of our views on things. We should not condone that.

The Taoiseach: Clare County Council is processing applications for third level grants. The council wrote to applicants to identify whether their households had paid the household charge. It is a legal charge. There is no secret statutory instrument that has a legal basis for the collection of it. This was a voluntary payment and a significant majority of people have paid the household charge. There is a legal requirement to do it. The county council is entitled to ask applicants for further assistance and will pay third level grants if those households have paid the charge. That would be in order. There would be no legal basis to say we can force a person to do this because Clare County Council has pointed out it does not want to see any further delays in the processing of applications.

Deputy Timmy Dooley: Could this be dealt with in some other way?

The Taoiseach: It should be pointed out that it is only fair that everyone pays the household charge because it is used for facilities like processing applications for third level grants.

Deputy Paul Kehoe: Did Deputy Dooley pay the household charge?

Deputy Bernard J. Durkan: Will the companies Bill be dealt with in the current session and will it pass all Stages before the end of the session? I have particular regard to the concerns expressed about non-observance of company law by the retiring Director of Corporate Enforcement.

The Taoiseach: The companies Bill is expected to be published this session.

Deputy Bernard J. Durkan: Is there a possibility it will pass all Stages before the end of this session?

The Taoiseach: We must see how it gets on when it is introduced in both Houses.

Deputy Joe Higgins: If it is like the banking debt, it will go a bit further than that.

Deputy Bernard J. Durkan: The Deputy should not be so pessimistic about that.

Deputy Joe Higgins: There will be no seismic shift.

Deputy Michael Healy-Rae: When will the Charities Act 2009 be implemented?

The Taoiseach is aware that on 24 October, thousands of television screens in the country will go blank. I raised the issue before the summer recess. Touring groups are going around the country to give advice in areas that will be badly affected and, unfortunately, no technicians accompany those groups to advise people on technical solutions for their difficulties.

An Leas-Cheann Comhairle: That is not related to promised legislation.

Deputy Michael Healy-Rae: Yes, but I have raised the issue before and it is a very important issue to thousands of people.

Deputy Tom Hayes: Deputy Mattie McGrath is driving round south Tipperary in his van advising people what to do with their televisions.

Deputy Mattie McGrath: I advise them on more than that.

Deputy Michael Healy-Rae: I would like to hear what the Taoiseach has to say about this.

The Taoiseach: The Deputy is looking well since I met him in the street in Killarney. The Charities Act has been in operation since 2009 but the conditions are the subject of a debate in the Seanad tomorrow. The Minister supports that and I will have a response for the Deputy on the implementation of the conditions.

The Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, has carried out an extensive information campaign about the switch-over from analogue to digital television. I assume the Deputy is speaking about particular areas of the country that have had difficulty in getting television signals. This requires some technical adjustment. I will have the Minister's technical personnel address that question for the Deputy in respect of those areas, such as the Black Valley and a few others.

Deputy Michael Healy-Rae: Thousands of people currently have a service and on 24 October, they will not. We are not talking about those who had a problem in the past but who will have a problem after 24 October.

The Taoiseach: I am glad the Deputy raised the issue because Deputy Rabbitte does not have any control over this. The television screens across Europe will go blank on the analogue system on 24 October.

Deputy Mattie McGrath: The Taoiseach will not be able to see Angela.

The Taoiseach: That is why well known personalities have been out to advise people to change over now in good time so that for those who follow television, the arrangement can be made and when the switch-over comes, they will have Saorview and if they want to go further, they will have other options.

Deputy Dessie Ellis: We have all seen the report on the taxi industry and the recommendations in it. Some of them have been introduced but others are more contentious. There is a serious over-supply of taxis in Dublin and many people are struggling in the industry. Some time this year, the taxi regulation Bill is to appear before the Dáil. I welcome the chance to debate this and would like to know when we can expect this Bill and when it will go before the Oireachtas Committee on Transport and Communications. This is a serious problem faced by the industry as a whole.

The Taoiseach: This matter was the subject of the presentation by the Minister of State, Deputy Alan Kelly at Cabinet some time ago. Given the range of legislation that had to be prioritised in the last session, it did not make it through but the Bill will be published early in this session. This is an important debate because we must ensure the cowboys in the industry are removed from it and prevented from taking away from the legitimate activity of taxi drivers. This matter is of great interest to many people and the Bill will be published in the early part of the session.

An Leas-Cheann Comhairle: I ask Deputies to be brief because many Deputies are offering.

Deputy Tom Barry: Can I ask the Taoiseach if there has been any progress with the human tissue Bill? Have informed consultations taken place with all stakeholders or will that happen soon? When can we expect the heads of the Bill?

The Taoiseach: There is no date for the publication of the human tissue Bill. I will send a report to the Deputy on the work underway on that legislation.

Deputy Micheál Martin: I would like the Taoiseach to correct the record of the House. During Leaders' Questions, I asked about health and the Taoiseach responded by telling a story that he met with a company in Kiltimagh called Home Care Medicals that stores unused equipment. He gave a misrepresentation of the work of that company that seems to arise from a misunderstanding the Taoiseach had with the owner of the company and with many other companies in terms of the success of SMEs in procuring contracts from the State. In essence, the company never complained to the Taoiseach about inaction by the HSE on anything. It is a very successful small company employing 90 people who are involved in recycling medical technology and equipment. The Taoiseach has a tendency to come in here and make up stories. He should correct the record of the House relating to a third party about whose business the Taoiseach seriously misled the House when answering a question I asked during Leaders' Questions.

An Leas-Cheann Comhairle: That is not for the Order of Business.

Deputy Micheál Martin: It is. It relates to a correction of remarks about a third party.

The Taoiseach: I visited this company yesterday. On a county by county basis its warehouse is full of equipment that is decontaminated, wrapped, bar coded and ready to use. There are people across the country waiting for beds, hoists and wheelchairs who cannot get them while this warehouse is full of such equipment. The reason for that is the structure that was set up in the beginning was on a county basis so a person from Carlow looking for a bed cannot have a bed from the warehouse if it is not in the Carlow section. That is the most stupid bureaucratic administration I have ever come across. There is at least €3 million of equipment in there. I met the owner, his wife and the staff yesterday and they do a superb job.

Deputy Dessie Ellis: On a point of order, if the leader of a party has spoken on the Order of Business, can he come back in again? I am curious because I do not know the rule on this.

An Leas-Cheann Comhairle: Yes, he can.

Deputy Mattie McGrath: Under the strategic infrastructure Bill, I asked several times before the recess about the disappointing weather conditions we had all year, particularly since the spring, and the damage that has been done to crops for farmers. When we have a flood in a

small area, a special committee meets to deal with the issue. This is a huge issue that affects the rural population that is dependent on agriculture. It will have huge consequences for the winter if some action is not taken to look at this. It falls under the legislation for strategic infrastructure. The Taoiseach knows what I am talking about.

This is not a laughing matter. Deputies would not be laughing as much if they represented agricultural voters.

The Taoiseach: I am not sure what the Deputy is getting at but the Minister extended the slurry spreading season by two weeks. Clearly, the issue of poor weather in the early part of the season had a direct impact on farming incomes. I am glad that towards the close of the season, the weather improved, and great work was done, both day and night, to gather crops as farmers always do.

Deputy Mattie McGrath: They had huge losses though.

Deputy Joan Collins: When will the report of the special advisory group on the X case legislation be brought to the House? It is well overdue, as it was supposed to be before the House prior to the summer recess.

Will the Taoiseach check the legal status of what Clare County Council is doing? It is only administrating an education grant to students who are not home owners. This is absolutely wrong and the Government and the Minister for Education and Skills should encourage local authorities to-----

An Leas-Cheann Comhairle: That was raised earlier.

The Taoiseach: The committee dealing with the A, B and C v. Ireland case was granted an extension to provide its report, which I understand is towards the end of September.

As I said in reply to earlier questions, Clare County Council is merely inquiring from applicants for third level grants whether their households have paid the household charge.

Deputy Willie O'Dea: Why? What does it want to know for?

Deputy Anthony Lawlor: When does the Taoiseach propose to bring the mental capacity Bill before the House?

The Taoiseach: This session.

Deputy Timmy Dooley: Can we get some clarity from the Taoiseach because he has attempted to answer this question on a number of occasions? Is he saying it is appropriate for Clare County Council or any other local authority-----

An Leas-Cheann Comhairle: We have had this already.

Deputy Timmy Dooley: With respect, is the Taoiseach saying it is appropriate for a local authority not to pay an education grant on the basis of whether the household charge has been paid? If so, he is clearly setting a dangerous precedent. Would he find it acceptable if the postmistress refused to pay children's allowance on the basis that a household had not paid the television licence? If he does, when will he bring appropriate legislation before the House to devolve the criminal justice system to the agencies of the State outside of the well established principles of the courts? Is he suggesting that local authorities can go ahead and enforce laws

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without them ever having been seen in this House? If he finds that a democratic approach to running this country, it says a lot about him and his Government. Can I have a straight answer on this?

The Taoiseach: The Deputy should go back to Kilbaha and clear his head. There is no promised legislation on this matter.

Deputy Timmy Dooley: Why not?

The Taoiseach: Clare County Council has queried applicants who have lodged claims for third level grants as to whether their households have paid the-----

Deputy Mattie McGrath: So has South Tipperary.

Deputy Timmy Dooley: Is that in line with the Data Commissioner's request about information?

The Taoiseach: There is no promised legislation. That is what the Deputy is supposed to raise on the Order of Business.

Deputy Micheál Martin: That is not democracy.

Deputy Michael Colreavy: When will the heads of the proposed mineral developments Bill be published? Will it incorporate the issue of transparency and accountability in the granting of exploration and extraction licences?

The Taoiseach: The Bill will be published this session. There is clarity and accountability about the granting of licences and anything beyond them in respect of the development of natural resources.

Deputy Michael McGrath: I understand from comments made by the Minister for Finance that the Government will introduce a separate finance Bill to deal with the property tax around the time of the budget. Will the Taoiseach confirm the Government will not make any announcement or provide any details on the property tax until then? He confirmed earlier that the tax would come into effect in July next year. I am sure he has dealt with the question of whether in 2013 people will be required to pay half the charge or a full annual charge. If he could at least clarify that matter now, it would be of assistance.

The Taoiseach: There will not be any comment from the Government until it has made its collective decision in respect of the property tax and that will deal with the matters the Deputy has quite rightly raised.

Deputy Richard Boyd Barrett: Setting aside our different views on the morality of what Clare County Council has done and the precedent it may set, has the council legal authority to refuse third level grants to students whose parents have not paid the household charge?

Deputy Regina Doherty: Nobody is refusing anything.

Deputy Jonathan O'Brien: The council is refusing to process applications.

Deputy Richard Boyd Barrett: I thought the only legal basis for refusing third level grants is failure to meet the eligibility criteria. Has anything changed legally? In other words, it does not matter and people will get the grant.

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

Deputy Richard Boyd Barrett: Could we have clarity on that?

The second issue I wish to raise, which I have been doing for the past year, is the housing Bill. When will it be brought before the House for discussion, given the atrocious situation where 96,000 families continue to rot on housing waiting lists for up to ten years in a State with almost 250,000 empty houses? The Taoiseach claims the State does not have any money but we have plenty of empty houses. Can we have a debate around that Bill, which would allow us to move that situation forward and deal with the unacceptably lengthy housing lists?

The Taoiseach: There is no date for the publication of the housing Bill; it is quite a distance away.

In respect of the Deputy's first question, Clare County Council has never suggested refusing anybody a grant. It inquired as to whether the household charge had been paid by the households of applicants.

Deputy Timmy Dooley: The Taoiseach cannot believe that.

The Taoiseach: It never made any suggestion about refusing anything.

Deputy Richard Boyd Barrett: The Taoiseach does not have to answer the question about the household charge.

Deputy Jonathan O'Brien: I do not know whether the Taoiseach has seen the letter from Clare County Council but it states clearly that to process the application, it is seeking proof of payment of the household charge. That is unacceptable and it is not good enough for him to come into the House and wash his hands of it.

Deputy Robert Dowds: Should people break the law?

Deputy Jonathan O'Brien: It was also not good enough for the Minister for Education and Skills to support the move by Clare County Council this morning. The Taoiseach and the Minister have a responsibility to ensure that people have access to education and they should not support moves by any county council that prevent access to education. The Taoiseach's comments are not good enough.

Deputy Patrick O'Donovan: In light of the recent display of paramilitarism at a funeral in Dublin, does the Taoiseach believe the Offences Against the State Acts is robust enough to deal with these goings on? Are there plans to amend this legislation?

The Taoiseach: This matter is being dealt with by the Garda Commissioner who is well aware of the implications of this incident and of the comments of the Minister for Justice and Equality who found these actions reprehensible in the extreme.

Topical Issue Debate

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Thalidomide Victim Compensation

Deputy Paschal Donohoe: I am grateful for the opportunity to raise this matter. I will begin with two dates and one number. The first date is 27 November 1961 and the second is 27 July 2012. The first date, 27 November 1961, is the date on which most authorities worldwide became aware of the highly dangerous and serious effects of thalidomide on mothers and unborn children. The second date, 27 July 2012, is the date on which survivors of thalidomide began to take matters into their own hands individually by initiating individual actions against the State due to their dissatisfaction with the manner in which their plight has been handled by the State to this point. The figure to which I refer is 32, which is the number of people who are known to the State to be survivors and who are dealing with the effects of thalidomide on their lives. This is an issue with which a number of Governments have grappled unsuccessfully in recent years. A number of decisions were made over the summer on how this issue will be moved forward by the present Administration. I acknowledge my colleague, Deputy Kevin Humphreys, also sought to raise this issue in the House with the Minister. I am aware of the difficulty a government, including our Government, can face in being obliged to respond to a particular claim by any group, as well as of the responsibility it has to the broader society and to dealing with any claim fairly and well. However, in raising this issue, my point is the future health and quality of life of many of those who have been affected in this way is unknown. They do not know what the future will hold for them and many are surprised they have got to this point. It is important for them that within such an environment of uncertainty, they are clear on where the State and the Government stand in respect of their claim and on how we wish to support them in the future.

Second, I am aware that previous Attorneys General have indicated the State does not have legal culpability with regard to what happened. I can understand the reason such a claim could be made in a purely legal manner. However, even were this true - I do not doubt what the Attorneys General have stated - the Government has a wider moral responsibility in respect of the failure of care to these people when the Irish State and Government became aware of the potential impact of this drug on their lives and on what could happen as a result of non-action. I raise this issue because the number of people involved is known to the State and given what happened over the summer, I ask the Government to ascertain whether further action can be taken and whether it can undertake further dialogue with such survivors to ensure they are not obliged to pursue their individual plights with the injuries board. I thank the Ceann Comhairle for the opportunity to raise this issue and I await the Minister of State's response to these points.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I am pleased to take this opportunity to outline, on behalf of the Minister for Health, the Government's position on the Irish survivors of thalidomide. The commitment in the programme for Government is to reopen discussions with survivors and this is what the Government is committed to doing. The Government recognises the challenges that persist for thalidomide survivors as they get older. In recognition of this, the Minister has proposed an *ex gratia* payment and a health care assessment package. The Minister, Deputy Reilly, has met both groups representing Irish survivors of thalidomide and has been trying to make progress on reaching an agreement that takes account of their concerns and in particular, their health and personal social care needs. The State has been making payments to Irish survivors of thalidomide since 1975 although it does not bear a legal liability. The payments were designed to augment payments made by the German foundation set up specifically under German law to compensate survivors of the drug. When German and Irish payments are combined, most individuals receive €30,386

per annum or €2,572 per month tax-free. Moreover, each individual is automatically entitled to a medical card.

The Irish Thalidomide Association has stated it fundamentally disagrees with the State's position and is unwilling to engage on this basis. In July 2012, the Irish Thalidomide Association, through its solicitor, submitted 17 personal-injury claims to the Minister. The Minister has asked the State Claims Agency to consider the submissions. The Irish Thalidomide Survivors Society, ITSS, has written to the Health Service Executive, HSE, regarding the extent and scope of the assessment process. Some major issues raised by the society unfortunately are outside the remit of the Department of Health. The Minister has requested the ITSS, in good faith, to continue to engage and participate in a health care assessment process in order to assist the HSE in addressing the future health care needs of Irish survivors of thalidomide. An assessment process will be managed by the HSE through Beaumont Hospital. The Minister wishes to make clear he always is available to meet representatives of survivors of thalidomide and is committed to a non-statutory solution.

Deputy Paschal Donohoe: I thank the Minister of State for his response and acknowledge the Government and the Minister are committed to resolving this matter. I raise it because we have reached a significant point in the issue's development on foot of the decision made by the Irish Thalidomide Association to initiate individual actions. I urge the Government to do all it can to render unnecessary this action. My concern is one must be careful regarding language such as, for example, a financial gesture of goodwill. While I understand the reason one might choose such language, these people genuinely deserve, on a moral level, far more than a gesture of goodwill from the State. I urge the Government to do all it can to ensure the commitment contained in the programme for Government is delivered in an imaginative and creative manner because having met people who deal with this issue in their day-to-day lives, I believe they do not consider this to be the case, which is the reason they have taken the individual actions. I urge the Government to do all it can to ensure their fears are not met and that it responds to them in the manner I believe it should.

Deputy Ciarán Cannon: I certainly undertake to pass on Deputy Donohoe's concerns to the Minister. I again assure him that at this point, the Minister's principal concern is to provide a health care package, as well as meaningful discussions on what he describes as a financial gesture of goodwill. I would be interested to hear what Deputy Donohoe's alternative wording might be for this gesture for the survivors. The Minister is ambitious to provide a reasonable and compassionate response aimed at meeting the medical and other needs of survivors over the coming years.

Student Grant Scheme Eligibility

Deputy Charlie McConalogue: I wish to raise the issue as to how it came to pass that the Department of Education and Skills signed off on and worked with Bank of Ireland on a punitive interest rate of 10.8% for postgraduate loans to be provided to postgraduate students. In last December's budget, the Government signed off on the abolition of postgraduate grants for new students entering third level from this year. At the time, Fianna Fáil stated this was a wrong and illogical decision from both a social and an economic point of view. One must ensure equality of access at both undergraduate or postgraduate level. It is vital to the future of the economy in respect of producing highly skilled graduates and of attracting high-skill jobs. According

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to the figures from the 2010-11 academic year, 34,740 people studied at postgraduate level, which constitutes an increase of 26% on the figures from five years previously. According to the most recent figures available, 6,720 people, out of more than 21,000 full-time postgraduate students, availed of a postgraduate grant last year. This constitutes an overall proportion of approximately 31% of postgraduate students who availed of and qualified for a maintenance grant and therefore, for their fees as well.

Before the general election of 18 months ago, the current Minister for Education and Skills, Deputy Quinn, was seen posing for photographs with the Union of Students in Ireland, while promising not to increase third level registration fees. In addition, he promised to row back on a previous increase of €500. If we fast-forward to after the general election, the party's spokesperson on education and now Minister for Education and Skills, instead of standing in a photograph with students, was standing in a photograph with the CEO of the largest bank in the country, encouraging students to take a loan from the bank at an interest rate of 10.8%. This is the Minister who went back on his previous promise not to increase registration fees and also abolished maintenance grants for post-graduate students meaning that they are now liable for fees and those who previously qualified for a maintenance grant are no longer eligible.

How did the Minister sign off on a grant from the Bank of Ireland that had a punitive interest rate of 10.8%? These are potential future customers of the bank whom any bank would be more than glad to have. Therefore one would expect they would offer very attractive rates to get them in. Instead the Minister for Education and Skills appeared in a photograph and encouraged students to take up loans at that rate. Several credit unions are offering education grants to undergraduates and postgraduates at interest rates of approximately 6%. How did the Minister end up agreeing with the banks and endorsing a rate of 10.8% being applied to students to be paid back when they leave college?

What happens if a student is refused a loan? Will the State provide some sort of guarantee that will ensure that students - even those without a strong credit rating - will have access to postgraduate education? Does the Minister of State consider this is a fair and viable option for students? Given the Government's record of abolishing the post-graduate grant for students, can the Minister of State give a guarantee today that the undergraduate grant will not be tampered with and will be maintained?

Deputy Ciarán Cannon: I am taking this important matter on behalf of the Minister for Education and Skills, Deputy Quinn, and I thank Deputy McConalogue for raising it. The Deputy is referring to a recent announcement by Bank of Ireland regarding its postgraduate loan initiative for current and prospective students, providing finance for fees and living costs. The approach to dealing with the current difficulties in the public finances has meant that in making very difficult choices, the burden has been spread as fairly as possible.

New students entering postgraduate courses from the 2012-13 academic year onwards will not be entitled to maintenance payments under the student grant scheme. However, payment of tuition fees is being maintained for those who are least well off. In the circumstances, the Department, with support and advice from the National Treasury Management Agency, met a number of commercial providers to discuss the provision of a loan product to enable postgraduate students to have access to credit to meet the cost of pursuing their studies. Following these discussions, Bank of Ireland developed a proposal for a postgraduate loan initiative which was launched on 7 August.

The features of the postgraduate student loan are considerably more flexible and affordable than standard unsecured personal loans. I understand that the repayment schedule provides for a significant period of interest-only payments and that, as the loan is variable, the student can pay off the balance of the loan early, without any fees or charges, to further reduce the overall cost of credit. In addition to loans for fees, a maintenance loan of up to €2,000, which will be paid directly to the student, is available to those students who previously received a maintenance grant at undergraduate level. This will help to ensure the additional loans being made available for living costs are targeted towards those who need them most. Full information on the terms and conditions of the loan is available from Bank of Ireland.

Deputy Charlie McConalogue: I am very disappointed that the Minister of State did not outline why the best the Minister could do when negotiating with the banks for a loan scheme was an interest rate of 10.8%, particularly when credit unions, with which the Government did not engage, are able to offer students loans at a rate of 6%. It is a pathetic effort on behalf of the Government that this is the best that can be done, particularly coming from a Government that had promised not to increase the fees for which those students now must find the money. The Minister of State's party promised to introduce a student loan scheme to be backed and operated by the State. This is similar to schemes in other countries where loans are available to students at interest rates close to zero. We only need to look across the water to Britain for an example of that.

I ask the Minister of State to outline how such a punitive interest rate is being charged. Having broken previous promises to students, how did the Department fail to strike a better bargain with banks, given that it encourages very good future customers who will prove to be among the most profitable? However, the bank is charging an interest rate of 10.8%. Having let them down on previous promises, how was such a pathetic deal reached on behalf of students by the Government?

Deputy Ciarán Cannon: The current variable interest rate of 10.8% APR is below the existing standard unsecured personal loan rates, which are 14.8% APR for a loan of less than €5,000 and also below the existing standard student loan rate of 11.9% APR. If, as the Deputy has said, credit unions are offering rates substantially lower than the 10.8% offered by Bank of Ireland, I am sure postgraduate students are more than capable of making the right decision in choosing the financial institution to support them in their postgraduate education.

There is considerable flexibility in this loan that would not be available under normal circumstances. The schedule provides for a significant period of interest-only payments and as the loan has a variable as opposed to a fixed-interest rate, the student can pay off the balance of the loan early without incurring any fees or charges. This loan initiative developed in conjunction with the NTMA will ensure in these very difficult times that postgraduate students will be able to access funding to pursue their studies.

This is a challenging time. The Minister, Deputy Quinn, had to make some very difficult decisions on whom we would support with the very limited resources available to the Department of Education and Skills. The challenge, as the Deputy is well aware, is that 70,000 new students are about to enter the educational system and this will require significant investment in infrastructure. In making these difficult decisions, the Minister, Deputy Quinn, engaged with the NTMA and a number of different lending institutions to secure the best possible deal at this time for students who wish to access finance for their postgraduate studies.

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Schools Building Projects Status

Deputy Anthony Lawlor: I thank the Minister of State for attending. I compliment the Minister, Deputy Quinn, on the provision of six new schools in north Kildare, in Naas, Celbridge and Maynooth where new schools will be built, and in Clane, Celbridge and Kilcock where major extensions will take place.

I wish to highlight a problem in my parish in Kill, where two new primary schools were built in the past three years. One of them is incomplete and one was completed a year and a half ago. Following a tendering process a contractor was allocated. However, the dogs in the street knew this contractor would be in trouble within a few months of commencing the building and this was proven to be true. He only completed the rising walls of the building and then went into liquidation. This resulted in a number of subcontractors and building supply merchants not being paid. The question I had to ask at the time was whether due diligence had been given during the tendering process to the company that had been awarded the contract. I thought lessons might have been learned. However, I recently discovered issues have arisen in regard to the tendering process in respect of a project at a second school in my parish of Ardcah.

It is worrying to note that the tendering process is not being properly adhered to. In my view this problem arises because the Department only considers low tenders, as a result of which many contractors submit tenders which are below cost. The awarded contractor then discovers half way through the process that he cannot afford to continue with the contract, leaving subcontractors, many of whom are from the locality in which the school is being built, and those who supply materials to them out of pocket. There is a Bill before the Oireachtas dealing with subcontractors and the issues facing them.

Having undertaken some research I discovered that under EU rules the Department of Education and Skills can only deal with the lowest tender. As far as I am aware, most European countries do not award to the lowest tender, rather they give the job to whomever they believe will be able to complete the project. However, the Department of Education and Skills is rigidly following the rules laid down by the EU procurement section.

I hope the Minister of State will take on board the following points. The cheapest tender is not always the best value or best option. In my experience, this results in the Department having to re-tender to have the project completed. Below cost does not mean we get value for money. It may lead to poor quality building materials and to the non-payment of subcontractors. I ask the Minister of State to ensure the procurement section of his Department, when undertaking an analysis at prequalification stage, ensures all risks associated with a contractor are taken into consideration and the Department is not constrained by EU rules. It is important that common sense is allowed to prevail. We cannot allow a situation to arise again whereby the hopes of parents, pupils and teachers are dashed when their school is not completed on schedule.

I ask that the Minister of State, when reviewing the procurement process in his Department, would take on board these issues to ensure we do not end up with half-built schools around the country and no contractors on site owing to their having gone into receivership.

Deputy Ciarán Cannon: I thank Deputy Lawlor for raising this matter which provides me with an opportunity to outline to the House the Government's strategy for capital investment in education projects over the next five years and specifically the procedures for tendering public works contracts to meet the projected demographic need during this period.

The Deputy will be aware of the context within which decisions relating to meeting the accommodation needs of schools must be considered over the coming years. Total enrolment is expected to grow by approximately 70,000 students between now and 2018 - more than 45,000 at primary level and 25,000 at post primary level. Second level enrolment is expected to continue to rise until at least 2024.

To meet the needs of our growing population of school-going children, the Department must establish new schools as well as extend or replace a number of existing schools in areas where demographic growth has been identified. The delivery of these new schools, together with extension projects to meet future demand, will be the main focus of the Department's budget for the coming years. The five year programme which the Minister announced last spring will provide more than 100,000 permanent school places, of which more than 80,000 will be new school places. The remainder will be the replacement of temporary or unsatisfactory accommodation.

Schools building projects are tendered in line with public procurement procedures. There are two methods of tendering, namely, the open procedure and the restricted procedure. In both procedures, there are minimum standards for participation, including previous experience, turnover, insurances, capacity to obtain a bond, and so on. The minimum standards for participation are stated in the contract notice e-Tenders advertisement. Previous experience of education work is not a prerequisite. However, previous experience of work of a similar scale and complexity is needed. For less complex projects of a small to medium scale, the open procedure is generally used and all contractors meeting the minimum standards are entitled to submit a tender, thus facilitating the inclusion of small to medium-sized enterprises and those with no experience in educational projects.

For larger or more complex projects like the project in the Kildare North area, where it is considered that prequalification of contractors is warranted, the restricted procedure is normally used. In the restricted procedure, there is an intermediary qualification stage during which the number of applicants is reduced or restricted to a specified amount - normally ten. The criteria for suitability assessment, which are taken from the Department of Finance capital management works framework, include company turnover, insurances, capacity to obtain a bond, personnel for the project, previous experience and health and safety competence.

The project referred to by the Deputy should have reached substantial completion late last year. In other words, the building should have been available for occupation by the school late last year. Up to the time of the Department's decision to terminate the contractor's obligation to complete the works, the project had not reached substantial completion.

I again thank the Deputy for allowing me the opportunity to outline the position with regard to the five year plan and the procedures for tendering and appointing contractors for school building projects which form part of this plan.

Deputy Anthony Lawlor: I thank the Minister of State for his comprehensive reply. However, I remain concerned about the level of below cost tendering for many projects. As I stated, below cost tenders are not always the best option. Just because under EU regulations we are obliged to take the lowest tender does not mean we are getting the best value.

I ask the Minister of State to ensure, in particular in respect of the two schools in Kildare North, that the Department can, where it believes tenders cannot be justified, use its common

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sense and select a contractor whom it knows will complete the project on budget and on time.

Deputy Ciarán Cannon: I will briefly outline for the Deputy the process by which this particular contractor was appointed. Initially, nine contractors submitted tenders. The contractor appointed at the end of the process was deemed to have submitted the most economically advantageous tender. The design team engaged by the Department then undertook a serious due diligence of the tender before submitting their report to the Department. Further checks, by way of the submission of particular documentation, were also undertaken before appointment of the contractor. The contractor concerned met all the criteria required at each stage of the tender process and was duly appointed.

I take on board the concerns expressed by the Deputy and will pass them on to the Minister, Deputy Quinn. We have a major capital programme under way for the next five years and will be endeavouring to avoid the type of situation that has arisen in Kildare happening again.

Waste Management Regulations

Deputy Kevin Humphreys: I thank the Minister, Deputy Hogan, for coming to the Chamber to deal with this Topical Issue matter. I am fully aware that this problem is not one of his making but dates back to former Minister, Dick Roche, who signed the contract as he was running out of office, leaving a shambles to be dealt with by others.

6 o'clock

On 29 February 2012 Dublin local authorities and Covanta reached an agreement on a revised commercial arrangement for the Poolbeg incinerator with a final extension to the end of August. We were told this would be its third and final extension. In June Covanta's chief financial officer, speaking at a J. P. Morgan conference in the US, said that it was proving difficult to raise the necessary capital to fund the Poolbeg incinerator. On 31 August the contract for the Poolbeg incinerator with Covanta expired. There is no sign that Covanta has been able to raise the money to construct it.

It has been made clear by the Minister that the regulation of the waste market will not be rejigged to make the incinerator commercially viable by trying to give the council control over waste collected by private companies. It is now 15 years since an incinerator at Poolbeg was first proposed and it has cost €91 million so far. That is taxpayers' money - that includes the Minister, myself and every working citizen who has paid his or her taxes.

The original contract was to build a 600,000 tonnes incinerator which was far too big for our current and future use. Its proposed location, on a peninsula in the centre of Dublin city with only one road in and out to it, was in the wrong place. This saga has created massive uncertainty in the market. Waste companies have been holding back on investment that would allow us to meet our recycling and recovery targets. Such investment would create sustainable jobs. Some of our semi-State companies have put investment in the recycling and re-use industry on hold awaiting a decision on this over-sized incinerator proposal.

To date the Poolbeg project has involved a cost of €52 million on the purchase of the land alone, €32 million has been given to consultants and that cost to taxpayers is still increasing. It is stated in a report to Dublin City Council this month that the city manager, on behalf of

the regional authority, felt it reasonable to consider a further extension. The facts I outlined should lead the Minister to a different conclusion. It is past time for the Minister to intervene in this matter. He may say he has no direct powers in this area but the money of taxpayers and ratepayers is being continuously wasted in this process. Such money could be invested in the recycling and re-use industry. We are still awaiting a decision on whether Covanta can get the necessary money but I do not believe that money can be raised and I believe we will see endless extensions and uncertainty in this matter.

This is a mess not of the Minister's making but he has the skills and the determination to intervene and resolve it. We need a sustainable waste industry and this proposed 600,000 tonnes capacity monster project will destroy that industry. I ask the Minister to take a direct role in this, to step in where previous Ministers have failed to do so. He has the skills and the tenacity to intervene and resolve this long-running saga.

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I get worried when a Deputy says that I must intervene in something. The Poolbeg project, as Deputy Humphreys indicated, is provided for in the Dublin regional waste management plan, for which the four Dublin local authorities have statutory responsibility under the Waste Management Acts. The facility is being advanced by Dublin city Council, albeit with the caveats that the Deputy has outlined, in conjunction with Covanta Energy and DONG Energy.

The project received planning approval as far back as November 2007 and was granted a waste licence from the EPA in December 2008. As the Deputy indicated, the facility is intended to have a capacity of 600,000 tonnes. The position is that, in accordance with the provisions of the of the Waste Management Acts, the preparation and adoption of a waste management plan is the statutory responsibility of the local authority and, under section 60(3) of the Act, the Minister is precluded from exercising any power or control in relation to the performance by a local authority, in particular circumstances, of a statutory function vested in it.

As the Deputy will be aware, my predecessor appointed Mr. John Hennessy to have a look at this contract under section 224 of the Local Government Act 2001 and to examine the potential financial risks associated with the Poolbeg project within a given set of scenarios. As consideration of that report had not been completed when I came into office, it fell to me to consider the report's findings.

In June 2011, I published the report prepared by Mr. Hennessy in order to ensure that as much information as possible is available to the public while respecting the confidential nature of certain information provided by Mr. Hennessy in the course of his work. The report was therefore redacted to protect commercially sensitive information. At the time of publication I indicated that much had changed since the report was commissioned and there would be further changes as I finalised a new waste policy. Mr. Hennessy provided a very good report but he was working within a set of scenarios which had been narrowly defined for him and this somewhat restricted the applicability of the report. Having consulted my Government colleagues, I concluded there was no national waste policy justification for intervening in the matter.

The position remains that decisions in relation to the Poolbeg project are a matter for the two parties concerned. I understand that the parties are in a period of review and that an update was provided to Dublin City Council earlier this month. Queries concerning the status of discussions, contract terms and costs of the project are not a matter for me at this stage, notwithstanding what the Deputy said about the amount of money that has been spent on the project to date.

My role at this stage is to provide certainty in terms of waste policy, which I have done, and I will provide an update on the recent publication of the new national waste policy later on. I can assure the Deputy that investment in all methodologies and technologies is difficult to finance and is not readily available for any project. The State, through the local authority system, is not in a particularly healthy state financially to intervene in order to provide the necessary interventions in regard to waste policy. I agree with the Deputy that we need to get certainty on this, and to do so sooner rather than later. I am disappointed that it has taken so long to come to a conclusion, one way or the other, on this contractual obligation in which Dublin City Council and Covanta are involved. I will closely monitor the situation in the coming weeks to determine if there is any hope of coming to a conclusion and at the end of the year perhaps I will review the matter.

Deputy Kevin Humphreys: I thank the Minister for his response. I advise him that the transcript of proceedings of the Committee of Public Accounts on the occasion that officials were questioned on the cost involved and the methodology used in respect of the proposed incinerator is required viewing. My colleague, Deputy Eoghan Murphy, did an excellent job on highlighting the facts and the issues involved at the Committee of Public Accounts. I recommend that the Minister reads the transcript. I know he is extremely busy and that sometimes briefs are prepared for him but I ask him to take a step back and read the proceedings of the Committee of Public Accounts. As he rightly said, there is a need for certainty in waste management market. This project has been considered and planned for 15 years. It is outdated and we do not need to plan for it.

We are told in March that the third extension would be the final one granted to Covanta. Enough is enough. A fourth extension has now been granted. The cost of the project alone demands that it is ended. The Dublin regional authority went all out on a bet and the bet did not work. If we continue with this it will cost us hundreds of millions of euros. This problem is not of the Minister's making, it dates back to the time of the former Minister, Dick Roche. The Minister has to intervene or review the project sooner rather than later. We are not generating anywhere near the volume of waste we used to and recycling has been growing sharply and is up to the level of 40% nationwide. We are not in any danger of missing the targets in the EU landfill directives. As the recent EPA report shows, we met our targets for waste diverted from landfill two years ago and that indicates that we will also meet the 2013 targets.

This project is out of date and out of time and it is time for the Minister to act. We should face the fact that this will involve hundreds of millions of euro that we have not got. Therefore, it is time to cut and run. Covanta cannot deliver the funding. We have an opportunity with the break in the contract when it failed to deliver on its timescale and dates. Let us take the uncertainty out of this system. The Minister knows as well as I do that there are companies on the side line prepared to step in and develop the recycle and reuse industry. One of our semi-State companies has a planning permission application on hold because it is waiting to see what will happen with this incinerator. We have 900,000 tonnes of waste going to landfill that can be composted, yet we are talking about an incinerator. Investment in the composting element of it would be a far better approach.

This issue has been running issue since 1999 in one form or another. It has created massive uncertainty in the area, even for investment in further development. The time has come to knock heads together and come up with a new plan. We cannot continue to harp back to the past and say we cannot intervene. The former Minister, Deputy Gormley, said it previously. The former Minister, Dick Roche, said he signed the contract and then left office. The ball has

been passed to the Minister, and I ask him not to drop it. He should take on the vested interests and stop this contract going ahead.

Deputy Phil Hogan: The difficulty is that we have a contractual obligation which provides legal obligations on the State. We have to be extremely careful in the manner in which we deal with these issues. Otherwise, we will expose the State even further in terms of infrastructure that was contracted but not delivered. All I can do at the moment as Minister for the Environment, Community and Local Government is outline the country's waste policy. I have done that with my colleagues in Government when we were trying to move away entirely from landfill. We are not entirely sure if we will meet our landfill obligations in 2014-15. We are in difficulty in that respect. It depends on economic growth and the type of investment we have in infrastructure in providing alternatives to landfill.

I accept what the Deputy is saying that if we do not get certainty on this project soon we will not be waiting around forever for the purpose of providing alternatives. We have to meet our objectives and the obligations laid down in our targets that are set by the EU in conjunction with Ireland. I hope that we are in a position to get some information in the very near future on whether the company involved, Covanta, and Dublin City Council are in a position to proceed. I am prepared to examine the situation carefully in the next few weeks and ascertain from the contracting parties whether they are in a position to proceed. I cannot say what the alternatives are at this stage until I see what the future holds for this particular contractual obligation that we have but I agree with Deputy Humphreys that we must have certainty sooner or later. I need to have certainty to ensure that I can move on to alternative methodologies of dealing with our waste if this particular option is closed to us.

Message from Seanad

Acting Chairman (Deputy Tom Hayes): Seanad Éireann has passed the Residential Institutions Statutory Fund Bill 2012, without amendment; the Electorate (Amendment)(Political Funding) Bill 2011, without amendment; and the Public Service Pensions (Single Scheme and other Provisions) Bill 2011, without amendment.

Message from Select Committee

Acting Chairman (Deputy Tom Hayes): The Select Committee on Justice, Defence and Equality has completed its consideration of the Personal Insolvency Bill 2012 and has made amendments thereto.

National Vetting Bureau (Children and Vulnerable Persons) Bill 2012: Order for Second

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Stage

Bill entitled an Act to make provision for the protection of children and vulnerable persons and, for that purpose, to provide for the establishment and maintenance of a National Vetting Bureau (Children and Vulnerable Persons) Database System; to provide for the establishment of procedures that are to apply in respect of persons who wish to undertake certain work or activities relating to children or vulnerable persons or to provide certain services to children or vulnerable persons; to amend the Garda Síochána Act 2005; to provide for the change of name of the Garda Central Vetting Unit to the National Vetting Bureau; and to provide for related matters.

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

Question put and agreed to.

National Vetting Bureau (Children and Vulnerable Persons) Bill 2012: Second Stage

Minister for Justice and Equality (Deputy Alan Shatter): I move: “That the Bill be now read a Second Time.”

I want to begin by congratulating Deputy Collins on his appointment as justice spokesperson for Fianna Fáil.

Deputy Niall Collins: I thank the Minister.

Deputy Alan Shatter: I wish him well in his brief. I am sure there will be all kinds of issues he will pursue me on but I hope that in the national interest there will be issues on which we can co-operate. I am sure we will have some interesting exchanges in the House.

I am pleased to be here today to present the National Vetting Bureau (Children and Vulnerable Persons) Bill 2012 to the House. I would like to commence by highlighting the purpose of this legislation. In September 2008, the Oireachtas Joint Committee on the Constitutional Amendment on Children published an interim report which recommended that legislation be introduced to regulate and control the manner in which records of criminal convictions and information including what is termed “soft information” can be stored and disclosed by the Garda Síochána and other agencies for the purpose of child protection.

This Bill will provide the necessary legislation. The Bill will provide a statutory basis for the existing procedures whereby the Garda criminal records database is used to vet persons applying for employment working with children or vulnerable adults. These vetting procedures already operate under the Children First national guidelines. The requirement to conduct vetting for the positions covered by the Bill is therefore not new. Currently about 300,000 vetting applications are processed each year by the Garda central vetting unit. The primary purpose of the Bill is to put the procedures that have been developed to vet these applications into law. More importantly, the Bill also makes it mandatory for persons working with children or vulnerable adults to be vetted, whereas at present this is done on the basis of a voluntary code. The Bill will also create offences and penalties for persons who fail to comply with its provisions.

In addition, the Bill provides for the use of “soft” information, which is referred to as “specified information” in the Bill. “Specified information” is information other than a court determined criminal record. For example, “specified information” includes conclusions from investigations of child abuse or neglect that have been conducted by the HSE, where such investigations have concluded that a person poses a threat to children or vulnerable persons.

“Specified information” also includes similar conclusions arising from fitness to practise inquiries by statutory bodies such as those conducted by the Medical Council, the Nursing Council or the Teaching Council. “Specified information” also includes information arising from Garda investigations of criminal offences where a prosecution has not been taken but where there is a bona fide concern that a person poses a threat to children or vulnerable adults. The Bill sets out procedures to allow the disclosure of specified information for vetting purposes. It is important to note that before such information can be disclosed, the person who is the subject of the information must be given a copy of that information and must be given the opportunity to challenge the proposed disclosure. The Bill also provides that a disclosure of such information will only occur where there is a bona fide concern that the person poses a threat to children or vulnerable persons, and the information has been assessed for its reliability and relevance, and the disclosure is in accordance with principles of natural justice. The Bill provides for the appointment of an independent appeals officer who will be responsible for assessing and deciding appeals against the proposed disclosure of specified information.

By confining the information that can be disclosed to information arising from criminal investigations or statutory inquiries, and by ensuring that individuals who are the subject of such information have their right to defend their name protected in the Bill, I am seeking to ensure that information such as vague rumours, innuendo or false allegations cannot form any part of the vetting process. I am also seeking to provide for the constitutional right of all citizens to protect their good name, as provided in Article 40.3.2 of the Constitution.

The Schedule to the Bill lists in detail the types of work or activities that require vetting. These include child care services; schools; hospitals and health services; residential services or accommodation for children or vulnerable persons; treatment, therapy or counselling services for children or vulnerable persons; provision of leisure, sporting or physical activities to children or vulnerable persons; and promotion of religious beliefs.

The Bill provides exemptions from vetting for certain arrangements. Private baby-sitting arrangements, private tuition and other private arrangements are exempt from the vetting requirements under the Bill. It is my view that it is not appropriate or feasible for the State to require vetting in regard to citizens’ private family arrangements. Private baby-sitting arrangements are already exempt from vetting in child care regulations under the Child Care Act of 1991.

There is also exemption from vetting for persons assisting at sports or community events on an occasional basis. This exemption is necessary to focus the vetting requirement on persons working with children or vulnerable adults on an ongoing basis. It should be borne in mind that where persons help out on an occasional or annual community or sports event, they typically do so in full public view. It is not feasible or desirable to vet every parent assisting at every school or sports or community activity in the country. Instead, we have to be practical and the Bill therefore focuses on requiring vetting for persons such as sports coaches or trainers or youth workers or teachers, or any other persons, paid or unpaid, who are working with children or vulnerable persons on an ongoing basis.

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The Scheme to this Bill was considered in detail by the Oireachtas Joint Committee on Justice, Defence and Equality. The joint committee obtained submissions from relevant organisations and published recommendations in November 2011. Members of this House have already been very supportive of this Bill when contributing to the consideration of its draft scheme at the hearings by the joint Oireachtas committee. The Bill has been drafted to include provisions to take account of the issues raised by the joint committee.

The committee recommended that the legislation provide for vetting to be portable between different employer organisations in order to cut down on multiple applications for vetting of the same individual. This, however, may not be feasible. For example, a person who was vetted for a position with one employer last year might have had no convictions at the time of applying for that position but might have subsequent convictions in the current year, or might have come to the notice of child care services in the context of an allegation of child abuse. I look forward to hearing the further views of Deputies on this issue in the course of the Bill's legislative progress.

The joint Oireachtas committee also raised concerns about the lack of information from some other states about the criminal records of citizens of those states who are seeking work here. In that regard, I will be introducing a separate Bill, the criminal records information systems Bill, which will provide for enhanced co-operation in exchanging criminal records information with other states. The Scheme of that Bill was published earlier this year and I expect to publish the Bill in 2013. The Bill will implement an EU member states' agreement in regard to the exchange of criminal records data between EU states. It will also provide for exchange of criminal records information with states outside of the EU.

Members will be only too aware of the underlying need to have this legislation in place. We are all now very conscious of the abuse of children and vulnerable adults, which has taken place in a variety of institutional and other settings. It is clearly very important that we have clear mandatory standards for vetting of persons working with children and vulnerable adults in those positions. The Bill is essential to ensure that employers can make informed decisions in instances where persons are seeking employment which involves access to children or vulnerable persons.

The Bill will have no impact on Garda clearance procedures conducted under other legislation. This includes the Irish Nationality and Citizenship Acts, bearing in mind that section 15 of the 1956 Act requires the Minister to be satisfied that an applicant for citizenship is of good character; the Public Service Management (Recruitment and Appointments) Act 2004; the Taxi Regulation Acts; the Road Transport Acts; and the Private Security Services Act 2004. These Acts already require Garda clearance of persons based on a search of the Garda criminal records.

I will outline for the House the key provisions contained in the Bill. The national unit of the Garda Síochána known as the Garda Central Vetting Unit will, after the commencement of section 28, be known as the National Vetting Bureau.

Section 3 provides clarification in regard to activities that are exempt from the provisions of the Bill. As I have indicated, the exemptions will include family relationships, private arrangements and persons who assist occasionally and on a voluntary basis in school, sport or community-related events.

Section 6 provides for the establishment by the chief bureau officer of the various databases containing information relevant for the purpose of vetting of persons seeking positions working with children or vulnerable persons. The databases will include a register of relevant organisations, a register of specified information and a register of vetted persons as provided in sections 8, 10 and 11, respectively.

Section 7 sets out the functions of the bureau in regard to the maintenance of these databases, and provides that the bureau is responsible for vetting services in respect of relevant work or activities relating to children or vulnerable persons. Section 8 provides that the bureau will maintain a register of relevant organisations which can avail of vetting services. This section also includes a provision that organisations already registered with the bureau before commencement of the Act will be deemed to be registered following the commencement of the Act. There is also a provision that a relevant organisation shall not be required to comply with the requirement to register where another relevant organisation, which is registered with the bureau, submits, on behalf of the first organisation, applications for vetting disclosures. This provision is being included in order to enable organisations such as schools or crèches to submit applications through a representative body without requiring each and every school or crèche to register individually. There is also a provision that an organisation which fails to comply with the requirement to register under subsection (2) is guilty of an offence.

Section 9 provides for the registration of liaison persons. These are the persons in each organisation responsible for submitting the vetting application to the vetting bureau. Section 10 establishes the register of specified information, or soft information. This is information which gives rise to a bona fide concern that the vetting subject may harm, attempt to harm or put at risk of harm a child or vulnerable person. Section 11 provides for the establishment of a register of vetted persons and sets out the information relating to a vetted person which is to be included in the register.

Section 12 prohibits the engagement of persons to do relevant work or activities relating to children or other vulnerable persons, unless that person has been subject to the vetting procedures under the Bill. It includes a provision for a defence if a person can show that he or she did not know, nor could be reasonably expected to know, that the work for which a person was engaged constituted relevant work or activity.

Section 13 sets out the procedures to be followed in making applications for vetting disclosures. It confirms that an application from a relevant organisation for a vetting disclosure may be on its own behalf or on behalf of another relevant organisation that it represents for the purpose of the vetting procedures under the Act. This section also specifies the information relating to the vetting subject which must be included in the application.

Section 14 sets out the procedures to be followed by the bureau in considering an application for a vetting disclosure. The section provides that following the receipt of an application for a vetting disclosure, the bureau will undertake an examination of its own database and the Garda Síochána criminal records for the purpose of establishing whether there are any criminal records or any specified information relates to the applicant. The section also provides that, where a member of the bureau staff considers that there is specified information in regard to the applicant, it will be referred to the chief bureau officer for assessment as to whether the information should be disclosed.

Section 15 sets out the procedures to be followed by the chief bureau officer in assessing

specified information for the purpose of its inclusion in a vetting disclosure. This includes a provision that the vetting subject must be provided with a summary of the information and must be informed of his or her right to make a written submission in relation to the information. A subsequent decision to disclose the specified information requires the chief bureau officer to believe that the information in question is of such a nature as to give rise to a bona fide concern that the vetting subject may harm, attempt to harm or put at risk of harm a child or vulnerable person. The chief bureau officer must also be satisfied that the disclosure is necessary, proportionate and reasonable in the circumstances, and relevant to the particular position that the person is applying for.

Section 16 provides that where a vetting disclosure contains details of criminal records or specified information the relevant organisation must provide a copy of the disclosure to the vetting applicant. The section also provides that the organisation may consider and take into account the information disclosed in assessing the suitability of the person for the position for which they have applied.

Section 18 sets out the manner of an appeal against a disclosure of specified information, which shall be in writing, be accompanied by grounds for appeal and indicate whether an oral hearing is sought. Having considered the appeal, the appeals officer may affirm, in whole or in part, the decision of the chief bureau officer or may set aside that decision, in whole or part. An appeal to the High Court on a point of law is also provided for and this determination is final and conclusive.

Section 19 requires the scheduled organisations listed in Schedule 2 to notify the bureau of specified information in respect of a person. For example, if, as a result of a statutory inquiry by the HSE, or a fitness-to-practise process by a statutory body, the organisation has a bona fide concern that the vetting subject may harm, attempt to harm or put at risk of harm a child or vulnerable person, that organisation is required to inform the bureau of the information giving rise to that concern. The organisation is also required to notify the person in respect of whom there is such a concern that it is notifying the bureau of that concern. This section also contains a provision stating that the obligation to report under this section is in addition to any other obligation to disclose that information to the Garda Síochána or to any other person. This is important in order to ensure that the reporting requirement under this Bill is distinct from and in addition to the obligation to report concerns to the HSE under the Children First Bill, which my colleague, the Minister, Deputy Fitzgerald, is preparing. There is a separate obligation to report where there are allegations of, for example, child abuse to the Garda Síochána in the context of the withholding of information Act, which came into force only a few weeks ago.

Section 20 provides for the periodic re-vetting of persons previously vetted for their current positions. Section 21 provides for the retrospective vetting of persons who are currently in positions that would be subject to vetting under the Bill but who have not previously been vetted because they took up their positions prior to the availability of vetting in the State. There are approximately 100,000 persons in the health and education sectors who were recruited before the current vetting procedures were introduced and who have therefore not been vetted. It is important that this should be remedied.

Section 22 provides that the chief bureau officer be appointed by the Garda Commissioner. This section also allows the chief bureau officer to delegate his or her functions under the Act to specified members of staff of the bureau.

Section 23 provides that the chief bureau officer may assign one or more members of staff as compliance officers for the purposes of the Act. The purpose of the compliance officers is to investigate any complaint that a registered organisation is failing to operate adequate or proper vetting procedures.

Section 24 provides for a minor amendment to the Garda Síochána Act 2005 to make it explicit that the functions of the Garda Síochána include the provision of vetting services. Section 25 makes it an offence to falsify a vetting disclosure, to make a false statement for the purpose of obtaining or enabling another person to obtain a vetting disclosure or to allow a vetting disclosure to be falsely used by another person.

Section 26 sets out the penalties in respect of offences under the Bill. These include offences of failing to make a vetting application for a position requiring vetting and falsifying records in regard to vetting applications or disclosures. This section provides that the penalty on summary conviction is a class A fine or imprisonment for a term of up to 12 months or both and on conviction on indictment to a fine of up to €10,000 or imprisonment for up to five years or both.

Section 31 permits the introduction of fees for the purpose of the provision of vetting services. However, this is simply an enabling provision to allow fees to be charged for certain categories of vetting application, if appropriate.

Schedule 1 sets out the relevant work or activities relating to children or vulnerable adults that will be subject to the vetting requirements of this Bill. Schedule 2 sets out the organisations that will be required to disclose specified information to the bureau in accordance with section 19.

Regarding spent convictions, nothing in the Spent Convictions Bill 2012 affects the disclosure of a conviction under the provisions of this Bill, as a conviction may give rise to important considerations with regard to whether an individual's previous conduct, which resulted in a conviction, raises an alarm bell with regard to his or her capacity to work with children or vulnerable adults. This is a difficult issue, as some of those convicted of offences in the past and who have substantial insight into their past conduct, can make a contribution of great value, for example, when working with troubled children who are out of control or who themselves have become embroiled in the juvenile justice system. I will value and am greatly interested in the views of Deputies as to how this particular issue might be best dealt with in order to reconcile the two Bills and to ensure that the correct balance is achieved. This is a particularly important issue.

I wish to make particular reference to the work undertaken by the Garda central vetting unit in recent years, particularly during my term as Minister. As I mentioned earlier, the unit, which is led by Superintendent Pat Burke, currently processes some 300,000 vetting applications per year. I would like to commend Superintendent Burke and his team on their work in reducing the processing time for vetting applications from 12 to 14 weeks when I was appointed as Minister in March 2011 to between two and three weeks by May 2012. This improvement was of enormous benefit to individuals and organisations throughout the State and tackling the backlog of citizenship applications would not have been possible without the help of the Garda central vetting unit.

I am aware that the number of staff in the unit decreased by 20 between March and May this year as temporary staff contracts came to an end. This reduction in staff numbers has been

partly offset by the redeployment of 15 clerical officers from the Department of Agriculture, Food and the Marine to a sub-office of the Garda central vetting unit in Ennis in May. I understand that the new staff have recently completed their training period. In the interim, however, processing times have again increased. The Garda central vetting unit, which will become the national vetting bureau under the provisions of this Bill, will have a substantially expanded role under this new legislation and I am engaged in discussions with the Department of Public Expenditure and Reform to ensure adequate staffing to meet these new demands.

I would like to thank the Members of this House who have already provided support for this Bill when contributing to the hearings by the Joint Oireachtas Committee on Justice, Defence and Equality. I am sure that the debate in this House on the Bill will be very informed and constructive. I will follow intently what Members say with a view to seeing whether there are improvements we can make to the Bill on Committee Stage.

I have already congratulated Deputy Niall Collins on his new position as justice spokesperson. I also wish to congratulate Deputy Mac Lochlainn in taking up his position. I apologise to both Deputies, as I have another commitment that I must keep. I assure them that, although I will be unable to be present in the House for their contributions, I will carefully read the transcript of this evening's speeches and follow what is stated in the House during the course of what is an important Second Stage debate on a Bill of substantial significance. This Bill forms part of the set of legislation that is designed to ensure that we provide improved and better protection for children in this State. We have the commitment of my colleague, the Minister, Deputy Fitzgerald, who is preparing legislation to put the Children First guidelines on a statutory footing. We have already brought into force legislation on the furnishing of information to An Garda Síochána to ensure that those who have information with regard to child abuse furnish it.

This Bill is the third in the trilogy of legislation to be enacted. It is particularly important in the context of heading into a children's referendum to provide for the express constitutional recognition of the rights of children that we do everything necessary to ensure that we have the most effective statutory backup to ensure that previous failures in the protection of children are not repeated in future.

Deputy Niall Collins: I thank the Minister for his opening remarks on this important legislation. The Bill is topical, given today's announcement on the forthcoming referendum, which I will discuss later.

Fianna Fáil broadly supports this Bill, as it is a necessary measure towards clarifying and consolidating the vetting process. However, steps to secure children's safety must be backed up by sufficient resources and encompass a wider range of front line involvement with children than has been initially covered by the Bill. Childminders, including nannies in the home, are not covered by the legislation despite the critical role they play in children's lives. This is a missed opportunity in terms of child protection and should be addressed by the Government. We will seek to ensure that it is addressed through amendments. I will discuss this matter in a few moments.

It is right that the vetting system be placed on a statutory basis. This follows on from the work of the Joint Committee on the Constitutional Amendment on Children in 2008 and the working group on Garda vetting in 2004 as well as the broader public concerns that have been articulated in the context of the many horrific reports that have been put into the public domain, for example, the Ryan and Murphy reports among others. The Bill makes vetting mandatory

for the employees and volunteers of organisations covered by the legislation that work with children and vulnerable adults. However, this provision is not applied to organisations that are not mentioned in the Bill. That is also an issue that must be revisited as the Bill passes through the Oireachtas.

There is the point of extending the remit of relevant information to be covered in the vetting process, encompassing “soft” or specified information. This is a new departure and we will have to tease out the elements. It essentially covers information that does not lead to a criminal prosecution, and a range of organisations, from the Garda to the Teaching Council, are involved in collating the information. The action would broaden the range of information used in assessing an individual to create a more accurate profile of the person.

The primary difficulties in the Bill include a failure to encompass childminders or people who mind children either in their own home or the home of an employer as a mandatory vetting area. It is estimated that this leaves up to 75,000 children across the country in an unregulated area. This is a glaring gap that must be addressed in this Bill and the forthcoming Children First legislation. As I have already mentioned, providing sufficient resources for the provision of child protection and training, as well as the vetting bureau, must be a priority for the Government if the changes introduced are to have a meaningful and positive impact on child safety.

The introduction of Children First legislation and the national vetting bureau Bill was a perfect opportunity to bring about some form of regulation in the childminding sector. However, the Minister for Children and Youth Affairs has decided not to include childminders in the list of organisations or on a list of designated professionals in the heads of the Children First Bill or this national vetting bureau Bill. The Government must commit to including childminders in this legislation and the upcoming Children First legislation. We recognise that this will require the introduction of regulation to the childminding sector and would include compulsory registration of all childminders to the HSE. However, only those who register and are vetted should be allowed to operate, and we intend to bring forward amendments on Committee Stage of both Bills to ensure the inclusion of these provisions.

We recognise that regulation of the childminding sector should be introduced on a phased basis, and it should be accompanied by a public information campaign. It is critical in trying to introduce regulation for the childminding sector that we do not push people further into the black economy. This is an area in which the black economy tends to thrive from time to time, and there should be a focus on the issue. The Government’s policy must always be to ensure that children are fully protected, whether they are cared for by somebody employed in the home or in attending crèches, playschools or childminders.

We commend the work in prioritising protection and bringing about extensive debate on child protection issues at the Oireachtas Joint Committee on Health and Children over the past year. In the absence of proper funding, such discussions may be only window dressing. For example, we know there is still a glaring need for the recruitment of social care workers, and there is a deficit in meeting the commitment for such badly required personnel. We also know there is currently no funding for child protection training for the early education and child care sector. Early Childhood Ireland’s annual member survey encompassed the frustrations of services in trying to access Children First training for staff, and according to that survey, less than half of facilities, or 48% of them, have a staff member with current Children First training. This highlights an urgent need for more accessible training in the area.

The expansion of the information envisaged by this Bill will inevitably place a strain on the resources of the vetting bureau. If the remit of the bureau is expanded to encompass critical areas like childminders, the position will be compounded. It is vital that sufficient resources are committed to the vetting process to ensure it is undertaken rigorously, adhering to strict privacy laws and completed within reasonable waiting times. Likewise, adequate access to training procedures for staff must be provided by the Department if the changes are to have a positive impact on child protection rather than acting as window dressing.

The legislation is broadly welcome as anything that enhances child safety and protection of vulnerable people should be. Nevertheless, there are a number of issues that should be placed on record as being of public concern. There is a lack of a unified and universal vetting process. No matter how the Bill concludes, there must be a resulting unified system around the country. The system has been operating to different standards and norms in different sectors and parts of the country. This can be broken down into three categories: sectors where not all staff are required to be vetted; those who should have been vetted but have not; and the sectors with people already in employment when vetting procedures started and where the people are not vetted as a result.

The Minister alluded to the fact that there may be up to 100,000 people in positions in various organisations who have never been vetted. Unfortunately, such people would have to be vetted in order to achieve child safety, and that will be a major undertaking. There is also the issue of foster carers. The HSE has publicly indicated that up to 12.5% of foster carers are still in the process of being vetted, which is extremely serious. HIQA has indicated that vetting is a major concern in up to 43% of centres involved in investigations of vetting. We must delve further into what HIQA has reported in this regard. There must be clarity on whether the Bill can apply retrospectively, particularly as it would apply to people in public service roles or jobs within the civil and public service.

There is also an issue regarding section 3, which deals with exemptions under the Bill. The Bill provides for exemptions from vetting for relevant worker activities undertaken in the course of a family relationship. The relevant phrase is “giving assistance on an occasional basis and for no commercial consideration at school, sports or community events or activities, other than where such assistance includes coaching, training, mentoring, teaching and counselling of children and vulnerable persons”. We must tease out the term “giving assistance” a little more. If a person is giving assistance to an organisation giving a service or providing an activity for young and vulnerable people, what would it entail? Would it include a person giving voluntary assistance to an organisation by working as a janitor? That person might work in a swimming pool with communal changing areas and be present in showers or service areas. Such a person is not included and neither are those working on a pro bono basis such as maintenance staff. It is difficult to get it right and to achieve a definition that will be all-encompassing. The general term “giving assistance” needs to be fleshed out a little more.

With regard to vetting for child protection it is also important to remember that while one is primarily protecting children and vulnerable people one is also providing protection for the person coming into contact and dealing with them on a day-to-day or irregular basis. Unfortunately, we have had official reports of abuse and neglect of children, and situations occur - rare as they are - whereby people find themselves the subject of malicious reports. More and more people will be subject to the screening process and this vetting will provide protection for them should such a case arise.

I agree with the comments on the Garda vetting unit in Thurles. I have contacted it on many occasions and it was very amenable and helpful to me as a public representative, as I am sure it is to others. Establishing the unit on a statutory basis is a compliment to the staff and will give them more structure and status which is right. It must be funded better.

We will table a number of amendments to the Bill on Committee Stage.

Deputy Pádraig Mac Lochlainn: Sinn Féin welcomes the Bill as an important step in improving the child protection structures in the State. In 2011 a report by the special rapporteur on child protection, Geoffrey Shannon, exposed the alarming inadequacy of laws, procedures and resources to protect children from abuse. The lack of regulated access to soft information on potential abusers of children was one of the main issues that needed to be addressed so it is heartening to see the Minister has brought this forward as one of the first pieces of legislation to be dealt with during this Dáil term.

The Joint Committee on the Constitutional Amendment on Children, of which my colleague Deputy Caoimhghín Ó Caoláin was a member in the previous Dáil, recommended in September 2008 that legislation to regulate soft information be introduced. It is long overdue. The right to one's good name is covered by the International Covenant on Civil and Political Rights and Article 6 of the European Convention on Human Rights, and as such it should be a cornerstone of any truly human rights-based justice policy. This right contains within it the benefits of the presumption of innocence and protection of good name and livelihood. However, we recognise that the children of Ireland have a right to - and are entitled to - the highest standards of protection. For too long, the history of the State has been blighted by a litany of horror stories in which this protection was denied to them. It is frightening to think there is a very real possibility that we have only scratched the surface of these stories.

As legislators working to develop a justice system that maintains the accused's right to a good name while simultaneously protecting children, there is an onus on us to ensure any legislative amendment regarding the exchange of soft information has a sound constitutional footing and is insulated from challenge. There are parts of the Bill about which I have concerns in this regard and I am hopeful they will be dealt with appropriately and adequately on Committee Stage.

Further to this, the rights of a person being vetted to a good name and to a livelihood must be balanced with the rights of children to the highest standards of child protection. As Garda and police vetting deals only with hard information such as on convictions relating to prospective employees, problems arise regarding individuals who may have been reported for an offence but never charged due to insufficient evidence, or prosecuted for an offence but never convicted as a consequence of a flawed investigation or other technicality, but who nevertheless may continue to pose a risk to children. There is a clear argument in favour of sharing information where needed when an allegation did not result in conviction but a real concern still exists.

As an exceptional case, and we must emphasise this is an exception, in the interests of the protection of children as a paramount public policy consideration, Sinn Féin is in favour of the dissemination of soft information. However, we believe it must be very carefully managed, with independent oversight, and subject to robust safeguards. We are carefully examining the provisions of the Bill to ensure this is managed correctly, as well as ensuring full human rights and data protection compliance. It is our view that those provisions concerning soft information should only deal with information that has been brought to the attention of the Garda or

the HSE.

We welcome the fact that individuals should be informed if they are placed on a soft information list and be given appropriate opportunity to appeal the limits set upon them by being placed on such a list, prior to any request for vetting being placed upon them by a third party. We are examining the legislation to ensure it requires that one central vetting unit stores all information in compliance with data protection legislation. There must be no confusion as to the types of information applicable to this legislation. We will submit amendments to require that a person being entered on any soft information list be informed of the action and be given adequate notice to appeal. I am not convinced that 14 days will be enough in all cases. Notice must be given of the types of employment likely to be affected by this, and furthermore, notice must be given of the length of time a person's name will remain on any list. Only after a person is informed of his or her name being placed on a list, and given adequate time to appeal, should any third party request for information be processed. The legislation must be reviewed periodically and those eligible for removal from the list on the basis of inaccurate information being held must be removed promptly.

Appeal processes must be adequate and not subject to undue delay, which brings me to my next point. The new national vetting bureau must be resourced accordingly. We are all aware that the cutbacks to Garda budgets are having a major impact on the ability of gardaí to do their work. We are dealing with a society where mandatory reporting will be the norm. The Children First guidelines will soon be placed on a statutory footing and an increase in awareness of child abuse and its effects, coupled with the introduction of a legal facility for the sharing of soft information, will mean an added strain on the newly established vetting bureau. We will propose further amendments to ensure robust safeguards for soft information including clear safeguards, limits and controls monitored by an independent body on how the vetting bureau gains, stores, reproduces and accesses soft information.

While we cannot underestimate the importance in using this legislation to firm up child protection measures, we also cannot underestimate the need to keep such information confidential and made available on a strict need to know basis. There must be a statutory obligation on a receiving agency or employer not to store or disseminate vetting results disclosed to them by the vetting bureau beyond the strictly necessary, and severe penalties for a breach. In the interest of fairness, we must also ensure limited restrictions to contesting discrimination where a person feels an employer acted above and beyond that which was required by the vetting soft information list and we strongly urge the Government to examine the option of introducing an independent body to investigate the appeals.

Furthermore, the legislation should clearly outline how international vetting is to be conducted and the standards in other jurisdictions we deem necessary for us to facilitate the exchange of information requests. The Government must acknowledge that measures such as sex offender registers and vetting in isolation will not stop abhorrent crimes of sexual abuse from occurring. Vetting of people who work with children is still problematic and slow despite improvements made in recent years. The partition of the island also poses a considerable challenge for the Garda and the PSNI in the management of those who pose a risk to children and young people or who are sex offenders.

In the past, the NSPCC has highlighted various arrangements throughout the EU for holding and disclosing criminal record information, managing and tracking sex offenders, and vetting and barring arrangements. It highlighted one case where a French national convicted of murder

and sexual assaults was able to gain employment in a Belgian school where he continued to offend. It has called for common EU standards in regard to the sharing of information and vetting and it is something worth examining but in saying that, it is important not to forget that there is no minimum standard of human rights adherence across the EU.

7 o'clock

Both Ireland and Britain have enacted legislation to ensure convicted sex offenders notify authorities of their whereabouts and progress has been made on information sharing in regard to sex offenders. However, while agencies in the North risk manage all sex offenders in a structured way, risk management approaches are only now being advanced in the Twenty-six Counties. Common legislation and policy development on a North-South basis is essential to prevent certain individuals from exploiting the Border.

The 2006 report from the joint Oireachtas committee on child protection and the Joint Committee on the Constitutional Amendment on Children in its first interim report of September 2008 recommended that the vetting system be put on a statutory footing and that organisations be legally required to vet all staff, both paid workers and volunteers, working with children. The committees also recommended the introduction of legislation to regulate the collection and exchange of records of criminal convictions and information, including soft information, which would bring the State closer in line with the situation in the Six Counties following the Ian Huntley inquiry. It is a shame that it has taken so long to look at this area but I commend the Minister for bringing forward this Bill now.

The need for a comprehensive vetting system and good protocols in information exchange cannot be underestimated. Barnardos has systematically campaigned for a comprehensive vetting system to be put in place in Ireland for all those who have access to children and young people, whether in a professional or voluntary capacity, which should include all those who are at a policy, managerial and face to face level. It is well known that sex offenders are using open borders as a means of evading detection and prosecution.

There are broader questions to be asked about how we address this. Information exchange protocols and corresponding structures in other countries are theoretically a wonderful idea but they need to be resourced with proper levels of financial, technological and staff capacity in Ireland to ensure that information is used in a meaningful way and not abused and that children are protected. Given the cutbacks in resourcing to gardaí that hamper them in doing even the most basic of policing tasks, such as responding to burglaries in rural areas, we have genuine concerns as to how this would operate.

Deputy John Halligan: I am sharing time with Deputies Pringle and Finian McGrath.

Acting Chairman (Deputy Joanna Tuffy): Is that agreed? Agreed. They have ten minutes each.

Deputy John Halligan: The Bill marks a significant process and progress in the direction of Ireland's commitment to improving child protection and welfare. The process of vetting places a very worthwhile burden on bureaucracy, businesses, community groups, volunteers and prospective adoptive parents. Ireland has been long overdue in meeting the recommendations set out by the UN Committee on the Rights of the Child in 2006 and it is vital that anyone working with children or young people is properly vetted.

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The original idea of vetting was to supplement good recruitment practice but when inherent flaws in the system make people wait up to a minimum of 16 weeks for vetting to be completed and create a major barrier for many community and voluntary groups doing front line work, then something is not right. If this legislation is not backed up by adequate services which support children's welfare, then it is not worth the paper it is written on. The fact that the national vetting bureau will replace the existing Garda central vetting office does not inspire confidence in me since the office with all its workload and procedures and systems will continue as it is.

The most recent figures available from the Teaching Council of Ireland suggest that thousands of teachers are waiting to be vetted. The Garda vetting unit is doing what it can with very limited resources but the massive backlog is having a significant impact on a range of schemes at a time when voluntary and sporting organisations have never been more dependent on volunteers.

The impact analysis by the Minister's Department predicts that the Bill will not create additional costs to the Exchequer based on the premise that there will not be any significant increases in demand for vetting applications. I do not know where that comes from. However, a significant number of sporting and arts organisations which I have consulted in my constituency believe this legislation will necessitate a massive extension of the current system of Garda vetting. If this occurs, there will have to be significant investment in resources to ensure this new legislation operates in the manner it is intended, and I know it is well intended.

A number of arts organisations, in particular, have expressed concern in regard to the lack of access to vetting for sole practitioners and difficulties for smaller organisations in becoming registered. Can the Minister give assurances as to how these matters might be addressed in the legislation because from reading it, I did not see any significant aspects in it to deal with the vetting of sole practitioners and so on? Freelance arts practitioners do not have vetting available to them and I am aware some are losing out on work due to lack of access to vetting. When the Minister responds, it will be interesting to hear how he intends to deal with that aspect. I am sure other Deputies and public representatives have also been contacted by these groups.

Should this legislation make the intended impact, the Garda vetting system itself needs to be made more efficient and user-friendly. A sharing of data between organisations - of course, with applicants' consent - would remove a large amount of the demand on the system and a duplication of many requests and would be a far more intelligent way of dealing with the vetting process. In particular, an online system would greatly assist re-vetting by allowing for the identification numbers to be given which would help the portability of the records. We should examine such a procedure. Can the Minister clarify when exactly the proposed online application process will be operational? What funds have been set aside for this to be set up? If we do not move into the 21st century and do it online, we will not go anywhere and we will be back to square one with people waiting 16 weeks or even longer to be vetted which will not help the system. Although the Bill makes provision for the re-vetting of employees and retrospective vetting of current employers who have not yet been vetted, a lack of resources is likely to prohibit this from becoming a reality any time soon. The Minister needs to step up to the plate and give us time schedules when he responds. The introduction of online processes similar to the access Northern Ireland programme would contribute significantly to the staffing resources.

The underlying theme of the Bill is highly commendable bringing in measures to enhance the safeguarding of children and vulnerable persons. The test will be whether the Government will put its money where its mouth is and ensure that the resources are there to allow an effi-

cient, user-friendly, 21st century model for vetting.

Deputy Thomas Pringle: I welcome the opportunity to contribute to the debate on the National Vetting Bureau (Children and Vulnerable Persons) Bill, which is very important. The need to vet people who have access to children or vulnerable persons is vitally important as is the need to ensure there is an adequate and timely vetting service available to people. The Minister said approximately 300,000 vettings take place every year. I wonder how many of those 300,000 are duplications. In 2003, around the time of the Special Olympics, I was vetted because I was chairperson of a host committee in Killybegs. To date, I still have not heard whether I passed. I presume the fact I have not heard means I was probably an acceptable person. That is an important issue, although I know it is nine years down the line.

Over the last year or so I have been contacted by a number of people about a number of different cases which I would like to outline. One case involved a trainee nurse who was being vetted by the HSE prior to taking up work experience as part of her training. She had already been vetted by her local GAA club one month previously but as that was not acceptable to the HSE she had to undergo a further vetting procedure. One can envisage a situation in which somebody who gets a job which requires vetting, decides to volunteer in a local GAA club and then finds part-time employment in a local crèche would be required to undergo vetting three times in a short period when once would be more than adequate. The Bill should provide for this and amendments should be brought on Committee Stage or else the Minister should at least take account of the issue when he is finalising the legislation.

The Committee on Justice, Defence and Equality has recommended that vetting should be portable. That is vitally important and would overcome the scenarios I have outlined. If a period is defined for the time a vetting will last and re-vetting is also provided for, vetting should be portable. I imagine the Minister envisages a period of something like two years. If an individual has been vetted and happens to change jobs within the two year period, the vetting should accompany him or her. That would significantly reduce the administrative burden on the 300,000 vettings that take place every year.

Section 11 of the Bill provides for a register of vetted people to be compiled and held by the bureau. It might be useful for organisations to designate a person who can access the register to find out details about an individual who is about to volunteer or take up employment with the organisation. The designated person could, for example, enter the individual's PPS number in the register and confirm whether he or she has been vetted within a relevant period. That would short circuit the need to go through the vetting process again.

Section 19 provides that the vetting bureau shall be informed of concerns. I presume that if concerns are raised about people with valid vetting they will rescind or have an impact on valid vetting. In respect of the organisations listed in Schedule 2 as being required to provide this information to the bureau, the Courts Service should also be listed. The Garda will be involved in pursuing convictions but the courts should be required to notify the bureau when somebody has been convicted of an offence. That should form part of the reporting procedures.

Deputy Halligan referred to the provision for re-vetting under section 20. This is not envisaged to come into effect for the foreseeable future due to staffing constraints. That is not acceptable. Re-vetting should form an integral part of the Bill. It should not be subject to employment embargoes or resource constraints. Earlier today the Taoiseach announced that wording for a children's rights referendum is to be published and we are putting Children First on a

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legislative basis. Surely a re-vetting procedure should be implemented as part of that overall package. The Minister should ensure that resources are made available to the vetting bureau so it can carry out its work as soon as this legislation is passed.

Deputy Finian McGrath: I am grateful for the opportunity to speak on this important Bill, which deals specifically with children and vulnerable persons. It is important that we remind ourselves about the purpose of this legislation.

I also welcome the broader debate that is taking place on the protection of children. There has been a lot of talk about protecting the rights of children but we need to make this a reality by ending the suffering and nightmares for the children who are being damaged as I speak tonight. I hope the upcoming referendum will also deal with these issues. I welcome that the referendum will be held on a Saturday. From what I am hearing, there is considerable potential to safeguard the rights of children and I hope I will be able strongly to support the campaign.

Our goal is to rescue children from crisis situations, crisis families and institutions that have provided clear examples of bad professional practice. When we speak about crisis families, we refer to young children living in dysfunctional and often violent environments involving drugs, alcohol or issues that cause nightmares for them. In this debate on the proposed vetting bureau we are speaking about the institutions, voluntary organisations and sports groups in which these people often operate. As part of the provision of a safe environment, we should not kid ourselves that paedophiles and sex abusers will go away. They will come up with new ways to abuse and work their ways into families, homes, voluntary organisations, sports clubs, swimming clubs and youth clubs. That is the sad reality of the matter. This Bill will be even better at dealing with that reality with a couple of strong amendments. These people have worked their way around obstacles in the past and they will do so again in the future. This is why the vetting process is urgent.

We must also train our children to react to bad situations. It is not easy because often those who are abused are vulnerable children who come from weak, crisis ridden or dysfunctional environments. They are unable to react in the same way as a child who is raised in a nice, warm family environment. If one speaks to survivors and victims, one will discover that when they were abused as young children they were a little different from the other children in their group or classroom. They were targeted by child sex abusers. Our primary schools provide excellent programmes on these issues but we have to be vigilant from an early stage. Any group or organisation that opposes this kind of training for young children should not be taken seriously when it claims to speak for the rights of children. I urge that more training and education be provided on this issue.

We must also focus on the most vulnerable. I refer to children with disabilities, particularly intellectual disabilities. They are often the ones we never hear about. They were often abused 40 years ago and their stories were never told because their intellectual disabilities were so severe that they were not able to articulate what happened to them. These are the hidden voices and properly vetted staff could play a positive role in ensuring their safety.

Prevention has to be at the core of the strategy, and this is why the legislation is important. The child is often lost once the damage is done and as an adult ends up in crazy situations involving alcohol and mental health issues. This legislation is about prevention because if the right people work with children in schools and youth clubs, they will do a lot of work. We have many of those talented people. Many former colleagues of mine in the teaching profession

have intervened in such situations when they discovered these issues and prevented abuse. Of course, there are many cases where children slipped through the net.

At the core of the strategy we must focus on prevention. I do not want to bore Deputies to death on the question of disability. There are many children with an intellectual disability who need our protection. This must be given priority in the vetting procedures. I continue to be concerned about these children, despite all the education, publicity, reports and legislation. We must ensure that we focus on these children. Many of the stories have not yet been told, but we need to act as a matter of urgency.

The Bill will provide a statutory basis for existing procedures whereby the Garda criminal records database is used to vet persons applying for employment working with children or young adults. The Bill also provides for the use of soft information with regard to such vetting and the disclosure of such information to prospective employers. Soft information is information other than a court determined criminal record. That is important. We need to have good background information on people who are about to become involved in a service. The Bill also provides that before such soft information can be used in vetting procedures, the person who is the subject of the information must be given a copy of the information to be disclosed and must be given the opportunity to challenge the proposed disclosure if he or she does not consider the information to be accurate. In my previous day job, I often came across people who had been involved in petty crime and had got their lives together and gone on to work in a local school, perhaps as a care assistant. Such people should not be blocked from employment. At the same time, the principal and board of management have a duty to know such a person's background and other staff members should be supportive of them.

A friend of mine once said to me that keeping an eye on people can prevent much abuse. Good supervision and common sense by a properly-trained manager, class teacher or youth club leader will prevent many situations arising. We have thousands of such people working for the Special Olympics and Paralympics or with people with disabilities. We have many quality people and we often do not give sufficient recognition to the amazing work they do.

The Bill provides for the appointment of an independent appeals officer who will be responsible for assessing and deciding appeals against the proposed disclosure of soft information. I welcome this part of the legislation. We must always be respectful of people and of human rights and civil liberties. We must, however, maintain a balance. Priority must be given to the safety of the young person or child.

The types of work activities that require vetting are set out in the legislation. These include positions working in schools, health services, child care, residential care services and foster care. The Bill also requires persons providing services to children in sports clubs or community organisations to be vetted. Private babysitting, tuition and care arrangements are exempt from the vetting requirements. That is common sense. However, one needs to be careful in these situations. I came across a case in my clinic where a person told me he had been abused by someone who was giving him private tuition in his own home. We must be vigilant because a person who has an agenda will find ways to get around the vetting system. We must be careful if our children are being given private grinds, for example.

There is also an exemption for persons assisting at sports or community events on an occasional basis. It is for the organisers of such an event to make sure that abuse is not possible. Supervision by reliable people is the major part of prevention. The purpose of this exemption

is to avoid having to vet every short-term volunteer with a community or voluntary organisation and to focus instead on vetting persons working with children on an ongoing basis.

We do not want to become too bureaucratic, but we must be vigilant. I have already mentioned children with an intellectual disability and younger children. There are people who will come up with various ways to gain access to children in order to abuse them.

The Joint Committee on Justice, Defence and Equality, of which I am a member, heard submissions on this matter in 2011. I welcome the fact that many of the committee's recommendations have played a large part in the legislation. That is the way to be inclusive and democratic when we are dealing with legislation in the Oireachtas.

Deputy Halligan referred to delays in vetting. That is not acceptable because many organisations and groups require vetting. This is a resources issue. We cannot legislate for vetting and protection services if we fail to provide the resources to implement them. That is not an option. There are thousands of people out there who are not being vetted. We must face up to reality. If we cut back on services how are we to protect children in the long term? Referendums will be of no use if we fail to provide back-up services.

The focus of the 2011 Children First guidelines was the protection of individual children about whom a report was made and of other children who might be at risk from an alleged perpetrator of abuse. The national guidelines for the protection and welfare of children was a voluntary code published by the Department of Health and Children in 1999 and updated in 2011. At the time, I welcomed that update. It was very positive. Under Children First, an organisation is required to appoint a designated officer. This has been done in many areas, organisations and groups and is very important. This designated officer makes sure staff and volunteers are vetted, recruited properly and trained in the safety and protection of children and in recognising the signs of abuse and neglect. It is important that staff and volunteers can recognise the signs of abuse and neglect. The designated officer also makes information available to parents about child protection in the organisation and ensures that a system is in place to check and report on compliance with the legislation. The designated officer must update himself or herself on situations and ensure that guidelines and supports are being implemented in a strong way. The Children First guidelines also deal with the role of the HSE which is to assess children at risk and the HSE must be provided with the information necessary to monitor and provide support to a child who may have been abused.

Section 11 of the Bill refers to the register of vetted persons. Vetting will be required for registered social workers, those working for accredited adoption bodies and in care and welfare residences and designated centres for older people, licensed driving instructors and those working in child care, special care, mental health care and private security. The Bill will not change current legislation.

We must have a system that is professional and respects civil liberties but puts children at the top of the agenda. I urge all Deputies to look carefully at the legislation and put children and their protection at the top of their political agenda. All of us, regardless of party politics, have a duty to ensure that children are protected from abuse, now and in the future.

Debate adjourned.

Confidence in the Minister for Health: Motion [Private Members]

Deputy Billy Kelleher: I move:

That Dáil Éireann has no confidence in the Minister for Health, James Reilly T.D., because of his inability to deliver on his budget commitments which were based on false and misleading targets in many areas that were never achievable or implementable due to his lack of governance, resulting in more chaos across the health service which will directly impact on patients because of more frontline services being cut, extra bed closures, and more cuts to social support services to the disabled and elderly.

I do not particularly like tabling motions of no confidence in Ministers. Over the years, I have seen them get very personalised, sometimes deflecting from the reality of what a motion of no confidence is trying to achieve. I do not expect theatrics or drama tomorrow night, with Deputies crossing the floor to support our motion of no confidence in Deputy James Reilly, but I would be failing in my duty as an Opposition Deputy not to highlight his failings during his tenure as Minister for Health.

The Minister is no longer on the back of a truck in some rural town promising the people the sun, moon and stars. He is the Minister for Health and he has a responsibility. His actions and deeds to date have indicated that the majority of people in this House do not have confidence in him to carry out his duties. Since the Minister was appointed in 2011, we have had dysfunction and chaos reigning in the Department of Health. The HSE under his stewardship is being dismantled effectively and slowly so it is incapable of delivering the health service the people expect.

I want to keep this to the points of principle and have a fair debate on what this motion of no confidence is about: highlighting the failings of the Minister for Health in addressing the serious challenges the health service will face in the months and years ahead. The Minister came to power saying he had a mandate for reform and for changing how health services are delivered. Unfortunately, that mandate was sought under false pretences. It was sought using promises to people in Roscommon that the accident and emergency department would remain open and using promises to people in Monaghan and the north east that a new hospital would be built before there was any downgrading of services in Navan, Drogheda or Dundalk. It was sought using promises to the people of Cork that orthopaedic services would not be moved from St. Mary's Hospital and that the Minister would cut consultants' pay and abolish prescription charges. Those are just a few of the promises the Minister made, and I am sure as time goes on that many more of those commitments made on the backs of trucks throughout the country will come to light.

Clearly now, however, we face chaos and crisis in the Department of Health and the health service in general. This time last year, the Minister started running around the corridors of power telling everyone and anyone who would listen that we faced doomsday if he did not get his way when it came to delivering a budget for the health services for 2012. He put fear into his colleagues but at the end of the day he did not have the support of Cabinet to bring forward a budget that would be sustainable. The budget in December 2011 for this year was dishonest at the very least. He cobbled a budget together, with figures and statistics, savings that could be

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achieved, legislation that would introduce price referencing, generic substitution, the charging of private insurers for the full cost of public beds and the reduction of agency costs, but none of this has happened. As long ago as last March, the Minister was warned by the then CEO of the HSE, Cathal Magee, that the budget he had delivered was no longer sustainable. The Minister did not listen and we now have a situation where only a couple of weeks ago, because of his incompetence and inability to deliver and manage a budget, there were people outside Government Buildings protesting because their personal assistants were being withdrawn. Home help hours and home care packages were being withdrawn.

That is the context for this motion of no confidence. I do not do it lightly. Our party thought about this long and hard. We would be failing in our duty to highlight the Minister's failings and the damage and the impact his inability to manage the health service and the reforms he proposed are having on people.

There are two Ministers of State in the Department of Health, Deputies Róisín Shortall and Kathleen Lynch. This evening or tomorrow they will come in and swear allegiance to the Minister and promise they have a working relationship with him. It is quite evident that there is bedlam in the Department and no functioning working relationship between the Minister and the Ministers of State. We are unsure if the Minister delegated functions to the Ministers of State and gave them specific areas of responsibility. A report by Sarah McInerney in *The Sunday Times* was headlined "Reilly and Shortall's fractious working relationship revealed in a series of angry letters". It is quite amazing this is happening in the Department of Health when the Minister has promised there will be reform, with structures being put in place to streamline the health service.

One of the basic promises the Minister made related to primary health care and its roll-out. The Minister of State who was meant to be responsible stated clearly she had no responsibility in this area and that the Minister was undermining her budgets by taking money from ring-fenced budgets without even informing her. Unless these letters are figments of someone's imagination, they show that at the heart of the decision-making process in the Department of Health, there has been a complete breakdown of trust between the Minister and the Minister of State, Deputy Shortall, and probably the other Minister of State, Deputy Kathleen Lynch. As recently as a number of days ago, the Minister of State with responsibility for mental health stated there would be no reduction in her budgets, but the Minister had already raided that budget to fund the deficit evident in the broader health services. The Minister entered office with great fanfare and promise, saying he would transform health services. Unfortunately to date, there has been nothing but dysfunction and chaos reigning in the Department itself, which has percolated down into the HSE.

I find it bizarre that the Minister was appointed 18 months ago and one of his first major announcements was that he would get rid of the 50 cent prescription charge. Some time later he rowed back on that decision. He then arrived at HSE headquarters like Wyatt Earp at the OK Corral, or perhaps in this case like Doc Holliday, to sack the board and fill it with his own appointees and Department of Health officials. That is fine and the Minister has said he now has control of the HSE, but as recently as two weeks ago, when the health cuts were made, the Minister said they were not sanctioned by Government, that they were a HSE decision and that he would overrule them after the backbenchers got a little tetchy but, more importantly, when he saw for himself outside Government Buildings the misery and angst he was causing to many of the most vulnerable in our society.

How could the Minister even contemplate sanctioning the removal of personal assistants, home care packages and home helps in the context of a €14.3 billion budget? Why did he decide those would be the first areas he would cut to rein in a deficit he should have reined in months ago when he was warned about it by the former CEO of the HSE and by Members on this side of the House? Every time we raised that, we were shouted down for scaremongering and trying to whip up fear and anger among the public. We were not. We were following what was happening and the sad reality is that last June, the former CEO put his hands up in the Committee of Public Accounts and said the budget and figures presented to the Dáil were no longer achievable and were utterly unsustainable.

Even at that late stage, five months into the year, the Minister still refused to act. The Minister for Public Expenditure and Reform implored the Minister to get his house in order and the Minister of State, Deputy Shortall, was writing letters that highlighted that she was even willing at that late stage to intervene in the discussions on generic drugs and price referencing to bring about negotiations that would save some money in 2012. The Minister, however, put his head in the sand.

While the Minister talks a great game of reform and delivery of better health services, his decisions last week and the week before that attacked the most vulnerable in our society were the most distasteful things I have seen from this Government so far. That is the reason we decided to table a motion of no confidence in him and not because of his other difficulties. I acknowledge he may be distracted in other areas. Clearly, he sanctioned the decision and then there was the famous U-turn that was not a U-turn with the Taoiseach saying he was courageous to change his mind. It was either a U-turn or he sanctioned the cuts himself. I would like clarity on who is in charge because last year-----

Deputy Peter Mathews: The Deputy should remember his Government brought the country to bankruptcy and signed the country up to the troika deal. I thank Fianna Fáil for the programme of austerity.

An Leas-Cheann Comhairle: Deputy Kelleher without interruption, please.

Deputy Billy Kelleher: I asked the Minister at a committee meeting in June when the chief executive officer and senior HSE officials were present who was in charge of the budget and, with great gusto, he rolled up his sleeves and said, “I am in charge; I am responsible and I accept full responsibility for every decision that the HSE makes”. However, a few days ago, senior HSE officials were wheeled out to give the bad news. The Minister is removing himself from positions of responsibility. He went AWOL for a number of days until he was eventually flushed out and had to make the U-turn and we witnessed what happened after that. It was described by the Taoiseach as a courageous, brave decision. The Minister made a lousy, mean decision in the first place in the context of attacking the most vulnerable people in our society.

Deputy Mary Mitchell O’Connor: Fianna Fáil caused it all.

Deputy Niall Collins: That is real in-depth analysis.

Deputy Billy Kelleher: Let us be clear about the Government’s grand plans for universal health insurance, free GP care and universal primary care. If those who need personal assistants to undertake basic functions and home helps and people who depend on home care packages have to fund his reforms and his inability to run the health service, he should go tonight. It is distasteful that people had to protest outside Government Buildings to force a U-turn on his

decisions.

Deputy Brendan Griffin: Fianna Fáil Members have short memories. We will have to roll out a new programme of amnesia care.

Deputy Billy Kelleher: While we will have plenty of pledges of loyalty from Labour Party and Fine Gael backbenchers, the Minister does not even enjoy confidence among his Cabinet colleagues. Quite clearly, they will not express confidence in public. The Minister for Social Protection was asked on numerous occasions during radio interviews whether she had full confidence in him and she failed to answer the question and express full confidence in him. The Ministers of State, Deputies O'Sullivan and Shortall, and others have also said publicly they have concerns and they were silent in expressing confidence in him.

The Minister came into office with a lot of fanfare and promise. He traipsed the country promising the sun, moon and stars to people. He is no longer on the back of a truck as an Opposition Deputy. His actions and deeds have an impact on people's lives and his inability to work with Ministers and to bring in a proper, sustainable budget has had a huge impact on their lives. Many people think the cuts have been reversed but that is not the case. There was a round of stealth cuts prior to the September announcement and this is having a major impact on people on a daily basis.

I would like clarity on the funding of primary care because the Ministers of State at the Department are saying their budgets have not been raided but, at the same time, the Minister announced, without even discussing it with them, that mental health and primary care funding would be used to plug the deficit.

Deputy Paul Kehoe: The Deputy should check that line out.

Deputy Billy Kelleher: If the Minister of State wants to contradict Deputy Shortall, the Minister of State at the Department of Health, he had better read the report in *The Sunday Times* and the letters on the Minister for Health's desk.

Deputy Paul Kehoe: Paper never refuses ink. The Deputy has gone over time.

Deputy Billy Kelleher: The Minister of State will have his time and he can pledge full loyalty to the inability of the Minister for Health to manage this important service for the people of this country. He will be promised full support by everybody but, behind him, many backbenchers have lost faith in him.

Deputy Timmy Dooley: I wish to share time with Deputy Mattie McGrath.

I second the motion. In doing so, I bear the Minister no ill will. I am contributing to the debate on behalf of the Fianna Fáil Party but also in recognition of the mess the Government has made in recent days and weeks of the delivery of health services in this country. I do not want to personalise this debate and it should not be personalised as being entirely the Minister's fault. I can best speak about what happens in the constituency I represent. I would like to take us back two years prior to the election.

Deputy Mary Mitchell O'Connor: The troika sneaked in two years ago.

Deputy Timmy Dooley: I will be happy to deal with issues the Deputy has in due course. The Minister and Taoiseach, who was then Leader of the Opposition, visited County Clare and

made firm commitments regarding the delivery of health services in the county. The Taoiseach talked about the retention of medical and cardiac services at Ennis General Hospital but, in recent weeks, the HSE recognised that they will not be maintained. The best the Minister has been able to do is provide two local Fine Gael Deputies with a firm letter saying no decision has yet been taken while our Labour Party constituency colleague has said he is aware that the medical services the Taoiseach promised would be retained will be taken from Ennis General Hospital and the cardiac services that have been part of the service delivery mix will be taken in due course, although not immediately.

What has changed significantly in the delivery of health services that requires the Minister to change the position he adopted prior to the election? As far as I am concerned, two things have changed. First, he has become Minister and the Leader of the Opposition is now the Taoiseach and, second, the HSE has been abolished by him. An effort is still being made by his backbenchers when they go on local radio and comment in the local newspaper to suggest the big, bad HSE is responsible for all of this. My colleague has outlined the position the Minister took and it is well known he forced out the chief executive officer of the HSE because he did not like what he was saying. He got rid of the corporate governance that existed, including the independent board and chairperson, giving himself effective control. It is hardly then fair that he should dump on the front line managers and staff delivering our health services and suggest that they are foisting these dreadful decisions on the people at large.

I was part of an Administration that had to accept that services at Ennis hospital had to be moved through the reconfiguration process.

Deputy Tom Hayes: Fair play to the Deputy; he defended them.

Deputy Timmy Dooley: I did because they were in the best interests of patient safety. However, I never hid behind the HSE. I never said, "We do not have the money and someone else caused the problem". I stood up unfettered and put the change forward because I thought it was the right thing to do.

Deputy Brendan Griffin: Fianna Fáil caused the problem.

Deputy Timmy Dooley: Will the Minister do the same? Will he give Government backbenchers the wherewithal to explain the tough decisions that have to be taken and to say it is not a budgetary issue if that is the case and if services have to be reduced in a particular area, that this is being done from a patient safety point of view or in the best interests of the patient? If that is not the case and it does not stand up to the clinical view of doctors, the Minister should say it is a budgetary issue and that he has prioritised some other aspect of spending or that other areas of public expenditure are more important to his Administration than the services he is reducing in particular hospitals. However, he should not try - as has his colleague sitting beside him - to hide behind the excuse that someone else caused all these problems and the Government is there to clear it up. The Minister still has a commitment to deliver an effective and required health service to the people. The Minister is now making these choices, which are not being made by people who are independent of the political system. The Minister has accepted control and is taking it.

The Minister should also explain a couple of points. When in opposition, his party referred negatively to the reconfiguration process, particularly in respect of the removal of acute surgery from smaller hospitals and its centralisation in the tertiary and main hospitals. As part of that

negative political campaign, the Minister's party supported certain catch cries along the lines that, in the case of Ennis General Hospital, were such services removed and were the bypass protocols put in place, 20 people per year would die. The Minister's back-bench colleagues put posters in their windows advertising that fact. The Minister should answer a couple of questions in respect of that particular campaign. If there was truth or validity to such arguments, then 33 people have died in the constituency I represent since the Minister took office. What has the Minister done to correct this and to row back on the decisions that led to those deaths? I do not believe that 33 people have died and I do not believe it was an incorrect decision to re-configure the surgical services. In copperfastening my view and given the benefit the Minister now has in sitting in the Department of Health as chief bottle washer, can he now confirm this was political rhetoric on the part of his colleagues? Can he confirm he fed into such rhetoric on a daily and weekly basis in this House? Can he confirm the then Leader of the Opposition and current Taoiseach fed into it when he visited County Clare and other counties, such as Roscommon, Sligo and so on, where he fanned the flames of fear in the minds of the constituents?

I object to the approach the Minister is taking for that reason. I saw a wry smile on the faces of the Minister and his colleagues when I first stated I did not bear him any ill will. I still do not but my support for a motion of no confidence in the Minister is aimed at the Government and the outrageous and cynical approach its parties took during the weeks and months before the election in an attempt to buy it. Moreover, they did not need to do so.

Deputy Noel Coonan: Deputy Dooley is losing it now.

Deputy Timmy Dooley: The public had lost faith in the previous Government and was going to vote for the parties now in government anyway. However, they could not get over which of them would be Taoiseach, that is, whether it would be Deputy Kenny-----

Deputy Noel Coonan: Deputy Dooley is losing it.

Deputy Simon Harris: There was no doubt about who would be leader.

An Leas-Cheann Comhairle: Order, please.

Deputy Timmy Dooley: Deputy Coonan now has Nenagh hospital to deal with and I note he made some important commitments in that regard. However, Fine Gael and the Labour Party were trying to outwit each other and on a daily basis, the ladder was not high enough for them to climb onto to wave the next slogan, regardless of what it did to undermine the good people who work in the health service. They simply could not resist the temptation to undermine what was and is a good service with problems and issues that must be resolved. However, they fanned that flame on a daily basis. They tried to hoodwink people and attempted to capitalise on people's genuine fears. In the case of many elderly people, people with sick children or people with a compromised immune system, their biggest worry is whether a bed will be available on the day on which they need it. In the Minister's case, he perceived that strain, exploited that weakness and captured a considerable amount of support on the back of it. It is right that the Minister now be made to answer for that in this House in an open and clear fashion. I do not like throwing political stuff over and back the floor of the Chamber. I want to stand up for the patients and people I represent. The Minister should explain to them how things have changed so dramatically in the intervening months and how, from the Minister's perspective, matters have so resolved themselves that it is not as bad as it might have seemed and does not have an impact on people's lives in the way he had presented it. I will wait to hear what the Minister

has to say. I have never been afraid to stand in support of tough decisions and if he wishes to continue in that vein, I will have no problem in supporting him with a reconfiguration process that is centred on the delivery of a quality health care system with the patient placed front and centre. If this is a hard one to explain politically, I have a history in so doing.

An Leas-Cheann Comhairle: I remind the Deputy that five minutes remain in the slot.

Deputy Timmy Dooley: I went before the electorate and they accepted me for it. It now depends on the Minister and his backbenchers to show a small amount of backbone, to stop hiding behind the facts and to come out and tell the truth.

Deputy Mattie McGrath: I thank Deputies Kelleher and Dooley for allowing me to share time this evening to speak on this motion, which I support wholeheartedly. Perhaps unlike the previous two speakers, who bear no animosity towards the Minister - neither do I - I have an issue with his handling of the HSE and the public, especially the underprivileged and those who are sick. Above all people in the world, the Minister, Deputy Reilly, who is a medical doctor of some renown-----

Deputy Mary Mitchell O'Connor: Yes, he is.

Deputy Mattie McGrath: ----- who has been trained and has taken the Hippocratic oath to protect people, must look into his conscience, if he has one, to see the pain, fear and trauma that is being inflicted on people. I refer to some who are in the services, others who cannot get in and in particular, to the elderly and the infirm. I also refer to the sickness that is being dispelled, with all the different kites that have been flown and all the threats that have been made, by people who are being well supported by their families, by the Carers Association and by some personal assistants and so on, who do tremendous work. Such people are happy, and as all Members are aware, being happy will make people healthier. However, they are all nervous now because they do not trust James Reilly.

Deputy Paul Kehoe: Deputy Mattie McGrath voted for it and then he jumped ship.

Deputy Mattie McGrath: They do not trust James Reilly.

An Leas-Cheann Comhairle: Please refer to the Minister.

Deputy Mattie McGrath: They gave up trusting the Chief Whip a long time ago. Why do they not trust James Reilly?

An Leas-Cheann Comhairle: Please refer to the Minister.

Deputy Mattie McGrath: I apologise. I of course refer to the Minister, Deputy Reilly. Many of his back-bench colleagues are sitting in the Chamber this evening to support him but many of them have told me quietly that he is new in the job, is not used to government and has only been in politics for a few years.

(Interruptions).

Deputy Paul Kehoe: Who was it? Deputy Mattie McGrath should name them out. He has privilege.

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An Leas-Cheann Comhairle: The Deputy should withdraw that please.

Deputy Mattie McGrath: I refer to when he undermines his own Ministers of State. Members had a discussion today on the Order of Business about how he will not delegate power to his own junior Ministers.

Deputy Paul Kehoe: The Deputy has Dáil privilege and should name them.

Deputy Mattie McGrath: What can one call him but a bully?

An Leas-Cheann Comhairle: Please refer to the Minister.

Deputy Mattie McGrath: In my classroom, that was called being a bully.

An Leas-Cheann Comhairle: No, please.

Deputy Paul Kehoe: The Deputy has privilege and should name them.

Deputy Mattie McGrath: Name who? They are all there.

An Leas-Cheann Comhairle: Sorry, Deputy.

Deputy Mattie McGrath: Deputy Kehoe as well. I met a lot of people from County Wexford in a different country last week and they named him as well.

Deputy Paul Kehoe: Had Deputy Mattie McGrath any bottle, he would name them.

An Leas-Cheann Comhairle: Please.

Deputy Mattie McGrath: The Minister promised so much.

Deputy Paul Kehoe: The Deputy has no bottle.

Deputy Mattie McGrath: He came to Clonmel - I know he was thinking of south Tipperary.

Deputy Paul Kehoe: The Deputy does not have the bottle.

Deputy Mattie McGrath: He ran through the hospital with such indecent haste that he nearly knocked people off the trolleys because he did not wish to meet or see them. Moreover, Deputy Tom Hayes, who is sitting behind the Minister, and I were to have this famous meeting with him on the conclusion of his visit. However, he jumped into his car and fled.

Deputy Tom Hayes: On a point of clarification-----

An Leas-Cheann Comhairle: Please. Through the Chair.

Deputy Mattie McGrath: Cromwell did not run as fast from Tipperary as did the Minister.

Deputy Tom Hayes: Hold on.

An Leas-Cheann Comhairle: No, order please.

Deputy Mattie McGrath: No, he went over the border. He has his stately mansion in Moneygall and his tax-free breaks.

Deputy Tom Hayes: On a point of order-----

Deputy Mattie McGrath: He has a nursing home.

Deputy Tom Hayes: On a point of order.

A Deputy: Deputy Mattie McGrath has the floor.

An Leas-Cheann Comhairle: Sorry, Deputy Hayes, resume your seat. The Deputy has two minutes left.

Deputy Tom Hayes: I have a point of order.

An Leas-Cheann Comhairle: Two minutes remain to Deputy Mattie McGrath.

Deputy Mattie McGrath: The Leas-Cheann Comhairle should add two minutes. Could the Deputy please-----

Deputy Tom Hayes: On a point of order-----

An Leas-Cheann Comhairle: If the Deputy-----

Deputy Mattie McGrath: What point of order? The Deputy is wasting time.

An Leas-Cheann Comhairle: Please.

Deputy Tom Hayes: I must make a clarification.

Deputy Mattie McGrath: Is that all?

An Leas-Cheann Comhairle: I will give the Deputy a chance at the end of this.

Deputy Tom Hayes: If the Deputy will allow me, by sitting for one minute-----

Deputy Mattie McGrath: I will stay standing as well. I will never stand for a Fine Gaeler. I will stand up to the Deputy any day of the week. Fine Gael promised everything and delivered nothing. It was the same way back in the 1920s. Deputy Tom Hayes is taking his time.

Deputy Tom Hayes: I wish to put on the record of the House-----

An Leas-Cheann Comhairle: Please, very quickly and briefly.

Deputy Tom Hayes: ----- that South Tipperary General Hospital was being closed down prior to the general election. However, a new Minister, Deputy Reilly took office and now we in south Tipperary have services enjoyed by no other county.

Deputy Noel Coonan: Deputy Mattie McGrath should answer that.

An Leas-Cheann Comhairle: Deputy, please resume your seat. Three minutes remain.

Deputy Mattie McGrath: He ran through it like a dose of flu and left the bugs behind him.

Deputy Noel Coonan: The Deputy should explain that.

An Leas-Cheann Comhairle: Deputy, through the Chair.

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Deputy Mattie McGrath: That is total nonsense. I want to correct that fallacy, which the Deputy probably dreamt in a dream, at the think-in in Castlebar or up Croagh Patrick or wherever else he went. While I do not know where he went, the Deputy should say a few more prayers and should return to meet the people in south Tipperary who are ringing him day and night. Members know this but the Deputy is hiding behind whatnot.

Deputy Paul Kehoe: This is Ballymagash stuff.

An Leas-Cheann Comhairle: Please.

Deputy Mattie McGrath: The problem is not with the Government but with the Minister, Deputy Reilly. He does not have time to deal with the health portfolio because he is too busy fighting the wars on his property portfolio.

Deputy Simon Harris: The Deputy is too busy collecting the fivers.

An Leas-Cheann Comhairle: No.

Deputy Mattie McGrath: That is the fact. Whether it is a nursing home in Carrick-on-Suir in which he has a share and which, incidentally, HIQA forgot to visit for three years-----

An Leas-Cheann Comhairle: Deputy, we are not personalising the debate.

Deputy Paul Kehoe: Deputy Mattie McGrath has his own problems.

Deputy Simon Harris: He should give back the fivers.

Deputy Mattie McGrath: Today, it was revealed he did not pay the architects who designed it. How could it be right, whether it is a portfolio in Offaly or whether it is all the different portfolios he has in Dublin? He does not have time to look after the ordinary people.

8 o'clock

An Leas-Cheann Comhairle: I ask the Deputy to resume his seat. Deputy Mattie McGrath has one minute left and I do not want any more personalised comments. I want order, please.

Deputy Brendan Griffin: The Deputy is an absolute disgrace.

Deputy Mattie McGrath: He does not have time to look after the people, only attack the front line services in St. Anthony's, St. Patrick's, South Tipperary General Hospital and many others.

Deputy Paul Kehoe: The Deputy is a disgrace.

Deputy Mattie McGrath: Mental health patients were told they were to go to Nenagh and now they are ending up in Ennis.

Deputy Paul Kehoe: The Deputy is a disgrace.

An Leas-Cheann Comhairle: I ask the Deputy to conclude his remarks in order to allow Deputy McConalogue to speak.

Deputy Mattie McGrath: The Minister is peddling mistruths - he simply does not have time.

Deputy Paul Kehoe: The Deputy is a disgrace to politics.

Deputy Mattie McGrath: I ask the Taoiseach to relieve the Minister of his duties for the moment in order to allow him to sort out his business affairs and to try to ensure that HIQA is fair so that when it comes to Carrick-on-Suir, it visits every nursing home and does not pick one over another.

Deputy Brendan Griffin: The Deputy is out of order completely.

An Leas-Cheann Comhairle: The Deputy's time is up. I call Deputy McConalogue.

Deputy Mattie McGrath: It could not be that my time is up - they interrupted me with their shouting.

Deputy Paul Kehoe: The Deputy is a disgrace.

An Leas-Cheann Comhairle: I call Deputy McConalogue.

Deputy Paul Kehoe: It is no wonder politics is in the gutter because of the likes of Deputy Mattie McGrath.

An Leas-Cheann Comhairle: Minister, please. I call Deputy McConalogue.

Deputy Charlie McConalogue: I support Deputy Kelleher in introducing this crucial motion. I do not wish in any way to personalise this because that is not what the public is looking for, nor is it what any of us in this House wishes to do. Health at any time is one of the most essential services to which citizens need access. At a time when we are facing cuts in our budget the Government's number one priority must be to ensure that services are protected. Up to 18 months ago the Minister was on that side of the House as the Opposition spokesperson on health. He talked the talk in terms of what he would do if he became Minister. Along with his now Government colleagues, he made several promises about what they would do if the public elected them to office. Memorably during the general election, the Taoiseach stood in front of a campaign meeting on a street in Roscommon and promised that, should he be elected to office, there would be no change in the status of the emergency department in that town's hospital. We have seen where that promise has gone. We have also seen what has happened to the stance the Minister held when in opposition.

The Fine Gael Party promised universal health insurance were it elected to office. Instead, 55,000 people gave up private health insurance last year and are now dependent totally on the public health system. Instead of the reforms the Minister promised, with money following the patient, hospitals across the country are being asked to make cuts regardless of how efficient they are or the number of treatments they carry out.

On coming into office, one of the Minister's first actions was to abolish the HSE board. That was followed by the CEO moving on and being replaced by someone of the Minister's choosing. One of the problems with the lack of progress in reform of the health service is, unfortunately, the Minister's leadership. That has never been more apparent than when some of his ministerial colleagues, including his departmental colleagues, refused to express confidence in him. A year and a half into government and with three and a half years left in the most crucial portfolio, colleagues are failing to express the faith in him that he requires in order to carry out the types of reforms that are needed. Unfortunately, the only option is this motion of no confidence and for the Minister to consider whether he will be in a position to continue in this role

and deliver the reform and change that is needed.

The HSE was asked to put together a service plan for this year which we did not see until the end of January. Then the HSE regions were asked to put together regional health plans which were not signed off until the middle of March. How are we supposed to be able to plan a health service for a year when the plans for the service itself are not agreed until half way through the year? When the Minister prepared the budget in December he premised it on many things which he was then unable to achieve and did not follow through on. There was supposed to be a saving of €124 million through a new pricing agreement with the industry. Unfortunately, in June, this was described as unachievable by the outgoing HSE CEO, Mr. Cathal Magee.

It was also assumed that there would be an additional €140 million saving from increased private income but that assumption was described as undeliverable by Mr. Cathal Magee in June. Reducing agency costs by 50% was a further target which was again described as unrealistic by the former HSE CEO. Given that the budget introduced by the Minister in December was based on figures that were unachievable, by half way through the year the HSE was facing an end-of-year deficit of €500 million. What was the Minister's reaction to that? Instead of taking leadership of the HSE, the board of which he had abolished, the Minister's reaction was to send the HSE's officers out to announce cuts a few weeks ago while he went into hiding as opposed to taking responsibility. Unfortunately, that was a reflection of our health policy in the past year and a half under the Minister's stewardship. This was followed by members of the Government coming out and saying they were unaware of the cuts and in many instances refusing to express confidence in the Minister for Health. How does he plan to continue to provide the leadership to deliver the reform we require given the situation in which he finds himself now?

I would like to outline the type of reform that is required in the region I know best and, in particular, in the hospital I know best, Letterkenny General Hospital, where we have seen real examples of the Minister's failure to introduce a policy whereby money follows the patient. Its spending has gone from €105 million two years ago to a budget as required by the Minister of €92 million this year. That takes no account of the number of treatments carried out or how efficient the hospital is or the impact any cuts the Minister might bring in will have on services. However, other hospitals, which might not end up being nearly as efficient, are being asked to cut their budgets by similar amounts. These are hospitals that may have capacity. No realistic review of what is being delivered for the money being put into the service is being carried out. There is no correlation between the funding cuts requested by the Minister and the treatments that may be delivered on the ground.

The Minister took over leadership of the HSE and got rid of the board which was responsible for it in the past. Yet he seems to have lost the ability to lead and the confidence of his colleagues to do the very important job of delivering real health service reform. It is time the Minister reconsidered his position and that the Government reconsidered what type of leadership is needed to deliver the type of health service required by the people.

An Leas-Cheann Comhairle: The next speaker is the Minister for Health, Deputy Reilly, whom I understand is sharing time with Deputies Buttimer, Rabbitte, White, Corcoran-Kennedy and Walsh. The Minister has 20 minutes and each of the other Deputies has two minutes.

Minister for Health (Deputy James Reilly): I move amendment No. 2:

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

“commends the Minister for Health, James Reilly T.D., for the progress to date on the reform of our health services and for the effective manner in which he is managing resources in a difficult budgetary and economic environment, placing the concerns of patients at the centre of the healthcare system;

endorses the specific measures that the Minister has taken to improve the performance of the service delivery system and to strengthen the overall governance and accountability of the system; and

supports the Minister in his determination to move towards a health system that provides access based on need rather than income, underpinned by a strengthened primary care sector, a restructured hospital sector and a more transparent ‘money follows the patient’ system of funding that will be supported ultimately by Universal Health Insurance.”

This motion could be described as political opportunism because that is exactly what it is.

Deputy Mattie McGrath: The Minister knows all about that.

Deputy Dara Calleary: He wrote the book.

Deputy James Reilly: It is the empty noise of a party that ran out of ideas and idealism a long time ago, a party that has damaged each and every family in this country because of the economic collapse over which it presided, a party that sold our nation down the river.

It is a bit ironic to be charged with poor governance by a party that left this Government with the biggest budget deficit in our history; that, through collective incompetency, lost Ireland its economic sovereignty and damaged our credibility and international reputation; that gave new meaning to the brown envelope; and seriously discredited our system of government.

Deputies Kelleher and McConalogue have bizarrely promoted the idea that I went into hiding when the cuts were announced. I was on television the very next day-----

Deputy Timmy Dooley: Sitting on it, I would say.

Deputy James Reilly: -----reassuring people that they were not going to lose service but that reassurance was lost in all the noise from the Opposition-----

Deputy Dara Calleary: From the Labour Party. Deputy Keaveney is not a member of Fianna Fáil.

An Leas-Cheann Comhairle: Order, please.

Deputy James Reilly: -----who went on to cause so much worry that people felt it necessary to sit outside Dáil Éireann overnight. I am truly sorry that I was not able to communicate clearly to them the fact that they would not lose their service.

Deputy Mattie McGrath: Why did the Minister not go out to them?

Deputy James Reilly: A number of people have said that I abolished the HSE board and the HSE. First, the board is to be abolished but is not yet abolished and, second, the HSE has not been abolished.

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Deputy Timmy Dooley: The Minister is looking for a fall-guy.

Deputy James Reilly: Deputy Dooley has contended that 33 people have died because reconfiguration did not take place. I would be happy if he could provide me with the details of what happened.

Deputy Billy Kelleher: The Minister said they would die.

Deputy Timmy Dooley: On a point of clarification-----

An Leas-Cheann Comhairle: No.

Deputy Timmy Dooley: The Minister has misrepresented what I said.

Deputy James Reilly: I am going to leave that now.

(Interruptions).

Deputy James Reilly: A Leas-Cheann Comhairle-----

Deputy Mattie McGrath: I was told to sit down earlier.

Deputy Finian McGrath: Where is Deputy Tom Hayes now.

An Leas-Cheann Comhairle: Deputies, please. This is a very limited debate.

Deputy James Reilly: I am not going to spend the evening-----

Deputy Timmy Dooley: The Minister has asked for clarification.

An Leas-Cheann Comhairle: The Deputy can send it on to him. He may not do so now.

Deputy Mattie McGrath: The Leas-Cheann Comhairle is not being equal.

An Leas-Cheann Comhairle: Deputy Dooley can clarify the matter in his own time.

Deputy Mattie McGrath: No.

Deputy Timmy Dooley: The Minister has asked for clarification.

Deputy Mary Mitchell O'Connor: Sit down.

Deputy Mattie McGrath: How come I was stopped and told to sit down?

An Leas-Cheann Comhairle: Deputy Dooley is sitting down.

Deputy Mattie McGrath: Why was I told to sit down? We should have equal play here.

An Leas-Cheann Comhairle: That is enough.

Deputy Mary Mitchell O'Connor: Could we hear the Minister?

Deputy Timmy Dooley: On a point of order-----

An Leas-Cheann Comhairle: I will allow a point of order but not a speech.

Deputy Timmy Dooley: On a point of order, am I correct in saying that if the Minister in the course of his contribution requests a speaker to provide information and gives way that person can provide the information? Is that not within the rules of the House?

An Leas-Cheann Comhairle: That is not a point of order. If the Minister wants clarification I presume the Deputy can provide it later but not now.

Deputy Timmy Dooley: I am ready to do so now.

An Leas-Cheann Comhairle: No. The Deputy has already spoken.

Deputy James Reilly: A Leas-Cheann Comhairle, I presume I will be allowed the extra minute speaking time which the Opposition has taken up.

An Leas-Cheann Comhairle: I call the Minister.

Deputy Mattie McGrath: This is totally unfair.

Deputy James Reilly: I am not going to continue to engage here tonight in the normal political rhetoric that is the style across the way.

Deputy Mattie McGrath: The Minister set it up.

Deputy James Reilly: Rather I am going to deal in facts and measurable outcomes.

Deputy Dara Calleary: That is a change.

Deputy James Reilly: I would like to say at this stage - to paraphrase Bill Clinton - what Fianna Fáil is giving out about is the speed with which this Government is clearing up the mess it made.

Deputies: Hear, hear.

(Interruptions).

Deputy James Reilly: Deputy Martin, who is not here tonight, is the prime designer in chief of this mess. Let us look at what happened. The health budget grew in the 14 years of Fianna Fáil coalition Governments by more than 320%, from €3.6 billion to €15 billion. During his time as Minister for Health, Deputy Martin spent €13.8 million on management consultancy.

Deputy Mattie McGrath: Who negotiated for the GPs?

Deputy James Reilly: With all that advice and increased funding one could have expected balanced budgets. Instead, what we find is that during his tenure as Minister for Health, Deputy Martin still managed to over-shoot his departmental budget and had to be bailed out with supplementary budgets amounting to €664 million. Between 1997 and 2010, Fianna Fáil's period in office, €2.2 billion was spent on supplementary estimates. Deputy Martin as health Minister during the best economic times could not control the health spend yet he has the nerve to criticise those who have controlled it in the worst of economic times.

Deputy Dara Calleary: How does the Minister define "control?"

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Deputy James Reilly: The challenges besetting our health system are a direct result of Deputy Martin's fatally flawed budgetary and service planning processes.

Deputy Dara Calleary: That is what Deputy Shortall said about the Minister.

Deputy James Reilly: A recent external independent review highlighted that the governance and control framework in the HSE lacks clarity, is not properly embedded and does not enable effective control to be exercised over voluntary providers. The financing and operating models are tied to antiquated health board structures and there are significant inconsistencies in approaches to analyses and financial performance management and data collection.

Let us not forget that Deputy Martin was the designer in chief of a new health service where he created unaffordable, unsustainable and grossly inefficient bureaucracy. Instead of getting the normal efficiencies that one gets from merging 11 different companies and reducing overheads, we got all the idiosyncratic inefficiencies of 11 different health boards. That still haunts us to this day-----

Deputy Timmy Dooley: This Government is well haunted at this stage.

Deputy James Reilly: -----in terms of financial reporting mechanisms, different ways of counting things, different ways of coding things, information that is nigh on impossible to analyse.

All the focus was on inputs instead of looking for outputs and examining outcomes for patients and applying best practise. I have put in place a financial improvement programme and new performance management arrangements are in train. The new finance improvement programme will transform the way financial management is handled across the health system working in partnership with all in the sector, supporting capability and capacity building.

Patients, not inputs or money, are the priority.

Deputy Dara Calleary: Hear, hear.

Deputy James Reilly: Patients and what happens to them is what really matters.

Deputy Mattie McGrath: What about the carers?

Deputy James Reilly: I have often said that no matter how elegant the design or how eloquently it is delivered, if it does not improve patient outcomes it is for nought.

When I became Minister for Health I found systems that do not communicate with each other; no analysis of problems - merely descriptions of them---

(Interruptions).

Deputy James Reilly: -----and a history whereby my predecessors were informed of budget overruns. It was all about lamh amach agus airgead isteach---

Deputy Mattie McGrath: The Minister knows all about that.

Deputy James Reilly: -----not why have we an overrun and what are we going to do about it. Deputy McGrath was offered an opportunity by the Chief Whip to name the people he says

do not support us.

An Leas-Cheann Comhairle: No, Minister please.

Deputy James Reilly: The Deputy used the opportunity and privilege of the House to make allegations against me.

Deputy Mattie McGrath: The Minister should look behind him.

(Interruptions).

Deputy James Reilly: The Deputy does not have the courage of his convictions.

(Interruptions).

An Leas-Cheann Comhairle: Order, please.

Deputy Peter Mathews: Excuse me, I would like to hear the Minister.

An Leas-Cheann Comhairle: The Minister has the floor.

(Interruptions).

An Leas-Cheann Comhairle: Order, please.

Deputy James Reilly: I am primarily a doctor, a late-comer to politics but I do know one thing.

Deputy Mattie McGrath: I have always said that.

Deputy Patrick O'Donovan: Give it a rest.

Deputy James Reilly: Can Deputies stop interrupting?

An Leas-Cheann Comhairle: Deputies please, there is no need for this. Deputies are completely out of order.

Deputy James Reilly: There is an old maxim which Deputy Mattie McGrath should remember: "Empty vessels make the most noise."

Deputies: Hear, hear.

Deputy Mattie McGrath: The Minister is making a lot of noise.

An Leas-Cheann Comhairle: Order, please.

Deputy James Reilly: As a doctor, one does not only look at the signs and symptoms, one must treat the cause of the problem. One has to analyse the cause and must have one's diagnosis before one starts treatment. That is what we have done. The special delivery unit headed up by Dr. Martin Connor analysed why we have overcrowding in our emergency departments, in

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particular every January. Every hospital is different. We are successfully tackling the causes of overcrowding on a site-by-site basis.

Deputy Mattie McGrath: The Minister promised there would be no more waiting on trolleys.

Deputy James Reilly: We did not allow that to happen this year. We did not have 569 patients on trolleys in January 2011, which is a little more than 18 months ago. The special delivery unit in conjunction with the clinical programmes and front line staff knew what the diagnosis was and prescribed the treatment between them and the consequence of that today is that despite €1.75 billion being taken out of the system and another €750 million being taken out of it this year, we have 20% fewer people lying on trolleys, over 13,000 fewer people so far this year. That is a fact and something that is measurable. Those are INMO figures.

To guarantee the integrity of the count, we accept the figures of the INMO, and we go further, we measure it three times a day and now we can predict what is going to happen and take action.

Deputy Mattie McGrath: Send them home.

Deputy James Reilly: That is something that was not possible before and something which the Members opposite and their Government failed to do in ten years.

At this point, I would like to express my appreciation to Dr. Barry White for his considerable efforts in his term as a director of the clinical care programmes. He is now returning to his clinical consultant post but I am pleased to announce that he will continue to work closely with me and my Department. The clinical programmes have three main objectives - to improve the quality of care, to improve access and to improve cost-effectiveness. They will do this by modernising the way hospital services are provided across a wide range of clinical areas.

Let us look at what we have done since the Government came to power a mere 18 months ago. There has been a 20.6% year on year reduction in the number of patients waiting on trolleys. There has been a reduction from an all-time high of 569 patients on trolleys on 5 January 2011 to 139 on 7 September 2012, representing a 75% reduction. Overall surgical waiting list numbers have decreased in the last year by 7%, while every time band has seen a substantial reduction with those waiting over 12 months down by 85%, which the Taoiseach mentioned earlier today, those waiting over nine months down by 63%, and those waiting over three months down by 18%.

The Health Service (Governance) Bill 2012, which has been published, provides for the abolition of the HSE board and its replacement with a new directorate and governance structures. A director general designate has been appointed and is already taking action to reform the system. The Health (Pricing and Supply of Medical Goods) Bill 2012 is before the Seanad and will provide for reference pricing and reductions in generic drug prices. Restrictions on GPs wishing to become contractors under the GMS have been abolished. A programme for the development of 20 primary care centres, using public private partnerships, has been established. The development of chronic disease management programmes are in train, particularly for the management of diabetes, which is at an advanced stage.

I have been particularly concerned about the outcomes for stroke victims and we now have a programme to save lives and improve the quality of life for patients. When fully implemented

we are confident it will save one life per week and avoid serious disability for three more people every week.

The new 40 bed facility for cystic fibrosis patients at St. Vincent's University Hospital has opened removing the dread of cross infection from this most vulnerable group of patients.

Deputy Paul Kehoe: Hear, hear.

Deputy James Reilly: Ongoing progress is being made in introducing new models of care across all service delivery areas to treat patients at the lowest level of complexity and provide quality services at the lowest cost. The restructuring of the hospital sector has commenced and two pilot hospital groups have been established at Limerick and Galway.

Specific work has been undertaken to enable the introduction of "money follows the patient" funding methodology. This means a patient-centred service. If no patient is treated, no money will be paid. This saved €6m in expenditure on orthopaedic services alone.

Complex negotiations are progressing with the Irish Pharmaceutical Healthcare Association to further reduce the price of certain medicines and they will conclude shortly. Ongoing progress has been made in mental health services in the implementation of A Vision for Change, with particular improvements in child and adolescent mental health services. Advances have been made in the care of older people with over 22,000 people in receipt of financial support for long-term nursing home care. A catch up human papilloma virus, HPV, vaccination programme for girls in sixth year of secondary school has been introduced and 48,000 children have been vaccinated to date.

An improved risk equalisation scheme for private health insurance will take effect from 1 January 2013. This will be central to the effective working of a community rated health insurance market. Some €125 million will be collected from the health insurance system by the year end following intensive discussions.

The clinical programmes freed up 70,000 bed days last year. That is a real saving of €63 million. The figure in that respect will be even greater this year - it will be in the region of €90 million. A new clinical programme is being rolled out currently in regard to transitional care for older people in order that those who are in this category will be admitted to a ward, will have their medical problems dealt with in the first 48 hours and will commence their rehabilitation immediately, moving on to an intermediate facility if their rehabilitation requires that and moving into a transitional facility if they need long-term care but the location of their choice is not available to them.

Real people have benefited from these achievements and the Government's reform programme. These are real people. It could be your daughter, my brother, his sister, her mother. There are still too many people waiting and we want to go further and we will.

We now have for the first time, de facto, 24-7 rostering, meaning that consultants will be rostered five days out of every seven, including Saturdays and Sundays. They will be available at night. This will further shorten the stay of patients as we have senior decision makers available 24 hours a day and I believe this will also result in fewer tests saving more money as well. It will also reduce the need for non-consultant hospital doctor overtime. It will also save us some 220,000 bed days at €900 a day. All this will save, conservatively, €200 million in the running of our health services but, most importantly, it will improve the quality of care avail-

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able to our citizens and will mean that more patients can be treated more quickly. That is the one thing I undertook to do, to change a self-serving system back to a patient-centred service.

I wish to state that in excess of €310 million will be spent on home help and home care packages this year. I want to assure the House that those in need will continue to receive the required service.

We have travelled along way a long that road but we have a long way to go. The new consultant arrangements are an important step on that road and I want to thank all those involved for the leadership they have shown in this regard. I have to thank all the clinicians, managers and support staff for their hard work in ensuring that all this has been possible despite the fact that 4,000 people have left the health service in the last year and despite the fact that we are operating under much reduced budgets. To all those who said to us last January and February that the health service would collapse in chaos-----

Deputy Mattie McGrath: It has.

Deputy James Reilly: -----at the end of that month, not alone did we maintain a safe service, we have improved it as I outlined. As an Irishman I believe that what makes Ireland a great country is not the wonderful landscape, the rivers and the green fields but the people, their resilience, compassion and their capacity for innovation. I similarly believe the health service will be one of the best in the world because of the great people working in it. It is my honour and privilege to serve as Minister for Health and to be a part of this historic change in our health service - change that is for the benefit of all our citizens. I intend to continue in this role, to continue the reform and to always put the patient first. I commend the Government's amendment to the motion to the House.

Deputies: Hear, hear.

Deputy Jerry Buttimer: I second the amendment to the motion. I ask Members to cast their minds back to the health committee a number of years ago when we discussed the Travers report when a certain Minister was asked what he knew or who was responsible and his line of response was "I had no responsibility; I was not responsible." That was Deputy Micheál Martin, the then Minister for Health. Tonight we contrast that response with a Minister, in whom I have confidence, who has commenced the process of reform and who is delivering a patient-centred and a patient-first health system.

The motion before us is a cynical political ploy by a party bankrupt and bereft of ideas and it ill behoves its members to come in here and speak on this after 14 years in government when they gleefully abandoned the Department of Health. They rubbed their hands and left the former Minister, Mary Harney, in there. They would not even take it on. They refused to go in there.

This motion, at its core, is about how we can bring reform to our political system and to our health system. Deputy Martin promised an end to the Punch and Judy politics but he has not stayed true to that line - he has abandoned it. His party abandoned it for the last 18 months and it abandoned it during the 14 years it was in government. The Galway tent and the friends act is over. There is a new politics. This Minister will drive reform, and he will do so with the people who work diligently in our health service.

Deputy Timmy Dooley: Does the Deputy believe that?

Deputy Mattie McGrath: He does not believe that.

Deputy Jerry Buttimer: These are the people who, with this Minister, will show us that we have a health system that will be fit for purpose and that will not be in the hands of the vested interests.

Deputy Timmy Dooley: Who told the Deputy that?

Deputy Jerry Buttimer: This is a Minister who has commenced the process of reform. The reform, as he said in his contribution, is evidenced in every item since he became Minister. I challenge the naysayers to look at what has been delivered under the auspices of the Croke Park agreement. Since last February we have not seen the end of the health system. There has been a reduction in the number of people on trolleys. We have seen more services being delivered.

(Interruptions).

Deputy Jerry Buttimer: We have not seen chaos in the city of Cork as alluded to by Deputy Micheál Martin last week, or Deputy Kelleher, because the figures in terms of reconfiguration were started by him. They proposed that treatments be removed from the orthopaedic hospital to the south infirmary. They moved BreastCheck from the south infirmary. They started that process, and they cannot hide behind the decisions any longer because they waved the flag. They wrote the prescriptions and they have now seen what happened in respect of that. The gentlemen opposite should get real about it because their policies have failed. Their ways did not work. They may have forgotten that their ways have bankrupted our country. They are the people who are the cause of where we are today, and they should never be allowed to forget that.

(Interruptions).

Deputy Jerry Buttimer: This Minister and this Government will put patients first, and that is what the health system must be about. It must be about the patient who goes in the door of the hospital. It is not about the money in one's pocket or the colour of one's political affiliation. It is about a Minister who will deliver, and if he does not deliver in four years we should have another debate about it but let us have the courage, for once in our lives, to take on the vested interests and the naysayers who have failed this country.

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I am here to express my support for and my confidence in the Minister for Health and the huge challenge that he has been left by the outgoing Fianna Fáil Administration.

For more than ten years the people opposite failed in the best of times to deliver a quality health service. In times of plenty they had the unique distinction of making the situation worse. I cannot believe, having listened to all the pious clap-trap over the past number of months about Fianna Fáil not being interested in the old Punch and Judy politics or opposition for opposition's sake and that it will not play games, that its members can come in here with this codology, authored by the man who created the problem, the man who created the Health Service Executive, HSE. If I were Deputy Micheál Martin and I had done to this country what he did to this country, and to the health service in particular, I would crawl under a stone in the Burren and start to commune with nature for the rest of time I would be around. It is appalling. The

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Minister in his contribution quoted Bill Clinton to the Republicans when he said: "Remember. What you are complaining about is the speed that it takes us to clean up your mess." That is the situation that we have been left with.

We should look at the question of access for patients, which is the critical issue. We should look at the trolley count. We should look at the fact that today, 18 September, the trolley count is 223 trolleys. That is 223 trolleys too many but half of what the figure was last year, and a great deal less than half of the 569 that Mary Harney brought it to when she was propping up the Fianna Fáil Government that brought this country to the edge of the precipice and threatened us with ruin.

The Minister is attempting to deal with this challenge in terms of access for patient care, in terms of resources, and in terms of laying the foundation for a universal health insurance system in this country. He deserves support in that challenge and not the kind of hypocrisy-----

Deputy Timmy Dooley: He should have a chat with the Minister of State, Deputy Shortall.

Deputy Pat Rabbitte: -----from the people who created the mess coming into this House on day one of the new term-----

Deputy Mattie McGrath: Where is the Minister of State, Deputy Shortall?

Deputy Pat Rabbitte: -----with the same old codology about a motion of no confidence that they know has no prospect of success in this House.

(Interruptions).

Deputy Pat Rabbitte: I am very sorry, a Leas-Cheann Comhairle. I would have liked more time because I am only getting off the runway.

Deputy Alex White: I am very happy to support the Government amendment expressing confidence in the Minister for Health. When one listens to this debate as I have done, like others, for the past hour one tries to work out the basis for the motion because if people-----

Deputy Timmy Dooley: Ask the Minister of State, Deputy Shortall.

Deputy Alex White: -----from the Fianna Fáil Party or anywhere else came in here and had objections or criticisms on policy grounds of what the Minister was doing I would take them seriously. I would have taken Deputy Kelleher seriously. I would have even taken Deputy Dooley seriously-----

Deputy Timmy Dooley: I greatly appreciate that.

Deputy Alex White: -----if he had come in here and set out the basis upon which, on policy grounds, he had objections to what the Minister for Health and the Government are doing. That has not occurred, not once.

The basis for the Fianna Fáil motion of no confidence in the Minister for Health, as far as I can define it, reduces itself to three objections.

Deputy Billy Kelleher: We only have three hours.

Deputy Alex White: One is in regard to the savings announcements that were made last week or the week before that Deputy Kelleher complains about, justifiably in some respects. It is not clear from him whether he has a difficulty with the announcements themselves or with the fact that it was clarified afterwards that some of those matters were not going ahead. He cannot make up his mind which it is but he wants to make that the basis of his attack here this evening.

The second, which is the aspect that is quite remarkable and which comes up repeatedly, and on which the Minister, Deputy Rabbitte, is absolutely right in regard to the approach taken by the Fianna Fáil Party, is that they want to re-run the election. The general election was lost spectacularly by the Fianna Fáil Party. It has nobody else to blame. It does not have the Minister, Deputy Reilly, on the back of a truck or anywhere else, to blame for the catastrophic loss by the Fianna Fáil Party of that election. There is no use trying to re-enact the election and claim that this, that or the other was said. Of course it is true. I will be honest in this House as a backbencher and strong supporter of this Government and say that not all of the commitments given in the course of the election have been possible to carry through as yet but this Government is keeping faith with the people.

Deputy Mattie McGrath: How many bondholders were burned?

Deputy Alex White: This Government is keeping faith in terms of what was said in the general election. This Government will bring about reform in the health service with no thanks and no support, which we understand and expect, from those on the opposite side. I support the Government amendment.

Deputy Marcella Corcoran Kennedy: This motion by Fianna Fáil, and the Sinn Féin amendment, is a charade. The Fianna Fáil motion states that Dáil Éireann has no confidence in the Minister, Deputy Reilly, because of his inability to deliver on his budget commitments. That is a bit rich coming from Fianna Fáil, the party which, when in government, had Deputy Martin as Minister for Health and Children. He played a key role in establishing the HSE and allowed the HSE to develop the habit of obtaining more and more taxpayers' money by way of a supplementary budget each year. As the architects of the HSE it is no wonder Fianna Fáil Members are so committed to its retention. However, it is a disastrous legacy.

The abolition of the health boards diminished accountability because local and national public representatives are shut out from an oversight role. No effort was made to reform the health system to meet the needs of the modern world. The opportunities of the so-called Celtic tiger were squandered.

This is the party that led our country into a fiscal quagmire, aided and abetted by the Progressive Democrats, the Green Party and select Independents. The fact that we no longer have fiscal independence is due to their failed policies. Fianna Fáil bankrupted the State and surrendered Ireland's economic sovereignty to the troika. It signed up to a deal that now requires huge budget cuts in the Department of Health. They are now attacking the Minister, Deputy Reilly, who is genuinely trying to clean up the mess.

Sinn Féin's amendment refers to the Minister, Deputy Reilly, being inept but nothing could be further from the truth. This Government has been tasked with completely overhauling the way we deliver our health services and the Minister, in his short time as Minister for Health, can reflect already on several successes. Speakers have mentioned the fewer people on trolleys in the first six months of this year in comparison to last year since the establishment of the special

delivery units even though there has been an increase in patient traffic. The new drugs reference pricing legislation is already in the Seanad. It will be law by October, and the Minister will be in a position to reduce the price of generic drugs, making annual savings of between €50 million and €60 million.

Consultants are often referred to as the linchpins of reform. A breakthrough was reached between hospital consultants and the HSE at the Labour Relations Commission last week. Major progress has been made in the areas of rostering and work practices, and by moving to a seven day rostering system the Minister estimates that we can save up to €200 million a year while better meeting the needs of patients.

An Leas-Cheann Comhairle: I must call the Deputy's colleague, Deputy Walsh.

Deputy Brian Walsh: I welcome the opportunity to express my confidence in the Minister for Health. This debate, to which I have listened, has been described by some of the Members opposite as being important and crucial. Let us be very frank about it: this is nothing but an absolute waste of valuable Dáil time. The motion was tabled by a party that has, on occasion, complained about not having enough time to debate legislation. The motion is nothing but populist political opportunism on the part of Fianna Fáil. The irony that the motion is being brought forward by Fianna Fáil will not be lost on the people. It seems that it is the leader of the Fianna Fáil party who is driving this agenda and who announced that the motion would be tabled initially. It appears that, 18 months since the general election, the trauma of the drubbing that Fianna Fáil received is still having an effect on its members' memories.

Deputy Martin was the man who created the HSE and all the bureaucracy that surrounds that agency. Today the Taoiseach gave an example of bureaucracy in the HSE that he came across in recent days in his constituency. Deputy Martin was part of an Administration that brought this country to near penury. His complete mismanagement of the nation's finances and his complete incompetence at the Cabinet table are precisely the reasons Deputy Reilly, the current reforming Minister for Health, has been forced to introduce cuts of almost €1.75 billion since assuming office. Notwithstanding the budget cuts he must implement, he is actually achieving results. The Minister listed them himself and I will not repeat them because I do not have time. I would love to repeat what he said earlier.

It is not simply members of the Labour Party, Ministers or Fine Gael Deputies who are saying what I am saying; independently minded people are also saying it. People such as Mr. Liam Doran of the INO, whom one would not usually expect to endorse politicians, said in unambiguous language that the Minister is achieving far more with fewer resources. In my constituency in Galway, I have seen ample examples of what has been achieved. We now have an eminent professional in the field of health care at the helm of the Department of Health. He has devoted his entire working life to helping patients and working with them. He entered politics with the singular goal of improving a service he knows inside out. The measure of the support among both parties in government is such that their members are allowed only two minutes each in which to speak in this debate. I have complete confidence in the Minister and echo the sentiments expressed by my colleagues.

Deputy Caoimhghín Ó Caoláin: The Sinn Féin Deputies have no confidence in the Minister for Health, Deputy James Reilly, and we deplore the Government's attacks on our public health services. We roundly reject its fundamentally flawed and inherited health policy. We will be voting accordingly at the end of this debate.

Ar dtús, molaim an leasú in ainmneacha na dTeachtaí ó Shinn Féin. Ní leor an rún ó Fhianna Fáil, páirtí a chur ciorraithe ar sheirbhísí sláinte i bhfeidhm nuair a bhí siad sa Rialtas. I commend the amendment in the name of the Sinn Féin Deputies. The motion in the name of the Fianna Fáil Deputies has no credibility. Fianna Fáil was the party that imposed cut after cut to the health services, closing not only services but effectively closing hospitals. I know this only too well.

This debate was prompted by the €130 million in further cuts announced by the HSE on 30 August. This reduction was on top of the over €750 million taken out of the health services in budget 2012. This followed a cut of €1 billion, taken from the health budget for 2011. Among the cuts announced on 30 August were further restrictions on overtime and the use of agency staff. Additional overtime and the hiring of agency staff were made necessary by the ongoing recruitment ban. Despite their vocal opposition to it prior to the general election, the Minister and his Fine Gael and Labour colleagues have not lifted that ban. This is a very important and central issue in our considerations. We warned that such cuts would compromise front-line services, and this is exactly what is happening now. That is the reality in which we are today.

The lead clinician in the department of anaesthesia at Our Lady of Lourdes Hospital, Drogheda, Dr. Michael Staunton, makes clear in a letter sent to the HSE in the past week that the cuts will have a very serious effect on the intensive care unit and operating theatres in his hospital. In both cases, services will be significantly reduced for patients. Dr. Staunton states with authority that, among the list of effects, the cuts may have the effect of “increased morbidity and mortality of critically ill patients”. The cuts in the hospital in Drogheda will mean the closure of 16 inpatient beds, one operating theatre for five to six weeks, day ward beds at night and at weekends and one intensive care unit bed. They will mean reduced opening hours for the acute medical assessment unit and the closure of beds in Louth County Hospital, Dundalk, for clinically discharged patients from Our Lady of Lourdes Hospital. This is but one example of the impact of the further proposed cuts on one hospital. It is replicated at other hospitals in the north east and, undoubtedly, it will reveal itself in hospitals throughout the jurisdiction.

Our Lady of Lourdes Hospital is the main acute hospital in the north-east region, covering counties Louth, Meath, Cavan and Monaghan and also accepting many patients from Dublin North, the Minister’s constituency. The implementation of the cuts would put the lives and health of people in the region at risk. I demand on behalf of all those who are and will be affected by these cuts that the Minister intervene and ensure the cuts are stopped, and stopped now. I refer to but one region but the reality of savage health cuts is replicated across all HSE regions. I warrant that what has been exposed in regard to the Louth-Meath hospital group will expose itself in a very short period in various HSE areas across the State.

Since and before the Minister took office, he made great play of his determination to take the reins in his own hands and take executive responsibility back to his office from the HSE. He legislated accordingly, which I supported and welcomed at the time because I believe this is how it should be. However, with respect, we must ask where the Minister was when the cuts amounting to €130 million were announced on 30 August. He left it to the HSE to be the bearer of bad news. He was nowhere to be seen on that day and he had to be smoked out of hiding to answer to the media and the public. What an announcement it was. One should make no mistake: home care packages and home help hours were cut. There were cuts in respect of agencies and overtime and no lifting of the recruitment ban. Personal assistance for the disabled was cut. It was truly appalling and the impact was incredible.

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I commend the people with disabilities, who deserve to be recognised and commended tonight. They camped outside Government Buildings. It is terrible to think back on what they had to undertake. They demanded the lifting of the cuts affecting personal assistants. They secured what I can only describe, as generously as I can, as an apparent climb-down by the Government. We must wait and see how that works out in practice. It is not crystal-clear at all. What I want to ask this Cabinet is how such a cruel cut was approved in the first place. Are we expected to believe that this was not approved directly by the Minister? Are we to believe that the detail of this major package of €130 million in further cuts in public health services did not cross his desk? If it did not cross his desk, the claim that he is a hands-on Minister who has taken the reins from the HSE is spurious. If he signed off on these cuts, he bears responsibility for causing distress to the most vulnerable of our citizens. That he must climb down in the space of but one week shows what can only be called chaotic management of our public health services.

Unquestionably, the Minister for Health, Deputy Reilly, and his Fine Gael Party and Labour Party Cabinet colleagues are plunging the health services into an ever deep crisis with the savage cuts being imposed. These are not the words of Opposition voices only or those shared with him privately by voices in the House. These are the views of lead clinicians at hospital sites the length and breadth of the country. This real and genuine concern is growing to angry proportions.

Incredibly, the Minister has claimed that the health cuts in budget 2012 did not lead to a loss of services despite the fact that hospital and nursing home beds have been closed and services reduced across the hospital system. Surely we all recognise the fact that existing home help, home care and personal assistant services are insufficient to meet current needs, yet they are to be reduced further. The HSE and the Government are also slashing the numbers of public nursing home beds and claiming that the priority is to keep older people living in their own homes. I have had some personal experience of this issue recently. It poses a dreadful challenge to families. The necessary level of support does not exist to achieve an objective that is shared across this House, namely, allowing older people in infirmity and suffering progressive deterioration, for example, from Alzheimer's disease and a range of other challenges, to stay in their own homes as they desire. This difficulty is presenting for many families the length and breadth of the country.

These supports are critical in our efforts to try to keep older people living in their own homes, yet approximately 300 public nursing home beds have been closed this year so far. It is estimated that 600 mostly older people are in hospital beds and ready to be discharged but awaiting non-existent care places. Some 2,400 public acute hospital beds are closed.

We had the further revelation in the past week that the promised provision of free general practitioner, GP, care to people on the long-term illness scheme may be delayed for a further 12 months. The extension of free GP care to all, beginning with people on the long-term illness scheme, was supposed to be a cornerstone of the Fine Gael-Labour parties' coalition health reforms. Free GP care for long-term illness patients was promised by the Minister for 2012. So much for his promises. Legal issues are being cited for the delay. If this is the case, it is incredible that it took more than a year in government for the alleged legal difficulty to come to light, given the fact that the commitment to start the roll-out of free GP was a Fine Gael Party and Labour Party promise from long before the February 2011 general election. Many will suspect that the alleged legal difficulty is a convenient excuse to cover a retreat brought about by the financial crisis in the health sector, a crisis worsened by the Government's policies. If there is a real legal difficulty, the whole basis of the promised reforms of the Minister and his coalition

colleagues is in question and they must be challenged on their failure to provide a proper legislative foundation for those reforms.

The spending over-run in the health budget this year was utterly predictable because the amount of money cut from the health budget for 2012 was unsustainable. Some €750 million was taken out of health in the Fine Gael-Labour Government's 2012 budget.

An Leas-Cheann Comhairle: The Deputy has just over three minutes remaining.

Deputy Caoimhghín Ó Caoláin: Some €1 billion was cut from health spending in 2011 and the Department of Health is referring to an overall reduction of €2 billion up to 2014. This is scary stuff.

The Fine Gael-Labour Government puts the diktats of the troika before the old, the sick and people with disabilities in Irish society. There is no other conclusion. Regularly, the Government points to the troika as a convenient crutch for the cuts with which the former is proceeding. The decision not to proceed with reversing these cuts rests with the Minister. How long will the Government continue to run our public health services into the ground? In tandem with our proposed motion of no confidence, I appeal to the Minister to come back from this point in everyone's interests.

As we are debating a motion in the name of the Fianna Fáil Party Deputies, it is well to point out that there is an Irish troika, namely, the troika of the Fine Gael, Labour and Fianna Fáil parties, which are as one in their support for the futile economic strategy of austerity, the authors of which are present beside me.

Deputy Timmy Dooley: Sinn Féin filled a few accident and emergency units in its time.

Deputy Caoimhghín Ó Caoláin: The Fianna Fáil Party motion is carefully worded because that party agrees with austerity and cannot fully oppose health cuts based on austerity, not to mention the party's own appalling record in office from 1997 to 2011, not least in respect of health.

Deputy Timmy Dooley: Less of the history lesson, please.

Deputy Caoimhghín Ó Caoláin: The Fianna Fáil Party had the opportunity to transform our health services, but squandered it just as it squandered so much else that could have made for a better society. It certainly had the time and means to make a difference. I appreciate that the current Government does not, but it none the less has a responsibility. Its members saw it and knew it when they stood in my current position. Despite the motion to which I am a party in the form of an amendment to the Fianna Fáil Party motion, I appeal to the Government. It is not down to the Minister, Deputy Reilly, alone. It is a collective shared responsibility. Changing the ministerial face would not be enough. A change in health policy is the absolute requirement.

I take it that my time has concluded.

An Leas-Cheann Comhairle: Yes. I must ask the Deputy to conclude.

Deputy Caoimhghín Ó Caoláin: I will park some of what I had prepared to say. There must be a major change not only in health policy, but in the economic strategy being pursued if we are to avoid a meltdown in the public health services. The first step is not just the removal or resignation of the Minister in place, but equally the adoption of a health policy based on fair-

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ness, equity and access for all on the basis of need. Such a policy must be the cornerstone of our health services.

An Leas-Cheann Comhairle: Deputies Maureen O'Sullivan and Finian McGrath are sharing five minutes.

Deputy Maureen O'Sullivan: I wish to discuss two matters in the couple of minutes available to me. At approximately 10.15 a.m. on Tuesday, 4 September, I returned to Leinster House and met the people with disabilities who were protesting outside. Two of them happened to be past pupils of mine. This morning, the Taoiseach stated that the cuts were dealt with swiftly, but how could a cut in respect of someone with a severe disability have been introduced? It should never have been on the agenda in the first place. They have many more stresses in their lives than we do.

9 o'clock

We take so much for granted, such as getting out of bed in the morning, dressing ourselves, showering and going to the toilet. Every one of those actions must be thought through for a person with a disability, and the work of a personal assistant allows such people the dignity to carry on their lives as well as possible.

Three days later, people with mental health issues were outside the House protesting while the Minister of State, Deputy Kathleen Lynch, has been very vocal about the €35 million in funding and extra posts. The people involved are vulnerable and have enough stress in their lives without this additional worry. Leaving the moral and ethical argument out of this, on a purely economic scale, the Centre for Independent Living has indicated that to keep one person in hospital for a year amounts to €328,000, whereas providing a personal assistant would cost €119,000. The same calculations can be applied to older people and those relying on home care services and home help in trying to avoid bigger demands on nursing homes and hospitals. Cuts to home care packages will have a desperate effect; older people may be admitted to hospital for treatment but they may well end up staying there for longer if home care packages are cut.

I was outside the House today when people involved in home help were protesting. A number of these people were from East Wall and North Wall, so I know them personally. These people work far longer hours than what they are paid for, and we are in danger of losing that extra help. Cutting disability allowances, home help and personal assistant hours means that more people will become institutionalised or restricted in their homes. It will become more expensive to care for them.

The national substance misuse report had been awaited for a number of years, and it was a major collaborative effort between various Departments, agencies, community and voluntary sectors. It was published before the recess but it was disappointing that the Minister was not present at the launch, as that would have indicated that he took the matter seriously. I mean no disrespect to the Minister of State who was present. What has happened since as there has been no action taken on the report?

Alcoholism and addictions have a huge impact on society. It is ironic that one of the report's recommendations, if implemented, would generate income, and the other recommendations are cost-neutral. Nevertheless, the promised action, which could have had a positive effect, has not come about, whereas the action taken with regard to disabilities has had a profound negative effect.

Deputy Finian McGrath: I thank the Leas-Cheann Comhairle for the opportunity to speak to this motion of confidence in the Minister for Health. My criticism is based solely on politics and bad political decisions. It is important to say this is not about a person but rather a Minister and his Government, competence and accountability. Our people are hurting because of bad decisions and disastrous choices. We cannot have a Minister and a Government that when making a political choice look to hammer people with disabilities or senior citizens who need our care and support. It is not acceptable - it is criminal - to have people with disabilities camped outside Government Buildings wondering if their services will be removed. Fear, confusion and a lack of compassion have no place in any democratic or inclusive society. That is the bottom line with regard to the motion and the reason we have no confidence in the Minister.

The Minister and his Government were elected on promises of change and reform but in recent weeks we have seen fear, confusion and a lack of respect for people with disabilities, the elderly and the low-paid personal assistants and carers. We all knew there was a skeleton service before any cut was mentioned; this is not a case of waste in the health service but rather people needing help and support and getting a service as a right.

Over the summer we witnessed shameful events when the Minister did not speak to some of his Ministers of State and tried to pull off stunts. He was distracted and took his eye off the ball with regard to patient care and services for vulnerable people. Our citizens are, correctly, very frightened and angry. Yesterday I attended the Age Action Ireland conference in Croke Park, witnessing at first hand the anger, frustration and hurt felt by many of our senior citizens. They have had enough and the Government should listen to these people and address their concerns. Turning a blind eye is not the way forward.

There is also the case of thalidomide survivors, a group of whom in the summer indicated that the Government reneged on a commitment to them. There are 32 Irish people still alive from the 10,000 babies born worldwide with partial, malformed or no limbs. These people are in their 50s and 60s. In the programme for Government, Fine Gael and Labour promised to engage with them but to date, nothing constructive has happened.

This Minister and his Government should not be hitting the young, old, sick and disabled. They should instead hit the people with resources, take the money from them and run a proper health service.

Debate adjourned.

The Dáil adjourned at 9.05 p.m. until 10.30 a.m. on Wednesday, 19 September 2012.