



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

Leaders' Questions . . . . .	2
Order of Business . . . . .	10
Ministerial Rota for Parliamentary Questions: Motion . . . . .	15
Topical Issue Matters . . . . .	16
National Vetting Bureau (Children and Vulnerable Persons) Bill 2012: Second Stage (Resumed) . . . . .	17
Ceisteanna - Questions . . . . .	40
Priority Questions . . . . .	40
Garda Operations . . . . .	40
Garda Stations . . . . .	42
Prison Accommodation . . . . .	44
Courts Service . . . . .	45
Garda Policing Plans . . . . .	47
Other Questions . . . . .	49
Traveller Community . . . . .	49
Drug Seizures . . . . .	50
Garda Operations . . . . .	52
Electronic Tagging . . . . .	54
Garda Transport . . . . .	55
Alcohol Sales . . . . .	57
Topical Issue Debate . . . . .	58
Bank Branch Closures . . . . .	58
Child Protection . . . . .	61
School Transport . . . . .	65
Public Sector Allowances . . . . .	68
Animal Health and Welfare Bill 2012 [Seanad]: Second Stage . . . . .	72
Confidence in the Minister for Health: Motion (Resumed) [Private Members] . . . . .	103

# DÁIL ÉIREANN

*Dé Céadaoin, 19 Meán Fómhair 2012*

*Wednesday, 19 September 2012*

Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

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*Paidir.*  
*Prayer.*

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## Leaders' Questions

**Deputy Micheál Martin:** Some time ago the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, announced he would effect a transformation of the system of allowances in the public sector. He stated he wanted to achieve savings of €75 million this year and €150 million next year. There is no question this was one of the big ideas of the new Department of Public Expenditure and Reform. If one analyses any of the commentators this morning, yesterday the Minister had to announce a humiliating climbdown, cave-in and huge retreat from his opening position. At the time, the headlines were quite significant with regard to the transformation that was about to happen. He was adamant he would achieve a fairly modest target of €75 million, which was less than 5% as it was €75 million out of €1.5 billion. In the end the Minister was in a position to make only one change in allowances. One allowance out of 1,100 was changed.

**Deputy Brendan Howlin:** One was abolished.

**Deputy Micheál Martin:** One out of 1,100. This is an extraordinary outcome of very lengthy examination from a new, up and coming Department meant to cut a swathe through relics of the past. Let us be honest, some of these allowances are relics and belong to a different era. How did the Minister get into this scenario, leading people up the hill and back down again? Will the Taoiseach outline the reasoning and rationale behind the Minister's endeavours? These allowances include bus allowances of €4.40 where car parking spaces are provided, and many other examples exist. We cannot target new entrants forever. We cannot believe that new entrants must be targeted for all savings. This will create its own problems down the line. What is the rationale for the Minister's about turn on this?

**The Taoiseach:** The Croke Park agreement has been *in situ* for some time and has delivered in the sense of industrial peace and a significant reduction in the numbers working in the public sector and its cost. The Government has set itself on a path to meet the budgetary targets we must meet while minimising the need for cutbacks to front-line public services. The Government must meet its budgetary targets in a way which minimises cuts to front-line public

services. This means we must achieve the maximum possible savings which do not impact on services as a consequence.

Last week I instructed every Minister to respond to the Minister for Public Expenditure and Reform and me in respect of their best assessment of the maximum that can be squeezed from the Croke Park agreement, which we would like to see implemented in full in accelerated fashion. This analysis by each Minister will be returned to me this week. When I and the Minister, Deputy Howlin, assess this, I intend to convene a meeting of the Croke Park agreement implementation body and present the outcome to managers and unions. Yesterday's Government decision and announcement by the Minister, Deputy Howlin, that the indicative target of €75 million, which he was honest enough to state, would not be met is a first step to dealing with the question of the maximum that can be squeezed from the Croke Park agreement. The other side of this equation is the impact on front-line public services, and Deputy Martin is well aware of the difficulties in this regard.

All other issues are to be dealt with as this part of Ministers' assessment and the consideration of the outcome by the unions and the management of the implementation body. I intend to call this meeting when the instruction given last week at Cabinet is before us. The announcement yesterday by the Minister, Deputy Howlin, was in respect of new entrants. He pointed out that while one allowance was abolished, 180 categories are to be changed and 200 others are to be reviewed.

**Deputy Micheál Martin:** I am trying to be constructive but that was a fairly pathetic response to the situation. A letter was sent last week. What have Ministers been doing for months on the Croke Park agreement?

**Deputy Mattie McGrath:** Looking for tickets for the all-Ireland final.

**An Ceann Comhairle:** I am sure Deputy Martin is well able to handle himself. He does not need any help.

**Deputy Micheál Martin:** Everyone was of the view that people were endeavouring to achieve and realise as many savings as possible over the past 18 months. To state that a letter of instruction was issued last week is a rather pathetic response. My point is that yesterday's announcement with regard to squeezing more out of the Croke Park agreement was about approximately €3 million out of €1.5 billion. The Irish Fiscal Advisory Council's report which the Taoiseach more or less dismissed in his initial comments paints a very difficult picture for everyone in society and Government in terms of the challenges, specifically concerns about growth rates and their impact on deficit reduction, concerns about our capacity to effect the deficit targets we wish to reach and concerns about rising unemployment. These are serious issues.

**An Ceann Comhairle:** Could we have Deputy Martin's supplementary question please?

**Deputy Micheál Martin:** The Taoiseach spoke about front-line services. These are being cut. This is about social solidarity. We are speaking about some relics and outdated allowances while at the same time home help allowances are being cut.

**Deputy Brendan Howlin:** Put in place by you.

**Deputy Micheál Martin:** Hundreds and thousands of hours are being cut and across the board services for people with disabilities, as we found out only a month ago, are being cut

savagely.

**Deputy Paudie Coffey:** Bertie was throwing them around like confetti.

**Deputy Micheál Martin:** There is a need-----

**An Ceann Comhairle:** Can we have the question please? We are over time.

**Deputy Micheál Martin:** -----particularly in the context of the Irish Fiscal Advisory Council report, to invoke clause 1.28 of the Croke Park agreement-----

**Deputy Bernard J. Durkan:** It is a bit rich to criticise the Croke Park agreement when you presided over it.

**An Ceann Comhairle:** Will the usual suspects please stay quiet?

**Deputy Micheál Martin:** -----to get people around the table and state that saving €3 million out of €1.5 billion is not a realistic outcome for a serious issue. Surely this lack of success or any sense of achievement or realisation of savings is justification in itself for invoking clause 1.28 to convene a serious substantive meeting of everyone to get them around the table on such an issue. Does the Taoiseach intend to do this?

**An Ceann Comhairle:** The Taoiseach has one minute to reply.

**The Taoiseach:** Under the existing structure of the implementation of the Croke Park agreement, the cost of the public pay bill has been reduced by €2.1 billion and numbers have been reduced by 28,000, so fewer people are doing more work.

**Deputy Micheál Martin:** The numbers have nothing to do with the Croke Park agreement.

**Deputy Brendan Howlin:** How do you think it delivers?

**The Taoiseach:** The public pay bill has been reduced by €2.1 billion and the numbers are down by 28,000, with fewer people doing more work. Last year €1.4 billion was paid in allowances and premiums.

*(Interruptions).*

**An Ceann Comhairle:** Could we have a reply to the question?

**The Taoiseach:** I already said to Deputy Martin in reply to his first question that when the best assessment of the Ministers, on government instruction of last week, comes in this week, it is my intention to call a meeting of the Croke Park implementation group, including unions and management, and to present the outcome of that analysis to it.

**Deputy Micheál Martin:** I am not talking about that kind of meeting but about clause 1.28.

**The Taoiseach:** We are interested in implementation of the Croke Park agreement in full and in as accelerated a fashion as possible. That means we must look at all of the best and maximum assessments of what are the maximum savings we can get from the Croke Park agreement to minimise potential cuts in public services. That is the equation. We exceeded our deficit targets this year and last year.

**Deputy Micheál Martin:** The Taoiseach is lucky the CSO revised them downwards.

19 September 2012

**The Taoiseach:** The Fiscal Advisory Council is an independent body and it is perfectly entitled to put forward its reports and make its assessments of what should be done. As I said yesterday in reply to questions from other Deputies, that will be the subject of a debate in the House when people can put forward their suggestions and their views as to how we deal with this very challenging position. Does anybody in the House think it is with any degree of pleasure that a Minister would stand up and say he or she is forced because of a particular position to have to reduce a front-line service? That is why it is necessary that we look at the maximum savings we can get from Croke Park and squeeze that to the ultimate degree in order to minimise any potential impact on front-line services. I will do that as soon as I have the assessments of Ministers and will present that outcome to the implementation group.

**Deputy Gerry Adams:** Yesterday Clare County Council confirmed it is demanding that a student's parents pay the household charge before a student's grant application will be processed. Other councils have said they are preparing to follow suit. Yesterday the Taoiseach seemed to be supporting this action and the Minister for Education and Skills, Deputy Quinn, described it as reasonable.

Ba mhaith liom barúil an Taoisigh air seo a chlos. Sílim go bhfuil an t-Aire Oideachais agus Scileanna mícheart. Is í seo an chaoi lena dhéanamh cinnte go bhfuil seansanna ag daoine óga don todhchaí. Seo an t-am chun dóchas a thabhairt do ógánaigh na tíre. Muna gcuirimid iallach air seo, mar pholaiteoirí agus mar shaoránaigh, beidh fadhbanna ann. Caithfidh an Taoiseach a bheith go han-soléir faoi seo

Surely we should be encouraging young people to go on to third level education and that the Minister for Education and Skills should ensure students have access to education, in particular those who need grants because invariably if one needs a grant, it means one is from a lower or middle income family. Does the Taoiseach support this action? Can he be clear about it today? There are even some reports of councils planning to link the payment of grants to the disabled to the payment of the household charge. Are the disabled to be the targets of Government cuts once again?

Has the Taoiseach taken legal advice on this issue and does he support the withholding of public services and public grants from the children of citizens who may not be paying the household charge? Will the Government instruct Clare County Council and others planning similar actions to stop? Will the Taoiseach make it clear that the Government supports the rights of students to the grants to which they are entitled without reference to what their parents may or may not be doing?

**The Taoiseach:** I would have assumed that as an elected public representative to this House where he has influence on legislation that Deputy Adams would be encouraging people to pay what is a legal charge. There have been 1,045,000 registrations to date with a compliance rate of more than 65%. As the Deputy is well aware, the household charge and its successor are designed to fund local services provided by local authorities for people in their areas. Section 12 of the Act places the collection of the charge under the responsibility and management of local authorities and it is therefore a matter for each county council or local authority to utilise the provisions in the legislation in the context of identifying any undeclared properties. It is also a matter for local authorities to use their local knowledge and their judgment in what they do about this.

Clare County Council made its own decision here. It took the decision to issue letters in

regard to the disbursement of the higher education grant for this year asking applicants to indicate if the household charge had been paid in respect of the relevant household. That was in addition to questions normally asked by councils on a routine basis about the payment of other charges, including the non-principal private residence charge, water rates and commercial rates, as is appropriate and as apply. The household charge question was added in order to facilitate Clare County Council's information gathering about who has actually complied with the requirement to pay the household charge. I understand Clare County Council also felt it appropriate to emphasise that the household charge is funding local services and local facilities for people in County Clare. As the Deputy is aware, it is unfair that one's neighbour can say he or she paid his or her charge but that one did not and one thinks one can get away with it.

Section 7 of the Local Government Act 1983 provides that where a sum is due to a local authority under any enactment and at the same time another sum is due by the authority to a person, the former sum may be set against the latter but I can confirm to the Deputy that no moneys have been withheld by Clare County Council in respect of higher education grants. It is entirely appropriate that as public moneys fund the processing of these applications, the local authority is entitled to find out whether persons have paid the household charge.

**Deputy Gerry Adams:** I am very disappointed with the Taoiseach's answer. He should have taken the opportunity to clarify the issue. He knows better than I, because he is around longer, that the county councils do not provide the funding for higher education grants. In no way should the child of a household be penalised for what the household may or may not be doing.

I had a very quiet word with the Minister for the Environment, Community and Local Government earlier this morning. He was clearer on the limits of the power of local councils on this issue and on the rights of the students than the Taoiseach has been. It is reprehensible that the instinct of this Government, including its Labour Party component-----

**An Ceann Comhairle:** A question, please.

**Deputy Gerry Adams:** -----is to support these actions which clearly discriminate against lower and middle income students who need grants to get them into further education. All of this is as a result of the mess the Government and the Minister the Environment, Community and Local Government, Deputy Hogan, have made of this household charge.

Will the Taoiseach revise his answer and tell us that he will uphold the rights of students to access third level education? Where does one draw the line? Will families be refused child benefit? Will people with disabilities, the elderly and fuel allowances be targeted? Will the Taoiseach take this opportunity to quieten fears and be clear that this Government upholds the rights of citizens?

**The Taoiseach:** I can. I listened to some of Deputy Adams's wild and wonderful and weird economic theories as he was debating with Deputy Martin last night. That is what would put the fear of God into people - when they hear the kind of codswallop the Deputy came out with yesterday evening. I do not think the Deputy suffers from amnesia. People in his former constituency were paying €1,400 in charges every year.

I support completely the right of every child to have the opportunity to go to school, college and university. As I said to the Deputy, while the Act of 1983 confers the powers it does on a local authority, that is only in regard to a specific charge that is due by a specific person in

19 September 2012

a local authority area. The county council in this case cannot be entitled to withhold a partial element of the grant that is due.

**Deputy Mary Lou McDonald:** Tell that to Clare County Council.

**Deputy Barry Cowen:** Why do it then?

**The Taoiseach:** However, they are entitled to say that Deputy Adams's taxes - I do not know whether he paid the household charge - go in part to fund the persons who process the applications for the third level grants.

**Deputy Barry Cowen:** Are they wasting money on issuing receipts? Was that in the Croke Park agreement?

**The Taoiseach:** The local authority, which has responsibility for the household charge under the Act, is entitled to know, in so far as it can, the numbers who have paid the charge or who have yet to pay it-----

**Deputy Willie O'Dea:** Receipts.

**Deputy Barry Cowen:** Did they forget to issue a receipt in the first place?

**The Taoiseach:** -----because the money goes on facilities and provisions in local authority areas. Clare County Council is not entitled by law to reduce or withhold a portion of the third level grant but as a matter of course it is entitled to as much information about the numbers who have paid the household charge as is required in law.

**Deputy Mattie McGrath:** It has the receipts.

**The Taoiseach:** I support - as we all do - the right of young people to attend college in this country but Clare County Council and every other county council should be active in having the percentage of those who have not paid the household charge increased so they can publish what they are going to do with that money in terms of facilities and provisions for the people who live in their areas.

**Deputy Thomas Pringle:** Yesterday the Taoiseach came to the defence of the Minister for Health and listed the so-called improvements the latter has made since taking charge of his Department. I would like to outline some of the achievements that the Taoiseach failed to mention. Front line services are being cut and the closure of essential facilities continues. The elderly, the disabled and the vulnerable are being targeted to bear the brunt of this. Across the country, savage cuts are being targeted at all these groups. Gynaecology wards are being closed and hospitals are instructed to make massive cuts between now and the end of the year. Letterkenny General Hospital has to cut €3.5 million from its budget between now and December. This is the most efficient hospital in the country. Hundreds of thousands of home help hours are being cut. Personal assistance hours for the disabled are being targeted on a case-by-case basis. Community X-ray units are being closed because the embargo means cover cannot be provided.

The Taoiseach also mentioned so-called savings as if they will make no impact. He stated that €63 million in savings will be made through more focused cash management and quoted travel as one of these savings as if it affects nobody. I would like him to comment on one of these travel cuts. Child and adolescent mental health services in HSE west have stopped travelling out to meet vulnerable young people who depend on the support of these services and are

at real risk of self-harm and worse if they cannot access them. In County Donegal, only two clinics will now be run in Donegal town and Letterkenny. The clinics in Dungloe, Killybegs, Buncrana and Ballybofey have all been cancelled. Children and young people have been left without help. In many cases children have to access these services on their own because their parents are the cause of their problems. Does the Taoiseach stand over these cuts? The public has no confidence in his Government, never mind the Minister for Health. Will the Taoiseach tell us what we can expect when he cuts a further €750 million from next year's health budget or will we get another work of fiction in the Estimates?

**The Taoiseach:** Deputy Pringle always comes up with the same rant whenever he gets an opportunity to ask a question.

**Deputy Joe Higgins:** That is outrageous.

**Deputy Billy Kelleher:** What about the Taoiseach's rant in Roscommon?

**Deputy Sean Fleming:** Say that to the people of County Donegal.

**An Ceann Comhairle:** Do Deputies mind?

**The Taoiseach:** I will see them on Sunday.

**Deputy Sean Fleming:** Do not trivialise the issue.

**An Ceann Comhairle:** Could we have a reply, please? I do not know whether Members heard me but I called the Taoiseach.

**The Taoiseach:** Prior to the summer recess Deputy Pringle stated in the House that it was time that people like him contributed more. He has not paid his household charge. He sits in this House as an elected representative from County Donegal. That €100 would go in part on allowing Donegal's local authority to offer some element of a provision for facilities in that county.

**Deputies:** Hear, hear.

**Deputy Joe Higgins:** Rubbish.

**Deputy Thomas Pringle:** Are local authorities responsible for health services?

**The Taoiseach:** He might start living up to his responsibility as an elected representative. He outlined a series of difficulties and challenges in the health service. These are true. Has the Minister, Deputy Reilly, ever stated in this House that it would be easy?

**Deputy Micheál Martin:** Yes.

**The Taoiseach:** Has he ever pointed out that it would be simple to turn around a structure that has been-----

*(Interruptions).*

**An Ceann Comhairle:** Do Deputies mind? They had their turn.

**The Taoiseach:** -----like a runaway train for so many years, without accountability to the extent we would like? The inefficiencies built in sucked up money year after year with no

increase in output, productivity, efficiency or focus on the patient. I am glad that in the past 15 months significant improvements have been made and I commend those people in the front line services who are now doing more work with less after the change at the end of February. I commend all those who have gone to the Labour Relations Commission and have made significant progress regarding consultants and what that means for discharges, extra employment for consultants and new structures and rates. When I see the agenda of what is lined up in front of the Minister in terms of dealing with the question of the national children's hospital, a new national maternity hospital, the future of the small local hospitals to be grouped in clusters-----

**Deputy Niall Collins:** They are being closed.

**The Taoiseach:** -----the changes that have been brought about in the VHI, the implementation of the special delivery unit, which has had a very beneficial impact on trolleys, waiting times and those who have been waiting for longer than 12 months or nine months for treatment, and in regard to the numbers of children who have been waiting a long time for certain treatments, I admit this is not an easy challenge for him and his two Ministers of State.

**Deputy Mattie McGrath:** If he talked it would be easier.

**The Taoiseach:** It cannot and will not happen overnight but he is focused on bringing about a situation whereby the health system in this country is transformed into a single tier system in which the focus is on the patient, the money follows the patient, public taxpayers have accountability for the lines of spending throughout the health system-----

**Deputy Peadar Tóibín:** What parallel universe is this?

**The Taoiseach:** -----and the obscenity of waste that has obtained for years is eliminated and the money transferred into the facilities and provision of the best treatment for every patient. It cannot happen overnight. The issues to which Deputy Pringle referred are all up for consideration. The Minister and his Ministers of State, on behalf of the programme for Government, have made a significant impact in the right direction in a short time.

**Deputy Peadar Tóibín:** Doctors do not agree.

**Deputy Thomas Pringle:** It is ironic on the day the wording for a referendum on children's rights is to be announced that children and vulnerable young people are suffering from these cuts. The Taoiseach's message to them is suck it up because there is going to be more of the same. Does he stand over these cuts which will leave vulnerable young people without access to the mental health services they require? Is that what his Government is saying to them?

**The Taoiseach:** No. There are 800 fewer children on waiting lists due to the efforts of the Minister, Deputy Reilly, over the past 15 months.

**Deputy Thomas Pringle:** Answer the question.

**Deputy Derek Keating:** You do not want to hear the answer.

**The Taoiseach:** Does Deputy Pringle think it reasonable for anybody to stand up to announce his or her philosophy is nothing but cutting public services at the front line? That is why it is necessary we implement the maximum measures we can achieve out of the Croke Park agreement and to achieve the maximum savings so there will be a minimal impact on the potential for reduction in public services. This is not easy. We have all seen the marches around

the country, where the centres of excellence for cancer were established and where other issues of major importance in every constituency in the country became effective.

**Deputy Micheál Martin:** The Taoiseach opposed every one of them, and the Minister, Deputy Reilly, did the same.

**The Taoiseach:** The Minister, Deputy Reilly, is transforming the public health system into one that is efficient, accountable and transparent and which puts the patient in focus and allows the money allocated to follow the patient. That change cannot be effected overnight. It is heading in the right direction and significant progress has been made in the past 15 months. There are 800 fewer children on waiting lists now compared to when the Minister was appointed.

### **Order of Business**

**The Taoiseach:** It is proposed to take No. *a*11, motion re ministerial rota for parliamentary questions; No. 4, National Vetting Bureau (Children and Vulnerable Persons) Bill 2012 - Second Stage (resumed); and No. 1 - Animal, Health and Welfare Bill 2012 [*Seanad*] - Second Stage, to be taken on the conclusion of Topical Issues and the order shall not resume thereafter.

*11 o'clock*

It is proposed, notwithstanding anything in Standing Orders that No. *a*11 shall be decided without debate. Private Members' business shall be No. 57, motion re confidence in the Minister for Health (resumed), to conclude at 9 p.m., if not previously concluded.

**An Ceann Comhairle:** There is one proposal to be put to the House. Is the proposal for dealing with No. *a*11, motion re ministerial rota for parliamentary questions, without debate agreed to? Agreed.

**Deputy Micheál Martin:** I welcome the decision to hold a referendum to insert in the Constitution an amendment on the rights of children. Much work has been undertaken on this issue over a number of years by all political parties in the House. I refer in particular to an all-party committee chaired by former Deputy Mary O'Rourke, which created significant momentum on the issue. Considerable constructive work was undertaken by former Minister of State, Mr. Barry Andrews, who produced draft wording of an amendment that was approved by the previous Government, and by the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald. Indeed, the wording proposed by Mr. Barry Andrews and the joint committee is not dissimilar from that of the amendment the Government will announce later today.

We know this insertion in the Constitution will be additional to a significant body of legislation which is in place, from the Child Care Act 1991 to the Adoption Act 2010. Can the Taoiseach outline the legislative timeline for considering this matter in the House, the holding of the referendum and the establishment of the Referendum Commission? Has the Government decided on a chairperson for the Referendum Commission, and who will that be?

**The Taoiseach:** As we outlined to Opposition parties this morning, the Government decided yesterday to hold the referendum on 10 November. Parties were briefed on that this morning and given copies of the wording of the referendum, as agreed by Cabinet. The Bill will come

19 September 2012

before the House next week and will be debated in the Oireachtas for two weeks. The name of the person to chair the commission will be given by the Minister at her press conference at 11.30 a.m. The commission can be effective from today. The Adoption Bill is being circulated to Members. It was in print this morning when we had our conversation.

I hope there will be a rational and comprehensive debate on this matter during the course of the next few weeks. I can confirm the Government's appreciation of the efforts of members of all parties over the years and of a number of Oireachtas committees. It is now 20 years since Ms Justice Catherine McGuinness asked for a referendum on children's rights. This is an important element of what we have to say about children and how important they are in the country. That is why the Government appointed a Minister for Children and Youth Affairs, set up a specific Department of Children and Youth Affairs and introduced important legislation in this area.

The Dáil will sit four days next week to deal with this matter. Members of the House, from Deputy Martin's parties and others, must make their minds up with regard to support for the referendum. I hope there can be consensus among public representatives on something that is of exceptional importance to us all. To insert a new article specifically relating to children, their rights and their protection into the Constitution is not something to be considered lightly. It deserves a thorough and full debate and it will get that.

If any Member, of a party or non-party, who has issues or questions or requires information about the referendum the Government will be happy to deal with those. We will provide as full an opportunity as possible to debate this matter in the House over the next two weeks.

The Adoption Bill will be circulated today. It is there for everyone to read but will not be taken in the House at present. If the referendum is approved by the people, the Adoption Bill will be put through the legislative process.

**Deputy Gerry Adams:** As I did yesterday, I commend the Government on its work on this issue, and others who have worked on it.

My question is about forthcoming legislation, particularly the proposed credit union Bill. I recently met a delegation from the mid-Louth group of credit unions. They are concerned that the Government may be treating credit unions like banks, when there is a totally different ethos in the credit union movement. They particularly fear that some of the legislative proposals may close smaller credit unions and put obstacles in their way. I understand the Bill is being discussed by the Joint Committee on Finance, Public Expenditure and Reform. When will the Bill be published and brought to the Dáil? Can the Taoiseach assure the House that the Bill will be concerned with conserving, protecting, reinvigorating and promoting the credit union ethos?

**The Taoiseach:** This is an important element and phase in the development of credit unions, which are so important for everyone. They are fundamental to the economic life of the country. Some, admittedly, have serious financial difficulties.

The Bill will be published in this session. It is an important Bill and has a bearing on hundreds of thousands of small savers who are loyal to their credit unions. The Bill will be published during this session.

**Deputy Micheál Martin:** I can assure the Taoiseach that Fianna Fáil Members will be constructive in our consideration of the referendum issue. Obviously, the party will look at the wording.

I do not want to be too pedantic, but I suggest that the name of the chairperson of the Referendum Commission should be announced to the House. That would be more appropriate protocol than to announce it outside the House. It is not a big deal, but the Taoiseach should announce to the House who the chairperson is. The House is central to the holding of a referendum.

**The Taoiseach:** I would leave it to the Minister. I chose to announce to the Dáil yesterday that the Government had decided on the wording of the amendment and that the referendum date would be 10 November. I did that out of courtesy. I intend to continue to make announcements of that nature here.

**Deputy Kathleen Lynch:** Deputy Martin must have come to that conclusion lately.

**Deputy Bernard J. Durkan:** He has had a recent conversion.

**Deputy Micheál Martin:** When he was in opposition, the Taoiseach was a great advocate of what I propose.

**Deputy Patrick Nulty:** I welcome the referendum and I look forward to campaigning for a Yes vote. On a related issue, does the Taoiseach agree that the construction of the national children's hospital is the most compelling infrastructural issue facing the country? Does he believe the Dolphin report should be published? Will the Government give time for the House to discuss the recommendations of the report and allow Deputies to comment on its findings? When will a decision on the hospital be made?

**The Taoiseach:** That will happen inside a relatively short time. The Dolphin report has been given to the Minister for Health. The report does not set out a list of categorised locations. It sets out Dr. Dolphin's views on a number of locations. The Minister must come to Government with a recommendation arising from the Dolphin report. The Government will then make a decision on what will be one of the most important buildings of the next 100 years. Clearly, there will be a debate in the House about that. I can confirm that the Government has not discussed the Dolphin report. I expect the Minister for Health will bring his assessment and recommendation to Cabinet in a matter of weeks.

**Deputy Michael Healy-Rae:** My question concerns promised legislation on excise licence regulations and controls. People who are already in possession of mineral oil trader's licences are now being asked to provide a new auto fuel trader's licence. They are being told they require a second licence from 1 October until 30 June. They are being asked to pay for a 12 month licence that will be in effect for only nine months. Why should they be asked to have a second licence?

**An Ceann Comhairle:** Deputy, what are you asking?

**Deputy Michael Healy-Rae:** I am asking if the Government will allow for a debate on promised legislation regarding excise licence regulations and controls.

**An Ceann Comhairle:** Taoiseach, is there promised legislation on this matter?

**The Taoiseach:** I am not in control of the Chair but I might suggest that if the Deputy submits a request for a Topical Issue debate, the Ceann Comhairle might consider it so the Deputy could get a direct response from the Minister.

19 September 2012

**An Ceann Comhairle:** Is there promised legislation in this area?

**The Taoiseach:** No.

**Deputy Mattie McGrath:** I also welcome the announcement on the holding of the referendum on children's rights. Last year I introduced a Private Members' Bill on scrap metal and gold. It was rejected by the Minister but he promised that he would bring forward a report that would lead to legislation. Where is that? Many householders and premises have been destroyed since then and it is a shame to see this happening.

**The Taoiseach:** The Minister is still considering the Private Members' Bill the Deputy introduced and I will ask him to update the Deputy on the issue.

**Deputy Brian Stanley:** On the pending local government reform Bill which is to be published this term, will the Taoiseach confirm the Bill will include protection for students applying for third level grants against the illegal action that has been taken by some county councils?

**An Ceann Comhairle:** We do not deal with the contents of the legislation. When will this Bill be taken?

**Deputy Brian Stanley:** Does the Taoiseach agree the actions are illegal and is he aware that when it comes to tax compliance, only 52% of commercial rates are collected?

**An Ceann Comhairle:** The Deputy's party leader spoke on the matter earlier so he can give the Deputy an update. When will this Bill be published?

**The Taoiseach:** I do not have a date for publication of that Bill.

**Deputy Pearse Doherty:** Tá sé ráite sna meáin inniu go bhfuair garraíodóir ó pháirc náisiúnta Ghleann Bheatha litir bhagartha arís ón Roinn siocair go raibh sé ag labhairt amach ar Bhille a chuaigh fríd an Teach seo, Bille na Gaeltachta. An aontaíonn an Taoiseach gur cóir litir bhagartha a chur chuig duine atá ag obair mar gharraíodóir atá ag labhairt amach ar son phobal na Gaeltachta faoi reachtaíocht a théann fríd an Teach seo?

Ó thaobh na reachtaíochta atá le teacht chun cáin a fhorchur ar thithe, on the Finance (Local Property Tax) Bill, which was announced in the legislative programme yesterday, can the Taoiseach indicate when this Bill will be published and if he intends to publish the expert report that has looked into this matter in advance of the publication of the Bill? Can we take it that the fact that responsibility for this Bill has been transferred to the Department of Finance is a vote of no confidence by the Government into the disastrous performance by Big Phil on the household charge?

**An Ceann Comhairle:** I ask the Deputy not to beat it to death but to stick to promised legislation.

**The Taoiseach:** I wish the Deputy the best for Sunday.

**Deputy Pearse Doherty:** The Taoiseach does not sound too confident.

**The Taoiseach:** We will see. The property tax has been put on the legislative list by Government. The Thornhill report has been with the Minister for some time. He will come to Cabinet with his recommendations and the Cabinet will then make a decision. The tax will apply from 1 July 2013 and people will contribute on the basis of a half yearly charge from 1 July

2013. The decision was taken to transfer the tax to the Revenue Commissioners for the design of the structure and mechanics of collection. There will be a full debate on this when Government has decided on the nature and scale of the tax to be introduced.

**Deputy Pearse Doherty:** On a point of order, I am entitled as a Member of this House to get a response to a question.

**An Ceann Comhairle:** The Deputy is entitled to a response if he is in order. We are dealing with promised legislation and the Taoiseach has answered the question.

**Deputy Pearse Doherty:** I have the question written down here.

**An Ceann Comhairle:** Then the Deputy should submit a written parliamentary question.

**Deputy Pearse Doherty:** No, with respect. I asked when the Bill included in the legislative programme will be published and I did not get an answer from the Taoiseach. It is a simple question and he has not answered it, just as he did not answer the other question about the letter sent to the gardener who spoke out about legislation that went through this House.

**The Taoiseach:** The Minister for Finance has already outlined that it will be introduced on budget day so it will be towards the end of the session.

**Deputy Robert Dowds:** I was looking at the updated legislative programme and the sale of alcohol Bill has been put back by six months. The Taoiseach reminded us that around 2,000 hospital beds are occupied as a result of alcohol abuse so could this be introduced sooner?

**The Taoiseach:** This is a massive project so the Bill is some time away. The committee dealing with social policy will look at the issues that have been prepared by the Minister of State, Deputy Shortall, and the Minister for Justice and Law Reform in respect of alcohol. That meeting will take place in a couple of weeks but the Bill is some time away. We will keep the Deputy informed.

**Deputy Jerry Buttimer:** On the landlord and tenant Bill in the legislative programme published yesterday, and on the PRTB, this is freshers' week and already in Cork city this week we have seen bedlam caused by students engaging in excessive alcohol intake, causing huge disruption in neighbourhoods. The Taoiseach mentioned a public health Bill and it is important the Government fast-tracks that but there should be parallel provision in the landlord and tenant Bill to give more powers to ordinary residents, as opposed to landlords, who have disproportionate influence with the PRTB.

**The Taoiseach:** The public health (tobacco) Bill is an idea the Minister for Children and Youth Affairs wants to promote at a European level but it is some distance away. The heads of the landlord and tenant Bill the Deputy mentioned were cleared last October and work is ongoing on the Bill. It will be the end of the year or next year before it is published.

**Deputy Bernard J. Durkan:** Arising from the concern expressed by the representative agencies on the trafficking of women and children and the consequences for both foreign nationals and Irish citizens, will the human trafficking Bill be introduced and the European directive on the issue adopted earlier than is now proposed? Has the matter been discussed in Cabinet, have the heads of the Bill been approved and is the Bill likely to come before the House earlier than it now appears?

19 September 2012

**The Taoiseach:** The Deputy is referring to the criminal law (human trafficking) Bill. The heads of that Bill have not been cleared at Cabinet yet, it has not been discussed. It is some time away because it is not on the current priority list because of the pressure for legislation. We will keep the Deputy updated as work continues on it.

**Deputy Willie O'Dea:** I hope I am in order-----

**An Ceann Comhairle:** So do I.

**Deputy Willie O'Dea:** -----to ask for clarification of something the Taoiseach said earlier. If I heard him correctly, he said local authorities do not have the authority to refuse to pay a higher education grant on the basis the household charge has not been paid.

**An Ceann Comhairle:** We cannot go back over that.

**Deputy Willie O'Dea:** Am I correct in that interpretation?

**The Taoiseach:** In law since 1983, where a charge is due from a person in a specific instance, the local authority is empowered to withhold another payment in respect of that if it wishes. Local authorities, however, are not entitled to withhold an element of the third level grant. What Clare County Council did was acquire information as part of processing the application form for a third level grant as to whether the householders involved had actually paid the household charge. It is not entitled by law to withhold any of the grant.

**An Ceann Comhairle:** We cannot debate this, it was discussed on Leaders' Questions.

**Deputy Willie O'Dea:** Surely the council would know from the receipts if someone had paid or not.

**An Ceann Comhairle:** The Deputy should ask a parliamentary question.

**Deputy Simon Coveney:** If someone has not paid there is no receipt.

**Deputy Willie O'Dea:** Then the county council should know the charge has not been paid.

**The Taoiseach:** A lot of these questions are asked routinely about the non-principal private residence charge, water charges, commercial rates and so on.

### **Ministerial Rota for Parliamentary Questions: Motion**

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

That, notwithstanding anything in the Order of the Dáil of 9th March, 2011, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Health, shall be set down to Ministers in the following temporary sequence:

Minister for Jobs, Enterprise and Innovation

Tánaiste and Minister for Foreign Affairs and Trade

Minister for Finance

Minister for Education and Skills

Minister for Public Expenditure and Reform

Minister for Communications, Energy and Natural Resources

Minister for Social Protection

Minister for Arts, Heritage and the Gaeltacht

Minister for Transport, Tourism and Sport

whereupon the sequence established by the Order of 9th March, 2011, shall continue with Questions to the Minister for the Environment, Community and Local Government.

Question put and agreed to.

### **Topical Issue Matters**

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Joan Collins - the actions of Clare County Council in linking the household charge with the awarding of third level grants; (2) Deputy Aengus Ó Snodaigh - the delay in the payment of fuel allowances due to be paid in October; (3) Deputy Brendan Griffin - the threatened loss of 30 jobs at Simpson Strongtie, Killorglin, County Kerry; (4) Deputy Timmy Dooley - the possible link between the household charge with the payment of third level grants; (5) Deputy Pádraig Mac Lochlainn - the impact of €3.5 million worth of cuts on Letterkenny General Hospital, County Donegal, over the next four months; (6) Deputy Jonathan O'Brien - the need to address conditions at Rushbrooke national school, Cobh, County Cork; (7) Deputy Brian Stanley - the decision by Clare County Council to link the awarding of third level grants with the household charge; (8) Deputy Michael Healy-Rae - the problems facing the farming community this winter because of the bad weather during the summer; (9) Deputy Derek Keating - the problems in receiving social welfare payments at Lucan village, Dublin; (10) Deputy Patrick O'Donovan - the closure of Allied Irish Banks' branches and sub-offices in rural areas; (11) Deputy Pat Deering - the changes to the school transport system and the possible effects on school building projects; (12) Deputy Martin Ferris - the status of the investigation into the loss of the *Pere Charles* trawler; (13) Deputy Pearse Doherty - the financial problems facing Letterkenny General Hospital, County Donegal and, in particular, the €3.5 million deficit in funding; (14) Deputy Mary Mitchell O'Connor - the need to revise the health professions admission test; (15) Deputy Derek Nolan - the report of the Irish Refugee Council which outlines the difficulties faced by children in direct provision accommodation; (16) Deputy Catherine Murphy - the delay in awarding back to education allowances; (17) Deputy Dessie Ellis - the closure of Santry post office, Dublin 9; (18) Deputy Clare Daly - the need to lift the statute bar to allow survivors of symphysiotomy to seek redress; (19) Deputy Barry Cowen - the proposed job losses at Bord na Móna; (20) Deputies Charlie McConalogue, Mary Lou McDonald and Mick Wallace - the decision to target new entrants to teaching in the review of allowances;

19 September 2012

(21) Deputy Richard Boyd Barrett - the position of teachers employed in VECs in view of new Teaching Council of Ireland regulations; (22) Deputy Billy Kelleher - the recent agreement reached at the Labour Relations Commission with medical organisations representing hospital consultants; (23) Deputy Michael McGrath - the investigation into the purchase of a NAMA property by one of its former employees; and (24) Deputy Mattie McGrath - the difficulties being experienced by hauliers, farmers and all road users due to the rising cost of fuel.

The matters raised by Deputies Patrick O'Donovan; Derek Nolan; Pat Deering; and Charlie McConalogue, Mary Lou McDonald and Mick Wallace have been selected for discussion.

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

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

**Minister for Social Protection (Deputy Joan Burton):** I hope this week will be remembered as a week in which the Government put the needs and safety of children at the heart of Government policy. I am conscious that at 11.30 a.m. my colleague, the Minister for Children and Youth Affairs, will publish the wording of the children's referendum, which will be held on 10 November, and the accompanying draft legislation on adoption. This Bill, the referendum and the adoption legislation represent good work on behalf of the children of this country, particularly those who may be vulnerable or at risk. Thankfully, children for the most part are loved and cherished by their families but it is not always thus for every child and, therefore, citizens will have an opportunity on 10 November to insert into our Constitution specific references to children. The legislation, if passed, will be introduced in a number of areas and it will improve and enhance the protection of children.

The Minister for Justice and Equality presented the legislation to the House. 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 way records of criminal convictions and information, including so-called soft information, can be stored and disclosed by the Garda and other agencies for the purposes of child protection. The Bill will provide the necessary statutory basis for the existing procedures whereby the Garda criminal records database is used to vet people applying for employment working with children or vulnerable adults. These vetting procedures operate under the Children First national guidelines. The requirement to conduct vetting for the positions covered by the Bill is, therefore, not new.

Currently, approximately 300,000 vetting applications are processed each year by the Garda central vetting unit and, as those who have used the service will be aware, many people would like this service enhanced and vetting procedures dealt with on a more timely basis. My Department supports community employment, CE, and other social schemes. Many of the people working in community centres have access to children and vulnerable adults, and, therefore, positions they may take up require vetting and clearance by the Garda vetting unit. I am confident the proposals in the legislation will help to streamline and, hopefully, reduce the time it takes to complete the vetting process. It is a problem where somebody is appointed to a position and vetting takes a lengthy period.

The main purpose of the legislation is to put the procedures that have been developed to vet these applications into law. More important, it also makes it mandatory for people working with children or vulnerable adults to be vetted whereas, currently, this is done on the basis of a voluntary code. The Bill will also create offences and penalties for people who fail to comply with its provisions. People in authority who are dealing with children have a position of trust and a duty of care to children availing of their services.

In addition, the Bill provides for the use of soft information, which is referred to as specified information. Specified information is information other than a court determined criminal record, which is the basis of the vetting process at the moment. 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 people. It also includes similar conclusions arising from fitness to practice inquiries by statutory bodies such as those conducted by the Medical Council, the Nursing Council or the Teaching Council of Ireland and 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 inclusion of such information is important because we often have investigations where the Director of Public Prosecutions decides for various legal reasons not to prosecute but where serious concerns have been expressed by investigating gardaí who brought the case forward. Perhaps the case was not strong enough legally. It is, therefore, important that this information, which arises in specific context, should be available for vetting purposes.

As Minister for Social Protection, I am particularly pleased with the development of the legislation because it will have a positive impact on a number of schemes operated by the Department, including CE schemes and Tús, a new scheme that was developed over the past 18 months, and JobBridge. However, I note that relatively few JobBridge internships are in this category, certainly at present, as the vast majority of them are in small and medium-sized businesses.

Child care is a major Government priority and one to which the Department of Social Protection has made a significant response through the development and provision of a range of quality training and qualification measures. At present, there are 2,200 ring-fenced child care places in community employment schemes alone, while as I indicated, people working on Tús schemes and JobBridge also sometimes work with children and vulnerable people. The Department provides a structured approach to child care training and employment for more than 2,000 people, who obviously work specifically with children when engaged in practice as opposed to being in education. The Department of Social Protection provides training opportunities for people who work with children, particularly in child care, as well as for those who work in other contexts such as community centres, various public institutions and community institutions in which there may well be children and vulnerable adults. All such people must be vetted and at present, approximately 3,500 Garda vetting applications are processed by the Department of Social Protection for community employment and job initiative schemes per year. Moreover, a further 3,800 applications are processed per year for the rural social scheme and for Tús. Consequently, I am delighted to welcome the introduction of this Bill by the Minister for Justice and Equality, Deputy Shatter, both because it protects children and vulnerable adults and because it helps to raise standards in child care generally by ensuring that child care staff are properly trained and vetted and are capable of working well with children and vulnerable people.

There has been a clear commitment by the Government to improve the provision of child

care and at present, three national child care schemes are in operation. The free preschool year and early childhood care and education, ECCE, scheme provides that all children can access a free preschool year before starting primary school. The community child care subvention scheme is restricted to community not-for-profit child care services and provides support for parents in low-paid employment and training and education, including community employment, CE. This scheme allows eligible parents to access child care at a reduced cost at participating community child care centres. The child care employment and training support, CETS, schemes provide free child care to participants in FÁS and vocational education committee, VEC, training programmes. It is important that children attending these services are safe and their parents or guardians can have confidence in the calibre of the people providing child care services. I am, therefore, pleased 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 people, 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 the right to defend their name protected in the Bill, the Minister, Deputy Shatter, seeks to ensure that information such as vague rumours, innuendo or false allegations cannot form any part of the vetting process. He also seeks to provide for the constitutional rights of all citizens to protect the good name as provided in Article 40.3.2° of the Constitution. The Schedule to the Bill lists in detail the types of worker activities that require vetting. These include child care services, schools, hospital 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 the promotion of religious beliefs. The Bill provides exemptions from vetting for certain arrangements. Private babysitting arrangements, private tuition and other private arrangements are exempt from the vetting requirements under the Bill. There also is exemption from vetting for people assisting at sports or community events on an occasional basis. This exemption is necessary to focus the vetting requirements on people working with children or vulnerable adults on an ongoing basis where such people have time to be with the children, perhaps over a prolonged period and on a number of occasions. In any case, people who help out at an occasional or annual community or sports event typically do so in full public view. I agree with the Minister, Deputy Shatter, that it is neither feasible nor desirable to vet every parent assisting at every school, sports or community activity nationwide. Instead, one must be practical and the Bill therefore focuses on requiring vetting for persons such as sports coaches, trainers, youth workers, teachers or any other persons, paid or unpaid, who work with children or vulnerable persons on an ongoing basis.

The scheme of 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 its recommendations in November 2011. Members of this House have already been highly supportive of this Bill when contributing to the consideration of the draft

scheme of the Bill at the hearings undertaken by the Oireachtas joint committee. The Bill before Members today has been drafted to include provisions to take account of the issues raised by the joint committee. I agree with the Minister, Deputy Shatter, that Members of this House will be only too aware of the underlying need to have this legislation in place. We now are all highly conscious of the abuse of children and vulnerable adults that has taken place in a variety of institutional and other settings. Moreover, in respect of all the sad stories of abuse to emerge from all the investigations that have been carried out, the key issue very often pertains to someone having continual access on a private basis alone to children, perhaps identifying children whom he or she wishes to groom or approach, and then being in a position to so do because of the holding of a position of trust. This of course is a recipe for disaster if someone previously had an inappropriate interaction with children because it is known, on foot of many of the inquiries, people like priests who had a difficulty often simply were moved from one parish to another or from one residential institution or school to another where they started off afresh and again were able to put children at risk or commit criminal actions in respect of children. Arising from the various inquiries, we are a sadder and more knowledgeable society about what constitutes risk, what is appropriate and what is inappropriate. The putting in place of this legislation will take us one further step along the road of seeking to provide a more secure environment in respect of our children. Consequently, the Bill is essential to ensure that employers can make informed decisions in cases where people seek employment that involves access to children or vulnerable adults.

I wish to mention the Garda central vetting unit with which my Department, the Department of Social Protection, works and which is led by Superintendent Pat Burke. At present, the unit processes approximately 300,000 vetting applications per year. I have had an opportunity to meet Superintendent Burke and I commend the superintendent and his team on their work in reducing the processing time for vetting applications. The improvement has been of enormous benefit to individuals and organisations throughout the State. The Garda central vetting unit, which will become the national vetting bureau under the provisions of the Bill, will have a substantially extended role under new legislation. Hopefully that will mean we can deal with the very large volume of requests - in excess of 300,000 a year - for vetting of people working with children and vulnerable adults. We will now have the focus and capacity to deal with what the tabloids call soft information but the Bill refers to as specified information and this will give rise to additional demands.

The aim of the legislation is to provide a safer and more protected environment for children. Of course it will not be able to guard against all dangers for children but hopefully it will significantly improve the threshold of safety the children enjoy. Because these procedures need to be carried out and employers and board members and managers of community, voluntary and educational organisations need to address these issues, those people will become informed and educated about the risks to children. It is critical to develop a culture in which adults in positions of authority and trust have a realistic understanding of the requirements for the practical protection of children. Systems are required and reporting of events is absolutely essential. We need to build that infrastructure.

At about this time the Minister for Children and Youth Affairs, Deputy Fitzgerald, is publishing the wording of the proposed constitutional amendment on children. When the referendum is held on 10 November, it will be an opportunity for all our citizens to consider carefully the proposals as people always do in referendums. I hope they will vote "Yes" because it will be an opportunity to enhance further the status and provisions relating to children, particularly

children in long-term foster care. Many of these are children of married parents but with no opportunity to be adopted particularly by the foster parents even though those foster parents may have been caring for them for some time. I know of many cases where children have been cared for by foster parents for most of their childhood and teenage years but are unable to form a link through adoption with their foster family even though their foster parents have become their parents because the natural birth parents have not for various reasons been available to care for them.

**Deputy Billy Kelleher:** At a time when wording of the constitutional amendment on children is being published, it is appropriate that we are speaking about a very solid proposal on vetting procedures that will protect children and vulnerable people. The Minister also said that it is about protecting those in positions of trust and ensuring that they have adequate training and knowledge of their obligations. Nor should they be compromised by allegation or not being aware of their obligations. Clearly getting that balance right is a very important part of the legislation.

We need to ensure that we have not only children's rights but also the resources to ensure those rights are upheld, vindicated and protected. We often pass legislation purporting to do something but the mechanics and workings of it are critical. Resourcing should be made available to provide training and information to organisations and individuals working in the community on a voluntary basis, on boards of management in community centres, on community employment schemes and all the other normal activities that happen every day. Proper information campaigns need to be put in place outlining the obligations of the employer and employee in the vetting procedure. There also needs to be training in the area of child care and dealing with vulnerable people.

Clearly the legislation is welcome. Obviously we have concerns that it is not sufficiently broad to deal with child minding, which we regard as a deficiency in the legislation. We all know that paedophilia is a predatory and devious activity. As the Minister has acknowledged, changes in technology have meant that predatory profiling has gone to Internet grooming and using that as a mechanism to build up trust with a vulnerable person or a child. As child minding takes place in the home it is very hard to police in the first place. However, we feel this should be kept under observation because cutting off potential predatory avenues may result in people going elsewhere in order to inflict abuse on children or vulnerable people.

Overall the National Vetting Bureau (Children and Vulnerable Persons) Bill 2012 is welcome and sits alongside other legislative measures that have been introduced and others that are on the way, including the Children First legislation. We also need procedures ensuring a streamlining of vetting. While this is not the fault of An Garda Síochána, because there was not uniformity regarding vetting across the country for many years there were delays in vetting individuals to determine if they were suitable for paid positions of employment. We have all come across cases of people waiting extraordinary lengths of time to take up employment because the vetting procedure did not happen as quickly as one would anticipate. That will now be streamlined with a co-ordinated centre in Thurles with an information flow into that centre. The proper supports in technology, software and computers as well as personnel resourcing need to be maintained to ensure this legislation is effective as opposed to conferring another right on people which is not vindicated or protected.

Unfortunately many hours in this House have been taken up in discussing the many reports of abuse inflicted on young people over many decades by various institutions, including the

church, that were entrusted with their care. In many cases the State abdicated its responsibility for children, which had a very damaging impact on many people. These include not only the abused and their immediate families, but also us as a people. We failed to look after the most vulnerable in our society. The constitutional amendment on children's rights could form part of that healing process by putting the child first and at the centre of everything and then having legislation, such as this Bill, in place to ensure those rights are vindicated and upheld and children are protected by every effort of the State. For all those reasons it is important.

We also need to be conscious that many people volunteer for a school day or a community association fund-raising night. There needs to be clarity on the obligations organisations have. Without clarity on the obligations in order to comply with this and other legislation, people may just put up the barriers completely and not go ahead with everyday events such as garden fetes and other fund-raising events for schools and community centres. Some years ago community associations cancelled various fund-raising and community events because they could not get public liability insurance or were unsure about the liability contingent on individuals or organisations if something happened. I am concerned that if this is not properly explained and validated in a concise manner organisations will seek to comply with this legislation and other legislation and may not, because they believe it is too onerous, engage in what is considered normal every day community activity. It is important in terms of protecting children and vulnerable people and informing people and organisations of their obligations that we achieve a balance so as to ensure people do not believe onerous obligations are being placed upon them resulting in their not taking up work in communities and volunteering on a regular basis, as is currently a normal part of everyday life in Ireland.

The Health Information and Quality Authority, HIQA, is responsible for inspecting nursing homes in terms of fire exits, facilities, medication and quality of medical service provided to patients. We must be conscious that many people in nursing homes are vulnerable people. There is an obligation on all the statutory authorities who oversee these facilities to ensure that the inspection process not alone addresses patient safety in terms of fire, medication, food and so on but personal integrity. This area needs to be monitored. HIQA is at the front line in terms of ensuring standards are maintained in nursing homes. Given the increasing demographic profile of our people and the move towards private nursing home care, we may have to revisit this legislation in terms of the provision of further resources to HIQA and the putting in place of stronger links between it and the vetting bureau. There will be a need for continual observation to ensure this area is not forgotten about and there is proper centralised inspection of individuals, not alone in terms of vetting but of inspection. We may have to revisit this issue at a later stage if this particular legislation is found to be slightly impaired in terms of ensuring inspections are part and parcel of the process in the area of long term care.

I referred earlier, as did the Minister, to the issue of social workers and employees of the Health Service Executive. I believe we are hugely under-resourced in this area. That is an observation rather than a political point. There is now much emphasis on the assessment of families under stress and duress for many reasons and at risk owing to addiction, dysfunction and mental capacity. We need to revisit the issue of social workers and supports for families and individuals within those families who are at risk. All too often, we hear of cases involving children whose lives have been taken or of a parent who has taken his or her life and that of his or her children. I wonder if in this regard the link between schools, social workers and the HSE is strong enough in terms of the provision of a mechanism that is proactive in dealing with this issue. I am aware that this matter will be central to the debate on the forthcoming children's

rights referendum. However, at the heart of this issue is resources and rights. We can confer rights on people by way of legislation or through changes to the Constitution but the key issue is the provision of resources for those on whom we confer those rights. There remains substantial difficulties in terms of social workers' interaction with families and individuals within those families who are vulnerable and at risk. This is not an issue in respect of children only. There have been many cases involving a person with an intellectual, physical or mental disability who has been abused or neglected by a family member in the home. This is a key issue with which we must deal, one which will require extensive resourcing.

The Garda Síochána may receive information which is then passed on to social workers in the HSE, many of whom are working under huge pressure. We need a 24/7 care system in place. A social worker once told me that she goes home on a Friday evening hoping that when she returns to work on Monday there will have been no change in circumstances over the weekend. It is hoped that the deficiencies in this area, not alone in respect of rights and legislation but of resourcing, will be highlighted during the debate on the forthcoming referendum. We must assist those who need support. In this regard, I am speaking not only of a particular individual who may need support but of whole families who require intervention. Intervention can take many forms. The saddest intervention is when the hearse arrives at the house to take away a family member because of the failure not necessarily of individuals but of the system to provide assistance and supports.

I hope that in future there will be assistance available 24/7 so that when the Garda or HSE receive reports or teachers perceive, in school or through local contact, a potential threat to an individual the system can move immediately to address it rather than having to wait until the following Monday or Tuesday when a social worker is available. Such a service will be expensive and social workers, who are a professional group of people, are in short supply. Nevertheless, we need to roll out this support service to vulnerable families in our communities. The number of people at risk and under huge pressure because of changed circumstances in the economy and society has increased, resulting in alcohol abuse, drug addiction and so on which can have a devastating impact on individuals and society.

In speaking about vetting, children's rights and the protection of vulnerable people the emphasis must always be on ensuring that what we say in here, in terms of our aspirations to confer rights and protections, is backed up with resources. On the issue of childminders, I am concerned that this Bill does not adequately address this area. Many children are cared for by childminders in the home. This legislation is deficient in terms of addressing this issue. There is a need for ongoing monitoring in this area. The Bill should include a reference to the vetting of childminders and in this regard the Minister should revisit it immediately.

*12 o'clock*

It is often too late when we realise key areas of legislation were not enacted or resources were not put in place to develop a particular area. While this legislation is being rolled out and resources are being rolled out behind it, we should be mindful of the issue of childminders. If one were to add up all the people who are solely dependent on an individual in a trusting way on a daily basis, the area of childminding would be a key one where there are no other observations in place. In most other cases, in nursing home settings, even in community centres, schools and hospitals, there are more people in the vicinity and in the work environment but in the home setting the childminder is at the centre of it, as entrusted by a parent or parents to mind children for a period of time when nobody else is present. That is something we need to observe and

keep a very close eye on. Given the predatory nature of paedophilia, when one avenue is closed off, other avenues are explored by those people. There is considerable evidence internationally that shows this to be the case. Very often, as we have found to our cost here, the offender may not be a childminder from outside the family environment but one from within it, a relative or a person closer to the family than the traditional mindset people would have of a person who would work as a childminder.

In regard to the passing on of soft information to people in the Garda vetting bureau, the purpose of the Garda Síochána is to maintain the peace, protect our citizens and all that flows from that. If there is evidence or suggestions that an individual may not be suitable to be placed in such a role, there is an obligation on people to pass on that information, even if it is soft or anecdotal in nature, as it would give the Garda intelligence to assess a situation and deal with it.

We welcome the Bill. There are key settings in the area of child protection in particular, childminding and nursing homes that we might have to monitor and observe. On the day of the launch of the wording of the children's rights referendum, the key issue is not only do we confer rights but we confer those rights and entitlements through ensuring proper resources are made available to protect children and vulnerable persons in our community.

**Acting Chairman (Deputy Olivia Mitchell):** The next speaker is Deputy Mitchell O'Connor, who I understand is sharing her time with Deputies Coffey and O'Donovan.

**Deputy Mary Mitchell O'Connor:** Step by step and piece by piece, the Government is addressing gaping holes in the protection of children and vulnerable adults. Yesterday the Taoiseach announced a referendum to protect children. Thankfully, 20 years after the retired former justice Catherine McGuinness advised this reform, the Government is now giving the people a choice to give children a voice in our Constitution, and at this moment the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald, is publishing the wording of the referendum. Past Governments have procrastinated on the children's referendum for 20 years and many little voices went unheard as a result. Previous Governments have deferred and have not put in place the children's referendum as should have been done.

To return the Bill before us, it is further evidence that the Government values our young and vulnerable. It is an immense pity that it took the highlighting of terrible abuse of hundreds of Irish children to get us here. In terms of saying what goes on behind closed doors should stay there, we should all be active citizens. We should all actively care about those around us. That is what separates us from animals.

I would like to praise two aspects of the Bill. It allows for specified information to be taken into account. This goes beyond the current system. The Bill sets out procedures to allow soft information to be used. This will further protect our children. Organisations working with or providing services to children and vulnerable people have called for this to be done for many years. The Government is listening and, more importantly, acting on their concerns.

I am delighted the Bill will enforce criminal sanctions on those who do not properly use the new vetting system. Thousands of people are working with our young and vulnerable who have not been checked by the Garda. At a meeting of the Joint Committee on Education and Social Protection in July, I was shocked to learn that there are still 42,000 teachers registered with the Teaching Council who have still not been vetted. I stress that this is not the fault of the teaching profession but rather because of the historical backlog of applicants seeking to be vetted. I ask

the Minister that those in the teaching profession who have not been vetted be vetted as quickly as possible. This will ensure our children are safe. It will ensure the teachers' professionalism and their characters are not impugned due to delays in vetting which occur through no fault of their own.

Negative side-effects of improved vetting have been raised. As Deputy Finian McGrath said last night, abusers and paedophiles will not go away. Predators do not go away. Fears have been aired that with better vetting in our schools and sporting organisations, increased Internet grooming may occur as a result. Undoubtedly social policy and legislation have not kept pace with technological advances. Technology makes every day easier, but it also makes the lives of many scary, lonely, bullied and isolated. Parents and school authorities need to be more aware. They need to be vigilant and take precautions to ensure children are protected from cyber stalkers. We as legislators need to do our utmost to protect our youth from the harmful and negative impact of not only Internet grooming but also sites that promote violent sexual acts as desirable or that promote anorexia, bulimia, binge eating and cyber bullying. The world has advanced hugely in the last ten years. Children and teenagers today face different challenges and problems and we as adults, parents and legislators need to face up to this reality and start being more proactive about their welfare.

**Deputy Paudie Coffey:** I welcome this opportunity to contribute to the debate on this Bill. There is no doubt it will strengthen the State's protection of children and vulnerable people. I commend the Minister for Justice, the Minister for Children and Youth Affairs and the Government on the proactive legislative steps they are taking to ensure children are protected and not exposed to any abuse such as that which occurred up to the recent past.

The Bill will give statutory effect to the current vetting system that has been in place. It would be remiss of me not to mention the significance of the children's referendum launch that is happening this morning, which will be a huge positive step. I hope it will ensure further debate and discourse on children's protection.

I compliment the Oireachtas Joint Committee on Justice, Defence and Equality on its work on this Bill, on its wide consultation with interested organisations and on taking on board their views. It has made a number of recommendations to which I will return later.

There is no doubt this legislation will tighten up the area of ensuring adequate protection for children and better vetting procedures for people who come into contact with children and vulnerable people. The current system has gone some way towards ensuring protection but it is not complete. I read recently that in County Cork, a convicted sex offender was found to be driving a public school bus. I understand that situation has since been corrected. This legislation will ensure such happenings will not occur again.

The Bill will focus essentially on those who work with children and those who have regular contact on a medium to long-term basis with children and vulnerable people. I refer to the PPS number as an identifier. The Minister must clarify whether a PPS number can be used as an identifier in the vetting process. I encourage its use but there may be data sharing issues.

I note that the Fianna Fáil Party has concerns about childminders. I am the parent of young children who go to a childminder. Parents closely monitor individual childminders and they develop a strong relationship with the childminder. We must be careful not to be over the top in this legislation.

Some 87.9% of foster carers have already been vetted, with the remaining 12.1% being processed. The HIQA report on elderly homes revealed that only 43% of centres have been adequately vetted. That is a concern. I hope the new system will address these areas. Challenges remain for the Government because, with the new legislative system, I am concerned whether adequate resources will be put in place to ensure the national bureau for vetting will have the resources and facilities to deal with the increase in vetting applications. There are delays and issues with the current procedures and they have not been adequately addressed.

I was involved with many community groups, including the GAA and the boards of management of schools. A number of voluntary organisations look after the social needs of children with the best of intentions. Such agencies and organisations need to be properly advised and informed with regard to the implications of legislation. That can be done at relatively low cost through the establishment of a website with appropriate information, forms and advice. The observations of the Oireachtas joint committee are worth considering. They mention that those with access to confidential information on children and vulnerable people should also be vetted. That point is not dealt with in the Bill and should be considered.

I feel strongly about the portability of vetting certificates. Individuals may have a vetting certificate for one organisation but may be involved in a multitude of organisations. We should consider reducing administration by making the vetting certificate transferable within other organisations. That seems a practical and cost-effective solution and will make the process easier to administer. Mandatory re-vetting is recommended by the Oireachtas joint committee and is provided for in the Bill. Perhaps we should consider a renewal period for vetting certificates of three or five years, similar to a driving licence. This point should be examined.

**Deputy Patrick O'Donovan:** Before speaking on the National Vetting Bureau (Children and Vulnerable Persons) Bill, I refer to the referendum, given that the Minister for the Environment, Community and Local Government is present in the Chamber. I welcome the fact that the referendum is being held on Saturday. I commend the Government on doing so as it will allow younger people and those who work away from their place of residence to vote. I would like to see legislation to put that practice on a statutory footing so that it is always the case.

This referendum will throw up the debacle of the McKenna judgment. Given the universal political support we heard for the children's referendum this morning, the constitutional convention, the Department of the Environment, Community and Local Government or an Oireachtas committee should examine the fallout of the McKenna judgment. While 100% of the elected representatives of the people of the country may be supportive of an amendment to the Constitution, 50% of the air time must be allocated to a fringe group, which may be unrepresentative of the people and may be funded from outside the State. The Oireachtas has an obligation to examine that and ask ourselves whether it is a fair and true reflection of what those who elected Oireachtas Members expect. People who may not be citizens of the State, let alone resident in the State, may find themselves the cheerleaders for a fringe group that is against a measure in the public good, as is the referendum on children's rights. I have major concern about that and proportionality should be examined. Now is the opportunity, given the holding of the children's referendum and the fact that, according to the previous speakers, it seems the Opposition parties are supportive of the referendum in principle. That is a good thing.

The referendum, the Children First guidelines and the setting up of the Department of Children and Youth Affairs are part of a suite of initiatives taken by the Department of Justice and Equality and the Department of Children and Youth Affairs to address the greatest blot on the

Irish psyche since Independence. I refer to the manner in which our State failed to protect and safeguard vulnerable people and children. It is a shame on the State. Deputy Kelleher referred to this being part of the healing process in which the State must be involved. We will never manage to delete what happened to vulnerable people and children in institutions, homes, schools and hospitals but we have an obligation to do everything we can, from a legislative and social point of view, to ensure it does not happen again where possible. The transcripts of proceedings and reports on the investigations of the Roscommon case, which really highlighted the inadequacy of the system and how it fell asunder, refer to children being emaciated with lice climbing down their faces. Several people raised concerns, yet there was an absolute failure to intervene. The failure applies not only to that case, but to a litany of cases. Recently, swimming coaches, taxi drivers, bus drivers and people in ordinary professions have been brought before the courts. We see a constant dripping of court cases, media reports and legislative reports showing that the State failed these people as citizens. A previous Taoiseach issued an apology for how the State failed to protect children and vulnerable people. It is the most shameful moment in our nation's history.

Over the past number of days, the emphasis has been on children but the legislation also applies to vulnerable adults and people of reduced mental capacity, those living alone in receipt of home help, those who have carers coming into their home and people who are blind and in need of personal assistants. A huge level of trust is required and, unfortunately, I know about it. A level of trust is built up between the carer and the person receiving care, yet we do not have the proper legislative standards for the protection of old people and those with reduced mental capacity in their homes. I raised this point in the Dáil and a "Prime Time Investigates" programme investigated the matter recently. Every year, the State spends several hundred million euro on home care packages and we expect people to be cared for in their own homes. It is the best place to maintain people and they should remain there where possible. At the same time, we do not have standards, an inspection regime or legislation. We have commercial contracts between the HSE, which pays, and commercial entities and companies that provide the service. Were it not for the interest of the public health nurses who liaise with those in receipt of home care, we would probably be in a very difficult set of circumstances in which we would have no clue whatsoever as to what is occurring in people's homes. This needs to be taken on board urgently by the Minister for Health and his Department. The Minister of State with responsibility for the disabled and elderly has flagged this as a matter that needs to be addressed by way of legislation. It is very badly needed. This State has placed a huge amount of trust in home carers caring for old people. In many cases, the elderly have no one to speak for them.

Many of the people working in home care are excellent – do not get me wrong – but if there is no set standard, inspection regime, requirement to produce certification and documentation on an ongoing basis and unannounced visits and interviews, there is potential for slippage. We saw this very clearly in regard to private nursing homes. In this regard, the inspection regime and adherence to minimum standards fell asunder absolutely. It took a "Prime Time Investigates" programme to reveal this. It was followed up by Deputy O'Dowd, who is now a Minister of State. He brought forward proposals that led to the establishment of HIQA. Many Members, including me, have many gripes about HIQA and what it expects, yet the provision of private, commercial home care packages needs to come under its auspices. The sooner, the better. People living on their own who have nobody, and to whose doors the postman may be the only visitor, are in dire need of having the State row in behind them.

Let me refer to my background and to what the previous speaker said on vetting certifica-

tion. I have considerable concerns in this regard, for very good reason. In the information provided to us by the research facility, it is stated that one town council down the country suggested bringing forward a three-year certification clause. I would have a major problem with that. The reason is that, depending on circumstances, there should be fluidity. Once there is Garda vetting, this should not be the end of the line. Every two, five or ten years, for example, the employer should receive an update from the Garda Síochána. A person could be cleared today and appointed as a primary teacher tomorrow, with no further vetting. There is no follow-up. The Garda vetting bureau does not provide any further information to the employer, which is a huge anomaly.

It is not enough to say one has been involved in ten different organisations. I have been involved in many youth work organisations and have received five or six Garda vetting certificates. I have no problem with this. People just have to wait because it is preferable to having something slip through the cracks. I urge caution on the part of those who say that once one is vetted once, that should be the end of it. There should be fluidity and vetting should continue. Once one is in the system, one should be automatically re-vetted after a certain period. This cannot be too difficult. If, using an Oireachtas database, we can revert to a constituent on a given matter, we can surely have a system whereby an employer can be updated on vetting.

In general, I welcome the legislation. It is long overdue. So, too, is the children's rights referendum and the putting on a statutory footing of the Children First guidelines. I know the Minister for Justice and Equality will read the transcript of this debate because he said so yesterday. I urge him to do something for vulnerable adults, including the blind, deaf, incapacitated and those with reduced mental capacity, and all those who are currently in receipt of private home care. With the announcement of the referendum on children, there is, quite rightly, a temptation to focus on children, but this is a much broader issue.

**Deputy Michael Colreavy:** This State has had a poor record of protecting children. We are all too familiar with the harrowing tales from industrial schools, general schools and clubs where children were left open to abuse by predators. The State did little or nothing to protect them. We are also acutely aware of the occasions on which children were abused in their own homes, where they were entitled to protection and love. No one stepped in to stop their pain, including, on occasion, the health authorities dealing with the families. Child safety and the safety of vulnerable people are of paramount importance. They probably comprise the most important provision for which we, as Members, can legislate. We must ensure the highest standards are in place to protect the young and vulnerable.

The purpose of this Bill is to regulate and control the manner in which records of criminal convictions and information, including so-called soft information, can be stored and disclosed by the Garda Síochána and other agencies for the purpose of child protection. Soft information may include, but is not limited to, circumstances in which an allegation of child abuse is made against a person although it does not result in a conviction. It 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.

Vetting procedures are already a requirement under the Children First national guidelines. Approximately 300,000 vetting applications are processed by the Garda vetting unit each year. The primary purpose of the Bill is to put the procedures that have been developed to vet the applicants into law. More important, the Bill 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 the provisions of the Bill.

As matters stand, only hard information, such as a conviction, can be used in the vetting process. This leaves a gaping hole in relation to the dangers that children or vulnerable people could be exposed to. A problem may arise in that a person who is reported to the Garda but is never convicted, perhaps due to lack of sufficient evidence or a technicality, could still pose a significant risk to children. There is a clear argument for sharing soft information as it could prove vital in preventing further cases of abuse of children or vulnerable people.

In exceptional circumstances, and only in such circumstances, and in the interest 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, in addition to ensuring full human rights and data protection compliance. Those provisions concerning soft information should only deal with information that has been brought to the attention of the Garda or HSE.

It is important that a person who is to be placed on a soft information list will be notified of this fact and will be given the chance to appeal the limits set upon them by being placed on this list, prior to any request for vetting by a third party. It is also essential that the one central vetting unit store all information in compliance with data protection legislation. There must be no confusion as to the types of information applicable to this legislation. Notice must be given of the types of employment likely to be affected and, furthermore, notice must be given of the period for which 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 permanently and promptly.

While we cannot underestimate the importance of using this legislation to firm up child protection measures, we also cannot underestimate the need to keep such information confidential and to make available on a strictly 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 it by the vetting bureau beyond what is strictly necessary. Severe penalties must be applied in respect of any breach of this obligation.

In the interest of fairness, we must also ensure limited restrictions to contesting discrimination where a person believes that an employer has acted above and beyond that which is required by the vetting soft information list. We urge the Government strongly to examine the option of introducing an independent body to investigate appeals.

The protection of children and vulnerable people is paramount. The Government has an opportunity to right some of the wrongs that have been committed against children. Sinn Féin will support this legislation. However, legislation without a means of implementation is worthless and we will seek to ensure that the necessary resources are in place to achieve the Bill's objectives.

I disagree with Deputy O'Donovan's suggestion that the voices of small groups in opposition to the children's referendum should be silenced on the basis of the broad all-party agree-

ment. As legislators, we should never assume that we are all-knowing and all-wise. The people are entitled to hear every opinion from all sides of the debate, even if an opinion is from a small, unrepresentative group. People have the intelligence and maturity to cut through the points made by such groups and to reach the proper conclusion. In this light, it would be wrong of us to try to silence the voice of dissent. Parliaments often make the mistake of legislating on the assumption that they know better than everyone else.

**Acting Chairman (Deputy Olivia Mitchell):** I understand that Deputy Buttimer is sharing time with Deputies Áine Collins and Dara Murphy. Deputy Buttimer has ten minutes.

**Deputy Jerry Buttimer:** This is an historic day in our Republic. For the first time, a Government has published a Bill to go before the people in a referendum on enshrining in the Constitution the protection and rights of children. Of equal importance, it will support families and treat all children equally. I commend the Government, particularly the Ministers, Deputies Shatter and Fitzgerald, on taking such a referendum to the people, who will be asked to vote in the interests of families and children. I hope the people will engage.

I agree with Deputy O'Donovan regarding the way in which we engage in referendums. It seems that there is a disproportionality in media coverage. The McKenna judgment requires a ratio of 50:50 irrespective of the quantum of pro versus anti. That was Deputy O'Donovan's point. I agree with Deputy Colreavy that we can never silence people, but we need a balanced approach in the coverage of a proposition.

This Bill is one of a suite of legislative proposals from the Government that have at their core an increase in the protection afforded to children and vulnerable adults. It has been 20 years since Mrs. Justice McGuinness called for such a referendum and we have had 17 reports since the Kilkenny case. The impact on children caused by inaction and an abdication of responsibility has been evident.

I welcome the cross-party and Independent support. We need a robust system of protection. The Government has put one in place through the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012, the heads of the Children First Bill, this Bill and the children's rights referendum.

It is important that we consider the social purpose of vetting and the consequences of the system. The paramount purpose of vetting is to protect the most vulnerable in society. This concern is at the heart of the Bill, just as it has been at the core of the Government's work in the past 18 months via the Minister for Justice and Equality as well as the first-time establishment of a Department with responsibility for children and youth affairs and a Minister with full Cabinet voting rights.

In 20 years our view of children has changed significantly. We recognise the fact that there must be joined-up thinking, an interagency approach, discussions, collaboration and a sharing of resources in the best interests of children and the most vulnerable.

The impact of past failures on society, families and children have been considerable. These failures have been on the part of all of society's strata, including the State and the church. No one can abdicate responsibility. As a legislative assembly and a nation, we must restore confidence in child protection services. I pay tribute to the many excellent people working in those services. This legislation must work with them hand-in-hand. The proposed legislative framework will ensure that the duties and responsibilities of those working with children and

vulnerable adults are clear. There can be no more grey areas. The framework requires a collective responsibility to ensure that the highest standards are achieved and maintained. This and other Bills being introduced by the Minister for Justice and Equality are significant steps in achieving those goals.

I welcome the fact that this Bill will place the national vetting bureau on a statutory footing and place clear and cogent demands. It will remove ambiguities in terms of duties and responsibilities. I also welcome the fact that it will achieve a balance between the need for disclosure, the public interest and protecting the interests of children and vulnerable adults. Deputy Colreavy referred to the sharing of soft information. It is important that it be disclosed, given the fact that it is not only a criminal conviction that can indicate a risk of harm. A pattern of behaviour can indicate a risk of harm. When we discuss the protection of the most vulnerable members of society, we must remember that we are referring to children and vulnerable adults. We should not rely on the same standards as obtain in criminal trials. We should not require that something be proven beyond reasonable doubt. Those who are at risk deserve the greatest protection possible from the State. This will be ensured by the disclosure of soft information.

Let us consider the current vetting system. We know why it is necessary but is it prompt? In some cases, people experience delays in obtaining reports from the Garda. I welcome that in the first three months of this year, the average length of waiting time has been reduced to two weeks from 12 weeks in 2010. I commend those responsible for this achievement, particularly the Minister and those working in the national vetting offices. It is important to ensure we have sufficient resources, and in a time of budgetary regression, we must allocate resources properly. If we expect a service and continuing care, those resources must be put in place.

Although we may not be overly concerned about the average waiting time, the longest waiting time is of concern. Delays have a consequence on people and organisations when it comes to earning a living or allowing an organisation gain a volunteer or be provided with a valuable service. Delays can prevent delivery of an essential service to those people most at risk. It is important that the resources of the vetting bureau are adequate and give a proper, deliverable turnaround time that is achievable and practical.

Deputies Colreavy and Healy know that in the committee dealing with health and children matters, we have examined the heads of the Children First Bill, and we have listened to a significant body of people who work with children. The State has a duty of care and it is important for us to put our house in order with regard to relevant legislation. We are doing so and the Government has come to the fore in creating an awareness of child abuse, facilitating recognition and reporting of it and managing child safety, which is very important. This is about creating a joined-up approach involving different agencies and Departments and meeting responsibilities. I commend the Bill to the House.

**Deputy Áine Collins:** I welcome the Bill, the purpose of which is to protect children and vulnerable adults. Vetting of people who work with children or vulnerable adults must be mandatory; not only do we need to ensure that protection is provided to both children and vulnerable adults but we also need to protect the staff and volunteers working in the area. We have all been shocked and dismayed at the various reports that have come out detailing the abuse that children have endured in the past. What shocked me most was how recently this abuse took place. I am glad the Minister for Justice and Equality and the Minister for Children and Youth Affairs are doing everything possible to strengthen the law and minimise occasions where such abuse could happen in future.

We will see a number of Bills being brought to the House in this session in this regard, as well as a children's referendum Bill. The wording of the constitutional amendment was announced today. All of this is being done to improve the protection of children in this country. As comprehensive as the legislation is, it is nearly impossible to cover all incidents where abuse is likely. This is why, as people, we should examine society closely. We all have a responsibility to ensure these new laws are successfully enforced.

The new suite of legislation to protect children and vulnerable adults includes this Bill, the Children First Bill and a new criminal justice Bill. These are indicative of the Government's approach to looking after our people, which is the State's duty of care. Such action will also ensure that total clarity is brought to bear in the protection of children, and ignoring any provisions in these Bills will be a criminal offence. These new laws, and this very detailed legislation in particular, place a significant responsibility on volunteer organisations, community groups and statutory institutions.

The obligation on voluntary and community groups puts extra responsibility on people who already give generously of their time. Community activity and volunteering is of enormous benefit to our economy; it also benefits social inclusion, especially in rural communities, and community volunteers must not be undervalued. This is especially true in these times of high unemployment. From speaking to people in many of my community and voluntary organisations in Cork North-West, I know people are very supportive of this Bill. Community groups, more than anybody else, see the need for this type of legislation and will continue to work voluntarily to promote a particular group or sports organisation. They know the value of having staff or volunteers vetted by the bureau and how this serves to protect all involved parties.

There is a real onus on employers to comply with the new legislation. I know many of these feel there is much bureaucracy and regulation to adhere to, especially those which affect small employers with limited resources in difficult times. Everybody understands the need for this legislation and its importance, as it is not just a legal issue but also a moral one. Any organisation employing people working with children or vulnerable adults must comply with the legislation, and that provision applies no matter what type of contract the employee has. It also applies to contracts for service.

An employer must register as a relevant organisation under this Bill and employers have an obligation to vet applications or employees doing relevant work or activities relating to children or vulnerable adults. They will also have an obligation to ensure that a person previously vetted for a current position can be vetted again and employees who have not gone through the vetting process must be vetted retrospectively. There will be severe penalties, including a prison term, for non-compliance, so employers must make themselves aware of their duties under this legislation.

It should be clear to everybody that this Government is totally committed to ensuring the safety of children and vulnerable adults is protected to the fullest extent possible. This Bill will go a long way to ensuring that people who work with children and vulnerable adults are properly screened, which must be good. We must all be vigilant in ensuring that children and vulnerable adults are properly protected, and for that reason I commend the Bill to the House.

**Deputy Dara Murphy:** I also welcome the opportunity to speak to this Bill today, given the day that is in it. Within the last hour we have seen the publication of the wording of the constitutional amendment for the children's referendum, yet another example of the Government's

long overdue commitment to our children and vulnerable people in our society. I hope that people in positions of influence will now read the wording, and I note some senior members of the Judiciary were able to comment in advance of the publication of the wording. I found that very curious, particularly given the legal background of these people. There has been support this morning from people who deal with our most vulnerable children, such as Barnardo's and the Irish Society for Prevention of Cruelty to Children.

This legislation is long overdue, as we have seen from the Ferns, Ryan, Cloyne, Dublin Archdiocese and Kelly Fitzgerald reports. I compliment the Minister, Deputy Shatter, but we must ask why this legislation could not have been brought forward by the previous Government, given that a joint committee brought forward these recommendations in 2008. Nonetheless, I welcome the Opposition's support.

To date there has been a voluntary system, and most of us involved in politics have had many representations about the speed of processing of 300,000 applications each year. It is welcome that the waiting time is now approximately two weeks rather than three or four months. I encourage the Minister to put in place all the necessary support to allow for the changeover from voluntary to statutory systems so we do not regress to long waiting times. For people running voluntary and sporting organisations in particular, or people taking up employment, a quick and streamlined vetting process is vital.

The main concept in the Bill is that what is termed "soft information" held by the Garda, where criminal investigation has not taken place, can be released. It is vital that there be a quick appointment of an independent appeals officer because where information is described as "soft", it may not have been strong enough to give rise to a criminal prosecution. Therefore, it is important that the appeals officer does not require in the ambition of protecting children that the information which comes to him or her is strong enough to force court proceedings because by definition it cannot do so. The balance of power must fall in favour of our children. It is also noteworthy that anyone who is the subject of this information will be given the legal right to challenge. I also welcome the clarification on sporting and voluntary organisations and people occasionally involved with minding and protecting young people. Several years ago I was on a parents committee and a proposal for a walking bus, whereby children would be escorted to school with a rotation of parents walking with them, could not continue because of the onerous child vetting procedures at the time. At least now we will have absolute clarity on what is required and what is not.

We are speaking about soft evidence but there is also hard evidence. I spoke to a very senior garda who highlighted an issue I would like to bring to the attention of the Minister of State with regard to the collection of DNA evidence, which would be hard evidence. In an investigation of any crime involving DNA evidence, and today we are discussing perhaps sexual crimes involving vulnerable people and children, the DNA evidence can be collected and stored only for the particular investigation. If people are deemed to be potential suspects in a crime involving DNA evidence the Garda must again collect DNA evidence from the suspects. Evidence cannot be held in a central database. This causes a number of difficulties, the most important being that gardaí are not efficiently seeking those they should be by being able to discount those for whom they already have DNA evidence. This has huge resource and cost implications. It also impacts on those who are innocent who must return to a Garda station and voluntarily submit their DNA to be cleared. This issue has been highlighted as an area that needs to be addressed.

I welcome the Bill and reiterate the call for an independent assessment of disputes, which

needs to be efficient and have statutory support to fall on the side of vulnerable children where a dispute arises.

**Acting Chairman (Deputy Olivia Mitchell):** I call Deputy Catherine Murphy who will share time with Deputy Seamus Healy.

**Deputy Catherine Murphy:** The thrust of the Bill is positive. However I have some concerns which I would like to address. We have had too much legislation which does not have a solid practical application and uncertainty about how it will be applied. It is important to consider this legislation not only in its own right but also where it fits into the jigsaw in terms of the suite of child protection legislation. We must examine the institutions in the first instance. In this respect we have been very bad at putting in place good institutional architecture.

With regard to reform, this morning I listened to the Taoiseach speak about squeezing as much as possible out of the Croke Park agreement. This is not reform; it is a system of cost-cutting. If we are to have very good institutions which can deliver in the area of child protection they must be integrated with each other and we must have real reform which allows this. This cannot be left to the individual organisations themselves. There must be political input in designing the end game and putting the citizen at the heart of it. This is a deficiency in the area. The Minister, Deputy Howlin, stated he did not want to micromanage some of the systems but a broad philosophy on the outcomes is essential.

To return to the Bill, its main purpose is to establish a vetting process. Will this require additional resources? Who will do it? Will it cause delays? We have been given information on the delays in vetting being reduced. This does not stack up with my experience. I have heard from community organisations which are very critical of the time it takes to vet those who are required to be vetted for jobs, schemes or courses. The two week time period does not stack up with the experiences of those who contact me. The bureau relies on temporary staff, as 20 people and four from JobBridge were assigned to it earlier this year. The way it is being handled at present does not give me a sense of certainty. I completely understand there can be peaks and valleys in the number of requests but unless we have certainty about the people who will do this work we will have logjams, delays and problems and it will not work for those to be vetted, those it should exclude or children.

The Bill deals with vulnerable adults. We cannot disconnect this from what is happening at present. Nobody is more vulnerable than vulnerable adults who are part of a special school such as St. Raphael's in Celbridge. Transport provision for people within 3 km of the special school was not considered a front-line service and was cut. The people involved used to get a bus but this service has been dispensed with now there is no money to provide it. The only way they have of getting to the special school or to the sheltered employment in which they are involved is for their families to collaborate in taking a taxi. Some of the families have contacted me to state if those involved were brought to the end of their county they would not know how to say it is not where they want to go, let alone be able to identify whether they are being inappropriately dealt with by a driver. This is not to cast any aspersions on a particular cohort of people in the transport system. Cutting services which are not deemed to be front line is leading to the creation of gaps. If people cannot get to the services it causes a deficiency. If they must rely on a service which is not vetted it leaves them vulnerable.

*1 o'clock*

19 September 2012

It must be considered in the broadest sense of the word.

I have concerns in regard to soft information in particular. If soft information had been used in the Soham case in England, for example, and the caretaker had been identified, it may well have prevented those deaths, although that is an extreme example. Soft information has a place. However, this must be very carefully applied because somebody could feel it is unconstitutional. I would not dismiss the Irish Human Rights Commission in regard to its concerns. It says that under Article 43.2 of the Constitution people have the right to a good name. It is not just any individual who can notify but specified organisations. However, one can never dismiss the prospect of something which may be vexatious. There must be very good guidance in regard to how this is applied because somebody could take a constitutional case. That would be a terrible irony because we are talking about including something very positive. Earlier this morning at a briefing with the Minister for Children and Youth Affairs, Deputy Fitzgerald, I saw the wording of the new article with which I am very comfortable. It will be a positive insertion in the Constitution should the citizens decide to include it. It would be a terrible irony if that was included as a means to protect children while a means to do that could be found to be unconstitutional. How it is applied will have to be considered very carefully.

A point was made earlier in regard to PPS numbers. I do not understand why they are being collected if they cannot be used as an identifier. We get quite a lot of advice about what information we can and cannot hold in regard to data protection. There is a question in that regard which should be answered.

People have major concerns about duplication. We need to work more smartly with the resources available to us. If a person does three different things and requires to be vetted for three different organisations, there should be a smarter way to do that within a timeline and which does not lead to the kind of duplication that absorbs administrative time but provides the kind of scrutiny required.

Geoffrey Shannon expressed his concern at the current system where, in effect, the person applying for a position must furnish necessary police vetting from other jurisdictions in circumstances where Garda vetting is not available for staff, students and volunteers who have lived outside this jurisdiction. He stated that many would argue that self-provided police vetting is not acceptable. I would pay serious attention to somebody like him who has had such a high level of involvement in a report as recent as the one in which he and Nora Gibbons were involved.

The Bill defines coaching, mentoring, training and counselling. That is very important because we do not want to stop people from volunteering to do things but at the same time, we want to define areas where there is engagement with children on an ongoing basis which would leave them open to inappropriate or criminal behaviour by an adult.

**Deputy Seamus Healy:** I welcome the opportunity to speak on the National Vetting Bureau (Children and Vulnerable Persons) Bill. I am generally supportive of it and expect to be in a position to support it through the Oireachtas. I welcome the announcement in regard to the children's rights referendum and the fact the referendum will be held on a Saturday which will give most people the opportunity to register their position on it. The referendum is a long time coming but, nevertheless, it is welcome.

Like other Deputies, I have not had the opportunity to go through the wording in detail but

from a cursory examination of it, it would appear to be in line with what we have been expecting from the initial report of the Oireachtas committee, various wordings and preparations of wordings from previous Ministers of State with responsibility for children. It appears that what we have been expecting has been quite well outlined in the wording. There is a recognition of the rights of all children. The wording proposed by the committee spoke of physical and moral failure which is very broad and general but the proposed wording is more specific in that regard. The question of adoption is also addressed. It refers to the best interests of the child in proceedings and states that the views of the child shall be taken into account rather than may be taken into account. From a cursory examination of the wording, it would appear to be a very welcome development and as I said, I look forward to being involved in the debate on it.

I refer to suggestions from Government speakers that the McKenna judgment should be interfered with in some respects and that opposition voices should, in some way, not be catered for or reduced in their access to the media and in this process. A referendum on our Constitution is very important and we should have the widest debate. There should be no interference with the McKenna judgment in that regard.

I welcome this legislation which is set against a background which is not good and which has seen many failures to detect and prevent the abuse of children and vulnerable adults. We have seen various reports over the years, including the Kelly Fitzgerald report, the Ferns report, the Dublin Archdiocese report, the Ryan report, the Cloyne report and various other recent reports on other dioceses in the Catholic Church. It comes from that background and the vetting system needs to be put on a statutory footing. It also needs to dovetail with other legislation relating to children, including the Children First Bill, the referendum on children's rights and the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Bill 2012. This Bill is worthwhile in that it dovetails with the aforementioned legislative measures.

The Bill provides for a statutory framework to define soft or specified information and sets out procedures for use of this relevant information in addition to records of prosecutions or criminal convictions. It also sets out categories of persons who are excluded from vetting, provides a mechanism for the Minister to create a system of re-vetting and introduces an appeals procedure.

There is no doubt that the current vetting system needs to be put on a statutory footing. Excellent work is being done in this area but I have heard complaints about the length of time involved in processing applications and I hope sufficient resources are invested to provide the staffing and information technology arrangements needed to ensure a quick and thorough vetting system which is also transparent and accountable.

The question of soft information has been addressed by several speakers. While I agree that such information should be made available to the vetting system, it is an area in which we need to proceed with care. An independent appeals system will be required in respect of vetting generally and this type of information in particular. There must be trust in the system.

While re-vetting is provided for in the Bill, the Department has indicated that it will not be a priority. This is a pity and the Minister should reconsider the matter to ensure re-vetting is properly resourced because it is essential for the protection of children and vulnerable adults.

**Acting Chairman (Deputy Olivia Mitchell):** I call Deputy Spring, who is sharing time

with Deputies Kevin Humphreys and Seán Kenny.

**Deputy Arthur Spring:** I welcome the opportunity to speak on the National Vetting Bureau (Children and Vulnerable Persons) Bill 2012. This Bill provides the necessary statutory basis for the use of the Garda's criminal records database to conduct vetting of persons offered employment or working on a voluntary basis with children or vulnerable adults. It puts the existing system of Garda vetting on a statutory basis and in order to provide greater levels of protection it introduces criminal sanctions for those who do not properly use the vetting system.

As is evidenced by the introduction of several legislative developments in respect of the protection of children, the Government is proactive in taking the protection of children and vulnerable people into consideration. This is at the core of what our Government aims to achieve. We are looking forward to the referendum on children's rights which will be held on 10 November as an opportunity for enhancing the reputation of institutions of State, sporting organisations and the church as safe places for children and vulnerable adults. In addition to the referendum on children's rights, the Criminal Justice (Spent Convictions) Bill 2012 and the Criminal Justice (Withholding Information on Offences against Children and Vulnerable Adults) Bill 2012 have been introduced this year and the heads of Children First Bill 2012 were published in April.

Vetting is carried out by the Garda central vetting unit and is only conducted on behalf of registered organisations. Areas affected by vetting include: the Civil Service; sports organisations, including sports clubs and national governing bodies; volunteer groups; registered social workers; accredited adoption bodies; care and welfare of residents in designated centres for older people; licensed driving instructors; child care in pre-school services and special care; approved mental health centres; and private security. However, vetting for individual sole traders whose profession involves a level of contact with children and vulnerable people should also be considered in the near future, perhaps through an association of which the trader is a member. Child entertainment has become a large industry and it is only prudent to ensure that the same level of governance is provided to private industry as is the case for State institutions and other recognised organisations.

One of the main changes this Bill permits is the introduction of soft information, which is not permitted in the existing vetting system. Hard information encompasses official criminal cases and section 15 of the Bill permits the introduction of soft or specified information. I welcome that anybody can seek to protect their good name through an appeals process. This is a well thought out and just provision. With the enactment of this Bill the bureau will be allowed to consider information that has not led to a criminal case if it concerns possible harm to a child or a vulnerable person and includes information gathered by gardaí in the course of an investigation or other organisations such as the HSE, the Teaching Council, the Medical Council or the Health Information and Quality Authority. It is important to realise that information which may have been insufficient for a prosecution can be pertinent to the role an individual plays in an organisation.

Arguments have been made both for and against soft information. In 2007, Dr. Geoffrey Shannon, a solicitor and child law expert, stated that soft information can add another important layer to the vetting process and he has welcomed constitutional or legislative amendments which would lead to the use of such information in vetting persons who have unsupervised access to children. Kieran Walsh, a barrister and lecturer, stated in July 2010 that such issues, while complicated, have been part of discourse within child protection circles since the early

1990s, if not earlier, and are legitimate as long as adequate safeguards are put in place. However, the Irish Human Rights Commission has expressed concern that the disclosure of soft information is unconstitutional and the Law Society Gazette suggested in May 2010 that hard information on unsuccessful prosecutions could be seen as a breach of rights and soft information as an extreme violation of human rights.

**Acting Chairman (Deputy Olivia Mitchell):** The Deputy's time has concluded.

**Deputy Arthur Spring:** I have discussed this with my colleagues and it is okay for me to go over my allotted time.

**Deputy Sean Sherlock:** The look on Deputy Humphrey's face suggests otherwise.

**Deputy Arthur Spring:** The introduction of such information does not necessarily mean it will be disclosed and the head of the bureau will determine the validity of the information. If the information gives rise to a bona fide concern, the affected person will be notified by the head officer and an appeals process will be made available.

While I am not happy that a certificate is non-transferrable, I understand the concerns raised by the Minister for Justice and Equality in the response he gave to a parliamentary question I submitted on the matter.

I encourage him to consider the situation of people who are working abroad. In 2009 and 2010 nearly 130,000 people left our shores to seek work abroad. Many of these will be working in countries where vetting systems are in place and will need Garda or police approval in order to work. That needs to be expedited and is something we could do at a national level. Are we dealing with this issue? Many people have come to my office to seek help with regard to their children who are living abroad.

**Deputy Kevin Humphreys:** I congratulate the Minister for Justice and Equality and his Department on bringing this Bill forward. It forms part of the Government's extensive efforts to reform public services in the area of children and youth affairs. I also compliment the Minister for Children and Youth Affairs, Deputy France Fitzgerald. I know she was extensively consulted in the preparation of the Bill.

With the upcoming children's referendum, the Government is making a clear statement that the aim of the Government is to protect children, cherish their rights and ensure that we deliver on our responsibilities to the next generation. The Bill will make a big difference to many people. It is important that vetting is put on a clear and statutory basis.

We must understand the size of this problem. Last year, 19,000 organisations and 300,000 people were vetted. This demonstrates the demands on the system. I hope the Bill will ensure that vetting becomes more efficient and speedy. Like Deputy Murphy, I believe delays continue to occur in the system. Deputy Murphy referred to a recent report showing that the vetting period had been reduced to two weeks in 2012. My experience does not reflect this. Delays in vetting are leading to delays in the uptake of places in community employment and JobBridge, especially in the critical areas of child care to which the Minister for Social Protection referred in her contribution.

The framework the Bill puts in place is important as it ensures that the public will have confidence in the process. It not only takes convictions into account, but provides specific informa-

tion on bona fide concerns to be considered. I will not go further on this issue because Deputy Spring has covered it adequately.

I welcome the recent addition of 20 civilian employees to the process of vetting queries. This will free up the gardaí and will make the process more efficient. I hope it will make inroads into the substantial backlog.

The exclusion of re-vetting due to resource constraints is worrying. Organisations not covered will have to opt in voluntarily. These issues will need to be considered at a future date. It is important to note that the Bill will make it mandatory for persons working with children and vulnerable adults to be vetted by the Garda. That is to be welcomed. Children at all stages must be protected.

Deputy Spring referred to sole traders. There are vendors who target children and are involved in unsupervised contact with children. This contact can occur at ice-cream vans, specialist sweet shops or play centres where there is unsupervised direct access on a daily and weekly basis. It is important that we do not act in a reactionary way but we must take stock of the risks that exist. Excluding such core groups from the legislation could lead to a migration to non-covered areas. The legislation must be robust. There must be provision for further action that may include irregular unsupervised interaction with children being added to the list or areas where vetting is required, possibly by statutory instrument. That might be a mechanism for keeping the matter under constant review.

I recently spoke to a constituent who, over a period of a year, had to be vetted three times, due to administration issues. This resulted in a waste of Garda time and a loss of earnings. As people in the child care area often change employment, I ask the Minister to consider including a mechanism to allow a person's vetting status to be easily checked and updated. It should be easier to transfer one's Garda clearance to new employment. However, I recognise that putting this process on a statutory basis will lead to a more efficient, secure and responsive system.

**Deputy Seán Kenny:** I warmly welcome the Bill which, when it is enacted, will make it mandatory for persons working with children or vulnerable adults to be vetted by the Garda. A series of reports has clearly demonstrated the absolute need to strengthen our procedures to protect children and vulnerable adults. The publication of the Bill represents a major step in that direction. The State has a tragic legacy of having failed children and vulnerable persons. This legacy must be addressed comprehensively.

As well as the Bill and forthcoming legislation, we will also be holding a referendum to enshrine the rights of children in our Constitution for the first time and to afford protection to adopted children that does not currently exist. The amendment will give children constitutional rights that are robust, but in a way that does not undermine the rights of parents unless they have failed in their duty towards their children. I wholeheartedly welcome this referendum.

The need for vetting is clearly illustrated by the case of the murderer Ian Huntley in the United Kingdom. I note that Deputy Catherine Murphy referred to this case. While it happened in the United Kingdom, it has relevance for this jurisdiction as an example of what is sometimes referred to as soft information not being recorded. People will remember the awful murder of Holly Wells and Jessica Chapman, two ten year old girls who were murdered in Soham in England over a decade ago. The girls passed the home of their local school caretaker, Ian Huntley, who called them into his house and murdered them.

The history of Ian Huntley is disturbing and relevant not only for his actions, but for the lack of action by the authorities. He could have been stopped from working at his job which involved caretaking duties at a local school. While his dreadful acts did not take place on school property, he should never have been allowed to work with children. Huntley had no previous criminal record. Nevertheless, a number of points about his history should be noted. After he had been convicted of the murders it was revealed that he had been investigated for sexual offences and burglary but had been allowed to work in a school, as none of these investigations had resulted in a conviction. In August 1995, when Huntley was 21 years old, a joint investigation was launched by the police and social services in Grimsby after a 15 year old girl admitted that she had been having sex with Huntley. Police did not pursue the case against Huntley, in accordance with the girl's wishes. In March, April and May 1996, Huntley was again investigated over three allegations of having sex with an under age girl. Again, he was not charged. In 1998, Huntley was arrested on suspicion of raping a woman. He admitted having sex with the woman but claimed it was consensual. The police decided not to charge Huntley. In May 1998, Huntley was charged with rape and remanded in custody, after an 18 year old Grimsby woman claimed to have been raped by him on her way home from a nightclub in the town. The charge was dropped a week later after the Crown Prosecution Service examined the CCTV images from the nightclub and determined there was no chance of a conviction. In July 1998, Huntley was again investigated by the police about allegations that he had indecently assaulted an 11 year old girl in September 1997. However, he was never charged, but in April 2007 he confessed that he had attacked the girl. In February 1999, Huntley was investigated over allegations of rape of a 17 year old woman but no charges were made against him. In July 1999, when a woman was raped and Huntley, by now suspected by police of being a serial sex offender, was interviewed, he supplied a DNA sample and had an alibi provided by Maxine Carr, later his accomplice in the Soham murders, to assert his innocence. The woman subsequently said Huntley was not the rapist. This was the only case where the victim had not identified Huntley or named him as the attacker. Following the announcement of Huntley's conviction for the Soham murders, it emerged that various authorities were aware of these allegations from a number of sources. The only allegation that resulted in a charge was a rape for which he had been remanded in custody but released when the Crown Prosecution Service decided there was not enough evidence for a conviction.

On the day of Huntley's conviction the, then, UK Home Secretary, Mr. David Blunkett announced an inquiry into the vetting system that had allowed Huntley to get a caretaking job at a school, despite four separate complaints about him reaching the social services.

Debate adjourned.

*Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.*

## **Ceisteanna - Questions**

### **Priority Questions**

19 September 2012

## **Garda Operations**

1. **Deputy Niall Collins** asked the Minister for Justice and Equality the action that he will take on foot of the paramilitary funeral that took place in Dublin in early September 2012; and if he will make a statement on the matter. [39444/12]

**Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch) (Deputy Kathleen Lynch):** I apologise for the Minister's absence. He is indisposed today and sends his apologies. I also join him in congratulating Deputies Collins and Mac Lochlainn on their new appointments and hope they do well in their new brief.

I remind the House that three persons are before the courts following a Garda Síochána operation undertaken in the light of events at the funeral. Deputies will appreciate the need not to say anything which could prejudice proceedings.

I repeat the remarks of the Minister for Justice and Equality following the events at this funeral. Some of the events were reprehensible and absolutely unacceptable. Paramilitary trappings must not blind anyone to the fact that criminal terrorists want, for their own reasons, to drag the people of this island back to a dark past. The Government is determined that they will not succeed in their aim. They and their kind have been disowned by the majority of the people on this island. In treating the will of the people, North and South, with such contempt, they dishonour democracy.

I recognise fully the difficulties which confronted gardaí at the funeral. The Garda Síochána members present had, above all else, a particular responsibility to ensure the safety of the public in what was a crowded environment. Sometimes these events are deliberately orchestrated to try to provoke a reaction from the Garda with a view to generating public disorder and greater publicity for those involved. Both the Minister and the Garda Commissioner have expressed their full support for the operational decisions made by the gardaí on the ground who had to deal with this situation.

Subsequent to these events, the Garda conducted a large number of searches and arrested 17 people. Three individuals were subsequently charged before the Special Criminal Court on Saturday last. I welcome the support which Deputy Collins expressed publicly for the gardaí pursuing this matter.

An Garda Síochána has the Minister's and the Government's full support and the support of this House in its investigation of this matter. The Deputy can be assured that the Garda will continue to take every action open to it to deal with the activities of such individuals, whether they are engaging in terrorism or organised crime. Behaviour of the kind engaged in by some at the funeral was completely unacceptable and cannot be tolerated.

**Deputy Niall Collins:** Everyone in this House agrees the images that were broadcast here and further afield were truly shocking. It was disgraceful that such a blatant display of paramilitarism would take place right here in Dublin in broad daylight. These were scenes we thankfully have not witnessed for many years, but we must be frank about this: they were nothing more than blatant criminality that has nothing to do with republicanism. People are hijacking funerals and public events for shows of force related to gangland criminal activity in Dublin. We must work together and that is what I wish to do in raising this issue. We must stamp this out and give every assistance to the Garda Síochána. I call publicly on anyone who has any

assistance to offer the Garda to give it to it.

People are before the courts but we must keep uppermost in our minds the extensive reputational damage these displays may have had for the country abroad because doubtless these images were broadcast elsewhere. The Minister made a statement the day after the funeral, but does the Government have a strategy to ensure this does not happen again? Has the Minister or the Department assessed the resources, legislative or otherwise, that are available to ensure this does not take place again? Should there be controls in place for such events if a garda of a senior rank is of the opinion such scenes might reoccur? Should there be a licensing system to control such funerals? It might sound extreme but this issue is serious in terms of reputational damage and from a public order point of view.

**Deputy Kathleen Lynch:** I thank the Deputy for his support. The Minister takes advice from a wide range of people in terms of additional legislation or resources, especially the Garda Commissioner, and no request has been made. The resources the Garda has to deal with dissident terrorist groups are sufficient according to the Commissioner. If additional resources or legislation are required, the Minister will deal with any such requests promptly.

**Deputy Niall Collins:** Must the Garda Commissioner submit that request to the Minister or can the Minister initiate that himself? It does not have to be a one-way process because this is an issue that is of huge concern to everyone both in terms of reputational damage and public order. We must consider this seriously because if this happens again, we will be back to square one.

**Deputy Kathleen Lynch:** It is not a one-way street. If the Minister sees a gap in the legislation or that additional powers are needed, he will act. As of now, he does not see any additional powers being needed, but the situation will be kept under constant review in light of recent events.

## **Garda Stations**

2. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality his plans to reduce resources for rural Garda stations; and the number of Garda stations marked for closure or reductions in opening hours over each of the next twelve months. [39446/12]

**Deputy Kathleen Lynch:** By the end of October each year, the Commissioner must, under the Garda Síochána Act 2005, submit to the Minister a policing plan for the following year. Any proposals for the closure of Garda stations must be set out in the plan. The policing plan for 2013 has not yet been submitted to the Minister. While there is little point in engaging in speculation as to what specific measures it may contain, the Minister has made it clear that he expects it will address the further rationalisation of the Garda station network.

It is important to make the point that the objective of rationalising the station network is to deploy gardaí more effectively. What is needed, and what the public want to see, is the greatest possible deployment of gardaí on operational duties. If there are too many stations, then there will be too many gardaí tied to those stations instead of being available for patrol and direct engagement with the community. Much the same argument applies to the decision taken by the Garda Commissioner this year to close the public counter in certain Dublin stations at night, when very few people call in anyway and when anyone with an emergency rings the emergency

services. This has freed up gardaí for operational duties in those areas and is an improvement in the policing service. The Garda Commissioner and his senior management will assess carefully how best to strike the right balance between the optimum number of Garda stations and the most effective deployment of gardaí on operational duties. There may be different views in this House on what the precise outcome should be, but surely no one can claim with any credibility that we must maintain every single Garda station we have had since the foundation of the State, without regard to the revolution there has been in transport, communications and technology. The policing plan for 2013 will be laid before this House in due course, and I look forward to a discussion on its objectives.

**Deputy Pádraig Mac Lochlainn:** It has been an interesting time in the context of the use of terminology to replace the word “cutbacks”. The Minister of State has referred to “rationalising”, “smart policing” and the Commissioner submitting his plan. The Minister for Justice and Equality has told the Commissioner that he must make the best use of the resources allocated. That is the reality and the buck stops with him in this regard.

I refer to the impact of this decision. Recently, the IFA surveyed 500 rural dwellers and half of them said they were concerned about policing in their area and believed it was getting worse. A total of 11% of them had been victims of crime. There is also the issue of people feeling there is no point reporting crime in rural areas. Martin Donnellan, former assistant Garda Commissioner, wrote an article in the *The Sunday Business Post* recently, in which he said:

We hear a lot these days about so-called smart policing but I wonder how the closure of Garda stations and the centralisation of policing outposts fit into this concept. The force will be limited in the intelligence it can obtain if it does not have the support of the public. This support has always been closely connected to the relationship between individual gardaí and the community.

He is seriously concerned.

**An Leas-Cheann Comhairle:** Could the Deputy frame a question please?

**Deputy Pádraig Mac Lochlainn:** Will the Minister stop passing the buck to the Commissioner? Will he listen to the concerns of those in rural communities about the loss of the vital partnership between community gardaí and the people as they gather intelligence to combat burglaries and about the fear and terror that many elderly people face in those communities?

**Deputy Kathleen Lynch:** There is no buck passing. The Commissioner and the Minister have their jobs to do. We are living in a time of reduced resources and the Commissioner’s job is to put a plan in place to ensure the best value is obtained from available resources. That may mean closing Garda stations to release gardaí to do what the Deputy wants and to patrol rural areas, in particular, where people are isolated. In some instances, the isolation can be profound. It is not about passing the buck; it is about ensuring that the best value is achieved and the best policing methods are deployed to ensure people feel safe and secure in their homes. Sometimes that involves allowing gardaí to get out of stations rather than keeping them inside.

**Deputy Pádraig Mac Lochlainn:** This issue is about cutbacks and trying to dress them up and present them in a different way. The Garda Representative Association, which represents the vast majority of gardaí, is reporting that their colleagues in the UK say that the reduction in the number of police stations there has had a detrimental impact on their ability to police rural communities. The Minister represents the law and order party and presented himself, as Op-

position spokesperson on justice, as a law and order spokesperson but he is ignoring the advice of a former assistant commissioner and of almost every garda on the ground and the experience they have. The impact of closing these stations will be seriously detrimental. Before the Government parties sign off and blame the Commissioner for what they are doing, will the Minister of State consider the concern this will cause? I understand 95 more Garda stations will close in the near future. The Minister needs to understand the fear and concern in rural communities and pull back from this.

**Deputy Kathleen Lynch:** No one is denying we have significantly reduced resources. It is as simple as that. The Commissioner has legal responsibility for directing and controlling the force and he has informed the Minister that it is intended, where possible, that the resources currently available in Garda stations that have been closed will remain in their own districts, subject at all time to operational requirements determined by him. It is about ensuring we achieve the best value from gardaí. The Garda in the main does a good job. Where a station is closed, it is always hoped that the gardaí assigned to it will remain in the district but that is clearly an operational issue for the Commissioner. This is not blame game; it is about ensuring our communities are safe.

### **Prison Accommodation**

3. **Deputy Clare Daly** asked the Minister for Justice and Equality the steps he will take to ensure a single cell occupancy policy in relation to Irish prisons. [39371/12]

**Deputy Kathleen Lynch:** There has been a consistent increase in the total prisoner population in Ireland over recent years. The problem of prison overcrowding therefore remains a challenging issue which unfortunately cannot be resolved overnight. Given the current number of prisoners in custody - 4,248 on 13 September 2012 - the Irish Prison Service is not in a position to provide single cell accommodation to all prisoners. Single cell occupancy across the system would result in a bed capacity of less than 3,000 and would not be possible to achieve without releasing sizeable numbers of prisoners considered to represent a threat to public safety. While it would be ideal if we had the capacity to provide single cell accommodation for all prisoners, it will not be feasible to do so in the foreseeable future. Nevertheless, we will continue to make efforts to improve prison accommodation and to promote the use of non-custodial options where appropriate.

It must also be borne in mind that prisoners are housed together for reasons other than lack of capacity. Family members, friends and co-accused prisoners often elect or are assigned a shared cell. Shared cell accommodation can be very beneficial from a management point of view particularly for those who are vulnerable and at risk of self-harm. There will always be a need for certain prisoners to be accommodated together.

**Deputy Clare Daly:** I disagree with the Minister of State's take on the issue. Penal policy is resulting in more places being devised in prisons at an enormous cost to the State. Apart from the moral issues, it is not even a good value for money exercise and it does not address the issues of sentencing policy, drugs in prison and so on. At the end of the last year, 60% of prisoners shared cells, many of which were designed to house a single person. The Minister published the strategic plan on the Prison Service, which was welcome, but the lack of a commitment to a single cell policy is a serious omission. Ireland signed up to this through the European prison rules drawn up by the Council of Europe, yet the Government is embarking on prison building

projects in Cork and Limerick, which will provide for shared cells. There are many educational and other reasons not to do this. However, the Minister of State seems to be saying it is now a conscious policy not to have a single cell policy and she is almost putting that forward as a virtue, with which most of those in the service would disagree. Will she clarify her position?

**Deputy Kathleen Lynch:** This is not being proposed as a virtue. All of us agree that the optimum is single cell occupancy but that cannot be achieved in the foreseeable future. New prisons will be built in Cork and Limerick as the Deputy rightly said, but because of overcrowding in the current prisons we will simply alleviate that with the new buildings. I am sure this will be a great relief to people there because the accommodation is not good and it will improve the circumstances in both prisons. Nevertheless, unless the Government embarks on a massive prison-building programme or releases almost 1,000 people from the prisons, it will not be able to provide single-cell occupancy within the foreseeable future. I do not put this forward as a virtue but simply state the facts.

**Deputy Clare Daly:** Briefly, if Members agree it should be done, this decision must be incorporated into policy in the future. In that sense, it is regrettable that facilities will be designed to incorporate more than one person. This means that while there is a policy to move away from slopping out, a person who shares a cell will be obliged to carry out his or her toilet duties in the presence of someone else, which simply is not humane. A point of particular worry at present is the number of women prisoners and the doubling up within units designed for one person. Such a pressure cooker actually acts to keep people in prison for longer because it takes away from the rehabilitation process, rather than addressing the issues.

**Deputy Kathleen Lynch:** Whereas I agree with the concept of single cell occupancy, I am not certain the Government should move towards a massive prison building programme that would provide it. There are other things it can do and the present Minister in particular has brought forward legislation that will ensure people are not automatically jailed on foot of particular offences. A two-pronged approach is required in that while one must ensure there is better accommodation for the prison population, one definitely must drive forward the reform issues with regard to sentencing and community-based projects.

## Courts Service

4. **Deputy Niall Collins** asked the Minister for Justice and Equality his plans to reform the Courts' structure; the timeframe for such plans; and if he will make a statement on the matter. [39445/12]

**Deputy Kathleen Lynch:** In July last the Government approved the Minister's proposals to hold a referendum to amend the Constitution to provide that the Oireachtas may establish additional courts, including superior courts. As the Deputy will be aware, the present position is that Article 34 of the Constitution provides that the High Court is a court of first instance and the Supreme Court is the court of final appeal. The Constitution further provides that courts of local and limited jurisdiction may be provided by law. There is no provision for the establishment of other courts.

The proposed amendment would, if passed, allow for the establishment of modern court structures including a court of civil appeal and a new family court structure. This follows from the report of the working group on a court of appeal, which reported in 2009, and a commitment

in the agreed programme for Government to establish separate family courts. There is, as the Deputy may be aware, an urgent need to address significant delays in the Supreme Court list and in other areas, such as family law. In future, other areas may arise such as, for example, a European patent court or an environment court. Specialist courts and judges combined with an additional court at appellate level would assist with the State's obligations under Article 6 of the European Convention on Human Rights, which guarantees the right to have legal proceedings determined within a reasonable time.

These proposals have the potential to achieve significant change to the structure of the courts, which have remained largely unchanged since 1924. Considerable work will be necessary to develop these proposals and this already has commenced in the Department. A decision on the timing of the necessary referendum will be made at a later date. As a next step, the Minister intends to engage in a public consultation process on the proposed reforms to foster a wide-ranging debate and I understand that submissions will be invited in the near future.

**Deputy Niall Collins:** The issue of the reconfiguration of the courts merits further probing and investigation in this Chamber. No one can disagree with the proposal to establish a civil court of appeal. There are 36 High Court jurisdictions nationwide and most of their decisions are being appealed. As the knock-on appeals are going to the single Supreme Court, the knock-on effect is that other issues of great public importance to a wider body of people are being delayed. This obviously is an issue within the public interest and has merit. The issue I wish to probe with the Minister of State concerns the source of the decision to establish a stand-alone family court because we do not have, for example, a personal injuries court, a constitutional court or a commercial law court, albeit there are commercial sittings as a function of the High Court. While I acknowledge there is merit in addressing the sensitivities of the issues discussed in the family law courts, perhaps that can be done within the existing court structures. However, if one is to establish a stand-alone family law court or any form of stand-alone court, one must consider making a raft of judicial appointments. Similarly, one will be obliged to provide a raft of back-up services and all that goes with the establishment of a particular court, as well as the associated costs. Consequently, from where is the call for the establishment of a family law court coming? As far as I am aware, the report cited by the Minister of State only made specific mention of the court of civil appeal and did not mention the family law courts as such.

**Deputy Kathleen Lynch:** While I take on board the point made by the Deputy, for as long as I can recall, that is, for up to 25 years, I and the other two Deputies present in the Chamber - Deputy Catherine Murphy for certain - have been involved in calls for separate family courts. Moreover, there is a very good argument for this to happen. It would take additional personnel who were specially trained to adjudicate in such courts. The Deputy will be aware from his own experience that it simply is not appropriate for someone hearing, for instance, drink driving cases in the morning then to be obliged to deal with highly sensitive issues, such as family breakdown, access to children and so on. Consequently, there is a logical and reasonable argument to be made in favour of specific family courts. I support the Minister's thinking in this regard. As the Deputy is aware, the Minister himself is considered to be one of the country's leading experts on family law and I am sure he has experienced difficulties with regard to family law and how it operates in this country. While most people try to be sensitive and to do what is right, sometimes it is very difficult in difficult surroundings and sometimes people do not consider themselves to have the relevant expertise to carry out that function.

**Deputy Niall Collins:** The Minister should not get me wrong, as I do not state I am opposed to the proposal. I simply am trying to probe for the reason for it.

**Deputy Kathleen Lynch:** I understand.

**Deputy Niall Collins:** Many of the reasons being cited for its establishment that are being put into the public domain by the Minister of State or by the Minister, Deputy Shatter, essentially are logistical in nature. The Minister of State referred to a judge not being obliged to hear a drink driving case in the morning before dealing with family law in the afternoon. While logistical or infrastructural factors may be one reason, it seems to be a narrow reason. It is being suggested that the judges who are hearing the cases at present lack expertise. Has the Minister been informed of a deficiency in respect of the judges who are hearing family law cases in the family law court sittings? Has the Courts Service informed the Minister there is a deficiency of judges with such specialties?

**Deputy Kathleen Lynch:** No, that has not been stated at all. Basically it is like any expertise in that most judges who deal with family law cases on a regular basis build up a degree of knowledge and expertise in the area. I share the widely-held belief that it might not necessarily be a judge of the High Court, for instance, who must deal with it. Instead, it might require a different category of officer of the courts who would deal with family law matters. As someone I know once noted, sometimes one needs the judgment of Solomon to resolve such issues. The question and the answer to it basically pertain to having the freedom to create additional courts where the need arises, without being obliged to revert continuously to the Constitution.

*3 o'clock*

I believe that is the essence of the question and what the referendum would produce. There is merit in having separate family courts and I know that the Deputy does not mean he is opposed to it.

### **Garda Policing Plans**

5. **Deputy Catherine Murphy** asked the Minister for Justice and Equality the factors which are taken into consideration when the annual policing plan is being prepared; if population growth trends and projections across the country that have been taken into account when previous policing plans have been prepared, especially with regard to the geographical distribution of Gardaí; when he expects the next policing plan to be presented to him; and if he will make a statement on the matter. [39448/12]

**Deputy Kathleen Lynch:** By the end of October each year, the Garda Commissioner is obliged under the Garda Síochána Act 2005 to submit to the Minister a policing plan for the following year which sets out the proposed arrangements for the policing of the State. The approved plan is laid before both Houses of the Oireachtas.

When preparing the plan, the Commissioner must under the Act have regard to a number of matters, including the resources available to the Garda Síochána, the priorities for the Garda Síochána as determined by the Minister, relevant Government policy and the Garda Síochána's own strategy statement. In addition, the Act provides that the policing plan must include details of certain types of proposals, including proposals to open or close a Garda station, establish or dissolve a Garda national unit, alter certain Garda geographical boundaries, or establish or relocate certain Garda headquarters.

The policing plan for 2013 has not yet been submitted to the Minister and it would be premature to speculate at this stage what it might contain, although it is expected to contain proposals for the further rationalisation of the Garda station network.

Clearly, in drawing up arrangements for the policing of the State each year the Commissioner and his senior management team take all relevant factors into account, including population, crime levels and trends and policing priorities. The objective is to ensure that optimum use is made of Garda resources and the most effective policing service is provided to the public.

**Deputy Catherine Murphy:** I have a copy of last year's plan and I see how it is broken down. The Garda Commissioner does not take population into consideration and there is no evidence of him doing so. For example, based on a number of comparators Kildare is the worst policed area in the country. If the whole country had the same level of gardaí as are present in Kildare, we could let 4,800 gardaí go. The level of policing in Kildare is approximately half the average in the rest of the country. For example, Kerry has nine fewer gardaí than Kildare but has 75,000 fewer people. Mayo has 15 fewer gardaí than Kildare but has 80,000 fewer people. In Sligo and Leitrim there are 11 fewer gardaí than in Kildare but 113,000 fewer people. None of those counties would be regarded as very high crime areas. The commuter belt areas that have developed in recent years have not been treated fairly.

The seven Kildare Deputies met the assistant Garda commissioner. We sought a meeting with the Commissioner and he arranged a meeting with the assistant commissioner. The assistant commissioner told us that within each region what they have they hold. Our region is the commuter belt region.

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

**Deputy Catherine Murphy:** Moving people between regions is just not possible in that situation. Seven Deputies sought a meeting months ago with the Garda Commissioner and he has given us the deaf ear. We have been advised that the resources are not nationally based but regionally based and what we have we hold.

**An Leas-Cheann Comhairle:** I call the Minister of State to reply. I will call the Deputy again.

**Deputy Catherine Murphy:** These Garda reports are only works of fiction unless there is a real prospect of using resources where they are needed rather than where they are located at the moment.

**Deputy Kathleen Lynch:** I have reviewed the briefing material that accompanied the reply and I fully accept what the Deputy says. The commuter belt has a significant spread of population which gives rise to a particular difficulty. As I stated in my reply, the Garda Commissioner is obliged to prepare a policing plan each year and in doing so is obliged to take a number of factors into account. When the Minister receives the plan he may approve it in the form of the draft submitted or he may amend it after consulting the Commissioner. I suggest to the Deputy that the seven Deputies from Kildare might seek a meeting with the Minister before the end of October.

**Deputy Catherine Murphy:** It is a welcome suggestion. The Minister of State said the Minister has his job to and the Commissioner has his job to do. Our problem is that we are going around in circles making this demand with the Minister saying it is the responsibility of

19 September 2012

the Garda Commissioner, the Garda Commissioner refusing to meet us and the regions insisting that what we have we hold. At the same time people's homes are being broken into and the crime rate is increasing. If there is to be pain at least it should be equally shared.

**Deputy Kathleen Lynch:** I have very little to add other than the suggestion I have already made. Such a meeting should take place before the policing plan is submitted.

## Other Questions

### Traveller Community

6. **Deputy Gerry Adams** asked the Minister for Justice and Equality his plans to introduce legislation to recognise Traveller ethnicity; and if he will make a statement on the matter. [39341/12]

**Deputy Kathleen Lynch:** During the course of the examination by a working group of the UN Human Rights Council of Ireland's report to that council, prepared under the universal periodic review procedures of the council, the Minister, Deputy Shatter, was asked, among many other matters, about the position of Travellers in Irish society. One delegation specifically recommended that Ireland should recognise Travellers as an ethnic minority while other interventions were of a more general nature. The Minister replied that serious consideration is being given to granting such recognition. The Minister is aware of the long-standing wish of many Travellers that such status be granted and that the previous Government was of the view that Travellers are not an ethnic minority. He is also aware that this is not necessarily the unanimous view of all Travellers.

The Minister is aware that dialogue between staff of his Department and representatives of Traveller organisations has taken place in the past on the issue, for example, during the course of a seminar on the third State report under the Council of Europe Convention on National Minorities. In addition, the national Traveller monitoring and advisory committee, on which sit representatives of all the national Traveller organisations as well as officials of the Department of Justice and Equality, earlier this year established a sub-group specifically to consider the issue of Traveller ethnicity. Consideration of this issue is ongoing and it is intended that the question will be before the Government for decision as soon as possible.

**Deputy Pádraig Mac Lochlainn:** The issue of ethnicity is not unique to Ireland - a debate is taking place throughout Europe on ethnic travelling communities, known in eastern Europe as Gypsy communities. If we can establish their ethnicity we can defend them from the small minority who have engaged in racist comments. I was very alarmed to read recently reported comments of a District Court judge referring to some members of the travelling community as Neanderthal men. If that is the standard we can expect from District Court judges, it is no wonder there is an environment of racism towards the Travelling community. Those of us who care about the Travelling community work with them to resolve issues and challenges. Like all friends we tell them the good news and bad news. We will tell them the full truth - warts and

all - of challenges that are faced. However, there can be no space in Irish society for racism towards them as an ethnic group. The quicker we can establish that, the quicker we can defend them from that very small minority in Ireland who engage in that type of behaviour.

**Deputy Kathleen Lynch:** The matter is under consideration as outlined in the reply I gave. It is something the Minister feels is being given serious consideration. There is not always agreement among the Traveller community on this issue. The informal consultation which has been ongoing with the Department for some time will continue. It is important not to cause additional or any friction in any community. Consideration and consultation on the issue must be ongoing.

**Deputy Pádraig Mac Lochlainn:** I am sure the Minister of State will agree this has been ongoing for some time. With whom in the Traveller community is the Department consulting, when can we expect an end to these consultations and when can we expect definable action that will defend them? If we can resolve this particular issue, we can move on to working with the Traveller community to address the issues of resources and education and whatever other challenges need to be faced.

**Deputy Kathleen Lynch:** The Department is consulting a wide range of people. The Deputy will be aware that many different organisations represent the Traveller community. I am not certain when the consultation process will conclude or, following it, whether legislation will be introduced.

Travellers, as Irish citizens, are covered by all the anti-discrimination legislation enacted in this State and are named specifically in the Equal Status Act and so on. It is not that they are unprotected as we speak. As I stated earlier, the issue is under consideration.

**Deputy Niall Collins:** Like Deputy Mac Lochlainn I was not aware a consultation process on the issue of Traveller ethnicity was ongoing. It is an issue that merits deep consideration and debate. We are all concerned for genuine Travellers who find themselves in difficult situations. Unfortunately, however, there is an abuse of the term “Traveller” and all that goes with it. This is happening in my constituency around the town of Rathkeale. Many people engaged in blatant criminality use it as a flag of convenience behind which to hide.

Perhaps the Minister of State would ask officials to provide Deputy Mac Lochlainn and I with a briefing on the matter. There is also a need for full-scale discussion of this issue in the House. It affects not only genuine members of the Traveller community but the wider public in terms of the activities in which the people who claim to be Travellers are engaged.

**Deputy Kathleen Lynch:** As is the case with all groups in society, some people are criminals and others are not. Members of the settled community also engage in criminal activity, yet we are not all tarred with the same brush.

I understand what the Deputy says. This is a huge dilemma which we will have to address, although that will not be happening any time soon. The Deputy is correct that there is a need for a wide ranging debate on this issue in consultation with people other than the Traveller community. I will ask my officials to provide Deputies Collins and Mac Lochlainn with a briefing on the issues involved. There is a great deal happening in terms of Travellers.

## **Drug Seizures**

7. **Deputy Barry Cowen** asked the Minister for Justice and Equality the total number of drug arrests to date in 2012; the value of illegal drugs seized by the Gardaí; and if he will make a statement on the matter. [39089/12]

**Deputy Kathleen Lynch:** The Minister has been informed by the Garda authorities that provisional figures for the period January to August 2012 indicate that a total 11,263 drug offences were detected and 9,743 related arrests were made. The Minister is further informed that, based on figures provided to An Garda Síochána by the Forensic Science Laboratory in relation to quantities of drugs analysed at the laboratory, drugs with an estimated value of €59.3 million were recorded as seized during the first six months of the year. It should be noted that these seizure data do not include a number of significant seizures made at the end of this period, which remain the subject of further analysis, including the largest ever inland seizure of cocaine made in the jurisdiction. These will be reflected in the Forensic Science Laboratory returns for the third quarter of the year.

The House will recall that in June, as part of an ongoing intelligence-led operation targeting organised crime, the Garda national drugs unit, working with colleagues from the Revenue customs service, seized in excess of an estimated 400 kg of cocaine following searches carried out in west Dublin and Kildare and arrested a number of key players involved in the drugs trade.

The House can be assured that An Garda Síochána continues to tackle drug crime proactively in the jurisdiction. In tackling the illicit drug trade, the Garda national drugs unit, working closely with dedicated divisional and district drug units and other national units, including the organised crime unit as well as the Criminal Assets Bureau, targets persons involved in the illicit sale and supply of drugs. Specific strategies have been put in place by An Garda Síochána to address the sale, supply, importation and distribution of illegal drugs, and this approach continues to result in significant drug seizures and the related arrests of those involved in drug trafficking and other forms of criminality.

Additional information not given on the floor of the House

In this past week alone a number of further operations undertaken have given rise to significant success. Last weekend, we saw significant Garda operations carried out in Galway and Enniscorthy targeted at cannabis growing houses. A further such operation was carried out in Roscommon yesterday. On Monday, as part of an intelligence-led operation by the Garda national drugs unit and the Waterford divisional drugs unit, in conjunction with the Revenue customs service, a further significant seizure of synthetic drugs with an estimated value of €800,000 was made in Waterford.

The Minister wishes to assure the Deputy that drug law enforcement remains a key priority area for An Garda Síochána and the Government as part of its overall comprehensive approach in tackling the problem of drug misuse under our National Drugs Strategy 2009-2016.

**Deputy Niall Collins:** We are all agreed that the scourge of the illegal drugs trade needs to be met head-on. The issue of the resourcing of the drugs squad is one for ongoing debate. It also feeds into the issue of the resourcing of An Garda Síochána, be it in respect of a rural or urban Garda stations or replacement of decommissioned vehicles. It must be reiterated, and the Minister of State alluded to this in her reply to Deputy Catherine Murphy, that at the end of the day the buck stops with the Minister. The view is sometimes allowed to float out that these are decisions of the Garda Commissioner. However, as pointed out by the Minister of State, the

policing plan is ultimately the property of the Minister for Justice and Equality. The Minister of the day can amend or approve that plan just as the Minister for Health, Deputy Reilly, can accept or reject the Health Service Executive plan. The buck will stop with the Minister. All these decisions in terms of closing rural Garda stations or not providing gardaí with replacement cars are ultimately decisions of the Minister of the day.

I have a specific question for the Minister of State in regard to illegal drug seizures. Prescription drug dealing is the latest scourge affecting Dublin in particular. We know that in the first three months of this year some 314,000 illegal prescription drugs were seized by An Garda Síochána. Can the Minister of State provide an update in that regard? The update which she provided in respect of the period up to the end of August did not provide a breakdown in respect of prescription drug dealing, which is an issue of huge concern. Also, are any additional strategies to address this issue being explored or prepared for roll-out?

**Deputy Kathleen Lynch:** I do not have the information sought by the Deputy. If it is available, I will have it forwarded to him.

The implementation of actions of the national drugs strategy will continue to be overseen by the Minister of State, Deputy Shortall. Deputy Niall Collins's supplementary question highlights more than anything else the interconnectiveness in regard to drugs between health and policing. The Minister of State, Deputy Shortall, has been involved in precisely the area the Deputy has highlighted. There must be more accountability in terms of prescriptions. The notion of legal prescribed drugs is a bigger scourge in some areas than the illegal drugs. We will have to ensure that a focus is very much kept on this area. I will try to get the information the Deputy is seeking.

### **Garda Operations**

8. **Deputy Michael Moynihan** asked the Minister for Justice and Equality the progress that has been made under Operation Fiacla; the amount spent to date; and if he will make a statement on the matter. [39084/12]

**(Deputy Kathleen Lynch):** The Minister is informed by the Garda authorities that Operation Fiacla is running for 12 months initially, with effect from February 2012. The operation is the subject of regular monitoring and review by senior Garda management and is focused on identifying and targeting gangs involved in burglaries around the country so as to disrupt their activities and bring them before the courts.

Operation Fiacla is intelligence driven and specific burglary initiatives have been implemented in each Garda region to target suspect offenders. These initiatives optimise the use of existing structures and local Garda management ensure that all personnel are fully briefed on the initiative, with divisional crime management teams playing a key co-ordination and implementation role. The Minister is further informed that more than 1,700 persons have been arrested and that almost 1,000 persons have been charged to date as part of the operation, reflecting the substantial efforts being made to tackle this problem by the Garda.

In regard to the cost of the operation, it is understood that a separate dedicated budget has not been established for this initiative and it would necessitate a disproportionate amount of Garda time and resources to calculate this. However, every effort is being made by Garda man-

agement, under the remit of the respective regional policing plans prepared under Operation Fiacla, for duty associated with these initiatives to be conducted as part of routine, rostered, policing activities.

The Minister is conscious of the deep distress burglary can cause to householders and to the broader impact it can have in terms of fear of crime in our communities and, therefore, he very much welcomes the fact that the Garda Commissioner is deploying the substantial resources available to him in a targeted approach to confront those engaged in this form of criminality. The Minister expects that the successes of Operation Fiacla will be reflected in future crime statistics published by the Central Statistics Office in regard to burglaries.

**Deputy Niall Collins:** I am sure the Minister of State will agree, as we all would, that some of the recent high profile aggravated burglaries in rural Ireland have been particularly shocking. They were perpetrated against elderly citizens, old people living alone in their twilight years. There was one in Wicklow recently and a particularly vicious one in Pallasgreen in County Limerick, where elderly people were tied up, beaten up and held captive in their own homes. Operation Fiacla is a good initiative and I am anxious to elicit what types of results it is yielding.

I take this opportunity to refer to the agenda of the closure of rural Garda stations. The issue is about having a police presence in rural Ireland. If the Minister and the Government are to continue to pursue the agenda of closing rural Garda stations, the effectiveness of these types of operations will be diluted. While recognising that many rural Garda stations operate on a very limited part-time basis, they provide a police presence and such a presence is a deterrent. We are aware of the mobile nature of the gangs who commit these types of crimes. For example, in the case of many of the crimes that were carried out in County Limerick, the offenders came up to the county from the Minister of State's city of Cork. That was the intelligence the Garda Síochána could reveal to us.

Another issue is the non-replacement of Garda vehicles. These people are mobile, yet we have a crazy situation where the Garda Síochána are not equipped with the necessary vehicles to combat this crime. I have said on record that in some parts of Ireland the Garda is unfortunately operating like a glorified Neighbourhood Watch scheme. The Garda is not resourced adequately to deal with these people who are sophisticated and mobile. The upholding of law and crime prevention is the second most important issue after the economy and jobs. We would probably all agree on that point.

Can the Minister of State advise how many arrests have been made under Operation Fiacla to date if she has that information available? Did she say there is a dedicated budget for this? How much is that budget and how long is it envisaged it will remain in place? Will it roll over into next year and the following year? Can some of that budget be expended on capital items such as vehicle replacement?

**Deputy Kathleen Lynch:** The people who carry out these burglaries, particularly on elderly people, are reprehensible. It is the most cowardly act anyone could commit. That needs to be said. To date, 1,700 people have been arrested and 1,000 people have already been charged.

As I stated, the Commissioner feels it would take a disproportionate amount of Garda time to calculate the resources in the dedicated budget. That is being done but I do not have that information here. I assume that it will be in the Commissioner's plan to be presented to the

Minister by the end of October. There is a dedicated budget and the Deputy will note from the figures I presented that clearly Operation Fiacla is working. He will agree that we cannot have a garda on every lane or every street corner. We all know that. The issue is about people being conscious and aware of the different types of information that are available, such as the texting service the Garda is very interested in putting forward in terms of suspicious vehicles being seen in different areas. It is all about that, but clearly the operation the Commissioner has put in place has managed to deter many people whose intent was not honourable.

### **Electronic Tagging**

9. **Deputy Brendan Griffin** asked the Minister for Justice and Equality the position regarding the progress made in relation to the electronic tagging of sex offenders; if he will consider post release electronically tagging those convicted of drug trafficking and organised criminality; and if he will make a statement on the matter. [39243/12]

**(Deputy Kathleen Lynch):** The electronic monitoring of an offender after he or she has completed a custodial sentence is not currently provided for in our law. The programme for Government contains a commitment to introduce a series of post-imprisonment restraint orders for violent and sexual offenders to include electronic monitoring and other restrictions, which may be imposed at the time of sentencing. The Sex Offenders Act 2001 introduced the sex offenders' register, post release supervision orders for sex offenders and civil orders restricting sex offenders in certain ways.

The Department of Justice and Equality has been conducting a wide-ranging examination of the law on sexual offences and a review of the Sex Offenders Act 2001 formed an integral part of that examination. Arising from the review, the Minister expects to seek Government approval for legislative proposals, including a number of amendments to the 2001 Act, later this year. Legislative proposals being considered include measures for the electronic monitoring of sex offenders in specific circumstances and changes with regard to civil sex offender orders to make it easier to apply to a court for such an order.

Apart from the post-release orders applicable to sex offenders, the law provides for a range of orders that may apply, post-release, to persons convicted of other offences. These include the registration requirement for drug trafficking offenders, Part 9 of the Criminal Justice Act 2006, the monitoring and protection of persons orders under section 26 of the Criminal Justice Act 2007 and post-release orders, in the case of serious offences, as provided for in section 14 of the Criminal Justice (Amendment) Act 2009.

The Minister's current priority is measures relating to sex offenders. When these have been finalised, consideration will be given to what new measures may be appropriate to violent offenders. I should add the Minister announced yesterday that he has established a working group to conduct a strategic review of penal policy. Electronic monitoring will be examined in that context.

**Deputy Brendan Griffin:** I thank the Minister of State for her response. It is fitting that we are having this discussion on the day the wording of the referendum on children's rights was published. The electronic tagging of sex offenders after their release would protect all members of our community as well as children. I previously raised this matter in September of last year and I was assured by the Minister that progress was under way. I am anxious to

see that sex offenders are electronically tagged after their release. It would act as a deterrent to re-offending but I also acknowledge that the measure is not a complete solution to the problem. While electronic tagging gives information about the location of an individual, it does not provide information on activities in which the person is engaging. I welcome the commitment in the programme for Government to tackling this area but I would like to see it happening as quickly as possible. My understanding of research is that there is, effectively, no sex offenders register in Ireland. Although offenders are monitored, subject to notification requirements, by the sex offenders management and intelligence unit at the Garda National Bureau of Criminal Investigation, there is no proper national database for the Garda Síochána and the courts to access. We must examine this point.

We must also consider the seven day clause. At present, any person on the move has seven days to register. In the UK, the figure is three days and we should consider reducing it from seven days. In that period, a person could have travelled around the world and be back without the Garda Síochána being aware.

**Deputy Kathleen Lynch:** The Minister tells me that all the issues raised will be considered in the review of the 2001 Act. The seven day clause, which applies to sex offenders signing on and notifying the Garda Síochána of a change of address when they are released from prison, will also be considered. The area is sensitive and the Minister is aware of the public concern.

**Deputy Brendan Griffin:** Starting with the people with the highest risk of reoffending, we must implement this as quickly as possible. People involved in organised crime and subversive groups should also be considered for this treatment. It will help the State in fighting those crimes. The measure should be broadened beyond sex offenders.

**Deputy Kathleen Lynch:** I am not certain that it can be done except at the time of sentencing. I am not ruling it out. I am not sure it can be done in the case of someone who has completed a sentence.

## **Garda Transport**

10. **Deputy Pearse Doherty** asked the Minister for Justice and Equality the number of Garda vehicles allocated to each Garda station in the State; the number of requests for additional vehicles that have been made and the number of these requests fulfilled during each of the past four years. [39346/12]

**Deputy Kathleen Lynch:** The allocation of Garda resources, including transport, is a matter for the Garda Commissioner. In turn, at Garda divisional level, the allocation of Garda vehicles is a matter for the chief superintendent who may make and revise arrangements for the deployment of vehicles throughout the division in response to policing demands. This flexibility in allocating and re-allocating vehicles among stations, so as to best match the allocation of resources with policing priorities, is crucial to the efficient management of the Garda fleet, particularly at a time of budgetary constraints. As a consequence, it is not practical to provide a station by station list of permanent allocations of Garda vehicles.

On 31 August 2012, the Garda vehicle fleet consisted of 2,480 vehicles. Even with the significant budgetary constraints that apply, 159 new Garda vehicles were brought into service in 2011 and a further 42 new vehicles were brought into service in the early part of 2012. A

new contract for the provision of Garda transport has recently been concluded, under which a number of new vehicles have been ordered. The provision of additional Garda vehicles will be pursued in the context of the Garda Síochána's operational requirements and in the light of available resources.

**Deputy Pádraig Mac Lochlainn:** We return to the subject of the Garda Commissioner operating within his resources. It is a bit like a farmer who asks his neighbour to feed cattle but only gives enough feed for half of the cattle to be fed. One cannot blame the neighbour if some of the cattle starve. It is up to the Minister to provide because the buck stops with him.

I have read many reports. Every Deputy and Senator can provide a report from Garda Síochána members on the ground about the impact of vehicles. I am sure the Minister of State has heard stories about gardaí going to petrol stations and fuel cards being refused. There are also stories of gardaí not being able to respond to crime because of the limit on the fuel allowance and mileage. There is a major crisis and, at some point, the voices of the rank and file Garda members and public representatives across the country must be heard. The Government cannot continue to lay responsibility at the door of the Garda Commissioner. When will this stop happening? When will the Minister say that the budget has been provided, that it is not sufficient and that the Minister will try to do something about it?

**Deputy Kathleen Lynch:** I am not certain that, in the current circumstances, it will happen any time soon. We are living in straitened times. The Garda fleet stands at 2,480 cars, which represents an increase of 10% in vehicle numbers since 2007. The number of Garda cars that have been retired from the service is 174 but we must consider that 159 new vehicles will come on stream, meaning the decrease is not so great. As a result of the reduction in the number of Garda stations, there is an increased reliance on Garda vehicles. There has not been a significant reduction in the fleet.

**Deputy Pádraig Mac Lochlainn:** This does not tally with the facts. On the one hand, the Government will close another 95 Garda stations but will increase mobility and will be smart with policing. At the same time, the Government is reducing the number of vehicles that can get out there and respond. The GRA has been quoted recently as saying that, since 2009, 560 cars have been lost to front-line units. In Cork city, Garda and detective units, including the specialist drugs unit, have lost eight cars in recent weeks. A jeep was lost because management was forced to paint it white and use it as a patrol car for poorly resourced stations. I have a lot of respect for the Minister of State, who is a capable representative. She knows what is happening on the ground and she knows stories of gardaí leaving the force through early retirement and telephoning the local radio station to talk about the loss of morale and confidence. What are we going to do to turn it around?

**Deputy Kathleen Lynch:** It is the same as the rest of the country. It is becoming a cliché but we must all do more with less. There have been retirements from the Garda Síochána and early retirement presents a problem. Nevertheless, the figures speak for themselves. Detection figures are on the increase and the rural-based Operation Fiacla has been very successful. It is dependent on Garda vehicles. There are two sides to the coin.

While we do not have the resources we would like, we are doing exceptionally well with the limited resources available.

**Deputy Joe O'Reilly:** The Minister of State has given a very detailed, comprehensive an-

swer on this issue. If I understood her correctly, she stated there is a new contract and an extra fleet of cars coming on-stream. Will she elaborate a little on this?

The Minister of State's position that operational detail is a matter for chief superintendents and superintendents is reasonable. Accepting that, and in commending the superintendents, is she prepared to state in the House that towns and villages of average size will have a squad car? There should be directive such that a town with a rural hinterland, as all small towns have, would at least have a car. I am thinking of specific towns in my constituency.

**Deputy Kathleen Lynch:** The Garda Síochána fleet consisted of 2,480 vehicles. Even with the significant budgetary constraints that apply, 159 new Garda vehicles were brought into service in 2011, and a further 42 were brought into service in the early part of 2012. I can confirm that a new contract for the provision of Garda transport has recently been concluded. Under that contract, a number of new vehicles have been ordered.

All Deputies like to protect their own areas but they could not possibly interfere with an operational matter in respect of which the superintendent or chief superintendent must make a decision on where resources are to be deployed. However, I very much take the Deputy's point.

### **Alcohol Sales**

11. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality his proposals in relation to future arrangements for the display and sale of alcohol products in mixed trading outlets; the current status of his proposals and the date on which they will be published; if he has decided to implement section 9 of the Intoxicating Liquor Act 2008 or implement a statutory code of practice under section 17 of the Civil Law (Miscellaneous Provisions) Act 2011; and if he will make a statement on the matter. [39078/12]

**(Deputy Kathleen Lynch):** The report of the steering group on a national substance misuse strategy, which was published earlier this year, contains a broad range of recommendations that seek to address the negative consequences of alcohol misuse and alcohol-related harm in this country. The Department of Health is currently developing an action plan for submission to the Government in response to the report's recommendations. Future arrangements for the display and sale of alcohol in mixed-trading premises such as supermarkets and convenience stores will be considered by the Government in the context of that action plan.

**Deputy Thomas P. Broughan:** I do not have to tell the Minister of State about the huge impact and cost associated with the misuse of alcohol and its promotion and mis-selling in mixed units. Last July, the Minister of State's colleague, the Minister for Justice and Equality, Deputy Shatter, told me he would not go ahead with the voluntary code of practice and that he would introduce a mandatory system for multiples and other outlets. Why does the Minister of State not just implement section 9 of the Intoxicating Liquor Act 2008, which would entail strict mandatory guidelines?

I met representatives of the National Off-Licence Association some months ago. They made very responsible and good proposals on a new national responsible trading certificate for retailers and they made proposals to end price and quantity promotion of alcohol. Considerable quantities of alcohol are being promoted as loss leaders in multiples. The representatives were prepared to discuss the identification of each unit of alcohol, which practice, as the Minister of

State knows, Ministers of State such as Deputies Joe Costello and Róisín Shortall have advocated. Is it not time to utilise existing legislation, as I have mentioned in my question? Should we not move towards a much more responsible process for the sale of alcohol? Small operators, the National Off-Licence Association and others would be happy to implement this if we gave the lead.

**Deputy Kathleen Lynch:** During the period leading up to the enactment of the Intoxicating Liquor Act 2008, bodies representing the mixed-trading sector proposed the implementation of a code of practice as an alternative to section 9 of the Act, which makes statutory provision for structural separation. The then Minister agreed to postpone the implementation of the statutory provision in favour of an agreed code of practice, subject to compliance with stated conditions. In particular, it was made clear that deferring the implementation of the statutory provision was conditional on independent verification of compliance with the code and that the code was achieving the objective of structural separation.

The Deputy will know that clearly has not worked. It was not enforced in any way. The current difficulty, which is not insurmountable, is that there are now two very clear departmental perspectives. As the Deputy will know, Minister of State Deputy Róisín Shortall has a very clear view and pathway in regard to how we should deal with the alcohol issue. I admit that I agree with this entirely, as do many. The Department of Justice and Equality has an opinion on the issue also, although it is not so much a separate one. It is a question of bringing the two perspectives together. There may be a way of doing something in the shorter term through the implementation of section 9. I will relate this to the Minister because it may represent a way of putting a short-term solution in place. If we needed any convincing, the events of the past few months should tell us that we need to do something about the sale of alcohol and consider who it is sold to and its effects.

*Written Answers follow Adjournment.*

## **Topical Issue Debate**

### **Bank Branch Closures**

**Deputy Patrick O'Donovan:** I thank the Ceann Comhairle for selecting this matter for debate. As we have known for a while, Allied Irish Banks is going through a restructuring programme. For a while, it has flagged the fact that the programme would involve some branch closures. However, the number of branch closures announced on 27 July in a press statement, which was really about the fact that the bank was putting up its variable rates for mortgages, came as a major shock to very many communities. Sixty-seven branches and sub-offices are to close. The counties facing the largest number of closures are Donegal and Limerick. In my area, outside Limerick city, Glin, Foynes, Dromcolliher, Hospital, Doon and Croom are affected. For a number of years, Allied Irish Banks has serviced those communities, both through the old Munster and Leinster Bank and, more recently, under Allied Irish Banks plc. Throughout

the bad days of the recent past, the customers in the communities, which are predominantly rural, have remained extremely loyal to Allied Irish Banks.

I understand from having spoken to the Department of Finance during the summer that the Minister is prohibited from getting involved in commercial day-to-day decisions. However, the Government and the Oireachtas in particular are obliged to represent the people who elected them, particularly in respect of decisions made by banks that are essentially being kept open courtesy of the taxpayer.

It has been stated that the closure of a bank branch will not make that much difference. On the day of the announcement, Allied Irish Banks referred to the banks in Stoneybatter and Capel Street, implying that one bank was around the corner from the other. In the area that I represent, a return journey to and from a bank in order to carry out commercial activities may be up to 40 miles. This is in the absence of night safes, automated teller machines and a commercial agreement between Allied Irish Banks and An Post, which has been flagged as the body to provide a banking facility in the future. I understand the Government's predicament and position on this matter but An Post is a semi-State company and Allied Irish Banks has still not concluded an agreement in respect of the individual communities affected. We do not know whether the post office network will be logistically capable of providing banking facilities or whether postmasters, AIB staff or, most importantly, AIB customers have been negotiated with. As the Minister of State knows, carrying out any kind of commercial activity in rural communities, be it a shop or manufacturing business, is difficult. This includes pensioners who are constantly being told to lodge their payments directly into their banks. AIB is pulling out of tracts of rural Ireland without any regard to geographical impediments or the level of service remaining behind. Communities will be left picking up the pieces with their local post offices.

The manner in which the announcement was made left much to be desired. It did not say much. I was disappointed for local bank staff who were left to deal with the likes of myself and others in the communities. It was announced in the middle of the summer when the Dáil was in recess in the middle of a press release that focused primarily on a mortgage interest hike so that the national media would latch onto that issue and forget about the rural bank network.

**Minister of State at the Department of Finance (Deputy Brian Hayes):** As the Deputy will be aware and notwithstanding the fact that the State is a significant shareholder in AIB, the Government must ensure that the bank is run on a commercial, cost effective and independent basis to ensure the value of the bank as an asset to the State, as per the memorandum on economic and financial policies agreed with the European Commission, the European Central Bank and the International Monetary Fund. The Deputy recognised this fact in the course of his contribution. A relationship framework has been specified that defines the nature of the relationship between the Minister for Finance and the bank. This framework stipulates that the Minister has no role in the commercial decisions of the bank, with these decisions remaining the responsibility of the board and management of the institution.

As the Government has stated previously, the Deputy will appreciate that it is an inevitable but unfortunate consequence of the necessary restructuring and return to viability of the banking system that branches in certain towns and villages across the country will be closed. The Government appreciates that the branch closures will have an impact on certain towns and villages, but the Department has been informed by AIB that the latter is working closely with its customers to ensure that the disruption is minimised and to provide a range of alternative banking options, such as the use of local post offices and mobile banking facilities, to affected

customers.

As part of AIB's restructuring plan to return itself to profitability and reduce dependence on State support, significant cost reductions will be required in the coming years. In this regard, AIB announced its branch rationalisation programme in July of this year. The bank's branch overhaul will include a combination of six amalgamations, 16 full branch closures and 45 sub-office closures across the country. In total, 67 locations will be impacted, equating to approximately 27% of the bank's branch network. It is worth noting that AIB will still have approximately 200 branches in Ireland post rationalisation, coupled with an additional 80 EBS outlets.

Nevertheless, to mitigate the impact of the branch closures on customers, AIB intends to strengthen its long-standing relationship with An Post. It is also launching a new mobile bank service to provide certain banking services to customers in remote locations. The mobile service will allow customers to make lodgements and withdrawals, pay bills and order foreign currency.

Currently, AIB banking services are available in more than 1,100 An Post outlets nationwide. The current services at any An Post outlet allows personal and business AIB customers to make cash lodgements, avail of cash withdrawals of up to €600 per day, pay their credit cards bill and use any of An Post's own-brand services, including bill payments, postal drafts and foreign currency. In addition, AIB plans to build on this successful relationship with An Post and has arranged for additional banking facilities to be available in more than 90 selected outlets. AIB and An Post management are working closely together at local, regional and national level to ensure the successful launch of this enhanced service and An Post staff will be fully trained to offer the new service in advance of the branch closure dates.

As part of the closure process, the bank is engaging extensively with customers, businesses and community groups in affected areas to ensure an adequate understanding of the rationalisation process and is endeavouring to keep all stakeholders fully informed to minimise any inconvenience.

**Deputy Patrick O'Donovan:** I thank the Minister of State and appreciate his reply. Limerick has been disproportionately affected by this decision. No other county that AIB has left has a comparable geographical make-up. I must pay tribute to local management and staff, which have been engaging with people.

It is a pity that AIB did not consider the implications before making its announcement. There was no engagement with An Post at local level. To my knowledge, most of the post offices had not been visited by AIB prior to the announcement. The announcement was made without examining logistical tolerances or determining whether the decision would be manageable. The affected communities saw no engagement.

As the Minister of State knows, the region from Limerick to Listowel on the Shannon Estuary, an area that includes the country's largest deep water port, has been deprived of an AIB presence. South-west Limerick from Newcastle West to Mallow and the area from Doon to Tipperary are large regions with isolated communities and have been representative of loyal AIB customers, given the fact that AIB was the only bank with a presence therein. With the exception of Croom, the bank is not closing branches in any town where it must face competition. Both this decision and the manner in which the closures were announced were cynical. It is a pity that the bank is fixated on maintaining its timeframe without engaging with communi-

ties properly despite the fact that those communities remained loyal to it at a time when it was going to the wall.

The State is the bank's largest shareholder and I understand the commercial sensitivities and the fact that the Minister's hands are tied. However, it behoves the Oireachtas to tell AIB that its loyal customers and staff of many years were shabbily treated by the manner in which the announcement was made. Will the Department of Finance let the bank's chief executive officer know of the considerable dissatisfaction within political circles regarding how the bank has dealt with this matter? Were it not for the taxpayers keeping AIB and the other banks' doors open, we would not have a banking system. That AIB is closing the door and turning the key, in some cases after more than 100 years, says a great deal about the type of service it will provide loyal customers in future.

**Deputy Brian Hayes:** The Deputy made a number of valid points. Having raised the matter in public, it falls on AIB to reply to him directly, as it has responsibility for the rationalisation programme that has been announced. The Deputy expressed forcefully the local opinion of some of the decisions that have been taken. I understand that where it has been decided to close a branch or part of a branch, a branch in another location will take on that business. Given the fact that the Deputy has expressed in public his opinion that this has been done in a ham-fisted way, the AIB has a responsibility to reply.

I wish to raise two points. If there is to be a smaller banking system, it is inevitable that branches will be closed. Our banking system grew too large and, as I am sure Deputy O'Donovan agrees, relied on a dysfunctional model. Many of the people paying the price for that in the form of rationalisations are loyal customers and workers.

As I am sure the Deputy appreciates, the banking industry has changed dramatically. My understanding is that only one in ten customer transactions are completed over branch counters. The remaining 90% of transactions are conducted online or via mobile telephones.

*4 o'clock*

I know AIB sub-office locations carry out an average of 20% of transactions carried out in A

IB branches, so although it is not a major amount, I appreciate it is significant in the relevant areas. My understanding is that the bank now has 700,000 customers actively using Internet and telephone banking, with approximately 6.5 million log-ins per month. The banking industry has changed dramatically and it is inevitable in such circumstances that there will be rationalisation. How that is managed is a matter for the bank and I agree that the dialogue it has with customers, stakeholders and communities is absolutely crucial.

If something has happened that is untoward, it is in the first instance a matter for AIB management. If a more comprehensive reply can be given in terms of a better configuration of service in the counties where there is a specific need, it is a matter for the bank. If the Department is to indicate anything to the bank in public, it would be that the stakeholders must be understood in the configuration of a new service.

We are entering a totally new world with the banking system arising from the Government's actions regarding bank recapitalisation and the pillar bank structure. That requires a smaller banking system, and the Deputy is aware this was mentioned in our election manifesto. It is inevitable that events such as this will happen but they must be managed and done in a

sensitive way. I agree with the Deputy in that the bank has a responsibility to those communities and the taxpayer to do this.

### **Child Protection**

**Deputy Derek Nolan:** I wish to raise the matter of the report produced this week by the Irish Refugee Council, entitled *State Sanctioned Child Poverty and Exclusion*, which deals with children of asylum seekers in direct provision centres. The report was written by Samantha Arnold and is valuable because it provides an analysis of the difficulties faced by these children and their families. It is particularly appropriate that the report should issue on the day of the decision to hold a children's rights referendum and that we should discuss it in this House the day the wording of the constitutional amendment is published.

Of the 5,098 residents in direct provision centres, over a third are children who spend a significant proportion of their childhood in direct provision accommodation. I have raised the issue of direct provision accommodation in the House before and on that occasion I instanced the experiences of those whom I personally know and some of whom I would consider friends. This report is more focused, and in many cases, shocking. It details reports of poor accommodation, overcrowding, malnutrition, poverty and educational exclusion, among others, amounting to a breach of these children's human rights. Alongside this report, the special rapporteur on children, Mr. Geoffrey Shannon, in his 2012 report highlighted the real risk of child abuse in direct provision centres, where single parents are required to share with strangers and where families with teenage children of opposite gender are required to share one room.

Many of the recommendations in this report are practical and achievable. I will read some of them into the record as it would be a wise exercise. One recommendation is to ensure that accommodation centres are in a good condition, with heating, hot water and cleanliness guaranteed. Other recommendations include children having access to private toilet facilities, families having adequate space and parents having rooms separate from their children; the provision of play and homework space for children; and that cultural and religious needs should be considered in consultation with families before they are dispersed throughout the country.

These recommendations are an indication that the basic and fundamental standards must be adhered to in order to protect children. With regard to dispersal, there is a direct accommodation centre in my constituency of Galway West - Lisbrook House - which received notice approximately two weeks ago by means of letter that the accommodation centre would close and the families would be moved by the end of the month. The correspondence took no cognisance of the fact that the children had started school, parents had bought books and uniforms and the children were integrating into the classes. There was no idea of doing this during the summer, when the children could have easily integrated in a new classroom. One resident told me a child had spent four days in their first week of school crying and on the day the child stopped crying, the parents were told the child would have to move anyway. This is an example of how, sometimes, the system treats people as numbers rather than individuals with rights or families with obligations.

In reading the report I can only imagine what would be said if we were looking at these conditions in any other setting. What would happen if we were seeking a guarantee of clean facilities and hot water in homeless services or private toilet facilities for children in our youth services? In direct provision and with the class of people which the system treats as "not Irish",

there is a different view. This is wrong and reminiscent of the last vestiges of institutionalisation and institutionalism. As a country, we have a very poor record in that regard.

When I last spoke on this, I argued that we could be looking at the genesis of the next Cloyne or Ryan report. This report calls for an independent inquiry alongside practical recommendations. This is a wise move. We have been warned with this report and we must use it to prevent abuse right now.

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** I thank the Deputy for raising this matter in the House. I am speaking on behalf of my colleague, the Minister for Justice and Equality, Deputy Alan Shatter. The Reception and Integration Agency, RIA, of the Department of Justice and Equality is responsible for the accommodation of asylum seekers in accordance with the Government policy of direct provision. This year a budget of €63.5 million has been provided for this service.

It should be noted that RIA is working through the report and any issues which need to be addressed by RIA will be. In saying that, the suggestion that there is widespread State-sponsored neglect of the needs of asylum seekers' children is completely wide of the mark. Any suggestion that children are malnourished or that there is inadequate provision of food would be regarded with the utmost seriousness and would, if proven, lead to the immediate termination of contracts. It would also seem unlikely that such instances would escape the attention of the independent external assessors engaged by RIA who have expertise in food preparation and who conduct comprehensive unannounced inspections of all centres at least once a year. In any event, the Minister has directed that the report be comprehensively examined and that any significant issues identified in it be addressed. In particular, he has directed that any issues relating to the welfare of children be dealt with without delay.

The State provides levels of support in addition to full board accommodation to asylum seekers with all costs covered and no costs charged to the asylum seekers. Asylum seekers avail of free primary and post-primary education on the same basis as any other child in the State. Asylum seekers qualify for medical cards and avail of a wide range of supports such as public health nurses, adult English language supports and assistance from community welfare services to allow children to engage in activities and events within schools and through extra-curricular activities and sports clubs. Taking this broad range of supports and services into consideration, asylum seekers and their children are very well supported by the State.

Although it is not possible to address all the recommendations in the report in detail in the time available, I will attempt to address the key issues raised. The report recommends that there should be a review of the direct provision system. Direct provision ensures that a suitable standard of accommodation and ancillary services is provided to asylum seekers. The treatment of asylum seekers in this country is at least on a par with any other country and the direct provision system delivers a high standard of service and value for money to the taxpayer through co-ordinated service delivery to asylum seekers.

A number of recommendations relate to maintaining standards across the accommodation centres. The RIA sets out standards of service in its contracts, including legislative standards, and it engages internal and expert external inspectors to review its accommodation standards. As indicated earlier, RIA engages independent external assessors with expertise in fire safety and food preparation to conduct comprehensive unannounced inspections of all centres at least once a year. The inspectors look at all aspects of the accommodation centre, taking in the pro-

prietor's obligations under the contract. Any diminution in standards which comes to the attention of RIA is immediately followed up. In cases where standards stipulated in the contract have not been met and the proprietor has not made sufficient efforts to remedy the situation, the contract may be terminated.

A number of recommendations relate to the safety of children and child protection concerns. The safety of all asylum seekers, especially children, is of critical importance to RIA. All complaints concerning the safety of residents are taken very seriously by RIA and centre managers. RIA's child protection policy ensures child welfare concerns are referred to the HSE and the Garda.

All accommodation units within the RIA accommodation portfolio are measured to ensure they conform to legislative requirements. In some cases, growing families refuse to avail of more suitable accommodation alternatives being offered to them.

The ninth recommendation is to allow asylum seekers who have been in Ireland for more than 12 months to work to enable parents to provide for their children. Under the law, asylum seekers cannot work. In light of experience in 1999, when asylum seekers were given the right to work and application numbers trebled, it is not proposed to change the policy in this regard.

Other recommendations are on financial and other supports for asylum seekers in direct provision. All accommodation costs, together with the costs of meals, heat, light, laundry and maintenance are paid directly by the State. In addition to direct provision allowance payments, community welfare officers provide assistance through exceptional needs payments, including back-to-school payments, as well as payments for life events such as school trips, sports and other extra-curricular activities.

**Deputy Derek Nolan:** I thank the Minister of State for his reply. I welcome the commitment to examine the report comprehensively and to deal immediately with issues relating to children. To follow on from my initial statement, I thank the Minister for his intervention in the case to which I referred to suspend the transfer of families from the accommodation centre in Galway.

With regard to the first recommendation with regard to direct provision and the need for a review of the system, with no disrespect to the Minister of State I wish the Minister were here because the programme for Government specifically outlines this as something to be achieved and it is a target of the Government. In his life as an Opposition spokesperson on children and justice the Minister spoke about the need for this so I would hate to think something would be said in opposition but not carried into government and that a view could change so dramatically. I am sure we will have an opportunity to discuss it with the Minister. As a member of a Government party I would not be happy to think the Government is completely satisfied with the direct provision system and that it does not see it requires reform because this is not what we stated previously.

I accept the reception and integration agency's system is not a complete failure in terms of its treatment of asylum seekers and those resident in the centres. It is not the case that the examples I have outlined are widespread. However, the report highlights specific examples of such occurrences and when we are discussing children, one occurrence is too many and two are unforgivable, particularly if we have been warned about them and we know they are happening.

The broader issue of asylum and those in the centres is to do with the immigration system

and how long it takes. Many people in the centres have been there for six or seven years and the entire system urgently needs root and branch reform. It is not something that can be kicked down the line continuously.

**Deputy Dinny McGinley:** The direct provision system operated by the reception and integration agency of the Department of Justice and Equality is only one element of the State's response to its international obligations in the area of asylum. As well as educational, health and welfare costs, there is the asylum determination system itself as well as the downstream judicial and policing costs. As one might imagine, meeting our international obligations to asylum seekers on such a scale does not come cheaply, with considerable public moneys having been expended in the area in recent years. For instance, in 2011 the total estimated cost to the Exchequer of providing all of the services was approximately €150 million inclusive of RIA costs. Ireland is not unique in this respect. All countries which take their responsibility in this area seriously are faced with similar calls on their financial resources.

There are no cheaper alternatives to the direct provision system. If we were operating a system which facilitated asylum seekers living independent lives in individual housing with social welfare supports and payments, the cost to the Exchequer would be double what is currently paid under the direct provision system, even discounting the additional pull factor this would entail. This was a key finding in the value for money report in 2010 on the direct provision system, a copy of which is in the Oireachtas Library. The direct provision system itself provides security for asylum seekers by meeting their basic needs for food and shelter. In addition to meeting these basic needs, asylum seeker children benefit from a range of free services from the State, including educational and health services. These services are maintained and provided on the same basis as they are provided to Irish citizens. The overall package of services and the asylum and related processes available to asylum seekers in Ireland ensure the needs of all are addressed.

### **School Transport**

**Deputy Pat Deering:** I thank the Ceann Comhairle for accepting this topic for debate. I welcome the Minister for Education and Skills. Since the beginning of this school year this issue has caused much consternation in Carlow, which is the county I represent. It is as a result of the announcement made by the previous Government as part of the budget for 2011 following the value for money report by the Department on the school transport scheme. I welcome the value for money report and it is important that we get as much value for money as possible from every Department. However, students must now go to their nearest school and not the school of their choice, and this is a cause for much concern.

This decision may make economic sense but from a practical point of view it does not make much sense. A number of issues should be taken into consideration. A school bus may be passing outside the door which would take a pupil to the school of his or her choice but will not pick up him or her and that pupil may have to walk a number of miles to be collected by the bus going to the school he or she is attending. In this day and age this is very dangerous and is very concerning from a health and safety point of view.

I have been made aware that although school principals were made aware of this decision last January or February, the information was not passed on to the parents of pupils beginning school this academic year. The mothers and fathers of these students enrolled their children in

the school of their choice and paid for books and uniforms at considerable cost and are now not being allowed to attend the particular school. This issue needs to be addressed. Students decide to go to a school for particular reasons, most likely because the subject choice is suitable from a practical or other point of view. This decision has now been taken out of their hands because of the new arrangements.

If one does not meet the means test requirements with regard to the medical card, one must pay €350 in two instalments of €175 every six months. This needs to be addressed. It would be quite helpful if a concession were made to allow monthly payments, especially once the academic year begins with all the expense involved.

I welcome the five year school building programme announced by the Minister earlier this year. Has consideration being given to the fact that schools will lose a number of pupils from particular areas who would have enrolled otherwise? The national school in Rathvilly in north Carlow has always been a feeder school for Tullow community school which has been granted a considerable extension to commence in 2014, and I welcome this wholeheartedly. The new arrangements mean, however, that Tullow community school may lose 20 new students every year because these 20 students will now have to cross the county border to Baltinglass in Wicklow which may not be able to cater for the extra numbers.

We in rural Ireland are quite parochial about where we go and are quite proud of our county colours. Carlow is a small county and we like to stay within our county boundaries whether from a school, GAA or soccer point of view. We must go to Wicklow in the case I mentioned. In the southern part of Carlow, the same issue arises. The school in Myshall would traditionally have been a feeder school for Bagnelstown but pupils must now go across the border to Bunclody in Wexford which is a big concern and even though there is less than 0.5 km of a distance between the two schools. The school in Bunclody is now considered the nearest school even though there is only 0.5 km between it and the original school.

Could some kind of concessionary arrangement be put in place at this stage to cater for those students who have started in their new school, the school of their choice? They are not being given the opportunity to go on the bus even though it may pass by their door have full. Could an arrangement be put in place where they could pay so much per month which would be a better arrangement than exists currently? As I asked previously, will the schools be able to cater for the larger numbers in the years to come?

**Minister for Education and Skills (Deputy Ruairí Quinn):** I thank the Deputy for raising this matter which is of concern to a number of Deputies. School transport is a very significant operation managed by Bus Éireann on the Department's behalf and covers more than 82 million kilometres annually. Currently, 110,000 children, including more than 8,000 children with special needs, are transported in approximately 4,000 vehicles on a daily basis to primary and post-primary schools throughout the country. I take it the Deputy is referring to the changes regarding school transport eligibility for children attending post-primary schools, which took effect from the beginning of the this school year.

At the outset, I would like to explain that the main objective of my Department's school transport scheme is to support the safe transport to and from school of children who would have difficulty travelling for reasons of distance to nearest school if transport is not supported. Changes in the post-primary school transport scheme were announced in last year's budget. One of the changes which took effect from the commencement of this school year means that

the use of the catchment area system as a means of determining eligibility ceased for all pupils newly entering a post-primary school.

From the commencement of this school year, school transport eligibility for all new pupils entering a post-primary school will be determined by reference to the distance they reside from their nearest post-primary education centre having regard to ethos and language. This eligibility criterion will be applied equitably on a national basis. In general, children who were eligible under the former catchment boundary area system will retain their transport eligibility for the duration of their post primary education cycle provided there is no change to their current circumstances. Siblings of these children and other children who are not attending their nearest school may apply for school transport on a concessionary basis only in accordance with the terms of the updated post-primary school transport scheme.

The charge for children who are eligible for school transport under the terms of my Department's post-primary school transport scheme remains at €350 per annum this school year. The charge for children availing of transport on a concessionary basis will also remain at €350 per annum this school year. The overall family maximum for children availing of school transport services remains at €650 per annum. Eligible children with valid medical cards under the GMS scheme are exempt from these charges. There is no provision within the scheme to waive charges for pupils who are not eligible for school transport. As with last year, charges may be paid in two instalments in July and in December. It is important to note that school transport charges represent a contribution towards the cost of providing school transport services and do not reflect the actual cost which is almost €1,000 per annum for a post primary school pupil.

In regard to the planning of school infrastructure, the general approach of the Department is to plan on the basis of attendance of pupils at their nearest primary schools and that those primary schools then feed into attendance at the nearest post-primary schools or the nearest post-primary centre generally. The changes announced in post primary school transport services are in line with this approach and will result in a more efficient and cost effective scheme. While it is the prerogative of parents to send their children to the school of their choice, eligibility for school transport is to the nearest school, having regard for ethos and language.

**Deputy Pat Deering:** I am well aware of and understand the cost of school transport which is considerable and needs to be addressed. To go back to the original points I made, the practicalities of the situation also need to be addressed where a half empty school bus passes by a person's house but that person is not picked and may have to walk a considerable distance to reach to a pick up point for the school to which he or she must go. There are considerable health and safety issues involved when school children of 12 to 15 years of age must walk along country roads in the dark and on wet mornings and evenings. This is a concern for people in rural Ireland, in particular.

A student may now not be able to go to the school of his or her choice. Subject choices may not be available in his or her nearest school and it could impact on what he or she wishes to do in the future. The issue of siblings is not addressed. The second child in a family may want to go to the same school as the first child but he or she may not be able to go down that particular road. He or she will not be able to use the same books, which will involve extra costs, and uniforms might also have to be purchased.

While I understand the rationale and the economics behind this, perhaps we should deal with the practicalities of it. In regard to the concessionary situation, I understand hundreds

of students are affected. We are now three or four weeks into the school year and something should be done to address their concerns.

**Deputy Ruairí Quinn:** I thank the Deputy again for bringing some additional information to the table in regard to this matter. I had a meeting this morning with the Deputy's party colleague, the Minister of State, Deputy Cannon, and two senior civil servants dealing with this issue. We have agreed to wait until after the mid-term break, which is in a couple of weeks time, to review and get as much information in regard to the situation and to see what changes, if any, can be introduced.

If I heard the Deputy correctly, I was interested in what he said that even though the decision to change the system was communicated to principals last January, the parents of children applying to enrol in the school last spring were not informed of those changes. If they had been informed, they might very well have made different arrangements or different choices. The Deputy also said there is capacity and that the bus passes the houses in these places. We will put that on the agenda for discussion and we will probably come back to the Deputy and the House generally after the mid-term break.

### **Public Sector Allowances**

**Deputy Charlie McConalogue:** I thank the Ceann Comhairle for agreeing to put this issue on the agenda and the Minister for Education and Skills for coming to the House to discuss it. Yesterday there was an announcement from the Minister's colleague, the Minister for Public Expenditure and Reform, Deputy Howlin, in regard to the issue of allowances in the public sector. He rowed back on previous commitments to find savings of €75 million this year and €150 million next year in allowances in the public sector pay bill. However, despite the Minister bottling it on those commitments - undoubtedly some allowances are from a different era - he had no problem targeting those who have yet to enter the public service and who are not in a position to stand up for themselves.

I speak in particular about new entrants to teaching. Yesterday the Minister announced that new entrants will not be entitled to the €4,500 qualification allowance which was an acknowledgment of higher education achievements and higher qualifications among entrants into teaching and to ensure we had a very highly qualified teaching team. How does the Minister plan to operate an education system which will need 3,000 new teachers at primary level in the coming years to deal with population growth? How will he operate a system which pays these 3,000 teachers salaries which are far lower than what their colleagues receive? What assessment has he done on the impact it will have on the education system and how will he ensure highly qualified individuals will continue to become teachers in this country?

**Deputy Mary Lou McDonald:** This review of allowances is seven months late and we have not been given an opportunity in the Dáil to debate the issues arising even though we were promised a debate on them. The Minister for Public Expenditure and Reform has looked into his heart, *de Valera* style, and made this decision in secrecy. Despite extensive commentary on the matter there is very little concrete financial information in the public domain in terms of a breakdown of the allowances into individualised costings and, critically, who receives them and in what grades. In the absence of that information and a full debate in the Dáil, we will not have a full and fair decision-making process.

I have raised the issue of teachers because the Minister, Deputy Howlin, has been especially vindictive towards new entrants to the teaching profession. A young teacher who is lucky enough to start his or her career this month will earn just over €27,000, which is almost €12,000 less than a teacher recruited in 2010. Decisions that target the profession of teaching make no sense on any level. They will clearly dissuade the best and brightest from entering the profession, and for a Government which claims it will base economic regeneration on the education sector and a knowledge society, it is clearly not taking a joined-up approach in deliberately punishing young teachers in this manner.

The Minister for Education and Skills and his colleagues have repeated ad nauseam they are the ones for the tough decisions. As the Minister with a duty of care for teachers in the system and the new entrants who will join the profession, I challenge him to take the tough decision of deploying clause 1.28 of the Croke Park agreement for the specific task of addressing the issue of high pay in the public sector. It is a small proportion of the service but none the less almost 7,000 people earn salaries of more than €100,000. If he is prepared for tough decisions, he should address that issue but he should not allow his Cabinet colleague to attack and undermine the teaching profession and, by extension, the quality of education offered to our children and young people.

**Deputy Mick Wallace:** This is a poor direction for the Government to take. The decision that new teachers will earn 20% less than teachers who started in 2010 will have a disproportionate impact on new entrants to the profession and will create a two-tier system in our schools. A new teacher who starts on a salary of approximately €30,000 after training for four years could earn more by pushing a wheelbarrow on a building site. The Minister for Expenditure and Reform has stated that business cases for the retention of payments were submitted on more than 800 of the 1,100 allowances notified to his Department. Perhaps he should consider the social and educational investment in the future of our children in addition to these business cases. Considerable social benefit can be gained from investing in education and, in the context of our current difficulties, most people would agree that education must be our top priority.

The decision will also have enormous consequences in terms of attracting individuals to the profession. Given our increasing population and the importance of providing a high quality education system, it is imperative we attract the best candidates. The teaching profession has been an easy target in recent years. The salaries paid in 2007 and 2008 appeared inflated but the salaries our teachers now receive compare favourably with their counterparts in other OECD countries. It is not the case that they are dramatically overpaid and the job has become more difficult over the years. Discipline is an increasing challenge and we will pay a high price in the future if we do not attract the best people.

**Deputy Ruairí Quinn:** Yesterday the Government approved a number of measures relating to public service allowances for new beneficiaries. This follows a public service review of allowances and premium payments conducted by the Minister for Public Expenditure and Reform. The main measure impacting teachers is the withdrawal of qualification allowances for new entrant teachers.

The Government has decided that the payment of allowances for the basic qualifications required for entry to the teaching profession is no longer appropriate or necessary. This allowance goes back many years to the time when a distinction was made between teaching colleges and university qualifications. It is not considered justifiable to incur a permanent cost to the public service pay and pensions bill where a public servant acquires an additional qualification.

The payment of allowances, such as the Gaeltacht and island allowances, are being withdrawn or altered for all new beneficiaries in the public service, including new teachers. These allowances are no longer considered the most appropriate way to meet the business needs of public service employers or the service delivery needs of Irish language speakers. Other allowances were withdrawn because they were no longer considered appropriate or necessary, such as the allowance for principals who act as secretaries to the boards of management of their schools and the allowances for principals of certain community schools for management roles in sports complexes.

The view put forward by this Department, which was accepted by the Government, was that allowances held by serving staff are clearly part of pay and simply to withdraw them in the case of serving teachers would be a breach of the Croke Park agreement. Accordingly, the impact of the measures in so far as they apply to teachers will be confined to new entrants only.

The Government was mindful of the impact of the abolition of the qualifications allowance on new teachers given that the allowances have come to be viewed as an element of basic pay. We therefore sought to ensure broad consistency of impact across sectors. In this context, it has been agreed that new entrant teachers will no longer receive qualification allowances but will start on a salary of €30,702, which is equivalent to the fourth point of the existing scale. They will also have the option of being paid a pensionable allowance of €1,592 for supervision and substitution, thereby bringing their starting salary to €32,294.

**Deputy Charlie McConalogue:** I asked the Minister to explain how he proposes to manage a teaching workforce which is paid according to two different salary scales. New entrants will be paid at one scale while those who started as recently as 18 months ago will earn much more. A new entrant in 2010 could have received as much as €39,000, but salaries for new entrants have decreased to €32,000 this year when the supervision allowance is included. The 2011 OECD report, *Education at a Glance*, showed that in Ireland, those in the teaching profession earn 12% less than their colleagues with similar educational experience in other sectors. That issue already exists within the workforce. By withdrawing a system where there is recognition of higher qualifications and of the highly skilled and trained people coming into the education system and encouragement of that, the Minister is setting up a system in which it will be more difficult to attract the top level graduates we need. He is also damaging morale in a workforce where new entrants must work next to colleagues who may be earning 25% more than them although their experience and qualifications are similar. Will the Minister address that issue and say how he intends to manage it?

**Deputy Mary Lou McDonald:** Notwithstanding the crumbs from his table for new entrant teachers, the Minister seems pretty nonplussed by this issue. He seems to accept that he will have a two-tier workforce in the education system and that a variety of allowances - I have not seen the individual figures - will be taken from support for Gaeilge and the Gaeltacht. The Minister needs to reconsider that. I am alarmed by the fact that he seems terribly laid back about this.

The Minister and the Government use the Croke Park agreement most cynically. I understand why many public servants see the agreement as the last line of defence. Government after Government has hammered them and there has been a haemorrhaging from the public service. I understand their attachment to the agreement. What I cannot stomach is the Government using the Croke Park agreement, on the one hand as an excuse to hammer new entrants into the civil and public service and, on the other, as a shield to protect itself from taking the tough decision

to deal with the issue of high pay. We would not have to have this conversation about new entrant teachers or others in the public service who are on modest levels of pay if the Minister and the Cabinet had the bottle, the cop-on and the decency to deal with the issue of very high pay in the upper echelons of the public service. That is the fair thing to do. It is also the thing to which the public would most enthusiastically respond. What we want is fairness. It is not fair to target new entrants and new teachers in this manner.

**Deputy Mick Wallace:** It is said one should never waste a good recession. In this recession, a wedge has been driven between the private and public sectors. The recession was caused by the private sector, including people in my own business, but the public sector has been made a scapegoat for it. I still employ more than 50 people in the private sector and every time pay is cut to low paid public sector workers I see how it affects my business. Cutting the low paid in the public sector impacts dramatically on the private sector. Low paid workers spend all their money. They do not put it away in banks because they need every penny to live. The Government needs to think differently about this issue.

The media have helped to drive the wedge between the private and public sectors. The public sector has been demonised. More than 60% of public sector employees earn less than €50,000. I agree with cutting the inflated wages of those who are overpaid, but the bulk of public servants are not madly paid. Hitting them is hitting the domestic economy which has enough problems of its own at present.

**Deputy Ruairí Quinn:** I thank the Deputies for their supplementary comments.

I have to find €77 million in savings, as Deputy McConalogue will be aware since we discussed this matter earlier today in the Joint Committee on Education and Social Protection, to meet the targets set for us in the memorandum of understanding to which this Republic was committed by the previous Administration.

There are no easy answers to this matter. We looked in great detail at the allowances for teachers. There is not the same kind of career structure in the public service as in the Civil Service, where those in various grades are paid a salary with increments and, upon promotion, are paid an additional salary with increments but also have new responsibilities. The allowances in the education system are extra money for doing extra tasks. Deputies have the figures for the new starting salary for entrant teachers.

We looked at the Croke Park agreement and got advice on it. The advice was that unilaterally to change the salaries of people in higher levels, or across the teaching spectrum, would be a breach of the agreement. We want to negotiate a new agreement. We would bring to that new agreement the issue the Deputies have raised, which is the discrepancy between the starting salaries of new teachers and of those who started two or three years previously.

This is not unique to the public sector. Those young people who are lucky enough to get jobs in the private sector are getting those jobs at reduced salaries. Deputy Wallace may testify to this from his knowledge of the private sector. Starting salaries are now much lower for people doing, effectively, the same work with the same organisations. One may say the public sector has a higher moral responsibility than the private sector. Prices have fallen, we must regain our competitiveness as an exporting nation and salary costs across the entire system are part of that.

**Deputy Mary Lou McDonald:** Then why not cut salaries at the top?

**Deputy Ruairí Quinn:** Section 30 of the Teaching Council Act 2001 will be commenced later this year and will probably apply with full effect in the new year. A condition of that is that every teacher who gets paid from the public purse - some 76,000 and virtually all the teachers in the country - will have to be registered with the Teaching Council. To maintain their registration each year, they will have to do continual professional development, as is the case for doctors, lawyers and other professionals. Incentivising people to do further courses, which is a legacy going back as much as 50 years, has been replaced by an obligation on teachers, as on all professionals, to keep their professional competences up to date. It should not require the kind of incentivisation that has existed and is a legacy from the past that we do not need.

In a year and a half or less, I hope there will be a new public sector agreement on pay and conditions. The issues to which Deputies referred will be part of that. We could not touch the existing agreement without provoking a confrontation. We explored that and we got very clear messages. It took a long time. The most reluctant signatories to the Croke Park agreement were the ASTI, TUI and IFUT. One teaching union had to vote twice to get agreement to it. Informed with that information, we had to make the choices we did.

I feel neither complacent nor smug about those choices. I am fully aware of their potential impact, over time, on the teaching profession. I am not a professional educationalist, but all the evidence from different education systems are ad idem on the assertion that the key factor in any education system, primary and post-primary, is the quality of the teacher. Good teachers produce good outcomes, irrespective of many of the other things. I am conscious of the potential impact down the road, when I hope we will have a different kind of agreement that will enable us to do some of the things to which the Deputies refer.

### **Animal Health and Welfare Bill 2012 [Seanad]: Second Stage**

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I move: "That the Bill be now read a Second Time."

I have not had an opportunity publicly to wish Deputy Ó Cuív well in his new portfolio. I look forward to constructive, and at times critical, contributions from the Deputy, particularly over the next eight or nine months when we face crucial issues for Irish agriculture arising from the Common Agricultural Policy and another difficult budget.

Today we discuss the Animal Health and Welfare Bill 2012 which has been in gestation for a long time and which I introduced in the Seanad. We had a constructive debate in the Seanad when all parties contributed in a helpful way. I hope I have made appropriate changes as a result of that debate. The Bill represents a significant step forward in the area of animal health and welfare law and is a priority for me. It will lead to a consolidation and modernisation of much of the primary legislation in this area, such as the Diseases of Animals Act 1966. Some of this legislation is over 100 years old, such as the Protection of Animals Act 1911. While in the past animal welfare and health may have been seen as distinct, they are closely related and synergy is to be gained by bringing them together under one legislative roof. In the past, the focus was on outlawing animal cruelty rather than the fuller measure of welfare which this Bill

provides for.

This Government has shown that it has a strong commitment to improving animal welfare legislation. The Welfare of Greyhounds Act 2011 was the first Act signed into law by President Michael D. Higgins. This paved the way for the commencement of the Dog Breeding Establishments Act 2010 by my colleague, the Minister for the Environment, Community and Local Government. In 2011 I introduced a code of practice for welfare organisations as part of the ex gratia payments arrangements which placed particular emphasis on the issues of rehoming abandoned animals. The Farm Animal Welfare Advisory Council and the associated early warning system continue to work well. This latter arrangement has seen my Department officials working in conjunction with farmers and welfare groups to head off welfare problems. I launched a free telephone number, based in my Department, for people who have animal welfare concerns, and funding for animal welfare organisations was enhanced in last year's budget, despite the difficult economic constraints we are facing. We have also acted on equine welfare by introducing equine passports and microchipping and recording the location of horses for the enforcement of existing and new regulations.

The Animal Health and Welfare Bill continues this agenda and will ultimately provide a framework within which we may significantly improve and safeguard the welfare of animals. Ireland has been successful in dealing with, avoiding and minimising animal health problems. The Animal Health and Welfare Bill will build upon this success. The risks of animal disease have grown significantly since the Diseases of Animals Act was enacted in 1966. There is far greater movement of animals, animal products and people. Ireland needs to ensure it has robust biosecurity procedures in order that the State can act not just when there is a disease outbreak but in a preventative way, focused on risk and reducing risk.

In terms of animal health, this legislation is important for Ireland not only nationally but globally from the perspective of a food producing island. The proposed legislation will play a key role in protecting Ireland's image as a country which not only respects the welfare of its animals but also accords critical importance to its high animal health status. The ability to increase our exports of food products will play a vital role in ensuring improvement in Ireland's economic well-being. We have agreed a very ambitious set of targets to this effect in the Food Harvest 2020 strategy, which was originally put together by the previous Government. Food Harvest 2020 has given the sector a vision of the future and clear targets for the next decade. I am determined to lead the drive towards achieving our export target of €12 billion per annum by 2020. To do this, the sector will need to minimise the losses from animal health issues.

This issue is a concern for all, not just those who earn their livelihoods from animals. As should be clear, the Animal Health and Welfare Bill is not only about farming or rural areas but is of concern to the whole country. While animals may be less central to urban life, ownership, involvement with and interest in animals is hugely important to many urban dwellers. Furthermore, while not the direct focus of the Bill, animal health can have implications for human health. Almost 60% of human infectious diseases can be contracted from animals, whether domestic or wild, and 75% of emerging human diseases have their sources in animals. Controlling animal disease is an important factor in ensuring human health.

This Bill applies across the board, both to rural and urban areas, and to all animals whether they be commercial, domestic, sport, show or for other purposes, and whatever species they may be. The owners of all animals are required to provide feed for their animals, to provide adequate and safe housing and to provide veterinary care and protection. There is a set of prin-

principles in animal welfare, known as the five freedoms, which forms the basis for most modern animal welfare legislation, and that was taken into account when putting this Bill together.

The only major distinction the Bill draws is between those animals classed as “protected”, which are any animals under the ownership of individuals as opposed to animals in a wild state. Protected animals are accorded greater protection than animals living in the wild as there is an obligation placed on the owner or person in charge to ensure a protected animal is fed, sheltered and so on. However, all animals are protected in so far as cruel acts are forbidden. The term “protected animal” is also used in the equivalent Northern Ireland legislation.

I will now move on from the reasons and general principles behind the Animal Health and Welfare Bill to some of its content. Current legislation requires modernisation because it focuses only on cruelty whereas the Animal Health and Welfare Bill will make improvements in what is legally required of owners to ensure their animals are fed and watered, provided with adequate shelter and have their welfare protected. These are basic common sense requirements. In the case of intensive units there is a need for greater checks as temperature controls and mechanical feeding and watering systems have to be more carefully monitored. This provision in section 19 reflects obligations in place through the Protection of Animals Kept for Farming Purposes Act 1984 which is being subsumed into this legislation.

To combat the threats posed by serious disease outbreaks, as witnessed during foot and mouth disease outbreak, and to deal with welfare compromised animals, authorised officers must have adequate powers with appropriate checks and balances. Much care and attention has gone into ensuring the powers of authorised officers are appropriate, balanced and proportionate. Officers cannot come and enter premises as they wish. There must be sound reason to do so and the courts will demand that officers justify their actions in the event that prosecutions follow. The powers given to authorised officers are appropriate and balanced and necessary to prevent the small minority of people who would damage our food industry by introducing disease or by fraudulently claiming to have disease. We either take the necessary action to prevent disease threatening the viability of our industry or we fail to do our job.

In the Animal Health and Welfare Bill, gardaí and customs officers are automatically considered authorised officers. Officers of my Department and other appropriate personnel in local authorities may be appointed as authorised officers. Others, such as temporary veterinary inspectors, may be authorised for limited purposes such as carrying out meat factory checks, as is currently the case.

I have been keen to ensure penalties are strengthened for abuses under the Bill and have made sure that all the significant offences under the Bill, meaning those where animals are injured or where disease problems are spread intentionally, attract the severest penalties. For major cases taken on indictment the maximum penalty has been raised from €100,000 to €250,000 with a maximum custodial sentence of five years’ imprisonment. In recent weeks those campaigning for animal welfare have claimed the Government is doing nothing in this area to increase penalties for deliberate cruelty. They should look at this legislation and the debate that took place in the Seanad.

Over the years judges who have heard some of the unpleasant animal cruelty cases have asked for powers to restrict the ownership of animals by those convicted of animal cruelty, particularly repeat offenders.

*5 o'clock*

Such powers must be used carefully and only where an individual has been convicted of repeated or more serious animal welfare offences. Not only could such an individual be potentially prevented from owning animals, he may also be prevented from working with them under sections 58 to 60, inclusive. In some instances of abuse of animals, the owners themselves may be suffering their own mental difficulties rather than who are doing it out of malice. In taking account of this, these powers can limit the ownership of animals. Caring for animals can be therapeutic for some individuals and, therefore, it may be appropriate that they be allowed care for one or two but not a large number that may be beyond their capacity. I remind Deputies that while these powers exist, their use cannot be invoked without appropriate procedures and that the courts will provide oversight and review, particularly in regard to the latter issue.

The Bill will also improve animal health provisions and there will be a greater emphasis on biosecurity. Many of the existing powers of authorised officers are focused on where a disease outbreak has occurred but the legislation also allows for appropriate action to be taken to reduce the risk or the spread of disease generally. It provides, for the first time, a specific provision relating to the payment of compensation in respect of particular types of diseases and provides a proper legal framework in this area. These arrangements are consistent with the Constitution and case law.

The eradication of tuberculosis, TB, is an important policy aim and significant progress has been made in recent years. Ensuring cases of disease are reported and tackled requires the continuing confidence of the farming community that it will be treated fairly and, therefore, compensation for destruction is an important plank. The Bill will make no change to the current administrative approach for such compensation schemes. The disease eradication, ERAD, scheme operates without a legal requirement on the Government to pay compensation. Nevertheless the Government pays, and will continue to pay, fair compensation. There is no reason for a move away from the current approach under the scheme. I promised our Seanad colleagues that I would revert with an appropriate amendment, which will allow greater flexibility in the appeal process. We are working on it and we can discuss it on Committee Stage.

However, the importance of animal health for the State as a whole needs to be protected. This means that we cannot be overly prescriptive in the legislation, as it will be legally applied in all situations. The procedures for dealing with cases of an endemic disease such as TB are not those we would want to apply in the case of outbreaks of rare exotic or imported diseases such as foot and mouth disease or rabies.

The laws relating to animal baiting and dog fighting under section 15 are being strengthened. These practices cannot be tolerated any longer and must be stamped out. Under current legislation, it has been difficult to take a case against those involved in dogfighting. In the most significant case taken in recent years, many of those convicted succeeded on appeal after claiming that they had not been involved in organising the fight but had merely been present. I would like to send a strong signal that I intend to ensure anybody involved in organising or breeding for dogfighting or attending a dog fight will face the courts and the Garda will be able to secure convictions against them. I am amending the law in this area to give the Garda more powers to take a case against somebody who organises, or breeds an animal for, a dog fight and to charge those in attendance at a dog fight if they raid a premises. We will not continue with the farcical

scenario that currently prevails where if a dog fight is raided, everybody scatters in all directions and nobody takes responsibility for the dogs and the Garda cannot secure a conviction. I hope to ensure the Garda will make an example of those engaged in this activity at an early stage following the enactment of the legislation in order that we can demonstrate that we are serious. Dogfighting is a barbaric practice, as is the industry built around breeding dogs for the purposes of ripping each other apart. I am confident we will stamp it out through this legislation.

There was concern that this section, which also outlaws a number of other types of performance with animals, as currently worded, could mean that farmers might be taken to court for breaking bulls, for example, or preparing them for shows and so on but that is not our intention. While I consider this possibility remote, as the use of the term “performance” makes it unlikely that activity occurring on a farm would be challenged, I will table an amendment on Committee Stage to confirm that this normal farming practice is acceptable and is not under any threat, unlike dog fighting. The issue of serious cruelty such as mutilation is of significant concern to many people and such practices are also expressly forbidden under the Bill. The penalties for such acts will be significantly increased. Unfortunately, in a number of cities, we have witnessed examples of unacceptable cruelty in recent years.

The Bill also provides for codes of practice. I reassure Members that this approach has worked well in other jurisdictions and my Department has experience using such codes, which have worked remarkably well. They allow, through agreement with the sector as a whole, detailed guidelines to be set out for specific animals. Such codes, adopted under the overall legal powers of this new Bill, are a better way of spelling out detailed best practice rather than overburdening the Bill itself. We have not been overly prescriptive in the legislation regarding how certain practices should be conducted because that would be rigid and inflexible. Instead, the Minister of the day has been given the power to introduce codes of practice through consultation with the relevant sector and, over time, those codes can be amended, updated and modernised, as appropriate, which is the best way to do this. Instead of detailing how much food an animal needs to be fed or what type of accommodation it should have, this can be done through codes of practice and updated as necessary without touching the principal Act, a process that would waste the House’s time. We have seen the result of that type of thinking.

The current proposed approach whereby general requirements are laid down, which can, if necessary, be fleshed out via codes of practice is the best way to provide adequate detail and information, suitable protection for animals and minimise bureaucracy for both individuals and the State. The issue of reducing bureaucracy has been important in drafting the Bill. One development in line with this approach is the provision for on-the-spot penalties for minor offences. These are akin to parking tickets and they have advantages for both the individual and the State, as they avoid the time and costs of court proceedings. I emphasise that there is recourse to the courts for individuals who do not wish to pay an on-the-spot penalty and who wish to contest the charge. This provision works well in other areas and has become commonplace in our legal system.

I sought a balance between the differing demands being made upon me during the drafting of the Bill. Views between differing interest groups on the legislation vary and resolving these presents a difficult balancing act. My key objectives in this process have been to bring about a legislative framework that offers greater protection for the welfare of animals while also reducing the risks posed by animal diseases in terms of biosecurity.

I refer to the provisions of the Bill. There are 75 sections spread over 14 Parts. Part 1

largely comprises standard form provisions relating to expenses, costs and laying of documents. It also sets out the purpose and definitions within the Bill and the provision for commencement.

Part 2 contains some key biosecurity measures. Section 8 prohibits farm animals straying and requires that fences and farm buildings be kept secure. I note Deputy Ó Cuív has raised a particular issue in this respect regarding commonage, whereby animals essentially may be roaming free in pretty large areas that are shared by multiple owners. This will be considered in some detail on Committee Stage and if it is necessary to introduce an amendment to provide clarity in this respect, I certainly will do that. Animals mingling present a serious risk of disease spread if a proper management system is not in place. The requirements of this provision are not greater than what the vast majority would consider to be basic good farming practice. Section 9 provides for disease eradication areas. The provisions of section 10 outlaw deliberately interfering with a test or giving a disease deliberately to an animal, presumably to gain compensation.

Part 3 provides for general provisions, which cover all animals, and a greater level of protection to animals which are owned or under the control of a person. An individual is not allowed to harm any animal and furthermore, any animal that an individual owns or is in control of must be provided with adequate food and water and appropriate shelter and its general welfare must be protected. Cruelty is expressly forbidden in Section 12. This includes any unnecessary suffering, whether caused by direct physical abuse, recklessness or negligence. This is to a large extent based on the existing legislation that is in place but in some cases is outdated. For the sake of clarity, this section does not apply to activity occurring during the normal course of hunting, fishing or coursing. However, the cruelty provisions may apply if an animal is hunted after being released when exhausted, mutilated or injured or if a hare is coursed without at least a reasonable chance of escape. Section 13 provides that keepers must provide protected animals with adequate quantities of suitable food. It obviously would not be possible to provide detailed and precise measures of food and other requirements for all animals and nor would it be desirable to lay down such detail in primary legislation. Therefore, greater detail can be laid down through the codes of practice and secondary legislation to which I referred earlier. Section 16 bans operations resulting in the mutilation of animals such as castration, disbudding or tail docking except where there is a good reason to allow them. In the latter case, I may consider making regulations under the Bill that will allow the procedure. My intention is not to interfere with normal commercial farming, as in the farming context these activities generally are performed for reasons of health and safety of the animal and are done properly at the appropriate age and with significant control of pain and so on. When such conditions are met, as is the case in normal farming practice, there will be no change in such practice.

I do not believe farming organisations need to be concerned in respect of this element of the Bill. Part 3 also bans the sale of animals to minors and requires that animals be inspected by their keepers at regular intervals to ensure their well-being. It also requires the use of anaesthetics when an animal is operated on, protects animals from poison and gives emergency powers for authorised officers and veterinarians, who encounter animals in distress or suffering injuries and requiring immediate destruction, to so do on humane grounds. This section also provides for emergency killing of an animal by an owner or on his or her behalf, for example, by knackery personnel who are properly qualified to so do.

As for Part 4, while common internationally, including at EU level, codes of practice on a legislative basis are relatively new to Ireland. Their primary purpose is to educate and assist the person involved in the various activities relating to keeping animals. A breach of a code of

practice is not of itself an offence but a relevant code may be considered by a judge as a form of best practice and may indicate in more detail where an offence has occurred.

Part 5 is based on the Bovine Diseases (Levies) Acts 1979 and 1996. There is provision to allow the charging of animal health levies on a wider range of species and diseases than at present, where levies are only paid in respect of cattle and milk and are for control of tuberculosis and brucellosis. Farmers make an important contribution, through the levy system, towards the compensation regime operated through the ERAD scheme. However, I wish to reassure both Deputies and farm organisations that I have no intention of introducing a new raft of animal disease levies. Anything my Department does in this area will be in consultation with the sector and will be on the basis of mutual consent in respect of everyone's best interests.

Part 6 deals with the slaughter of animals for disease control purposes and compensation with the overall aim of making the compensation provisions more explicit. There is an independent valuation and arbitration system to ensure that where this is done, owners are treated fairly. While this area has attracted some discussion in some cases, this has been based on a misreading of the current legal position. In any case, I wish to reassure Deputies this system will be fair, equitable and in line with the Constitution and case law in this area. Clear grounds for the reduction of compensation are given. Instances in which such compensation can be reduced or refused include where animals were illegally imported, where correct information has not been provided or if an animal is destroyed due to offences under the Animal Remedies Act 1993. In other words, farmers will receive full compensation for their animals under a destruction scheme, if that must happen. However, if someone deliberately infects his or her animals and this is discovered or if people have illegally imported animals without the necessary identification and so on - in other words if the animals were stolen - and if it was necessary subsequently to destroy the aforementioned animals for reasons of disease control, it is not reasonable that full compensation would be paid. In other words, I am trying to get this tricky area right but Members can tease through it again on Committee Stage if they so wish.

Under Part 7, the Bill sets out in Schedule 3 the various activities in respect of which secondary legislation may be introduced, key among which are the prevention of the risk of spread of disease, the control or eradication of disease, matters relating to animal welfare, animal transport and animal identification, as well as to give effect to the acts and institutions of the EU. The extensive list of detailed issues for which regulations can be made is set out in Schedule 3.

Part 8 provides the necessary powers for authorised officers and for a system of notices. Without officers to enforce the Bill, it becomes pointless. The powers of officers are limited and even more so where they are delegated. The powers of prosecution remain with the Minister and cannot be delegated. Furthermore, as I have a skilled cadre of staff members who are familiar with and located in rural areas, the real shortfall in skills and resources on the animal welfare front is in the urban and non-farming sectors. Consequently, the Department is considering the possibility of creating authorised officers who are qualified and have experience working with NGOs and so on.

As I have run out of time, I make the point that this is progressive legislation. It has been debated and discussed for nearly five years when the process was started by the previous Government. The present Government has amended and improved it. I brought the Bill before the Seanad, where approximately five hours of debate took place on it and on foot of which some changes have been made to it. The farming community has nothing to fear from this legislation and I suggest it is members of the aforementioned community, as well as commercial animal

owners in general who understand animal welfare better than anyone, including NGOs.

The purpose of the Bill is to put in place modern legislation that is appropriate to a country such as Ireland which has responsibility to protect and care for animals by reflecting best practice in other parts of the world. There has been considerable broad consultation from many sources in preparing the Bill. We have tried to get the balance right between not being overbearing in introducing new laws and regulations while at the same time stamping out totally unacceptable practices such as cockfighting, dogfighting and the mutilation of animals about which we read on a far too regular basis. We are also introducing modern legislation to allow us to intervene at an early stage to prevent disease outbreak or disease spread given the devastating impact that diseases like foot and mouth or BSE would have had on the agrifood sector in the past. I believe we have struck a pretty good balance, but I am happy to listen to people's views, opinions and criticisms, which we will try to take on board. Ultimately, this is about trying to improve the legislation through the debate in the Dáil and in Committee. From that point of view I look forward to hearing what people have to say.

**Deputy Éamon Ó Cuív:** I thank the Minister his kind words on my appointment as the Fianna Fáil Party spokesperson on agriculture and community. I look forward to many a debate with the Minister. I can guarantee him that when I agree I will say that I agree. I will not oppose for the sake of opposing. However, when I disagree, I will be equally blunt and I will say I disagree.

I welcome the approach the Minister is taking to this Bill and I hear from my colleagues in the Seanad that the debate in that House was open, comprehensive and brought about improvements and changes. I hope that when we reach Committee Stage and consider the detail section by section, the Minister will give whatever time it takes to go through the Bill from A to Z. I have often said that if we are short on time in this House I would rather see curtailment of the Second Stage debate than Committee Stage.

At the end of the day what will count in the court of law and what is paramount there is the wording in the Acts that we enact in this House. I presume what we say on Second Stage may be read by judges, but they must judge by the words in the Acts. Regardless of how good the drafters are or how good the Minister is, the essence of creating good legislation is to go through it and use the Opposition to put all the contrary arguments to ascertain if the Bill contains flaws. If having debated a point and put the case that may have been raised with us and if I am satisfied then that in all reasonable cases what the Minister is proposing is reasonable - we heard, for example, the legal advices he gets on the meaning of words, sentences and provisions - then we will accept it.

Having been involved in legislation for many years, I recognise there are two dangers and it is very hard to get it perfectly right. One danger is to over-provide for of the most bizarre unlikely possibilities and tie up the legislation in all sorts of knots. The other one is that something that appears reasonably innocuous can take on a life of its own once the legislation is passed. It is important to do what the Government proposed we should do at the outset of this Dáil, which is to be an interactive Legislature that considers in detail the legislation we pass. It should not be a case of a Minister coming in and having the debate by rote, perhaps guillotining it and then doing what the Government intended without listening. Legislation passed in that way tends to catch up with itself. I know the Minister and I recognise that he did not operate in that way in the Seanad. I hope that, as he said himself, this will continue in the Dáil in order to get good legislation.

Obviously we are not going to oppose the Bill in principle and we will be supporting it on Second Stage. It started approximately five years ago - it takes about five years to develop major legislation. As the Minister said, in order for it to be good, it requires considerable consultation and therefore we will support the principle of the legislation. When we come to the Committee Stage we will go through every section. If there are issues with the section we will debate it in detail and we will see where we go from there.

I welcome the principle of the Bill because the gathering together in modern legislation of such fundamental legislation is very important. For practitioners going back to legislation from 1911 is bizarre. The previous Government went back to the 1500s and 1600s getting rid of old legislation. We need to continue aggressively to modernise our legislation and to make it accessible to people. The idea of consolidating what was contained in old Acts in order to get it in one piece of legislation makes it much better. The Bill contains many good new provisions as well as making older legislation more accessible.

We are discussing protected animals and basically wildlife is still an issue for the national parks and wildlife service. The Bill basically deals with what we call domestic animals.

**Deputy Simon Coveney:** No, it is all animals - wild and protected. However, there are more obligations regarding protected animals because of the human-----

**Deputy Éamon Ó Cuív:** The Minister is not interfering with the obligations of the preservation of wildlife under the National Parks and Wildlife Service.

**Deputy Simon Coveney:** No.

**Deputy Éamon Ó Cuív:** When it comes to animals, prevention of cruelty and welfare is preferable to prosecution and cure. The fundamental basis of the law must be trying to ensure that as many people as possible do not get prosecuted because they do it right from the beginning. Obviously we must provide for the possibility of prosecution, but the effort should be in prevention rather than prosecution. I understand that this is becoming much more of an issue in farming. Farmers rather than trying to cure diseases have a much better regime of prevention, etc., which is the right way to go.

I fully support what the Minister had to say about animal fighting. The idea of dogfighting and so on is absolutely obscene and I fully agree with what the Minister intends to do in that regard. Anybody involved in that in any way should be amenable to the law and it is important that we go that way, although I know we will get criticism from the anti-hunting lobby and the anti-coursing lobby that the Bill does not deal with that issue. Even though I live in a rural area in that part of the country people only hunt for foxes that eat the lambs - I was involved not in the hunting but in encouraging people to protect the lambs in a farm I used to manage many years ago. It is not a part of the country where hunting and coursing are part of the local life. The Minister is right not to introduce a ban on hunting, fishing or coursing in the Bill. There are parts of the country where they form part of way of life and as long as it does not involve excessive cruelty, the Minister's approach in this regard is correct. I do not agree with the anti-hunting lobby. If one tried to ban it one would only drive it under-ground. There is a balance to be struck and it is important we strike it in the right place.

I have received thousands of e-mails from people opposed to fur farming. I would prefer if thousands of people did not send me the same emails which I have to delete because they block up my in-box. I would like to hear the argument as to why fur farming is so different to cattle

farming. Many of the shoes we wear contain leather. We must decide where to draw the line. I have not yet heard any overwhelming argument that fur farming is significantly different than chicken, pig or any other type of farming in which an animal is killed in a humane manner. From my reading of the Bill, the Minister is silent on that issue and does not propose-----

**Deputy Simon Coveney:** We have done a separate review on fur farming, the details of which I can give to the Deputy. We will not ban it but are putting in place tighter regulations which may include random inspections.

**Deputy Éamon Ó Cuív:** I am not against regulation, inspection, high standards and so on.

**Deputy Simon Coveney:** The intention is not to ban it.

**Deputy Éamon Ó Cuív:** I presume the Minister would agree that an outright ban is not warranted. The logical extension of that would be, because we would not be killing cattle and so on, our ending up in a place that would destroy the economy. We should instead ensure that each type of farming is done in a humane way.

I listened to what the Minister said about tail docking and such practices. I take it that the measure being introduced will ensure the benefit outweighs the damage caused. For example, everyone would argue that dehorning of young cattle is anti-cruelty because the horns of the cattle can be dangerous to man and beast. It is allowed, therefore, despite it being an unpleasant task. Two people having a harmless row is often referred to in the Irish language as Cath na mbó maol, which when translated means the battle of the two dehorned cows. Cattle without horns do not do any damage. It was recognised in older times that dehorned cattle are a lot safer than horned cattle. While these are issues that need to be teased out, the Minister is on balance going in the right direction.

I understand that the farming organisations have raised issues in regard to the inspectorate and welfare organisations. This matter can be teased out further on Committee Stage. Having spoken to the Minister's officials, whom I thank for their briefing, I recognise that there is a need for appointment of authorised officers in urban areas. It is reasonable that authorised officers be appointed where there are no departmental veterinarians or infrastructure. Unless someone proves otherwise, what the Minister is proposing to do appears reasonable.

I support the introduction of a graduated system of fines, including a warning, an on-the-spot fine followed by a more serious fine. I understand that the ultimate sanction will be indictment. However, everything must be proportionate. It is important that we do not provide in legislation for prosecution of minor offences where an easier way of addressing the offence is available. I like the idea of a summary or on-the-spot fine which is equivalent to a parking ticket. Where a person is guilty of more serious transgressions the matter can be taken further. That is reasonable.

I listened with interest to what the Minister had to say about the eradication schemes and money. As I understand it, what is currently provided for will continue but that where a person cheats the system he or she will not be entitled to money. Also, any person who induces a disease or who tries to interfere with a test would not be entitled to compensation from the State. I would have thought that was obvious. I agree with it.

The Minister spent a great deal of time speaking about the codes of practice, which is an interesting concept. Legislation when enacted can be a blunt instrument in the courts. If I un-

derstood the Minister's officials correctly, we are now providing for three levels of law, namely, primary statutory law, statutory instruments and the codes of practice. The first two are viewed as the letter of the law in the court. In regard to the code of practice, a person who wishes to take a prosecution would have to find some element of the law, either regulation or primary law, under which he or she could prosecute the offender but that in prosecuting under that section of the Act, the code of practice could be taken into account by the judge. However, it does not have the force of law on a word for word basis in the same way as do the other two aspects. A judge could take it into account when informing a judgment as to what the statutory law means. It is worth a try as it makes a great deal of sense. As I stated earlier, one of the problems in drawing up legislation is that it is hard to foresee every circumstance. I presume the judge looking at the code of practice would look at the common sense meaning of the word rather than the literal meaning of the law and that is the idea.

It is important codes of practice are simple. I agree with the basic approach being taken. I am sure we will have an interesting debate on this issue on Committee Stage. However, this measure will be of assistance. Some of the farming organisations have expressed the concern that this would have a big impact on farming. I presume they will be involved in drawing up the codes of practice and that the codes will basically be good farming practise and a common sense approach to looking after animals well. This is worth discussing. If the choice is going down the codes of practice route or statutory instrument route the code of practice route provides more common sense flexibility.

Ministers are provided through primary legislation with the power to make regulations. I am not against that because the world has become a lot more complicated. If we did not do so all the Acts of the Oireachtas would be getting wider as people require more and more detail. We live in a much different world than 30 or 40 years ago. I believe that now that we have a good committee system it should become the norm rather than the exception that Ministers would refer proposed statutory instruments to the relevant committees with whom they should be willing to debate them prior to their being signed off in this House as regulations. What normally happens is that the Minister signs the regulation, following which there are 28 days during which the Dáil may object but the reality is, given the number of members of Government versus the Opposition, that does not happen.

I recall that on the first occasion I introduced regulations under the Acht Teanga I encountered some difficulty. On the second occasion, I brought the matter before a committee. We debated the matter at length during which time Members came up with some suggestions and I made some amendments. An interesting point was that when I put the regulation into effect nobody raised a question after that. It is a change. We talk about Dáil reform and people think that reform involves big issues and would mean a spectacular change. However, a great deal of reform that would make practical differences, if we were serious about introducing it, would involve changes of practices that people outside this House would not consider major, but they would make the Oireachtas much more meaningful and would give us better laws. The idea of testing everything with other Deputies, irrespective of which party they are in, would allow them to play the devil's advocate and then one could tease out whether what one thought was a great statutory instrument was as good as one thought it was. If we could change the way we do things and were involved in the full legislative process, we would get much better results from our legislation.

As the Minister is probably aware, I do not like the guillotining of the Committee Stage debate of a Bill because engaging in such debate, namely, the teasing out the detail of a Bill, and

not so much the Second Stage debate, is what this House is about. That is what we are here to do and what we were elected to do. We should be teasing out all the possible things that could go wrong with legislation and coming up with the answers.

I was interested in reference to prosecutions and the issue of disqualifying a person from keeping animals. That is a reasonable provision. I was very taken with the humane provision, which is good proposed law, that would facilitate a farmer who, because of a mental issue or some other consideration, could not look after his animals which were important to him. A halfway house arrangement would be provided to allow the farmer to keep a few animals under supervision and with some support. In real life things are not black and white. People are not all bad and there are circumstances that apply. I like when humanity is brought into play. Most of us find out at our clinics that the average punter who gets into a bit of trouble has issues of his or her own that one would have to take into account. One would often think that the person did not really mean to get into that position and rather than coming the heavy it would be much better to see if one could work with him or her. I like that such a provision is in the Bill where such an arrangement could work. One the other hand, if a person acts maliciously and cruelly towards animals, that person can be banned from having animals.

There has been a huge emphasis on the whole issue of farming because of the lobby that is in place. This issue is very important in regard to domestic animals. We must recognise the cruelty that can be inflicted on domestic animals. Many people love their animals and spend a fortune on them but there are also situations where the opposite is the case. There is also the problem that arises at Christmas annually when people are given presents of animals and then they are abandoned shortly afterwards. Another issue that arose in recent years was that people bought horses or ponies, then they could not afford to keep them and they were abandoned. That is a major issue. We will no doubt tease it out in detail when the Bill is going through the House. It is reasonable that a person under the age of 16 should not be allowed own such an animal. If the owner of a horse is aged between 16 and 18 what is the legal position if one had to pursue the owner? What is the legal position about pursuing a 17 year old owner of a horse if he or she is not acting properly towards it? Presumably the Minister has an answer to that question but it is an issue we can tease out.

**Deputy Simon Coveney:** They can own it but they cannot buy it. In other words, we do not want 14 or 15 year olds buying horses in marts.

**Deputy Éamon Ó Cuív:** This an issue we could better tease out on Committee Stage. If they cannot buy the animal, can they own it? If a five year old owns a horse and he or she is cruel to the animal, can the Minister prosecute the parents of the child?

**Deputy Simon Coveney:** We will have to tease that out.

**Deputy Éamon Ó Cuív:** It needs to be. If children have animals, the parents, carers or guardians must be ultimately amendable to the law because one cannot deal directly with a five year old for being cruel to a cat, dog or a hamster. We could have an interesting debate on this issue. The issue of the misuse of animals arises every year because animals are bought, then they are abandoned and nobody wants to know about them.

This issue is fascinating. We will go through the issues as we deal with the Bill. The Minister is not rescinding the ban on stag hunting even though that was promised when he came into Government. I am not saying he should or should not do it. We might be able to discuss the

reasons for that on Committee Stage.

Ba mhaith liom moladh a thabhairt don Aire as ucht an Bille a thabhairt ar aghaidh agus do oifigigh na Roinne as an obair ar fad atá déanta acu ar an mBille. Bille fíor thábhachtach é.

Labhair mé anonn is anall ar go leor eochairphointí san mBille ach, ar ndóigh, nuair a thiocfar chomh fada le Céim an Choiste rachaimid tríd an mBille, céim ar chéim agus mír ar mhír. Scrúdóimid gach rud, beimid ag cur síos leasaithe agus nuair a bhéas na leasaithe sin á bplé beimid in ann a fheiceáil an bhfuil gach mír den mBille foirfe nó nach bhfuil. Dar liomsa, is í an teist ar aon Bhille a fhágann an Teach an raibh an t-Aire sásta glacadh le leasaithe nó nach raibh.

I have touched on a large number of provisions in the Bill but we will go through it systematically section by section on Committee Stage and we will come back to them on Report Stage. I often think the measure of good legislation is how much the Minister can convince the Opposition that amendments they put down are not needed because they are already covered in the Bill, or that if the Opposition puts up a good argument the Minister is willing to reflect on it and return with, if necessary, alternative amendments and is willing to make amendments if, on listening to the debate, good arguments are put forward for changing and developing a Bill. None of us has a monopoly of wisdom. It is a waste not to use all the talents of the House to make sure that we have the best legislation possible.

**Deputy Martin Ferris:** I will share some of my time with Deputy Colreavy.

**Acting Chairman (Deputy Joe O'Reilly):** That is noted.

**Deputy Martin Ferris:** I welcome the Bill. It is a response to a gap in existing legislation and one that has been lobbied for by many people concerned with animal welfare over the years. I would like to believe that the little amount of lobbying on the current Bill reflects a general acceptance of what is proposed. One of the reasons for that was the wide-ranging public consultation which elicited submissions from an impressive number of organisations. I would certainly recommend that as a process that ought to be followed when framing all legislation and perhaps it is something that could also be brought more into the work of the committees here. Perhaps the fact that there was such a consultation accounts for the generally favourable response to the Bill as published.

The Minister will be aware that my party in the North has been the main mover behind similar animal welfare legislation and with similar objectives including measures specifically designed to combat the most blatant and horrific examples of animal abuse, namely, the breeding and keeping of dogs for fighting or in pursuit of barbaric practises such as badger baiting. Previous to this we had legislation dealing specifically with the keeping and care of dogs and a separate Bill relating to greyhounds which recognised the unique aspects of the greyhound sector. The Dog Breeding Establishments Act and the Welfare of Greyhounds Act were met with general approval and met most concerns.

There are still people who favour banning greyhound coursing and racing but they do not have the support of many people. The bottom line must be that no one is allowed wilfully to abuse animals for profit or, even worse, for motives of cruelty. It is to be hoped the Bill will further narrow the scope for such individuals and put in place legislation under which such people can be prosecuted and have suitable punishment bestowed on them. Farm animals and other animals kept for commercial and sporting reasons, as well as domestic pets, are under the care and responsibility of humans and are therefore entitled to protection.

Despite the two items of legislation to which I referred, regarding so-called puppy farms and greyhounds, I and other public representatives continue to be lobbied by people regarding the welfare of dogs. Deputy Ó Cuív referred to thousands of e-mails and Members have been receiving them continuously, particularly in respect of puppy farming. None of us wants to see cruelty of any kind. Some people are straightforwardly opposed to racing and coursing of greyhounds. It is not a position I or my party share but there are legitimate grounds for concern. Any abuses within the sector must be policed by the greyhound sector, with rogue trainers and breeders exposed and thrown out of the sport. They should also be subject to the full rigour of the law.

On occasion, I go to coursing meetings and I am very impressed with the policing of meetings over recent years. The most stringent measures are in place to try to eliminate cruelty. Vets are also present to ensure that, if something happens, what follows is carried out in a humane fashion. The hares used in coursing are inoculated to ensure they are suitable for the course and are not easy prey for the greyhounds. In Abbeyfeale and in County Kerry, coursing is done in a humane way. Full credit is due to everyone associated with it.

The same reasoning should apply to farm animals. I welcome the tightening of legislation to ensure farm animals are provided with protection against cruelty. I would like to see greater rigour in respect of how commercially used species are kept. We may address this on Committee Stage.

I was brought up on a farm. When one is brought up with animals and one's livelihood depends on them, one understands it is in the interests of the farmer to ensure animals in his care are kept in the best possible way. I have seen certain people being extremely cruel to animals. In many instances, they got away with it. Anything that can be done to ensure we eradicate that kind of cruelty, whether domestic or commercial, should be done at all costs. There should be no place for any person to display cruelty towards domestic or other animals.

Part 3 refers to the provision of basic needs, such as food, water and shelter. Section 12 also refers specifically to cruelty. I wonder if that should be more clearly defined in respect of, for example, the type of accommodation in which animals are kept. Reference is made, in section 12(2)(a) to sanctions against people who convey or carry animals, or cause to convey or carry animals, in a way that causes them unnecessary suffering or endangers their lives or health. What that means should be specified. On Committee Stage, I would like to see that tied down more firmly. It is ambiguous and loose. I welcome it but wonder whether that might also not be extended, in some instances, to the day-to-day accommodation of animals kept for commercial purposes. It is argued that animal protection agencies currently have the power to remove pets from circumstances in which they are held which are similar to those deemed acceptable for commercially kept species. There is an issue regarding the manner in which poultry are kept in some commercial establishments, and perhaps that needs to be addressed.

We must consider the health aspect both from a human and animal perspective. The Bill seeks to tighten the protections against the outbreak and spread of disease, which can have enormous commercial implications and also present dangers for human health, as we witnessed in the case of outbreaks among farm animals over the past decade and more.

I am certain the Minister and all Members will recognise the key role that North-South co-operation played in limiting the negative impact of the most recent outbreaks. I look forward, as does my colleague, Michelle O'Neill, the corresponding Minister in the North, to closer and

further cooperation across this area of concern and, indeed, the entire agricultural sector. There is a good working relationship between the Ministers, which is to be commended. Long may it continue.

Regarding the prevention and detection of disease and the imposition of the necessary controls, the Bill proposes to endow authorised officers with the power to enter premises and to make required inspections. No one can object to this in the light of the seriousness of the issues at stake but we must get the balance right. Concerns have been expressed regarding the powers to be granted to authorised officers. People are especially sensitive about people being given the power to search premises and gather information such as documents. All Members have been lobbied by the farming organisations on this point. It is a matter of getting the balance right. Those with inspection powers must approach the matter in a sensitive manner in order that they are not seen as forceful or dogmatic towards people witnessing the search of the premises.

It is important this matter is dealt with properly and that the persons authorised with such powers are properly qualified. I welcome the suggestion that such persons be duly qualified and appointed veterinary officers with temporary responsibility in this area. Some of the concerns expressed by the farming organisations, without putting too fine a point on it, relate to the manner in which the Department's special investigations unit has carried out investigations unrelated to animal welfare. That is the history of it and it must be carefully monitored. Those concerns have to do with other bureaucratic requirements regarding compliance and with other aspects of farming regulations, where some feel that a heavy-handed approach is taken. If the legislation is to work and if it is to gain the support and confidence of commercial farmers in particular, it is important due note is taken of those concerns.

It is important that anyone appointed as an inspector under the proposed legislation has been adequately trained and will act in a professional manner in respect of the duties undertaken under this legislation. It is also important the position of inspector should be filled from within relevant public bodies and not contracted privately. I am sure the issue will be fully dealt with, as necessary, during the course of the debate here and possibly through further amendment. The same powers also need to be available in the detection and investigation of cases of cruelty. I also welcome the proposed increase in the levels of fines proposed for breaches of health regulations and disease, given the potentially massive cost of a disease outbreak among farm animals. Anyone who breaches regulations in this respect needs to face heavy sanctions.

With regard to those engaged in breeding dogs and using dogs in organised fighting, I welcome the Minister's stated intention to stamp out this vile practice. It reflects similar legislation brought forward by Sinn Féin in the North.

*6 o'clock*

It is important that this issue be tackled on an all-island basis as otherwise, organisers of such events could seek to evade prosecution and detection by moving their operations across the Border. Organised dogfighting is probably one of the most vile, cruel practices in this country. Dogs are bred specifically to tear each other asunder and there is crossbreeding and so forth to maximise cruelty. We should not tackle the organisers alone but also those who attend such cruel events. They should not be allowed to flout the law by saying they so happened to be at an event and did not know anything about it. This needs to be dealt with and there should be no sympathy for anybody involved in organised cruelty. It is not organised dogfighting but

organised cruelty.

Any person who breeds dogs for fighting and allows them to fight, in the course of which the animals are at the very least brutalised and often badly injured and sometimes killed, is clearly an inadequate and disturbed person. There may be grounds for arguing for mental impairment in some cases of animal cruelty, however. This was mentioned by Deputy Ó Cuív, who spoke about individuals living alone in rural isolation. Search people may inflict cruelty on animals unintentionally. There would be sympathy for the perpetrator's mental condition in such cases.

I welcome the proposals in section 16, Part 3, to ban the mutilation of animals for other than strictly necessary purposes. There are still silly notions regarding certain breeds of dogs, an example being where breeders and owners believe the integrity of the breed in question requires that the dogs' tails be docked. Perhaps they are descendants of the Soviet scientist Lysenko who believed that if one cut the tails off mice, they would eventually be born without them. Interesting.

Section 16 also deals with the sale of animals to minors and contains a proposal to ban the sale of animals to people who are under 16. That, of course, does not prevent young people under that age from having pets, but it is correct that they not be able to keep them without proper care being taken to ensure they will be looked after properly. It ought to be a concern of the person selling an animal that it not be sold to people whom he does not believe will be able to care for it properly.

This issue arises most in regard to the sale of horses to young people. There are many young people, including in towns and cities, who are genuinely attached to and interested in horses. However, in a considerable number of cases, they are clearly not able to look after them. Those horses, without any intention on the part of their young owners, end up being kept in poor conditions and are, in effect, badly treated. In some cases, they are eventually abandoned to stray by owners who cannot afford to or are otherwise unable to look after them. This has never been more the case than in the past two years. The country is full of horses, many of which are abandoned. I have seen television programmes in the not-too-distant past about horses being abandoned in this city and the cruelty inflicted on them by very cruel individuals for their perverse pleasure. In every major town and even in smaller towns, one will find abandoned horses. Their price is so low that nothing is received for them. Therefore, they are abandoned and left to starve or roam the roadsides. This needs to be considered.

There are a number of local authority projects in Dublin and other places through which attempts are made to provide communal accommodation for horses and to help their owners care for them properly. I have been informed that where this has taken place, it has gone a long way towards addressing the problem of horses being badly cared for and roaming the streets. There are projects in certain areas that help young people in particular to express the concern they have for horses by using accommodation provided by local authorities. It is very good for young people to have a connection with animals that require goodness and care.

An issue arises regarding who ought to be responsible for the care of stray horses that are impounded. Some local authorities, not least my own, have run up considerable expenses through having to pay for impounded horses while waiting to see if the owners present themselves. The latter is unlikely given that most impounded horses have been deliberately and recklessly allowed to stray or have been abandoned. There clearly ought to be stricter guide-

lines on this and on the care of other abandoned or impounded animals in light of tighter legislation such as this Bill.

I would like the Minister to elaborate on Part 12 regarding the regulation of marts. Is it proposed that this provision will apply, if approved, to traditional horse fairs, one of which has been the centre of controversy for the past few years? As I understand it, Dublin City Council is to initiate public consultation on new draft by-laws to govern the holding of the Smithfield fair, which is held on the first Sunday of every month. The proposal is that the number of fairs would be reduced to two per year. As the Minister will be aware, the Smithfield fair is governed by a pre-Oireachtas statute. There is some unhappiness over the proposals and a belief that they are designed to put the fair out of business. Given its tradition and place within Dublin life and the fact that it has long been a centre of horse trading, would it not be better if it and similar fairs were brought under the proposals contained in Part 12? Perhaps the Minister will consider this. I am not certain of the practicalities but know that the people who currently organise the fair at Smithfield have no objection to safeguards, including horse passports and microchips, or to the health and safety regulations referred to in this Bill which could be policed properly and allow the fair to continue.

I affirm my party's support for the Bill. Any grey areas or omissions in regard to some of the issues I have referred to will be addressed through amendments. The legislation is long overdue. Both Deputy Ó Cuív and I were briefed this morning by the Minister's officials, which was helpful. Anything that can improve consultation when bringing legislation for the greater good to this House is to be welcomed and supported.

**Deputy Clare Daly:** I am very glad to be here discussing this long-overdue and important Bill. I fully support the idea of legislation to ensure the protection of the welfare of animals. An attempt to outlaw cruelty in any form is obviously to be welcomed. The increase in penalties is a very progressive measure and I support it. However, I have serious concerns about a number of specific exclusions from the Bill and they will have to be dealt with by amendment. If not, the very status and virtue of the health and welfare legislation will be undermined.

The Minister really needs to address the area of enforcement, a matter which represents a gaping hole in the legislation. If the legislation is to be effective, sufficient resources will have to be put in place to make it work. The concept of authorised officers is good. There is flexibility in the sense that an officer could be a member of An Garda Síochána, a Customs and Excise officer, a ministerial appointee or a manager of a local authority. It is welcome and very positive that authorised officers will have the power to enter and inspect premises, examine animals and vehicles, ask for records and seize animals where they, the officers, have a reasonable belief that an offence has been committed.

The penalties and fines are to be increased and there is to be imprisonment for offences. It will be possible to have somebody disqualified from owning an animal or working with an animal where he or she has been found guilty of an offence. All of these are really good measures but we must not look at them in isolation. We must consider them against the backdrop of the embargo on public service recruitment. There are fewer gardaí, customs officers and county council workers, and there is no prospect of this changing. The public sector, as it exists, will not be able to undertake the very important and necessary extra responsibilities, as meritorious and necessary as they may be, unless money is invested to develop this area. Unless the Minister addresses this matter during the passage of the Bill it is a welcome but meaningless aspiration. It must be supported and the issue requires further examination.

It is positive that the Bill refers to a new and welcome concept of a duty of care to animals. As citizens and human beings, we have such a duty. The idea that legislation and resources would be designed to prevent unnecessary suffering, for example, through the provision of food and shelter, and deal with issues of abandonment, humane slaughter and animal fighting is a good one.

These are progressive measures, but they must be squared with the exclusion of hare coursing and hunting from the protection provided under section 12, which defines cruelty. The Bill acknowledges that these practices are cruel and inflict pain and unnecessary suffering, yet it exempts them from the protection it rightly provides in other circumstances. This is not adequate in a civilised society and is not good enough in a Bill on animal welfare. It is certainly not good enough for hares and foxes.

The time has come to stop bending the knee to the vocal lobby groups of the coursing clubs and hunts and to recognise the reality, namely, that the majority of citizens are opposed to this barbarity and want animals protected. It is regrettable that the Minister's colleague has given the go-ahead for another season of live hare coursing. Coursing clubs are out capturing hares for live baiting sessions that will last from the end of this month until February. We must recognise that support for this blood sport is in decline. There are only 89 hare coursing clubs, representing a significant reduction on previous times. In parallel, there has been an increase in public support for a ban on hare coursing. Every professional marketing survey conducted since 1978 on attitudes towards hare coursing in Ireland has revealed that a substantial majority of the population favours its abolition. Many of those polls were carried out following the introduction of the muzzling of dogs in 1993. The Bill does not represent the views of the majority in that regard. This serious omission will play a major role in the debate on amendments.

Let us be clear. These are not harmless, innocent activities. The animals do not enjoy them. They are not natural pursuits and are cruel, as demonstrated by the fact that the Minister has needed to exempt them from protection under the Bill. Animals are cruelly taken from their environments, confined and coerced to run in straight lines from dogs in wired enclosures. How could this be an enjoyable experience for any animal? Of course it is not. In nature, the hare knows no enemies. When it is threatened, it sits up to signal to other animals that it will be able to outrun them. Generally speaking, a fox or another predator will back off because it will not be able to outrun the hare. When a hare sits up, it is not waiting for the dog to give chase for the craic. Hares do not expect to be chased. It is unnatural for them.

I will not outline the litany of cruelty inflicted on hares, but let us say that compelling and indisputable evidence has been produced by the National Parks and Wildlife Service under freedom of information provisions that outlines a catalogue of fatalities and injuries to hares during last year's coursing season. If I went through them all, we would be here all day. In Ennis, seven hares were hit and there were eight fatalities. In Gorey, 16 hares were hit by dogs. In another part of County Wexford, 12 hares were left unfit for coursing. According to the club's hare capture return, 86 hares were captured, yet only 75 were listed on the first day of coursing without an explanation for the discrepancy. In Thurles, two hares were killed, two were injured, two died overnight and so on.

One of the most compelling pieces of evidence is the report of a ranger who described an incident in County Westmeath. The report reads:

There were nine hares hit on Day one. Of these, one hare was tossed and rolled on the

ground; another hare was tossed and mauled; another was mauled on the ground by the two dogs and placed in a wooden box; another was hit about five times and mauled on the ground by the dogs. When the dog owners came running in, one of them grabbed the hare and lifted it away from the dogs by its side .... The hare cried with what I presume was distress during this incident. The steward placed this hare in the wooden box. Another hare was tossed and badly mauled by the dogs later in the day. In all, three hit hares were retrieved and placed in a wooden box. The box was subsequently taken away ... one died and two were released [in a damaged and injured state].

In my opinion and that of the majority of citizens, there is no justification for the continuation of this barbaric and cruel practice. It is a rubbish, as has been hinted at today and will undoubtedly be repeated in subsequent discussions, that this is a tradition and is natural. It is not a tradition. Ironically, it was imported into Ireland by the occupying British forces in the Curragh in the early 1800s. Even if it were a tradition, would that make it acceptable in a modern society? Friday night at the colosseum was a tradition in downtown Rome years ago, but we are not advocating that gladiators fight or that a few Christians be thrown to the lions for people's amusement.

The fact that hares can die of disease or so on is irrelevant. Any animal or human can suffer disease or accidents. Is that a licence to kill or a justification for the continuation of this practice? Clearly, it is not. The measures undertaken in the 1990s, for example, the muzzling of dogs, have not resulted in an end to death or injury. Maimings still occur. It is not good enough to allow this unnecessary practice to continue.

If people like the idea of competition and greyhound racing, they can do what has been done in many other countries, namely, race their dogs in drag coursing. The success of the greyhound industry does not depend on killing and maiming hares. It would be a far greater boost to the greyhound industry were hare coursing outlawed and replaced by drag coursing, as this would make it more appealing to people who are turned off by the current practice.

The need for an animal welfare Bill that bans hare coursing once and for all is one of this legislation's most contentious elements and will be hotly debated on Committee and Report Stages. Hare coursing has been banned in most countries.

That fox hunting has been similarly excluded is remiss. There is a recognition of cruelty but under the Bill it does not matter and will be allowed to proceed. We must consider how to outlaw the digging out of animals or the sending of terriers or other animals below ground to catch or attack creatures. Using a pack of dogs to harass, injure or kill an animal should be included in the Bill as an offence. There is nothing amusing, traditional or fun about that reprehensible practice. If the legislation is to be truly meaningful, we must factor that in.

An issue that has been much highlighted as an omission from the legislation is the lack of provisions to deal with fur farming, which outrages many citizens. I am aware that this activity was meant to be phased out by not renewing licences and so on but the idea of a ban nonetheless came forward. The Minister has undertaken a review in the area but we have not seen anything substantial in this regard and there are no measures in the Bill to deal with the issue. We must revisit the matter and build some measures into the Bill to deal with the ongoing barbaric fur farming in the State. Perhaps issue could be taken with the regulation of breeding, and there is an argument that this could be part of separate legislation. We may need to consider on Committee Stage amendments to reinforce our stance.

I welcome the Minister in bringing the Bill before the House, as it is a substantial body of work with some very good measures. If these are introduced and properly resourced, they could transform the issue and outlaw much of the cruelty that is sadly perpetuated by a minority of people against the wishes of the majority of the population. It is a progressive Bill in that sense, although there are glaring exclusions which must be dealt with. When the Minister returns I would like him to address how the Bill will be resourced in order to empower or develop staff or authorised officers to deal with the extra tasks that have correctly been placed on their shoulders.

**Deputy Richard Boyd Barrett:** Like other speakers, I welcome the Bill. The Government has been positive in putting what is clearly substantial work into this Bill, which is long overdue. It is over 100 years since the primary legislation in this area was put on the Statute Book in 1911. We are long overdue in updating that legislation to ensure a greater level of protection for animals and put in place controls to prevent cruelty. The other aspect of the Bill concerns disease control, and we are all aware of that, given the foot and mouth disease scares and other outbreaks of contagious disease. It is important that legislation is updated to empower the Government and its authorities to take action and put in place measures to control disease. This is welcome.

With regard to animal welfare and preventing cruelty, my colleague, Deputy Daly, has indicated that we should be more specific in action to protect animal welfare and the prevention of cruelty. The Bill acts positively in this regard, including issues like abandonment as a form of cruelty, as well as not looking after animals and pets. There are also measures to prevent people engaging in acts of animal fighting, mutilation, laying of poison without control, the sale of animals to minors, etc. There are increased penalties when people engage in animal cruelty or do not ensure the proper welfare of animals in their ownership. All of these measures are positive, including a regime of authorised inspectors.

As Deputy Daly noted, it is difficult to square these positive measures and commitments, upgrading the level of protection for animals, with a background of staff numbers being run down in local authorities as a result of the public sector recruitment embargo. It would be interesting to hear from the Minister how he intends to square that circle. There is a problem with pious aspiration, legislative or otherwise, if it is not matched with resources. We will meet that issue in dealing with the referendum on children's rights and the Children First guidelines as well. It is very well to have legislative protection but if there are no resources to back them up one wonders what they mean and how they can be enforced. There are serious questions to be answered by the Government in that regard.

Perhaps the next issue is a bit parochial, although I am sure it is a problem in many places. In bringing forward this Bill the Government is stating a commitment to animal welfare and an improved regime to ensure this occurs. We must think about how local authorities may facilitate animal owners in ensuring they can provide for animals. In my own area there is a big dispute between dog owners and local authorities about the right to walk animals on the beach. There is a real issue concerning users of the beach, including children, who may be afraid of dogs, against the right of animal owners to exercise the animals. Exercise for dogs is very important in a proper care regime, and not walking a dog or exercising an animal can amount to a form of cruelty.

This may be a matter for the Minister for the Environment, Community and Local Government but we must ensure that local authorities understand that they must try to provide facilities

in this regard, including off-leash hours or designated areas in parks. It should not be an ad hoc process from local authorities but rather a regime to accommodate people. There should be a process of consultation with animal owners and other stakeholders so that reasonable compromises can be attained between animal owners and local authorities. There is concern about disputes but we must ensure the welfare of animals in that regard.

As Deputy Daly indicated, the gaping omission in this Bill is that although animal cruelty is well defined, along with the need to make it illegal to engage in cruelty against animals, there are two specific opt-outs in the areas of hare coursing and fox hunting. That is unacceptable and difficult to understand. What possible justification is there for this when cruelty is so well defined as causing unnecessary suffering to animals? How can the Minister indicate that cruelty in some circumstances can be allowed, justified or excluded from the provisions of the Bill that try to establish a humane regime for the treatment of animals? The Minister simply cannot justify this exclusion and he should not do so.

The Bill needs to be amended in this regard because hare coursing involves cruelty to animals in all the ways described by Deputy Daly and fox hunting also involves cruelty and suffering for animals. It is not something the vast majority of people in the country want or support. Outlawing this form of cruelty does not endanger traditional pursuits because, as has been well debated and discussed and I do not need to inform the Minister of it, there are humane alternatives whereby such activities can be carried on in other ways such as through drag coursing which do not require the suffering of animals. The Minister should take his lead from Northern Ireland where hare coursing has been banned and we should do the same. There should be no exemptions. Cruelty to animals is cruelty to animals and it should not be allowed. I welcome the Bill but it is important that the Government makes these amendments and removes the exclusions on hare coursing and fox hunting.

**Deputy Martin Heydon:** I welcome this opportunity to speak on the Bill. Earlier this was described as progressive legislation and on close examination it is easy to see how this is the case. We are dealing with various strands of legislation which date back as far as 1911. When one sees some of the references we seek to change and how antiquated they are, the Bill is not before time.

Invariably in the past the focus has been on animal cruelty as opposed to the issue of welfare. The Bill deals with both and they are inextricably linked. From a farmer's point of view the issue of welfare is no longer a dirty word. It had been perceived as being connected with red tape and regulation. When we realise how important our food export industry is, we see that the more strides we can take to protect the industry's good name and show the highest standards in animal welfare will enhance and improve our already good reputation as a food island. The targets of Food Harvest 2020 include increasing our food exports to €12 billion a year. At present we feed 35 million people throughout the world with Irish food and our target is to increase this figure to 40 million. This is the scale we are dealing with and it is over and beyond agriculture. It is about the overall economy because agriculture feeds into every community.

When I first heard about the Bill from a farming point of view I had concerns because one thinks of regulation, red tape and more inspections. Farmers need to take great comfort from the fact that huge strides have been made in recent times. Farmers will be the first to state huge improvements have taken place in animal welfare and issues which existed in the past have been eradicated. Over the past ten years we have had collaboration between departmental officials and representatives from the IFA and the ISPCA. On the rare occasion a farmer may be

in difficulty and there may be the potential for animals to be in distress down the line preventative measures can be taken and this is working very well. This started in Wexford and has been rolled out. Where a farmer is in difficulty fodder can be obtained and various measures can be taken. Therefore I see many of the measures in the Bill impacting more on urban areas than rural areas.

Farmers are custodians of the land but they are also caretakers of animals. They care for their animals every day of the year from Christmas Day through the height of the summer when everyone else is on holidays. The animals do not know it is holiday time and they must be looked after. Nobody wants to look after them more than farmers and nobody is in a better position to do so. This is why many measures in the Bill are to be welcomed.

I referred to legislation dating back to 1911. According to the 1911 Act, where an animal is extremely badly injured or very diseased and needs to be put down for a humane reasons a police constable may seek the nearest veterinary officer. When one hears such language one realises how old the legislation is. In such humane circumstances we need to make it easier for the farmer on hand or an authorised officer to be able to deal with it for the good of the animal as much as anything else.

I acknowledge the Minister ensuring that no extra cost will be borne by the farmer. Already farmers pay towards the price of tagging and levies for TB and brucellosis. Farmers cannot afford to pay extra for this and I am happy the measures in the Bill go a long way towards this. Where breaches occur the Bill strengthens the fines and this is good. The fact that the fines are graduated gives an element of fairness. A strong message is definitely being sent out with regard to how seriously we take animal welfare and this is very important.

From a code of practice point of view the Bill provides greater flexibility. We have needed to amend primary legislation to make any changes and the Bill will greatly free up the hand of the Minister to act in consultation with the relevant groups. This is important. Balance is very important and we need to be careful because we must be mindful that in years to come the present Minister will not be in office and we must ensure that safeguards exist for the good of the industry in case the role is filled by individuals with a very strong ideology. The good of the industry must always come first and I am happy this is the case.

Codes of practice are used more throughout Europe than they are here and I am very excited about how they can be rolled out. The Minister referred to a reduction in red tape through the introduction of on-the-spot fines and this will be very helpful. It has the potential to make savings across the board. Safeguards are in place and if people want to go down the traditional legal route through the court system they still can, but being able to accept an on-the-spot fine as a graduated measure is an improvement.

With regard to the officers being empowered I see this measure affecting urban areas more than rural areas where there is a deficiency. Some of these empowered inspectors could be trained from non-governmental bodies. There must be an understanding that at present our limited Garda resources mean where incidents occur there is a wait for a garda to arrive, which can take a significant length of time if another situation has arisen. Instead of increasing bureaucracy and red tape we can find efficiencies with the appropriate measures.

With regard to animal fighting, including dogfighting and cockfighting, the change in the law to association from participation is crucial. I totally oppose these activities and I am happy

to hear how strongly we will act.

To return to the issue of balance, we must be very careful. People can take a very strong approach to animal safety measures and try to cover all aspects such as trying to stop people who want to go fishing from taking worms out of the ground. One can go too far and unintended consequences can arise. If the means of farmers or others to protect wild animals are curtailed too much they may be left with no alternative but to use poison, which is far more indiscriminate. With the best of intentions we can end up with a much worse consequence. I look forward to the Bill coming before the relevant committee and dealing with the nitty-gritty of it. I commend the Bill to the House and I thank the Minister.

**Deputy Peter Fitzpatrick:** I welcome the opportunity to discuss the Animal Health and Welfare Bill 2012. The Bill will amend and consolidate previous legislation on animal health. It also aims to ensure the welfare of all animals, including non-farm animals, is properly protected. Penalties for offences will be increased significantly. The primary aim of the Bill is bring all animal health and welfare legislation under one roof. The main Acts are the Protection of Animals Act 1911 and the Diseases of Animals Act 1966 and these have been amended extensively.

Many of the areas and issues in the Bill are not new but they will be dealt with in a more efficient and clear manner. The Bill will place a positive obligation on owners of animals to take care of the welfare of animals, such as by feeding and providing shelter and veterinary care. In the past the State could only intervene in the case of someone who failed to feed his or her animals once the animals were malnourished to a level which clearly constituted cruelty and caused suffering. Under these new provisions, the appropriate authorities will be able to issue animal health and welfare notices requiring animal keepers to feed animals, improve shelter, provide medicine, etc.

The current statutory framework dealing with animal health and welfare is contained in an Act which has been in force for many decades. The Protection of Animals Act 1911 has been the primary statute dealing with issues of animal safety for more than 100 years. The main feature of the Act was the prohibition on the mistreatment of animals by setting out different offences of cruelty which could be committed against animals. Under the Act, a court could order the destruction of an animal whose owner was convicted of an offence of cruelty in circumstances where the court was satisfied that it would be cruel to keep the animal alive. A duty of care was imposed on any person who impounded any animal. There was a prohibition on using dogs for the purposes of drawing any cart, carriage or other vehicles on public highways and any person who set a trap for the purpose of catching hares or rabbits was under the obligation to an inspection at least once daily. This Act also contained a prohibition on animal fighting. However, it was often difficult to secure convictions for this offence. Some examples were wrestling with an animal or otherwise struggling with an animal, dog fighting, cock fighting, animal baiting and throwing or casting with ropes or other appliances any unbroken horse or untrained bull.

Welfare requirements in the Bill are informed by the concept of the five freedoms which have been set out by the Farm Animal Welfare Council. The future thinking on animal welfare is expected to further develop. These are not set in stone in the legislation but are used to inform the requirements set out. Further requirements can be set out by codes of practice or statutory instruments. The five freedoms are freedom from hunger and thirst by ready access to fresh water and diet to maintain full health, freedom from discomfort by providing an appropriate environment, including shelter and a comfortable resting area, freedom from pain

and injury or disease by prevention or rapid diagnosis and treatment, freedom to express normal behaviour by providing sufficient space, proper facilities and the company of the animal's own kind and freedom from fear and distress by ensuring conditions and treatment which avoid mental suffering.

**Deputy Tom Barry:** I welcome the opportunity to speak on this Bill as a farmer and a person who was reared on a dairy farm. Animal welfare and health are very important. The two are intertwined but are separate issues also. I welcome the updating of legislation to reflect more accurately the needs and the requirements in regard to modern day animal welfare. However, there are some broad questions which concern me, including the possibility of the risk of duplication. I view animals in two categories, the first being commercially farmed animals which already require a herd number to be held by the farmer. This herd number is like a licence and farmers must adhere to very high standards, including good farming practice and cross compliance. The second category is pets, including exotic pets. I would have preferred to have seen the welfare of these animals dealt with separately. Nobody wants to see animals suffer and it is important rules and regulations are in place to ensure this does not occur.

I welcome the recognition of bio-security in this Bill. Clearly, bio-security issues, such as the prevention of foot and mouth disease and other diseases, are very relevant. However, one aspect of bio-security which has not been touched on and possibly should be looked at when time permits is the whole area of land segregation which acts as a barrier to the spread of disease. We are very fortunate in this country to have a highly productive tillage industry and it is important the industry is protected not only for the production of home grown feedstuffs but also the possibility down the line of home grown protein. This is important because currently we are completely reliant on soya from America which is a key component of our beef and dairy industry. I mention the unusual weather patterns we saw this year not only in Ireland but in America. We are at the end of the shipping line and it is vital that this product is available from an animal welfare and food security perspective.

Under Food Harvest 2020, there is a huge drive for milk production in Ireland but we need to be mindful of not wiping out all the tillage producing lands because currently these lands provide a strategic bio-security barrier to prevent the transmission of disease if, God forbid, we had an outbreak. Perhaps we need to look strategically at our land mass to encourage tillage in certain areas as a land barrier much in the same way as forestry companies periodically look at fire breaks in their plantations.

I refer to the penalties proposed. The distinction between farmer and pet owner needs to be underlined. If one is a farmer, one's penalties are deducted from one's single farm payment. However, if one does not have a single farm payment, I can see why these penalties would apply but I would not agree with a penalty being applied twice. I am concerned that the costs incurred by the officials implementing this legislation could be borne by the farmer or the person concerned.

I was glad the Minister recognised the need for sensitivity in regard to welfare cases. I have seen welfare cases in the past and these normally occur not because the person genuinely wanted to be cruel to animals but because of other circumstances whether physical or mental health or other issues in that person's life. It would be morally and legislatively wrong for us to burden a person who is possibly the victim of circumstances with a very punitive punishment. This is a delicate area and needs to be handled very sensitively, which I am sure the Minister will do. It is certainly not an area for over-zealous and egotistical inspectors to get involved in.

While I have seen all these regulations and requirements imposed on the animal owner, I have not seen a comprehensive list of the educational, practical and training requirements for these inspectors who will implement this legislation, especially if they are from NGOs.

I was of the belief that the Department of Agriculture, Food and the Marine had the required skills and officers to do this work. I would be very slow to accept authorised officers having unlimited rights of access because without proper training, they could become a health and safety liability. I dislike the mention of search warrants for private dwellings. It does not fit in with the spirit of this legislation and my fear is that under the wrong stewardship, we could wrong decent people.

Under Part 3, section 13(1)(a) on the feeding of animals, there is a provision to provide quality, wholesome uncontaminated drinking water, which is only right. However, we have an issue here. The water system in rural Ireland is completely incapable of dealing with the expansion of the bovine herd under Food Harvest 2020. I regularly hear farmer screaming that they have water problems and lack of water pressure. People have water problems in many estates. While we might want water metering, the first thing we need to do is to stop the 40% of water leakages heading south into the ground. If a person has an issue relating to animal welfare because his or her local authority has failed to deliver the correct amount of water, one would wonder who bears the responsibility and who foots the bill in this case.

On a light-hearted note, for the purpose of this Bill, land is described as all land, including land covered by water. Many dairy and tillage farmers like me were not only farmers but fishermen over the past summer. Flooding was a huge problem but I am sure that was not what was meant by the definition in this Bill.

I welcome the provision in regard to abandonment in section 14. This occurs regularly, most severely with mink but also with deer. In the past mink have been very destructive when released into the environment. Our domestic hens were all killed by wild mink which also wipe out duck populations. People released deer in the Nagle Mountains close to where I live and they have become uncontrollable, destructive, are a nuisance and have no natural predator. It comes back to abandonment.

I refer to enforcement. The Bill states that officers are allowed to enter a premises at all reasonable times to inspect animal products and feeds. While this seems to be acceptable there is no time line. If I had animal feed in a shed five years ago, is it reasonable to expect that this shed should be inspected today? When I used to deliver straw many farms kept feed products, such as calf nuts and dog nuts, in people's homes. We need to be mindful of this.

Section 38(1)(b) provides that enforcement officers may "examine an animal, animal product, animal feed, equipment, machinery or other thing". What does "other thing" entail? It is possible that the paragraph is poorly worded but it is important that we are definitive in our legislation. Section 38(8) allows officers to move any equipment. We need to be clear about the timeframe involved because we do not want to allow books or equipment to be removed for too long. Section 38(7) allows authorised officers to use reasonable force if necessary. This might be a step too far because if an officer cannot do his or her job we have a highly trained and competent police force that can gain access if required. Giving this power to an officer who may not have received proper security training and does not understand what reasonable force involves might produce undesirable consequences. As a farmer who owns livestock, I would be disappointed to hear an officer announce that he thinks he is almost James Bond. However,

19 September 2012

I am reassured by the Minister's opening statement that NGO staff will only be employed in limited circumstances.

I congratulate the Minister for his proactive approach to agriculture and his hands on, knowledge based methodology. Animal health and welfare is highly important and while I have outlined some of the difficulties arising on the fringes of the legislation, they are not insurmountable obstacles. The fundamental basis of the Bill is sound and if we want to produce top quality milk and beef we cannot ignore welfare issues. The Bill will also address unpopular and illegal practices such as dog fighting and puts legislative requirements on pet owners who in some rare cases may have mistreated animals under their control. The vast majority of animals raised for commercial production are maintained at the highest standards and are well cared for. This is a vital component of our international reputation and the protections that the Bill offers in this regard are most welcome.

**Deputy John Browne:** I welcome the Animal Health and Welfare Bill 2012, which updates existing legislation and creates a new onus on owners to protect their animals' welfare. The Bill's dual focus on animal health and welfare will copper fasten advances in how we treat animals and counter the threat of epidemics devastating our livestock. Much of the Bill was inherited by the Minister, Deputy Coveney, from the previous Fianna Fáil Government and I am glad that he has continued to make progress on it. I support the consensual cross-party approach that he has taken to amendments tabled by Fianna Fáil in the Seanad and I am sure he will continue in that spirit as the Bill progresses through this House.

The Bill must not make it impossible for farmers to operate. The crux of the issue will be the impact it has on farms across the country. I am sure that the Minister, as someone who comes from farming stock himself, has held meetings with the IFA, the ICMSA and other farming organisations prior to introducing the Bill to the House. Farmers in my county have expressed concerns about the appointment of inspectors, changes in compensation arrangements, ramped up codes of practice, levies and other practical issues that they may face in this legislation. These issues must be clarified and addressed by the Minister in order to ensure that the Bill has a positive long-term impact for farmers and the animals we are obliged to protect.

Their Bill's overall emphasis on creating a strong framework for enhanced animal welfare underpins a long tradition of farmers caring for their animals. Farmers in general show a caring attitude towards animals and, indeed, often treat them like children. Whether in snow, rain or frost, farmers generally do a good job in caring for their animals. The foot and mouth outbreak several years ago demonstrated beyond doubt the concerns that farmers have for their products and communities. They went beyond the bounds of reasonable effort to protect their farms and animals. The focus on ramped up powers to prevent, control and eradicate animal diseases will help to secure the agri-food industry from the damage that disease can do. Speakers on all sides of the House have stressed the importance of the food industry to this country. The Minister is progressing the Harvest 2020 project as the way forward for the industry. Over the summer months I have read a number of articles by experts who argued this is one of the ways we can develop the economy and get out of our current financial situation.

However, farmers are critical of the prices they are currently getting for the food they produce in a clean and green environment, particularly from the multinationals. Today there have been protests in Portlaoise and it is time that the multinationals wake up to the fact that farmers are producing food to the highest standards but because of the cost factors that are now built into production they need to achieve a decent price.

The introduction of a positive duty to ensure the health and safety of animals and the tightening of the law regarding outright animal cruelty are important innovations which we in this House must support. The concept of pre-emptive action is a significant departure from the existing reactive nature of the legislation. Preventing cruelty before it occurs rather than responding to wanton cruelty after the fact is a major step forward for animal welfare. The current constraints that prevent authorised officers from taking action to prevent the infliction of harm on an animal has shackled their capacity to uphold animal welfare. This Bill allows for a substantial expansion of powers in order to permit pre-emptive interventions. Officers will be able to take actions such as removing animals or requiring an order to secure veterinary help. Too often in the past owners have neglected to deal with animals suffering from diseases or did not call the vet because they believed it was too expensive to do so.

The Protection of Animals Act 1911 is the basic framework for animal welfare in Ireland but it is time for a change because the Act reflects its era and now has limited application and scope. Changing values about how we treat animals and the development of scientific understanding of animals over the past century underlines the need for the sweeping changes introduced in this Bill. The concept of cruelty has certainly expanded since the original 1911 Act and these changes need to be reflected in legislation. The Bill provides powers to ensure that those guilty of intentional harm, neglect or recklessness towards an animal are liable for payment of subsequent necessary veterinary care. Additional powers long sought by the courts have been provided in order to prevent negligent individuals from owning an animal if found guilty of an offence under the Bill. Too often farmers and animal owners who were found guilty of negligence were allowed to continue to farm and own animals. These powers are strong and sweeping but I hope they will be used sparingly.

*7 o'clock*

Dogfighting was banned in this country in 1911. Yet, the barbaric practice continues, particularly among organised criminal gangs and in the Border counties. We see occasional television programmes or media reports about dog fighting and dog fighting rings. Some of these rings have been broken up by the Garda but much remains to be done to strengthen the Garda in acting against this type of crime. The expansion of the law into ancillary activity related to illegal fighting will ensure gardaí have the capacity to charge those engaged in dog fighting at any point. I welcome the efforts to ensure the organisers of these events cannot evade criminal responsibility for their actions by claiming they were simply spectators. It is important that members of the public who are aware of such dog fighting operations report them to the gardaí and to the Department of Agriculture, Food and the Marine and help to put an end to this barbaric practice which has gone on for far too long.

The tightening of the law on the abandonment of animals by ensuring that responsibility remains with the owner, specifying abandonment as an offence and detailing responsibilities towards the animal and for adequate provision of care under the scope of cruelty, is a welcome measure towards the tackling of abandonment.

In my county, huge damage is done every year to the sheep industry by marauding dogs that are not under anyone's control. More often than not, when sheep are attacked, killed, maimed and seriously damaged, no one seems to own the dog or dogs responsible. It is of grave concern to farmers when sheep are damaged or killed. Last year, some farmers in Wexford lost up to 30, 40 or 50 sheep to marauding dogs. It is important that some type of legislation be introduced to deal with this problem. I hope the Bill will deal with this area. Uncontrolled and

unlicensed dogs are a major concern to farmers, who often have no way of knowing who owns the dogs that have damaged their sheep. I ask the Minister to take serious note of this issue.

Farm organisations have expressed some concerns about the Bill, but I am sure the Minister has met with these organisations and that he will continue to liaise with them to iron out any difficulties they have in this area.

I welcome the fact the Minister has brought the Bill before the House. It is a step in the right direction and can only do good, both for the farming community and with regard to the control of dogs and other animals that need to be brought under control.

**Deputy Andrew Doyle:** I welcome the opportunity to speak on this substantial legislation and I commend the Minister and members of the previous Government for setting about amending ancient out-of-date legislation and bringing responsibility for all animals, other than those that live in the wild, under a single piece of legislation. The Protection of Animals Acts and the Diseases of Animals Acts are at least 45 years old. Welfare and disease issues have moved on considerably since then so there is no doubt about the need for the Bill.

The Minister engaged in a long discussion with the Seanad and has committed to do the same in this House and to make the Bill as practical and as useful as possible.

Deputy Browne referred to dog control. If animal welfare is to cover animals that are subject to predatory behaviour by other animals, domestic or wild, it should follow that the owner or the person responsible for the predatory animal will be guilty of an offence. Deputy Browne spoke of cases in Wexford. A huge issue in the national parkland on the Wicklow uplands which, I accept, is not directly under the control of the Minister, is that of dogs being unleashed to roam out of sight on the hills and to do untold damage. Landowners cannot leave their holdings during the summer, particularly at weekends. When they confront those in charge of these dogs they often meet hostility or denial of ownership. There are enough locations, including forestry land, where domestic animals can be exercised, within guidelines, and where they would not be a worry to sheep and farm animals. Sheep, in particular are vulnerable to attack. They panic and run into water or areas where they can be seriously damaged or killed. This problem needs to be considered in the spirit of the Bill.

The vast majority of animals that will be subject to this legislation are kept in the care of farmers. It should be acknowledged that farmers, throughout history, have been good caretakers of animals. It is in both their nature and their economic interest. In the vast majority of cases, people who look after animals do not abuse them.

The Minister mentioned that some people who allow animals to be cruelly treated have personal problems of their own and do not have the wherewithal to treat animals well. If and when such people are brought to court these circumstances should be taken into consideration.

Some farm organisations have expressed concern as to who will be responsible for supervising, monitoring and enforcing the legislation. The Bill gives the Minister the right to delegate this role. This needs to be done carefully. As in all situations, people of extreme views and who are not objective should be kept away from positions of power, enforcement or judgment. It could be said that one man's meat is another man's poison. For some people, the Bill will not go far enough. They have another agenda. No person who is dissatisfied with the thrust of the Bill or with its final objectives should be given responsibility for its enforcement or supervision.

The Minister referred to people involved in animal fighting, particularly dog fighting. The easiest way to enforce the Bill is to ensure that all cases of blatant abuse are highlighted and given a high profile and that the punishment fits the crime. That is the best preventative. People who, heretofore, had the option of saying they were only in attendance at such an event will no longer be allowed that excuse. Anyone who attends an animal fight will be culpable. That is the message that needs to go out. Baiting is a blood sport of the worst type. It thrives on the abuse of an animal and is totally different from other animal sports that are much better controlled and monitored.

The Bill is the Animal Health and Welfare Bill. With new exotic diseases and more frequent movement, there must be proper monitoring. At one time, the only contagious diseases that threatened us were foot and mouth and rabies in dogs. Our island status protected us from most contagious diseases. There are now some diseases that are airborne or carried by birds so we must ensure all diseases are covered and those who should notify the authorities but do not are held to account.

The Joint Committee on Agriculture, Food and the Marine met yesterday. I am the Chairman of the committee and we agreed that we would set aside as much time as is necessary to go through the Bill and amendments to it at the Minister's convenience. The Minister gave a lot of time to the Seanad so we are prepared to give as much time on Committee Stage to ensure the Bill enjoys all-party support, if possible. This should be similar to the children's referendum. No one has said it is not necessary. We are all agreed on that and that is a good starting point.

I look forward to the Bill coming before the committee and to engaging with the Minister. Opposition Senators at yesterday's meeting described how the Minister took on board all suggestions and that the Bill came out of the Seanad in much better shape than when it went into it. We hope the same will be the case when it comes out of the committee. This process has been years in the making. I was one of those anxious to get the Dog Breeding Establishments Bill enacted but I figured at the time we should have the two Bills together in order that they dovetailed. I appreciate this Bill is much more complex but I hope it ties in with the Dog Breeding Establishments Bill and other animal welfare legislation when it is passed.

**Deputy Joe McHugh:** I welcome this Bill and commend the Minister on his proactive stance in this area. There have been five years of consultations so the Bill is welcome.

I want to focus on the authorised officers section. In his contribution, the Minister outlined the automatic authorisation of customs officers and gardaí, with potential for veterinary surgeons to act in that fashion. The possible involvement of NGOs was also mentioned and I would like to focus on the involvement of the ISPCA, a reputable organisation that deals primarily with domestic animals and horses. It will see 3,000 cases this year alone, primarily involving domestic animals, with farm animals making up less than 1% of cases. That shows how far animal welfare has come in the last 20 years, when statistics showed 70% of ISPCA work was spent on farm visits. Given the system of departmental inspections now in place, better farm practice and a general improvement in animal welfare on farms, that number has declined dramatically.

It is important that reputable non-governmental organisations, NGOs, are involved, and the Irish Society for the Prevention of Cruelty to Animals, ISPCA, has a proud track record of preventing cruelty. It assists pet owners and demonstrates to them how to treat animals. We have, however, a resources issue. It is ridiculous that an ISPCA inspector who is called out to

a housing estate where there has been a report of a malnourished dog must wait for a garda to confirm the report and authorise the ISPCA inspector to remove the animal.

This raises the question of resource allocation. If a garda must make a decision between responding to the report of a crime or calling out to confirm a case of animal cruelty, which will he prioritise? What consideration is there for the animal's welfare? If a dog is severely malnourished, the important thing to do is to get the situation sorted as soon as possible and to remove the dog. There are two problems: a resources issue and consideration of animal welfare. If we put animal welfare at the forefront of the legislation, efficiencies and dealing with the situation will be the priority. It is also important to allow ISPCA inspectors a degree of responsibility and authorisation.

I have spoken to the Minister about this before. Some in the farming community fear the inspection regime will be too wide but if we look at the track record of the ISPCA and its practical involvement in domestic animal welfare, we can see a commonsense approach. I heard of a recent example where an ISPCA inspector was called out for a kitten that had cat flu, which required the ISPCA officer to inform the Garda. Three gardaí arrived to check for themselves that the kitten had cat flu. This madness can be addressed in a common-sense way to ensure the ISPCA inspector, who would know when a kitten has cat flu, can intervene at that point. This is potentially a win-win situation and in these straitened times of cutbacks and fewer gardaí, we must look at their prioritising involvement in such situations.

I have concentrated on one aspect and I will not go any further into the issue of cross-Border co-operation. The Minister knows my thoughts on that and he has worked proactively with his counterpart in the North. From a veterinary inspection point of view, there are win-win scenarios in North-South co-operation, so I welcome the Minister's intervention with his northern counterpart and wish him continued success in that. There are financial benefits to such practical co-operation.

I commend the Minister on putting animals at the centre of this Bill on a day when the Minister for Children and Youth Affairs has put children at the heart of the Constitution. When we are talking about animals, we must make them the priority. If there are means available to us to make it more effective with the animal's welfare in mind such as through intervention, there is a practical solution with respect to authorising inspectors to arrive at commonsense solutions.

**Deputy Michael Colreavy:** It must have been a wild Donegal cat if it took three gardaí and an NGO to deal with it, although I have known some cats in Donegal.

I commend the Minister and the Department on producing this legislation and I commend the previous Government for initiating the work on it. I acknowledge the Minister's commitment to animal welfare and I have no doubt the legislation will be improved as it goes through the different Stages in the House.

It is important legislation, which attempts to bring previous legislation that sets out the requirements to ensure the health and well-being of animals into line and it is important that through the Bill the health and welfare of animals are inextricably linked. Farmers and pet owners know that the better the welfare of the animal, the greater the chance that it will remain disease free. It is almost a mantra that agriculture, food and fisheries contributes €8.9 billion to the economy annually. In 2011, milk output was worth €2.67 billion; beef output, €1.8 billion; pig output, €395 million; and sheep output, €180 million. Clearly, this would not be the

case if there were doubts about the standard of animal health and welfare in this State. We have worked to ensure domestic agricultural and food products enjoy a lofty reputation throughout the world. Access to foreign markets such as China is of significant benefit to the economy and this has great potential to deliver more in the future. Many of the countries we trade with are attracted to Irish agriculture because of its high standard of disease free animals and produce and it is important to maintain these standards.

The main legislation in operation in this area is the Cruelty to Animals Act 1911 and the Diseases of Animals Act 1966, both of which have been amended extensively through the years. It was clear that there were gaps and overlaps in them and it was equally clear that a new Bill would have to be introduced to modernise and standardise the legislation in this area. It is complex and it took a long time to do this but it was necessary work. The purpose of the legislation is twofold. It should make it easy for the owners of animals to understand what is intended in the legislation and it should provide for a system of monitoring and enforcement to ensure the provisions are adhered to by those who own or manage animals. Legislation can increase or reduce bureaucracy and the intention should be to limit it as much as possible by creating clear objectives about what needs to be done to maintain our high standards of animal health and welfare and to do the right thing by animals.

I will ask the Minister to re-examine aspects of the legislation which relate to issues we have raised in the House previously. Questions remain about the compensation that will be provided to farmers under the legislation. Part 6 states, “The Minister may pay” compensation to farmers whose animals have to be disposed due to disease. This needs to be clarified. Farmers whose animals have contracted disease through no fault of their own must be awarded compensation for the loss of their stock because this is in the national interest as well as the in the interest of the farmer and his community. Farmers who have lost their animals due to disease need to be provided with the supports to aid them to return to farming as easily, quickly and safely as possible. In a climate of rural decline, it is essential that as many farmers as possible are involved in the industry and the Government must help to ensure that those whose animals have been affected by disease are adequately compensated. We must always think of the value of the industry to the economy.

I also have concerns about the powers of inspection of authorised officers. The law should apply equally to all, including farmers. The powers outlined in the legislation are somewhat vague and need to be clarified. I would not want the powers of inspection privatised and those involved in the inspection process absolved of accountability. Safeguards are, therefore, needed. It is important to strike a balance between the need to have an effective process of inspection and the need to ensure farmers’ rights are not trampled on. I acknowledge it is not the Minister’s intention to trample on anybody’s rights but perhaps a little clarity is needed regarding some provisions.

It is also necessary to differentiate between farm animals and pets. Both categories of animal deserve the highest standard of health and welfare regulation but it would be unwise to ignore fundamental differences between them. This legislation probably needs to do more to explain or develop the differences between farm animals and pets. This has caused confusion amongst many in the farming community. The Minister must clarify these subtleties in this legislation in order that it is clear to everyone what it means for farmers and pet owners.

A few notable exemptions need to be dealt with either in this or another Bill. I have raised some previously in the House and at the Joint Committee on Agriculture, Food and the Ma-

19 September 2012

rine. The issue of fur farms is not mentioned in the legislation. There has been a great deal of reportage about cruel and unhealthy conditions for animals on these farms and this needs to be addressed. Moreover, as I have noted several times previously, I am unsure whether the legislation before Members protects adequately the welfare and health of racehorses. Having examined the Welfare of Greyhounds Bill published last year and having considered the need for the protection of the health and welfare of racehorses, I do not discern the same level of detail or enforcement levels in this Bill as I did in the Welfare of Greyhounds Bill. Consequently, this is another area Members must consider.

Overall, this legislation is both welcome and necessary and it is the task of all Members to try to make it as good as it possibly can be. I accept the Minister's statement that the Bill will be debated fully and he will take on board suggestions. I am sorry I will not be attending the select committee to talk through many of the proposed changes but the Minister may rest assured that I will liaise closely with my party colleague, Deputy Martin Ferris, to ensure continuity in our respective presentations. I thank the Minister.

**Deputy Simon Coveney:** I thank Deputy Colreavy.

Debate adjourned.

### **Confidence in the Minister for Health: Motion (Resumed) [Private Members]**

The following motion was moved by Deputy Billy Kelleher on Tuesday, 18 September 2012:

That Dáil Éireann has no confidence in the Minister for Health, Deputy James Reilly, 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 front line services being cut, extra bed closures, and more cuts to social support services to the disabled and elderly.

Debate resumed on amendment No. 2:

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

"commends the Minister for Health, Deputy James Reilly, on 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.”

- (Minister for Health).

**Acting Chairman (Deputy Charlie McConalogue):** The first speaker is Deputy Healy, who I understand is taking two of the ten minutes available to the Technical Group.

**Deputy Seamus Healy:** I wish to share time with Deputies Catherine Murphy, John Hailigan, Joan Collins and Luke ‘Ming’ Flanagan.

**Acting Chairman (Deputy Charlie McConalogue):** Is that agreed? Agreed.

**Deputy Seamus Healy:** I support the motion of no confidence in the Minister for Health, Deputy Reilly, before the House tonight. It gives me no pleasure to be obliged to do so. As far as I am concerned, each Minister and the Government collectively are in the dock in respect of their handling of the economy and the nation since their election. All the aforementioned Ministers and the Government are here under false pretences. They were elected on a programme of commitments, which included burning the bondholders, not giving another cent for the banks and the protection of the vulnerable. Each Minister and the Government collectively have reneged on all those commitments and I reiterate they are here under false pretences.

However, the Minister for Health has a specific case to answer. I believe the Minister has a conflict of interest because he is involved in the private nursing home business while at the same time, he is presiding over the Health Service Executive and a health service that is closing public long-stay beds nationwide. I believe this is a serious position and constitutes a conflict of interest for the Minister. It certainly is one reason I support this motion this evening. In addition, the recent cuts announced by the HSE and approved by the Minister can only be described as a descent into barbarism. The most vulnerable, the sickest, the elderly and people with disabilities were deliberately and knowingly targeted and this runs counter to the election commitment that the most vulnerable would be looked after and protected. I support this motion.

**Deputy Catherine Murphy:** While I had no expectation that the reforms in the health service would be delivered overnight, I had an expectation that by now the direction would be shaped, a vision outlined and a credible plan of action put in place. Where I agree with Fianna Fáil’s motion of no confidence is that the budget put forward was completely unrealistic from the outset. For example, the notion that agency staff could have been dispensed with at a time when an unfocused early retirement scheme had just kicked in was completely unrealistic and it was predictable that problems would arise. However, I believe the Government is justified in its criticisms of the proposers who, after all, created so many of the problems evident in the health services today. Unfortunately, I was not in any way surprised to see disabled people taking to the streets in protest when cruel cuts were targeted at them in particular. These cuts would have undermined them and would have taken away their hard-won independence. Not only was this measure cruel, but it is not even cost-efficient when measured against the institutional care model it would have been necessary to use as a substitute. Although the Government committed to protect the vulnerable, it is glaringly obvious it has not done and is not doing so. Unfortunately, this is just one example of the kind of front line cuts evident to all Members. Baby clinics have been dispensed with, dental oversight in primary schools has been cancelled and home help hours have been specifically curtailed, on foot of which highly vulnerable and often elderly people have been affected. These are merely a sample of what Members encounter routinely.

I also had expected to see some major institutional changes at the HSE. It appears that what is proposed is yet another top layer of management with little of the kind of reform desired or needed by citizens and so many of those working within the system at all levels below management. A single look at the HSE's website reveals the chaotic structure behind it, which only is intelligible to those who work within the system and certainly is not citizen-friendly. People have a right to real reform, not a bookkeeping exercise. However, the latter is what they are getting and this is what must change.

**Deputy John Halligan:** When the Minister was in opposition, he outlined a detailed plan to reform every aspect of the health system and how it delivered care to patients. Moreover, he decried previous health policies for what he called their slash and burn techniques and, in his own words, promised "the money would follow the patient". I accept the Minister's challenge was formidable. However, I have challenged him previously and do so again to visit my constituency of Waterford to ask the patients in Waterford Regional Hospital how long they have been waiting on trolleys. He should ask them how long they have been waiting to see a specialist or how many times they have had procedures cancelled. He should speak to the surgeons who cannot treat their patients because of the lack of availability of a bed, an anaesthetist or an intensive care unit nurse. I have spoken to all these people.

I am uncomfortable with Fianna Fáil calling for a vote of no confidence in the Minister, given that party supported a person who in my estimation was one of the worst Ministers for Health we are likely ever to see in the history of the State. The vote of no confidence in the Minister in essence is coming from my constituents and not so much from me. It is because of the 18,925 people who are on outpatient waiting lists, the 5,847 people who have been waiting for more than a year and for orthopaedic outpatients, some of whom have been waiting for four years.

Finally, I refer to a case with which I am dealing involving a man who worked in the health service for 20 years and who incurred a severe back injury. He has a medical card and seeks the insertion of a device known as a Wallis spacer. The Minister is well aware of this and I sent a letter to him in this regard. This person was told that even though he is entitled to the device and has a medical card, the hospital does not have €3,900 to pay for the aforementioned procedure and consequently, he is walking around half-crippled. The Minister should read the letter I sent to his Department. Consequently, I do not speak primarily for myself but for the many constituents who visit my offices throughout the constituency and who themselves state they have no confidence in the Minister. I like the Minister as a person and have spoken to him a number of times. There is nothing personal in this and I acknowledge the Minister has dealt with me quite competently. I regret being obliged to support this motion and am uncomfortable in so doing because Fianna Fáil has tabled at but I must stand by what my constituents tell me to do.

**Deputy Joan Collins:** In supporting the motion of no confidence in the Minister, Deputy Reilly, I will make use of an example. Two weeks ago, one of my constituents contacted me and his experience really exposed the problems that exist within the agency and which the Government promised it would try to fix. It is a simple problem that should not be there. My constituent, Mr. Dermot Walsh, who is a well-known disability rights advocate and has no difficulty with my use of his name and who I contacted beforehand, uses his wheelchair to get to work. However, he has been unable to do so in recent weeks because of the bureaucratic incompetence of the HSE. The system for carrying out repairs to wheelchairs has changed in that heretofore, he was able to contact his engineer and have the maintenance to his wheelchair dealt with regularly. This arrangement was recently changed by the HSE and all repairs are now done in house. One of the wheels fell off his wheelchair and he needed to get it fixed very

quickly. However, under the new arrangement his wheelchair had to go into the health clinic. That wheelchair was assessed in his absence and without consultation with him. This flies in the face of the so-called person-centred consultation. As a consequence, it is unsafe and he has been waiting for more than four weeks for his wheelchair to be fixed. The assessment proposed a number of changes to be made but he does not want them as they are not needed and he is still out of work. While I am not blaming the Minister for that, his actions in cuts in home help, home-care, PAs etc. fit very well into the bureaucratic penny-pinching approach to health care and the Minister should go.

Mr. John Dolan, chief executive of the Disability Federation of Ireland, has said that despite promises in the programme for Government to enhance the quality of life for people with disabilities, the Government was going in the other direction. All Government members should go back to the people to seek a mandate for what they are doing at the moment.

**Deputy Luke ‘Ming’ Flanagan:** When one applies for a job in the normal world, one is supposed to tell the truth about what one will do, how hard one will work and what one’s qualifications are. In advance of the general election in an open letter to the people of Roscommon, the person who is now Minister for Health, Deputy Reilly, said the following:

I would like to confirm that Fine Gael undertakes, in accordance with the Fine Gael Policy on Local Hospitals, to retain the Emergency, Surgical, Medical and other health services at Roscommon Hospital which are present on the formation of the 31st Dáil. [It got even better, though.] Furthermore, in the event of the A&E being downgraded, we are committed to reinstating a 24/7 service, where feasible.

In a normal job when one tells a porky, one loses one’s job if found out. For that reason alone - there are many other reasons - the Minister should resign.

**Deputy Paul Kehoe:** When is the Deputy going?

**Deputy Luke ‘Ming’ Flanagan:** I support the motion. The motion of no confidence also presents the perfect opportunity for Deputy Feighan to show that the 9,000-plus people who voted for him at the last general election did not completely waste their time.

*(Interruptions).*

**Deputy Luke ‘Ming’ Flanagan:** With respect, may I have the protection of the Chair?

**Acting Chairman (Deputy Charlie McConalogue):** Order, please. Let the speaker finish as he has only a few seconds left.

*(Interruptions).*

**Acting Chairman (Deputy Charlie McConalogue):** Order, please. As the Deputy has only a few seconds remaining, I ask him to finish up.

**Deputy Luke ‘Ming’ Flanagan:** No problem - I thank you very much.

**A Deputy:** The Deputy can give it but cannot take it.

**Deputy Luke ‘Ming’ Flanagan:** The reality is people should tell the truth when they go before the electorate.

19 September 2012

**Acting Chairman (Deputy Charlie McConalogue):** The Deputy's time is up.

**Deputy Luke 'Ming' Flanagan:** That is very important. They should stand by the people - they pay their wages.

**Acting Chairman (Deputy Charlie McConalogue):** I ask for order from both sides of the House, particularly the Government side when other speakers are speaking.

**The Taoiseach:** On 9 March 2011, I nominated Dr. James Reilly as Minister for Health. I did so, not because he has decades of experience as a GP or because he developed a radical policy to create a patient-centred health system, but because he has a passionate commitment to creating a health service that puts the patient first.

The Government received a mandate from the people to create a universal, single-tier health service, which guarantees access to medical care based on need, not income. I and my colleagues around the Cabinet table are acutely aware of the challenge that faces us in terms of health reform. It will not be done overnight. It is a complex and major undertaking that requires careful planning and sequencing. It will take time, patience, diligence and courage. What the Minister and we as a Government inherited was chaotic, unsustainable and unacceptable.

Against this backdrop, the Minister for Health faces another challenge which is to maintain services and ensure patient safety while having to achieve savings of more than €2 billion and to reduce staff numbers by 6,000 over the past two years. Some might see this challenge in itself as an excuse to stand still and accept the status quo as the last Administration did. However, despite the difficult financial environment, the Government's health reform programme is on track and patients are experiencing real change in our hospitals:

Between January and September this year, there has been a 22% reduction in the number of patients waiting on trolleys, compared with the same period last year. This equates to 13,450 fewer patients waiting on trolleys. The number of adults having to wait more than 12 months for inpatient and day-case surgery has reduced by 85%, and consultants will now see, treat and discharge patients 24 hours a day and seven days a week, saving the State hundreds of millions of euro - an issue the last Administration was afraid to tackle.

Since the Government came into office, patients are being seen and treated in a more timely fashion. This is the daily on-the-ground impact of the reforms being implemented in our hospitals by the Minister, Deputy Reilly. The establishment of the special delivery unit last year has helped to reduce the numbers on trolleys significantly. This has been done largely through better organisation and management.

With regards to the structural reform of the health system, the building blocks are being laid and the steps ahead are clearly indicated. In July, the Minister published the Health Service Executive (Governance) Bill 2012 which provides for the abolition of the HSE board and the establishment of a directorate to be the new governing body for the HSE in place of the board. Government approval has been given to proceed with the establishment of hospital groups ahead of the creation of hospital trusts and intensive work continues on this. The Minister is examining the small hospital framework in the context of the overall reorganisation of the health services with the aim of ensuring a viable future for our smaller hospitals. His report and proposals will be published shortly.

The programme for Government is committed to introducing universal free GP care within

our first term of office. Work is progressing on the preparation of legislation this Dáil term to allow for the extension of free GP care to persons with prescribed illnesses. The legislation to abolish restrictions on GPs wishing to become contractors under the GMS is already in place. The programme of work for primary care led by the Minister of State, Deputy Shortall, will fundamentally change for the better the level of service available to patients.

The progress to date underlines the Government's commitment to health service reform and the implementation of universal health insurance. The ring-fencing of finance for mental health being led by the Minister of State, Deputy Kathleen Lynch, signifies an end to this critical area being the forgotten element of health strategy. These changes are occurring as part of a very certain process to put an end to the two-tier health system.

The key objective of the Minister, Deputy Reilly, is to make these changes in order to put the interests of the patient at the heart of the health services. It is not the needs of the system that should dictate how patients are treated, rather it is the needs of patients which should dictate how the system is designed. That design work is under way and will continue.

Let me assure the House that the Minister, Deputy Reilly, did not engage in a deeply cynical campaign before the election. He articulated a health reform programme that he is passionately committed to implementing. It was not the Minister, Deputy Reilly, who promised to end waiting lists within two years. It was not the Minister, Deputy Reilly who promised improved accident and emergency services by reducing waiting times or having senior doctors available at all times. I have every confidence in the ability and determination of the Minister to see through to fruition the reforms with which he has been tasked. He is a man who came into politics for the right reasons - to change the Irish health service for the better. I have every confidence in his ability to deliver on the mandate and responsibility given to him.

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The motion before us is one of the most cynical examples of political gamesmanship seen in this House. Fianna Fáil accuses the Government of failing to meet its budget commitments in the health service because it claims it will impact on patients and services to disabled people and the elderly. One must wonder whether Fianna Fáil Members were thinking of these same people when they sabotaged our economy or were they too busy partying on to heed the warning signals about our overheated property market, reluctant to restrain the boardroom excesses of their golfing buddies in the bank? They were more interested in keeping the till ringing with stamp duty than in sustainability for the economy. Were they thinking about the people when they tied our fate to that of a bank that was already bust and negotiated a bad deal which they then said could not be renegotiated?

When Fianna Fáil left office in February last year it left behind it a budget deficit of €22.4 billion, 444,000 people unemployed, a banking collapse that ended up costing the taxpayer €64 billion and our economic sovereignty surrendered because the country could no longer pay its bills. One can only marvel at the sheer neck of the 19 Fianna Fáil men on the benches opposite.

**Deputies:** Hear, hear.

**Acting Chairman (Deputy Charlie McConalogue):** Order, please.

**Deputy Eamon Gilmore:** To come into this House and cry crocodile tears for older people and people with disabilities when it is was they and they alone who put a catastrophic hole in the national finances is a cynical move indeed.

19 September 2012

The adjustments to the budget in the health service over the past number of years have been difficult. Since 2010, €1.75 billion has been removed from the health budget and services are being delivered with 6,000 fewer staff. Yet, this Government and its Minister for Health, Deputy Reilly, have demonstrated that it is still possible to make progress, in some cases more progress than was made by the previous Government during the largest expansion on health spending in the history of the State. Let us take the number of people waiting for care on hospital trolleys. Last January 12 months, Fianna Fáil presided over an all-time high of 569 patients on trolleys. This September that figure had decreased by 75%. Surgical waiting list numbers are down 7% and the number of people waiting 12 months or more is down 85%. This was not achieved by accident but by design, by the putting in place of a new special delivery unit tasked with changing how hospitals manage their patient flows.

This Government and its Minister for Health has not shied away from tackling vested interests in the health service, including addressing the cost of drugs, increasing competition between general practitioners and only last week striking a deal to get more flexibility from hospital consultants and reducing pay for new recruits.

**Deputies:** Hear, hear.

**Deputy Eamon Gilmore:** Throughout all of this we are getting on with fundamental reform of the health service-----

**Acting Chairman (Deputy Charlie McConalogue):** The Tánaiste has two minutes remaining.

**Deputy Eamon Gilmore:** -----reforms that stem from a core belief that every citizen in this country has a right to be treated when sick regardless of income.

**Deputy Jerry Buttimer:** Hear, hear.

**Deputy Eamon Gilmore:** Fianna Fáil has never believed in this simple principle. It defended the two tier health system to its last breadth. It now says that because nothing changed under its leadership then nothing can ever change. This is the first Government in the history of the State that is committed to a fair, single tier health system underpinned by universal health insurance. It will not happen over night but we are taking the first steps, changing how we deliver services to get better value for money. The linchpin of these reforms is primary care and delivering more care in the community rather than in accident and emergency departments.

**Deputy James Reilly:** Hear, hear.

**Deputy Eamon Gilmore:** Together with the Minister, Deputy Reilly, my party colleagues, the Ministers of State, Deputy Róisín Shortall and Deputy Kathleen Lynch, have been working extensively on progressing these reforms. Under the first phase of free GP care for people-----

**Deputy Billy Kelleher:** The Tánaiste has been away too long.

**Deputy Finian McGrath:** They are all best friends.

**Acting Chairman (Deputy Charlie McConalogue):** Order, please.

**Deputy Eamon Gilmore:** -----with certain chronic illnesses some 300 key primary care staff will be in place by the end of this year. I commend the two Ministers of State on their

work, in particular the Minister of State, Deputy Kathleen Lynch, for her work in the area of disability and for progressing the development of mental health care in the community, something that has been neglected for far too long.

**Deputy Finian McGrath:** Where was the Tánaiste when the disabled people were outside the Taoiseach's office?

**Deputy Eamon Gilmore:** Let us be clear, this Government-----

**Deputy Finian McGrath:** He ran away.

*(Interruptions).*

**Acting Chairman (Deputy Charlie McConalogue):** Order, please.

**Deputy Eamon Gilmore:** -----and its Minister for Health is dealing with the catastrophic mess left behind by Fianna Fáil.

**Deputy Jerry Buttimer:** Hear, hear.

**Deputy Eamon Gilmore:** Fianna Fáil is in no position to take this Government to task over the work it has been doing reforming the health service and making progress. We are doing this as fairly as possible. We have protected and will continue to protect those who are most dependent on health and care services. We do not always get it right and we are not afraid when we do not get it right to admit our mistakes and correct our direction.

**Deputies:** Hear, hear.

**Deputy Eamon Gilmore:** Most of all, we respect the people who elected us to fix this broken country. We have been doing that for the past 18 months and will continue with that job, which will continue with reform of the health service which is being led by the Minister, Deputy James Reilly and Ministers of State, Deputies Shortall and Lynch.

**Deputies:** Hear, hear.

**Deputy Patrick O'Donovan:** Where is the Leader of Fianna Fáil?

**Acting Chairman (Deputy Charlie McConalogue):** Order, please. I now call the Minister for Finance, Deputy Noonan, who has four minutes.

**Minister for Finance(Deputy Michael Noonan):** Prior to the election in February of last year Fianna Fáil-led Governments had controlled the Department of Health for 14 years in a row. The Ministers for health were the former Leader of the Progressive Democrats, Mary Harney, former Taoiseach, Brian Cowen and current leader of Fianna Fáil, the architect of the Health Service Executive, Deputy Micheál Martin. Fianna Fáil has some cheek tabling this motion. When in office it had control of the Department of Health for 14 years.

**Deputy Billy Kelleher:** The Minister held that portfolio himself once.

**Deputy Finian McGrath:** He did not cover himself in glory either.

**Acting Chairman (Deputy Charlie McConalogue):** Order, please.

**Deputy Michael Noonan:** It was not mismanaged by neophytes, rather it was run by some

19 September 2012

of Fianna Fáil's leading lights together with former Deputy Mary Harney. Fianna Fáil has tabled this motion of no confidence in the Minister for Health, Deputy James Reilly having left behind a shambles after 14 years in office.

In 1997 there were 65,000 people working in the health services. When Fianna Fáil left office the number of staff in the health services was almost 120,000 when one includes agency staff. In 1997, the budget was just over €2 billion. When Fianna Fáil left office it was almost €14 billion. Despite all the extra personnel and additional budget the service was worse in 2011 than it was in 1997.

**Deputy Bernard J. Durkan:** Hear, hear.

**Deputy Michael Noonan:** Fianna Fáil is now blaming the Minister, Deputy Reilly, for trying to sort it out.

**Deputy Patrick O'Donovan:** Put that in your pipe.

**Deputy Michael Noonan:** In just 18 months, Minister Reilly has a considerable record of achievement with a more than 20% reduction year on year in the number of patients on trolleys, a reduction from an all time high of 569 patients on 5 January 2011 to 139 on 7 September 2012, which is a 75% reduction; overall surgical waiting list numbers have decreased by 7% while the number of people waiting over 12 months has decreased by 85%; those waiting over nine months by 63% and those waiting over three months by 66%. The Health (Pricing and Supply of Medical Goods) Bill 2012 has been published; the 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 and the development of chronic disease management programmes, in particular the management of diabetes is at an advanced stage. It is particularly noteworthy that these significant reforms have been achieved despite the 6,000 reduction in staff as referred to by the Tánaiste and reductions in budget of €1.75 billion. The Minister's most notable achievement is the new arrangements agreed in negotiations last week with hospital consultants. Fianna Fáil's political timing is very poor in terms of it having tabled a motion of no confidence in the Minister, Deputy Reilly, at a time when he was negotiating one of the major reforms in the public service, namely, the new agreement with the consultants.

**Deputy Tom Hayes:** The researchers should be sacked.

**Deputy Michael Noonan:** There will be new rostering arrangements for consultants and more flexible working arrangements to cover 24/7 services and lower levels of pay for new entrants to the consultant grades. These reforms are essential to generate additional savings under the existing agreements with radiologists and other grades.

Fianna Fáil should pack up its tents, apologise to the Minister, move the adjournment of the House and we can all go home.

**Deputies:** Hear, hear.

**Deputy Simon Harris:** Where is Micheál?

**Acting Chairman (Deputy Charlie McConalogue):** Order, please.

*(Interruptions).*

**Acting Chairman (Deputy Charlie McConalogue):** Order, please. The next speaker is Minister of State, Deputy Róisín Shortall, who has four minutes. I ask Members for order while the Minister of State is speaking.

**Minister of State at the Department of Health(Deputy Róisín Shortall):** This Government faces a huge challenge, to manage and reform the health service when the health budget is being reduced. As part of that process the key question that arises for us all is who will bear the burden of the cuts. For example, do we increase prescription charges for medical card patients or reduce the drugs bill? Do we cut public health nurses or collect money owed by insurance companies? Do we cut home help services or impose a cap on consultants' pay? Our priority must be to protect front line services. We cannot cut our way out of problems. We must reform and that reform must happen quickly. Unless there is substantial reform there will be cuts and the poor will be hardest hit. Reform means reducing costs and changing the model of care to switch the focus from acute hospitals to community and primary care.

*8 o'clock*

This will ensure early diagnosis, much better health outcomes and much better value for money. That is why the programme for Government prioritises primary care in the term of this Government. To deliver on the programme we need fully staffed primary care teams working from modern primary care centres. That is why we must recruit the 300 front-line primary care staff to areas of greatest need, staff such as public health nurses, speech and language therapists and occupational therapists, and for which staff funding was provided this year. Thousands of people, both children and adults, are on waiting lists for these services. It is time we started the recruitment.

Decisions on where staff are allocated and where primary care centres are located must be transparent and objective based on health need and no other consideration. Primary care centres, just like schools, are essential public infrastructure and should be provided on the same basis. The programme for Government commits to extending free GP care to all in this Government's term. We know that fees stop people attending their GPs so they eventually need more expensive hospital care. Private fees for GPs are just 2% of national health spending but their removal unlocks the potential for major reforms. The lack of priority afforded to producing the free GP care legislation has been very disappointing. Allocated funding must be restored to start this key initiative this year. We must also have a clear roadmap that charts the way forward and ends the uncertainty about the future.

These are just some of the questions that need to be resolved. Are we going to reform and strengthen our public health service or are we going to privatise large parts of it? How do we ensure access and equity in the health service? What model of universal health insurance best suits the situation here in Ireland? Should it be a commercial insurance model or a social insurance model?

**Deputy Billy Kelleher:** There are many questions but no answers.

**Deputy Róisín Shortall:** What will replace the HSE and how best can we control costs?

Reform of health care is never straightforward, as we all know. Decisions taken by the Government over the next few months will determine the shape of the future health care system. That will determine the shape of the system for years to come. We have to get it right. Reforms must be made in the best interests of patients.

19 September 2012

**Deputy Billy Kelleher:** That is hardly a ringing endorsement of the Minister, Deputy Reilly.

**Deputy Paul Kehoe:** Where is the Deputy's leader?

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I want to speak on this motion, both as a politician and as a medical doctor, in support of my ministerial colleague, Deputy James Reilly.

The health Ministry is one of the most challenging in any Government and even more so at a time when the need for reform is so great and availability of funds so limited. Deputy James Reilly sought to become Minister for Health. He wanted the job, unlike many others who either viewed it as an Angola or, as in the case of Deputy Martin, the architect of the HSE, navigated their way through it by establishing an apparently never-ending number of expert groups and consultative fora to develop grand plans while failing to deliver any of the necessary changes.

This is a Minister and a Government determined to deliver on the clear commitment contained in the programme for Government to develop a universal single tier health service which guarantees access to medical care based on need, not income. It is easy to point to the failings of the health service and we all know there are many, but we must also acknowledge the significant progress which has been made in the short 18 months since Deputy James Reilly became Minister.

Failings in the health service understandably give rise to public concern, but we need to have a balanced debate, one which acknowledges the progress made as well as the fact that there is so much more to be done. We also need to acknowledge that reform and improvement takes time. Under the previous Government, success was measured by the ever-growing size of the health budget rather than by what was achieved. Ministers congratulated themselves on spending more money every year and judged themselves on the size of their budgets. The Minister, Deputy Reilly, works in a country that does not resemble the country at that time and, alongside the Ministers of State, Deputy Kathleen Lynch and Deputy Shortall, he has to reform the health service while reducing the budget. Collectively, they probably have the toughest job in government and they deserve our support and confidence.

**Deputy Jerry Buttimer:** Hear, hear.

**Deputy Leo Varadkar:** Despite the fact the Minister, Deputy Reilly, has had to operate within a budget which has been reduced by €1.75 billion, which is almost my entire budget for the past two years, and that he has had to operate with 6,700 fewer staff, the system has not only been maintained in some areas, it has even been improved. More people are being treated in our hospitals. There has been a 7% increase in patient discharges. More people have access to free health care than before. Some 125,000 additional medical cards have been issued and now 1.8 million people in the State have a medical card, which is more than ever in the history of the State. That is a real achievement at a time of such austerity. Patients are being treated more quickly. We have 20% fewer people on trolleys than this time last year. No one is waiting for surgery longer than a year and we are moving towards a nine month deadline for inpatient treatment. On the day on which the children's protection amendment was published, we also have 800 fewer children on a waiting list than we did at the time of the general election. These are the facts. Of course, a lot more needs to be done and the Minister has set in train an ambitious series of reforms which will deliver further improvements.

Over the course of the next five years the reformed health service will put patients first and

will put their needs at the centre of the system. I know that for patients and their families such improvements cannot come soon enough. We have all had enough of grandiose promises with few significant improvements from Fianna Fáil in government. We now have a Minister with the knowledge, the vision and the determination to deliver ongoing improvements like he has in recent days. There will be lots of difficulties along the way and special interest groups in health are very good at analysing problems and outlining how changes can be brought about, but too often they are unwilling to play their part in the delivery of such change.

The Minister and the Government will deliver reform and will endure no lectures from those who had 14 years at a time of unprecedented wealth to get it right but instead left us with a dysfunctional health system and devastated public finances. We will not take lectures either from those alongside them on the Opposition benches whose only contribution to health care on this island was to fill our hospitals with the victims of their campaign of violence. Indeed many of these people are still alive today and still have ongoing health care and disability related needs.

For all of us in the Government and all of us on the Government benches, change in all areas is not coming as quickly as we would like, and delivering change and driving it is not as easy as it may have appeared when we were in opposition, but the Minister, Deputy Reilly, is making real progress and is making real change happen. He deserves our confidence and our support.

**Deputy Frank Feighan:** Last week my constituency colleague wrote a personal letter to the Roscommon People calling me a traitor and asking me to resign. I have no interest in resigning and I will not resign. I will work within the Government with the excellent Minister, Deputy Reilly, the Minister of State, Deputy Shortall, the Minister of State, Deputy Kathleen Lynch, the Labour Party and the Fine Gael Party to deliver a real health service in this country, and that is what we are going to do.

Deputy ‘Ming’ Flanagan went to a meeting a year ago at which he was told by the Health Information and Quality Authority, HIQA, and the HSE why Roscommon County Hospital accident and emergency department could not survive, which was because fewer than 30 people a day were using it. His mature comment was that he told a startled health official to go out and get a rope and hang himself. I have stayed in government and I have been at a meeting every week in Roscommon County Hospital. Patient safety will be much better in that hospital and throughout this country because of this Government. I ask any of the Government or Opposition Members to call into Roscommon County Hospital to check the position for themselves because it is busier now than it was two years ago and patient safety is much better.

Deputy ‘Ming’ Flanagan was not around Roscommon County Hospital last Wednesday when I sat with the design team for the new €3 million endoscopy unit. He was not there last Thursday when the €4 million palliative care unit at the back of the hospital was going to be announced, or on Thursday evening when we opened a primary care centre in his own town of Castlerea, or on Friday when we outlined what exactly is happening in Roscommon County Hospital. I ask those opposite to call into the hospital, have a look to see what is happening and get off their high horse because each and every one of them have shouted for a year and half but I and this Government have delivered.

I want to say one thing. I have the fullest of confidence in the Minister, Deputy Reilly, in the excellent job he is doing, the fullest of confidence in the Minister of State, Deputy Shortall, and in the Minister of State, Deputy Kathleen Lynch, and I believe that time will prove us right.

**Deputies:** Hear, hear.

**Deputy Dominic Hannigan:** I welcome the opportunity to contribute to the debate on the motion. When the country is facing one of the toughest budgets we have ever had to face, I am disappointed Fianna Fáil has tabled a politically opportunistic motion.

I wonder what has happened to their leader's call for a constructive Opposition that would not look for political gain from tough Government decisions. He seems to have forgotten about that in the same way, perhaps, as he has forgotten about his tenure at the Department. Let us consider the facts about his time in the Department. While Deputy Martin was Minister, there was a €600 million overspend and it had to be made up by additional budgets signed off by the Cabinet. That is not a luxury we have anymore. He spent €14 million on 50 consultant reports. We all know what happened and how many of the recommendations were implemented.

Under the Minister for Health, Deputy Reilly, we have seen a 20% cut in the number of people waiting on trolleys. There has also been a reduction of 85% of those waiting 12 months or more for surgery. Also, local improvements have been made, including a new primary care centre opening in Ashbourne, County Meath, and we believe there is one on the way for Kells. Some things are improving, although not as fast as we would like. It will take time to fix the mess left over from Fianna Fáil but we are the people to fix the mess.

**Deputy Regina Doherty:** This Government was elected 18 months ago on a mandate from the people for reform, including reform of our health system, which was left on life support by the previous Government. Before the election Deputy James Reilly said: "I know there will be blood on the floor and I know some of it will be mine, but I relish the prospect of being health Minister." Nobody can claim he was complacent coming into office. He knew it was going to be tough, and it is tough but so is he.

Let us look at what has happened in the past year. The Minister is overseeing radical changes to replace the dysfunctional aspect of the HSE, initiating its replacement by a seven-person directorate overseeing hospital care, primary care, mental health, children and family services, social care, public health and corporate services. One of the biggest projects initiated was the immensely successful setting up of the special delivery unit in the Department of Health. The figures speak for themselves. The initiative has already brought about a 20% year on year reduction in the number of patients waiting on trolleys; a reduction from an all-time high of 569 patients on trolleys on 5 January 2011 under the Fianna Fáil Government, to 139 on 7 September 2012, a 75% reduction. Overall, surgical waiting list numbers have decreased by 7%, while those waiting over 12 months have decreased by 85%, and those waiting over nine months by 63%. A national carers' strategy was published over the summer. New legislation that grants every qualified GP the automatic right to treat medical card patients, represents a watershed moment in the history of Irish medicine. We saw the introduction of a cervical cancer vaccination catch-up programme for all girls in secondary schools.

In May of this year the campaign group Mental Health Reform welcomed the Minister's decision to proceed with establishing a new structure for the HSE. It will include a new directorate of mental health. This week, an agreement was reached with hospital consultants and health service management that will generate savings up to €200 million through new rosters, saving 70,000 bed days. Large capital projects take time to deliver, and this Minister will deliver. I have every confidence in him.

**Deputy Derek Keating:** After 18 months of this Government, Fianna Fáil has tabled a motion of no confidence in the Minister for Health. Its Members have some neck. Let us consider the record of Fianna Fáil in government, such as Charles J. Haughey, a man who single-handedly brought disgrace to the office of Taoiseach; Michael Woods, who negotiated with religious orders as Minister for Health during the course of child sexual abuse, and Brian Cowen, who referred to the Department as Angola and single-handedly brought the nurses of this country onto the streets.

**Deputy Billy Kelleher:** Can Deputy Keating remember what party he was in? What party will he be in next week?

**Deputy Derek Keating:** Deputy Martin is absent again. We must consider his record of attendance, when the Taoiseach, the Tánaiste and the Minister for Health are speaking on an important matter. He spent millions of euro of taxpayers' money on reports and never implemented one of them. He was responsible for running over budget every year while he was Minister with responsibility for health.

**Deputy Bernard J. Durkan:** Hear, hear.

**Deputy Derek Keating:** Fianna Fáil Members should be ashamed of themselves. This is not about the Minister for Health, Deputy Reilly, but about the competitive edge between those on my left on the Opposition benches and those on my right. We saw it on television last night, in recent opinion polls and in the last election.

**Deputy Finian McGrath:** Deputy Keating should look at those polls again.

**Deputy Derek Keating:** As spokesperson for health, the Deputy is driving himself into another cul-de-sac.

**Deputy Billy Kelleher:** It will be tight in Deputy Derek Keating's constituency.

**Deputy Derek Keating:** If the Fianna Fáil Members had any decency, they would withdraw the motion before 9 p.m.

**Deputy Barry Cowen:** The Labour Party Members cannot wait to vote for the Minister for Health. They can register their votes as they leave the Chamber. It is important to realise why the motion was tabled by our party. I assure the Ministers, Deputies Reilly and Rabbitte, that it was not for political opportunism, far from it. Whether Government Deputies accept it or not, confidence in the ability of the Minister to manage the health service has been lost. Despite using the comparison with Bill Clinton last night, it would be more in his line for the Minister to look at the facts, which speak for themselves. The Minister is no Bill Clinton.

**Deputy Finian McGrath:** He is more like John Wayne.

**Deputy Barry Cowen:** The Labour Party Ministers of State in his Department and in the Government were not informed about more recent announcements on further cutbacks because of his inability to deliver the budget he had promised. When he comes under pressure, he hits out at the Croke Park agreement and sick pay. In his speech last night, he said it was ironic that Fianna Fáil was tabling the motion. He ignored any accountability at his Department. The Minister denied that he cleared the cuts or that he hid behind the HSE and allowed it to make the announcement.

19 September 2012

**Deputy James Reilly:** I never denied anything, unlike Deputy Barry Cowen.

**Deputy Barry Cowen:** He refused media interviews, despite the fact that he was asked by numerous outlets on numerous occasions. He had the audacity to blame the Opposition for the fact that disabled people were protesting overnight three weeks ago. He said that his message was lost and that he found it impossible to communicate clearly that they would not lose the service because of the fog created. How could he do so because he only had one interview? In that, he decided to throw in the Croke Park agreement. After the week of negative publicity and more chaos, particularly from the Labour Party Chairman and others, the Minister met his Cabinet colleagues and was told to sort out the mess he had created. He then announced a U-turn and the Taoiseach congratulated him on his bravery. Then, the Minister did a “Prime Time” interview and denied that he had done a U-turn.

That weekend, one could not get onto local radio stations throughout the country because the Labour Party Members were queueing up to tell everyone what they would say to the Minister and how the cuts would be reversed. The same Labour Party Members will be tripping over themselves to vote for the Minister. There is a pattern of the Minister blaming everyone but himself. He has been in office for the past 18 months and has been very busy relabelling and announcing initiatives started by the previous Government. Last night, he spoke about irony but he had no scruples in blaming Deputy Micheál Martin, who left the Department eight years ago in 2004. I will say a little about the list of previous Ministers provided by the Minister for Finance, Deputy Noonan. He failed to mention his tenure when he set up tent in it and had to get out of it pretty quickly.

The Minister for Health also referred to being a GP and how he came to politics late. He did not elaborate on how steeped he was in medical politics in the IMO. There is nothing wrong with that but there is an irony in it when he speaks about delays in negotiations with the IPHA on drug costs and the consultants on the reimplementation of the 2008 contract, given that he presided over the most lucrative deal ever for GPs during his presidency of the IMO.

This ties in with his rallies around the country before the last election. Promises on Monaghan hospital were made by the Minister for nothing but blatant political gain. He knew full well that the promises could not be implemented. In addition to those broken promises, the Taoiseach made a promise on Roscommon hospital. He denied it until the tape was produced and he had to retract. Last night, the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, said Deputy Martin should crawl under a stone in the Burren because of what he had done to the country - another typical headline grabbing superficial account of a global and European economic crisis. He rarely speaks now of his past, be it in the Democratic Left or the Workers Party. We will not have any retrospective comments on that, of course.

The Minister for Health commented last night on how patients are always at the centre of the decisions he makes. Why then did he cut thousands of hours of home help, and why is his inaction on the budget to result in ward closures all over the country? These are facts that he will not be able to contradict or twist to his own advantage.

The Euro Health Consumer Index, EHCI, regularly assesses patient services across the Union. In 2005, it ranked Ireland, in terms of the quality of its health service, as 25th out of 26 European countries. However, four years later and following the introduction of the HSE, which was in 2005, Ireland was ranked 13th out of 33 countries. The body stated the creation of the Health Service Executive was obviously a much-needed reform.

It is ironic that, before the Minister's time in this House or Fine Gael, his party supported the formation of the HSE. Deputy Olivia Mitchell said, "I welcome the reforms, as does Fine Gael, and we accept the need for a more centralised administration and for a clear chain of command through the health service, which was lacking."

**Deputy Brendan Howlin:** It is still lacking.

**Deputy Barry Cowen:** The Minister said last night that he did not get rid of the HSE, yet, with great fanfare, he announced the abolition of its board as he wanted to be in charge. He replaced the board with officials so we had the farce of the CEO on the board writing to Department officials about budget concerns, with no one actually accountable. This was the Minister's decision and no one else's.

**Deputy James Reilly:** We are far more accountable than Fianna Fáil ever was.

**Deputy Barry Cowen:** There is no doubt that the HSE structure was not perfect but patient outcomes have improved under its direction. Developing a modern integrated health service is a difficult journey but at least the last Government bedded down the right policy of putting patient outcomes at the centre of its health policy, irrespective of whether this is accepted by the Deputies opposite.

The Minister is talking about reform for reform's sake and political gain while chaos continues to reign across the health service. Dismissing the HSE board on his appointment was obviously his choice but his biggest failing was not putting a governance structure in its place. A massive drift was allowed to develop not only with budget deficits, but also regarding reforms that the Government promised before and after the election. One of these commitments is the introduction of free GP care for patients with long-term illness, yet we were told by the media a few days ago that there are legal issues as long-term illness is hard to define on an income basis. Why, then, was this initiative announced numerous times before the legal issues were checked? Is this a smoke screen?

It is worth noting for the record that the IMO has yet to be consulted in regard to this initiative. This flip-flopping is causing confusion among those with long-term illnesses. It is making them lose confidence and become very cynical about political promises such as those the Minister has given. Staff in the health service face challenges every day. They are seriously concerned about how directionless the health service has become. As early as last April, the all-party Oireachtas Committee on Health and Children was informed that budgets were overrun, in some cases in the order of up to €10 million. The regional hospital in Limerick had an overrun of €9 million and the hospital in Cork had an overrun of €5 million. The hospital in Galway had an overrun of €7 million and Dublin hospitals had overruns of up to €9 million, yet there were no actions to correct the deficits, even at the time in question. These overruns added to the inability to make the savings promised in last year's budget. Owing to the necessary legislation not having been produced on time and the negotiations on drug costs not having been finalised, there will be cuts to stretched services.

Issues pertaining to the health service should be debated openly in this House. There is no point in having a budget based on false expectations. This only adds to the pressure that the service is under. This House should support our motion.

**Deputy Brendan Smith:** I wish to share my time with a number of colleagues.

19 September 2012

Some weeks ago, HSE officials at senior level, but not including the recently appointed CEO designate, announced on behalf of the Minister a reduction of €130 million in his Department's programme of expenditure for 2012. The reductions affecting so many critical services stemmed directly from the absolute mishandling and presentation of the Minister for Health's Estimate for this year. We all realise the challenges that arise in funding the health service but, regardless of these challenges, the Estimate must be managed properly right from the start of the year.

It was pointed out repeatedly from early on in this year that the Estimate did not stack up. In the immediate aftermath of the announcement, Members on the Government side distanced themselves as much as possible from the Minister, Deputy Reilly. Strikingly, even the Minister for Social Protection, Deputy Burton, refused on more than one occasion to express confidence in the Minister for Health. The non-working relationship between Ministers in the Department of Health has been well-documented. Such non-working relationships are damaging the implementation of departmental plans and governance. What leadership is that?

Ministerial colleagues were not informed by the Minister for Health of the cutbacks or the resignation of the former CEO of the HSE, Mr. Magee. Those strained relationships must be to the detriment of providing services in what are challenging times. The Minister of State, Deputy Shortall, learned through media reports of the departure of the CEO of the agency charged with the delivery of health services. This clearly demonstrates the breakdown of a proper working relationship within the Department, never mind within the Government.

We all understood that the Minister of State, Deputy Shortall, had been delegated responsibility for the primary health sector, but we learnt through the extraordinary correspondence between the Minister and the Minister of State that no such delegation of powers had been effected 18 months after the ministerial appointments. That correspondence dealt with the blame game over budgetary overruns in primary care. The Minister of State, Deputy Shortall, clearly identified overrun problems emanating directly from the Minister's failure to generate savings on the drugs bill or through recoupment from the insurance companies. Clear commitments had been given at budget time by the Minister to effect such savings and the failure to do so has now had an impact on people with disabilities and the elderly. Where is the accountability when a Minister fails to bring through Government the delegation of powers to a Minister of State in such a critical area of administration?

Some six months ago, the then HSE CEO warned of the impending difficulties with the health Estimate, and that was brought to the attention of the Department of Public Expenditure and Reform. Over the years, there have been particular difficulties in the north east with the reconfiguration of services. A number of hospitals in Louth, including Dundalk, and Navan, Monaghan and Cavan come to mind. Over the years there has been a reconfiguration of services but it has not been completed. However, the reconfiguration that has taken place has brought about improved services in many areas. Those of us in public life have had to deal with particular difficulties in this regard. Current Ministers, including Deputies Noonan and Howlin, and former Taoiseach Brian Cowen and Deputy Martin all dealt with these issues. We faced up to them by prioritising the need to put the patient and safety first. This was not always the case in that members of the Fine Gael Party and the Labour Party, when in opposition, criticised the reconfiguration that was necessary and which has brought about improved services.

When the current Minister for Health was the Opposition spokesperson, he gave clear commitments in County Monaghan from the back of a lorry that the people of Monaghan would

have to access fewer health services in Cavan and that they would be able to access more in Monaghan General Hospital. He stated at the time that fewer patients from Monaghan would travel the Cavan road to gain access to health services. In this regard, we should note what has happened in the past 18 months. The minor injury unit at Monaghan General Hospital has had its opening hours and services reduced. A proposal to provide medical assessment unit at that hospital has been reviewed time and again. Some years ago, a very successful medical assessment unit was developed at Cavan General Hospital. That unit allowed other specialist services to be brought to Cavan General Hospital for the region. Previously, those services could only be accessed at one of the Dublin teaching hospitals.

As the Minister knows, the development of a service does not necessarily entail additional expenditure in the health budget. I implore him to act on the promises he gave to the people of Monaghan to the effect that additional services would be provided at Monaghan General Hospital. The proposals before his Department are sensible and practical and would not incur additional expenditure.

**Deputy Seamus Kirk:** The background to this motion is the chaos obtaining in the health service. Planning certainty is essential if we are to have a dependable health service. Decisions to slash spending two thirds of the way through the year is a recipe for disaster. Cutting overtime and agency staffing in Our Lady of Lourdes Hospital, Drogheda, and Louth County Hospital without having a proper alternative plan in place will put patient safety at risk at both sites. I was accused of scaremongering by some Government backbenchers when I raised this matter recently.

The disability sector did not escape the axe. There was a U-turn and the mental health budget was raided to plug the budget gap. The health budget was framed on the basis of a saving of €124 million in drugs payments. An additional €140 million was to come from increased private income, but the facilitating legislation is yet to be published. Signing off on a budget with this level of uncertainty is irresponsible.

In the budget, €35 million was earmarked for mental health services. On 6 September, funds were diverted to deal with the health service deficit elsewhere. Of the €70 million set aside for primary care, mental health services and the extension of the free general practitioner, GP, scheme, €53 million will be cut.

Fianna Fáil believes that savings can be made in a number of areas. For example, high agency costs arise due to absenteeism, which amounted to 5% in the first quarter of 2012 compared with a level of 2.5% in the private sector. The cost of taxis increased by almost 10% last year, up from €26 million to €28 million. Overtime amounted to €170 million last year and €69 million in the first five months of this year. Agency staff costs will exceed €200 million this year. Medical legal payments have increased from €39 million in 2008 to a projected €127 million in 2012.

An important Department needs proper, systematic planning. Cutting services two thirds of the way through the year is a recipe for disaster. The Minister would be the first to recognise the range of areas that will be affected by these cuts. Had we proper planning, February or March would have been the time to make adjustments to the budgetary position on a scale that would have had less of a detrimental impact on the range of services being provided to people in urgent need. Lessons must be learned from this year's budgetary chaos if we are to ensure the situation is not replicated next year or the year after.

19 September 2012

**Deputy Robert Troy:** I do not intend to personalise this debate as others on both sides of the House have done. The issue of health care is too important. It affects families and individuals throughout the country. I have always found the Minister, Deputy Reilly, to be personable.

I do not doubt that the Minister will easily survive the confidence motion despite the serious misgivings of numerous Government backbenchers in recent weeks. It is clear that the Minister gave a rousing speech at the Fine Gael think-in, given the fact that the party's benches are now full in a show of support. After winning the motion, I would urge the Minister to listen to me and to change tack.

I acknowledge the strong mandate that the Government parties received to govern 18 months ago. As the main Opposition party, we similarly received a mandate to hold them to account. The Government's mandate was based on election commitments and promises. As a Fine Gael spokesman on health, the Minister made multiple pledges around the country. Various Deputies spoke of commitments regarding their respective constituencies.

I will focus on two overriding commitments made by the Minister, namely, the money would follow the patient and the HSE would rightly be held accountable to the Minister of the day. One of the Minister's first actions in office was to disband the board of the HSE and appoint officials from his Department. It is funny that the Minister for Children and Youth Affairs, Deputy Fitzgerald, is proposing a similar structure to the HSE's for the new child and family services agency when the Minister for Health is dismantling the HSE.

The Minister, Deputy Reilly, was going to take control. The public had high hopes. He had considerable experience in the health profession and superb negotiating skills. During his time at the helm of the Irish Medical Organisation he negotiated the most lucrative contract in the history of the State for GPs. We are still paying dearly for that today.

That is where the high hopes ended. Last night, the Minister mentioned reductions in time spent on waiting lists. This might be easy to achieve, given the extension of the time parameters. While it might be good politics, it is not good for end users. Day in, day out, people attend Deputies' clinics explaining the long delays they have experienced when seeking necessary treatment.

We will discuss the Minister's budget primarily and the deficit of €259 million in the HSE's Estimate. He tries to blame the staff and the Croke Park agreement, but I will quote the Minister for Public Expenditure and Reform, Deputy Howlin, who stated, "There are some, and I've heard it in recent days, who almost use Croke Park as a shield for their own inactivity".

*(Interruptions).*

**Deputy Robert Troy:** This is a very serious issue. Perhaps the Ministers could listen or leave the Chamber if they find it so funny. The state of the health services is not funny. The Minister has failed to realise savings of €124 million in respect of drugs and savings of €140 million from changes to bed designations, a matter on which legislation has not been tabled. When the proverbial was going to hit the fan, he punched and pounded on society's weakest and most vulnerable-----

**Deputy John Browne:** Hear, hear.

**Deputy Robert Troy:** -----to reach the targets set out in a budget that was his and no one

else's. Society's weakest and most vulnerable camped outside Government Buildings overnight because of decisions he made or proposed to make. They depend on personal needs assistants. The airwaves were full of Government backbenchers who were rightly disgruntled and annoyed by the way the matter was handled.

The Minister mentioned cutting home help hours. Home help is keeping many people out of residential care and saving the State tens of millions of euro annually. Then he set a deadline for negotiations with consultants. Where exactly will the €200 million in savings be made, given that only the pay of new consultants will be reduced? Once again, it is an easy target and sitting duck for the Government; it will attack new entrants and create a great disparity between them and existing staff.

**Deputy Brendan Howlin:** God help them they will only have €120,000 per year.

**Deputy Billy Kelleher:** The €3.5 million man.

**Deputy Robert Troy:** This morning, during Leaders' Questions, we heard the Taoiseach telling us how he requested his Ministers last week to explore how best to squeeze the maximum savings from the Croke Park deal. I would have thought it more appropriate to ask the Ministers to consider that issue on the first week of the Government's term in office rather than 18 months later.

I will deal with the issue of money following the patient. I have used the example of Mullingar Regional Hospital time and again and I will provide more recent figures tonight.

**Deputy James Reilly:** I would welcome it.

**Deputy Robert Troy:** At the end of August 2012, the hospital had 13,593 inpatient charges, with an average length of stay of 3.39 days. It dealt with 4,748 day case procedures. Overall activity in the hospital is 2.5% ahead of activity for the same time last year while the hospital expenditure runs at €1.09 million less than last year.

**Deputy Damien English:** There we go.

**Deputy James Reilly:** The figures last year were better than the year before as well. What is the Deputy's point?

**Deputy Robert Troy:** The hospital has reduced the number of staff working-----

**Deputy Damien English:** The Deputy is guessing.

**Deputy Robert Troy:** -----from 751 to 732, with the absenteeism rate falling from 7.96% to 5.45%.

**Deputy Kathleen Lynch:** Fianna Fáil said it could never be done.

**Deputy Brendan Howlin:** He sounds like a great Minister.

**Deputy Robert Troy:** It was not the Minister, Deputy Reilly, or with due respect, the Minister of State, Deputy Lynch, who achieved this. The staff of the regional hospital in Mullingar achieved this.

**Deputy James Reilly:** Hear, hear.

19 September 2012

**Deputy Robert Troy:** The management of the hospital achieved it.

**Deputies:** Hear, hear.

**Deputy Robert Troy:** I ask the Minister, as I have done time and again-----

**Deputy Damien English:** What were they doing when Fianna Fáil was in office?

**Deputy Robert Troy:** They have been doing it repeatedly over the years. For the past five years it has been one of the most efficient hospitals in the country. I have asked the Minister to visit the hospital and I do so again. He was in Westmeath a number of months ago to open a new long-term residential care facility.

**Deputy Brendan Howlin:** The Deputies want to throw him out.

**Deputy Kathleen Lynch:** We will have to wait until after the vote.

**Deputy Robert Troy:** He did not look at the hospital.

**Deputy Brendan Howlin:** Is the Deputy looking to sack him or extend an invite?

**Deputy Billy Kelleher:** The Minister thought he was Santa Claus.

**An Ceann Comhairle:** There is a time limit on this debate. The Deputy's time is up.

**Deputy Robert Troy:** To conclude, as Opposition health spokesperson, the Minister indicated he would walk-----

**Deputy Niall Collins:** Cold turkey.

**Deputy Robert Troy:** -----if he had to cut or otherwise affect front line services. I know the Minister will not walk tonight but he should change tack in order to get support from all Members of this House.

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** To follow Deputy Troy's comments, it seems he is extending a very warm invitation. He must not have much confidence in winning the vote tonight if he is inviting the Minister to Mullingar.

**Deputy Robert Troy:** I acknowledged that in my opening comments.

**Deputy Barry Cowen:** The Deputies were too busy cracking jokes.

**Deputy Kathleen Lynch:** Deputy Troy's other compliment to the Minister related to when he was in charge of negotiations for the Irish Medical Organisation, IMO. The Deputy did not mention the other person who got the very bad deal at the other end, the current Fianna Fáil Party leader, who was the Minister responsible for health at the time.

**Deputy Dara Calleary:** I presume the Minister gave the Minister of State that line.

**Deputy Kathleen Lynch:** That should have been mentioned.

**Deputy Niall Collins:** Will we have a proxy statement?

**Deputy Kathleen Lynch:** It is correct that it was a very one-sided deal.

**Deputy Barry Cowen:** There is a man there now who can rescind it if it is that bad.

**Deputy Kathleen Lynch:** Unfortunately, the people representing the Government on that day did not do a very good job. The Deputies should keep that in mind.

**Deputy Niall Collins:** The Government can change it so.

**Deputy Kathleen Lynch:** When the Government came into office 18 months ago there was a deficit of €20 billion. There are many health issues this Government would like to tackle, and nobody is denying people are suffering because of mortgage debt, unemployment etc. If we had the type of resources that Fianna Fáil had when it was in government over the past 18 years, we would now have an entirely different country.

**Deputy Ruairí Quinn:** Hear, hear.

**Deputy Kathleen Lynch:** We now have to go about reducing the amount of money we can spend, as we are not in control of our finances, and that is down to Fianna Fáil. If we had its resources, we would have a health system in the top three.

**Deputy Willie O’Dea:** The Government said it would do that anyway.

**Deputy Barry Cowen:** The Government will not be long in bringing it down.

**Deputy Kathleen Lynch:** We must now set about not just reducing our budget but reforming an entire system. Despite our reduced budget, those reforms are taking place. I am responsible for the mental health area, and for the first time ever we are seeing progress.

**Deputy Micheál Martin:** Come off it.

**Deputy Kathleen Lynch:** A Vision for Change was published in 2006, which was in the middle of the economic boom.

**Deputy Barry Cowen:** The Minister of State’s party was looking for us to spend.

**Deputy Kathleen Lynch:** Nothing happened.

**Deputy Micheál Martin:** That is not what the Minister of State said about Inclusion Ireland.

**Deputy Robert Troy:** What about the €35 million?

**An Ceann Comhairle:** Deputies-----

**Deputy Kathleen Lynch:** The amount of progress made was minuscule.

**An Ceann Comhairle:** Opposition Deputies will have 15 minutes to respond.

**Deputy Kathleen Lynch:** We are at last beginning to see improvement on mental health issues.

**Deputy Willie O’Dea:** There is no money.

**An Ceann Comhairle:** Allow the speaker to continue. Deputies will have 15 minutes to respond.

19 September 2012

**Deputy Kathleen Lynch:** Other Deputies have pointed out the advances made in general hospital practice and paediatrics. We are about to build the national children's hospital.

**Deputy Willie O'Dea:** The Government is always "about to".

**Deputy Micheál Martin:** Where?

**Deputy Dara Calleary:** Deputy Burton is smiling.

**Deputy Kathleen Lynch:** We are going to replace the Central Mental Hospital.

**Deputy Barry Cowen:** She will write another letter.

**Deputy Kathleen Lynch:** This is in the middle of the worst crisis that this country has ever seen.

**Deputy Billy Kelleher:** The danger will have to be cleared in the Department of Health.

**Deputy Kathleen Lynch:** It is all the fault of Fianna Fáil. We are about to do the type of infrastructural work that it should have done over the past 20 years.

**Deputy Niall Collins:** A detailed analysis.

**Deputy Micheál Martin:** We did it.

**Deputy Kathleen Lynch:** It could not do so because as Deputy Troy has said, there was no planning or vision. At least we have a vision-----

**Deputy Willie O'Dea:** The Department has vision with no sound.

**Deputy Kathleen Lynch:** We have a plan and we are committing to it.

**Deputy Micheál Martin:** The Government will never do it.

**Deputy Kathleen Lynch:** The plan will be carried to the end.

**Deputy Niall Collins:** Does the Minister of State have confidence in her Minister?

**Deputy Kathleen Lynch:** It will happen despite the state in which Fianna Fáil left this country.

**Deputy Willie O'Dea:** The Government promised the sun, moon and stars before the last election. It has done nothing.

**Deputy Dara Calleary:** Does she have confidence in the Minister?

**Deputy Kathleen Lynch:** It will happen despite the state in which Deputy O'Dea's party left this country. When the 19 Members in Fianna Fáil - all men, I notice - were elected, they decided it was time for contrition. They were going to Purgatory but they do not do that for long. They have decided they must be forgiven and they are already back out there.

**Deputy Micheál Martin:** We never did it. The Minister of State would not know what Purgatory was.

**Deputy Kathleen Lynch:** The term "brass neck" would not describe this motion.

**Deputy Niall Collins:** The Minister of State should tell us about how she has confidence in the Minister, Deputy Reilly.

**Deputy Dara Calleary:** Does she have confidence in the Minister?

**Deputy Kathleen Lynch:** Fianna Fáil have some cheek.

**Deputy Barry Cowen:** Will the Minister of State write another letter?

**Deputy Kathleen Lynch:** Deputy Rabbitte did not say last night that he asked Deputy Martin to crawl under a rock in the Burren and commune with nature but rather that if he were Deputy Martin, he would crawl under a rock and commune with nature. There is a subtle difference. Fianna Fáil is a disgrace.

**Deputy Charlie McConalogue:** The Minister of State is avoiding the issue.

**An Ceann Comhairle:** Thank you.

**Deputy Kathleen Lynch:** Before I finish-----

**An Ceann Comhairle:** I am sorry but the Minister of State is over time.

**Deputy Willie O’Dea:** Does she have confidence in the Minister?

**Deputy Kathleen Lynch:** This is the second time-----

**Deputy Billy Kelleher:** A Labour Party Minister has not indicated confidence in the Minister, Deputy Reilly.

**Deputy Kathleen Lynch:** -----this coalition of Fine Gael and Labour have had to clean up Fianna Fáil’s mess.

**Deputies:** Hear, hear.

**An Ceann Comhairle:** Thank you.

**Deputy Niall Collins:** Does she have confidence in the Minister?

**Deputy Kathleen Lynch:** I have every confidence in the Minister for Health, and he is doing a tremendous job in appalling circumstances.

**Deputy Barry Cowen:** Send him a letter.

**Deputy Kathleen Lynch:** Last year, we had to take €500 million from the health budget.

**An Ceann Comhairle:** The Minister of State is way over her time. She should resume her seat.

**Deputy Kathleen Lynch:** This year we will have to take €500 million from the health budget again. When the Members opposite knock on people’s doors, they will have to tell people why we had to do that.

**An Ceann Comhairle:** The Minister of State should resume her seat. I call Deputy Calleary. This is a restricted debate with a time limit. I have a duty to call a vote after 90 minutes tonight. I ask people to behave responsibly. It is all right to have a bit of banter but speakers

19 September 2012

should not be shouted down. That applies on both sides.

**Deputy Dara Calleary:** How much time remains in the slot?

**An Ceann Comhairle:** There is now officially ten minutes.

**Deputy Dara Calleary:** Deputy Kelleher and I are sharing the slot.

**An Ceann Comhairle:** You are.

**Deputy Dara Calleary:** I thank Deputy Kelleher for giving the House a chance over the past two evenings to discuss the current state of our health service. It is in the state it is primarily because of the very flawed budget presented to the Dáil last December, the flaws of which Deputy Kelleher has highlighted on numerous occasions in the Chamber and at meetings of the Oireachtas Joint Committee on Health and Children. The flaws were also highlighted last June by the then CEO of the HSE, Cathal Magee, without any action being taken by the Minister, Deputy Reilly.

Flaws were also highlighted by the Minister of State, Deputy Róisín Shortall, who in her speech this evening never mentioned the Minister. She never once referred to the Minister by name. She wrote to the Minister and identified €124 million worth of savings in the Department that were, to use her phrase, within the purview of the Minister which had not been identified and made. As a result, three weeks ago tomorrow the Minister announced €135 million worth of reductions. However, tonight the Government amendment to the motion praises the Minister for the effective manner in which he manages the resources, despite the fact he will make reductions of €135 million.

This reduction was announced three weeks ago but we still do not have specific details on how it will impact on the ground in each region. On two occasions HSE meetings were cancelled or postponed because the script from the Department of Health kept changing with regard to the cuts. We must deliver €135 million in cuts within three months. This is €45 million a month because of a flawed budget which could have been corrected in February when Deputy Kelleher first identified the issue.

There will be a significant vote of confidence in the Minister this evening because of this effective handling of the Department. However, all of the Deputies who will vote confidence in him when the detail arrives on their desks in the coming weeks of cuts to home help services, to hospitals, to community services-----

**Deputy Paudie Coffey:** We will know who to blame.

**Deputy Dara Calleary:** I will give the example of a group which organised awareness training on suicide for volunteers in youth organisations. They had to cancel a course for 30 people at the weekend in Westport because the HSE people were not allowed to travel. Even though the group was willing to pay their travel expenses they could not proceed. This is what will happen. Tonight Deputies will vote away their credibility to go on local radio stations and threaten early elections because they will vote confidence in the effective way in which the Department of Health budget has been handled.

Yesterday evening, the Minister outlined a large number of achievements in the Department and some of them are really good. Something to which he did not pay much attention is the opening of the GMS scheme so every doctor can have a role in it. This is very important and

the old James Reilly would never have done it. It is a good achievement. However, the Minister did not look at the fact that many of the achievements he outlined are being undermined on a daily basis. Where will the waiting lists, which have been trumpeted this evening, be in December? The point Deputy Troy was trying to make was despite the fact that hospitals have made huge efforts, those which were successful, and I include Mayo General Hospital, had their budgets cut even further and they do not receive any credit for the fact they took locally-based decisions. As a result, they are cancelling elective surgery as we speak. People cannot get an appointment to see a consultant to get on a waiting list. If people cannot get on a waiting list it is no wonder the waiting lists are being reduced. I look forward to the Minister coming back in December and giving us an idea of the waiting lists then.

**Deputy Sean Sherlock:** It was worse during the Fianna Fáil years.

**Deputy James Reilly:** Deputy Calleary has a very selective memory.

**Deputy Dara Calleary:** This evening the Tánaiste spoke in defence of the Minister for Health and I congratulate the Government Chief Whip on the manner in which he has all the boys and girls in the choir behind the Minister this evening. Fair dues to him, the Minister owes him a drink.

**Deputy Michael McNamara:** Deputy Calleary sang himself when the IMF came to town.

**Deputy Dara Calleary:** The Tánaiste spoke of his confidence in the Minister but he never spoke about his party chairman's lack of confidence in him and the comments he made about him not only on local radio, but on national radio. He did not refer to the fact that the Minister, Deputy Burton, and the Minister of State, Deputy O'Sullivan, who are here this evening performed Olympian gymnast standard efforts to avoid stating on air they had confidence in the Minister. It is a shame they were not in London because we would have two more gold medals to celebrate this evening. The Minister of State, Deputy Lynch, just about mentioned the Minister by name at the end of her speech. She pointed out all of the achievements in mental health but they are because of her. She previously referred in very good terms to her predecessor, John Moloney, and the manner in which she reverted to the tribe this evening was not fair to him because he implemented a large amount also. The achievements in the area of mental health have nothing to do with the Minister, Deputy Reilly.

The key problem for the Minister is that before the election, when he was Deputy James Reilly, the deputy leader of his party and spokesperson on health, he travelled the country and, unlike what the Taoiseach stated this evening, he engaged in a cynical campaign. He made promises in Sligo, Roscommon, Navan, Monaghan and Ennis and to thalidomide and symphyototomy groups. He opposed the implementation of the transformation of the cancer control programme. Usain Bolt would not have kept up with the Minister in his rush to jump on trucks around the country to tell every community group he would look after it.

**Deputy James Reilly:** Did the Deputy ever see me on the back of a truck?

**Deputy Dara Calleary:** As soon as the Minister got here he turned his back on them. He turned his back on Roscommon, Navan, Sligo and all of the groups he could not talk to, hug and love enough before he came to office.

**Deputy James Reilly:** And the Deputy turned his back on the country along with his party.

19 September 2012

**Deputy Dara Calleary:** This is the damage and why it is so difficult for the Minister to stand up and have credibility.

I know the Minister has had a rough few nights and the Minister, Deputy Noonan, wanted us to apologise for roughing him up and highlighting this issue. The Chief Whip has ensured a group hug for the Minister this evening.

**Deputy James Reilly:** Do I look roughed up to the Deputy?

**Deputy Dara Calleary:** Many people will vote confidence in the Minister this evening. All of the Government backbenchers are arriving in to vote confidence in him. However, there is a difference between voting confidence and having confidence. All of the off the record briefings in the Knockranny House Hotel and Carton House are what count and reflect the Deputies' real opinion of the Minister.

Yesterday evening, the Minister quoted Bill Clinton in his defence. I will quote him back. He once stated it is just one small step from legacy to lame duck. The Minister's foot is on that step.

**Deputy Billy Kelleher:** I welcome all the contributions made on the motion of no confidence in the Minister, Deputy James Reilly. Tabling this motion was not a cynical exercise. It gave us an opportunity to highlight the inadequacies and failings of the Minister in managing a budget. This is why Martin Naughton was protesting outside the gate two weeks ago. The words the Taoiseach stated were inspirational, but the reason he was out there was because the Minister, Deputy Reilly, is incapable of managing a budget.

The contribution made this evening by the Minister, Deputy Noonan, may have been a bit glib and sarcastic but perhaps he would do us a favour and give the Minister, Deputy Reilly, a basic lesson in sums because he included in the budget programmes that were not sustainable or achievable. All he was short of was writing in that we will find a crock of gold somewhere to keep the budget going for as long as we can.

The most interesting contribution made over the past two evenings-----

**Deputy Paul Kehoe:** It was not from your leader anyway. It was not Deputy Micheál Martin.

**Deputy Niall Collins:** It was not from you either.

**Deputy Billy Kelleher:** -----by any Member of the House was that made by the Minister of State, Deputy Róisín Shortall. She spoke for four minutes and it was not a statement but an open letter to the Minister. She was putting him on notice. She did not refer to him once but she highlighted his failings and those of the Department and the HSE in dealing with the budget overrun. She stated quite clearly in her statement that the priorities outlined in the programme for Government must be brought back into being. These include primary care. Great promises were made but we are now told there are constitutional and legal problems with the legislation and €15 million has been pocketed to fill the gap in the budget deficit caused by the shortcomings of the Minister, Deputy Reilly.

This is not about political opportunism. It is about whether the Minister, Deputy Reilly, is capable of delivering not only on the commitments, but in ensuring the most vulnerable are protected. Quite clearly when the axe did fall it was on the most vulnerable and there is no point

in anybody else coming to the House trying to convince otherwise those who were outside Government Buildings two weeks ago and those from whom home help and home care packages were withdrawn and whose packages were threatened to be withdrawn. This is the simple fact. Many Deputies stated this publicly on the airwaves but this evening they will vote confidence in the Minister. They will do so with a very heavy heart but tomorrow they will still be stating they do not have confidence in him. When the Minister of State, Deputy Shortall, could not come here this evening and stand up and state she had confidence in the Minister then we have a major dysfunctional problem in the Department of Health and it says much about the Minister.

*9 o'clock*

I did not make any personal insults; I want to keep it on the issue of policy. However, the Minister has failed fundamentally. He came into office as the great white hope with promises and commitments to transform the health service. Every one of his commitments is being continually delayed.

**Deputy James Reilly:** Absolutely not.

**Deputy Billy Kelleher:** The Taoiseach had the brass neck to come into the House and say his mandate was not that of solving promises. He cannot even go to Roscommon because of the commitments and promises he made to the people there which he denied he ever made. Let us be clear. Lots of promises were made but they have not been kept.

**Deputy James Reilly:** The Deputy's party leader is so committed, he did not contribute to the debate because he is embarrassed by his own record.

**Deputy Micheál Martin:** I am like hell.

**Deputy James Reilly:** If you are not, you ought to be.

**An Ceann Comhairle:** Through the Chair, please.

**Deputy Micheál Martin:** Does the Minister really want to get into it?

**Deputy Billy Kelleher:** The Minister promised fundamental change but he has failed. However, the Taoiseach came into the House this evening and said one of his greatest achievements was the renegotiation of the consultants' contract. The Minister can take credit for lots of things but he certainly cannot take credit for something which happened in 2008 and was referred to the Labour Relations Commission for adjudication only two weeks ago. For people to come into the House and take credit for something in which they did not have hand, act or part is brass neck of the highest order.

**Deputy Emmet Stagg:** The Deputy has a brass neck. His party caused the problem.

*(Interruptions).*

**Deputy Billy Kelleher:** Before Deputies vote confidence in the Minister, they should remember what they said on local radio stations and at Carton House and what they say daily to their constituents, because each of them is voting very hypocritically.

**Deputy Emmet Stagg:** The Deputy has a brass neck.

*(Interruptions).*

19 September 2012

**Deputy Billy Kelleher:** I look forward to reading the open letter from Minister of State, Deputy Shortall, to the Minister, putting him on notice for his failings so far.

Amendment put:

The Dáil divided: Tá, 99; Níl, 49.	
Tá	Níl
Bannon, James.	Adams, Gerry.
Barry, Tom.	Boyd Barrett, Richard.
Breen, Pat.	Broughan, Thomas P.
Bruton, Richard.	Browne, John.
Burton, Joan.	Calleary, Dara.
Buttimer, Jerry.	Collins, Joan.
Byrne, Catherine.	Collins, Niall.
Byrne, Eric.	Colreavy, Michael.
Carey, Joe.	Cowen, Barry.
Coffey, Paudie.	Crowe, Seán.
Collins, Áine.	Daly, Clare.
Conaghan, Michael.	Doherty, Pearse.
Conlan, Seán.	Ellis, Dessie.
Connaughton, Paul J.	Ferris, Martin.
Conway, Ciara.	Flanagan, Luke 'Ming'.
Coonan, Noel.	Fleming, Sean.
Costello, Joe.	Fleming, Tom.
Coveney, Simon.	Halligan, John.
Creed, Michael.	Healy, Seamus.
Daly, Jim.	Healy-Rae, Michael.
Deasy, John.	Higgins, Joe.
Deenihan, Jimmy.	Kelleher, Billy.
Deering, Pat.	Kirk, Seamus.
Doherty, Regina.	Lowry, Michael.
Donohoe, Paschal.	Mac Lochlainn, Pádraig.
Dowds, Robert.	McConalogue, Charlie.
Doyle, Andrew.	McDonald, Mary Lou.
Durkan, Bernard J.	McGrath, Finian.
English, Damien.	McGrath, Mattie.
Farrell, Alan.	McGrath, Michael.
Feighan, Frank.	McGuinness, John.
Ferris, Anne.	McLellan, Sandra.
Fitzgerald, Frances.	Martin, Micheál.
Fitzpatrick, Peter.	Moynihan, Michael.
Flanagan, Charles.	Murphy, Catherine.
Flanagan, Terence.	Naughten, Denis.

*Dáil Éireann*

Gilmore, Eamon.	Nulty, Patrick.
Griffin, Brendan.	Ó Caoláin, Caoimhghín.
Hannigan, Dominic.	Ó Fearghaíl, Seán.
Harrington, Noel.	Ó Snodaigh, Aengus.
Harris, Simon.	O'Brien, Jonathan.
Hayes, Tom.	O'Dea, Willie.
Heydon, Martin.	Pringle, Thomas.
Hogan, Phil.	Ross, Shane.
Howlin, Brendan.	Smith, Brendan.
Humphreys, Heather.	Stanley, Brian.
Humphreys, Kevin.	Tóibín, Peadar.
Keating, Derek.	Troy, Robert.
Keaveney, Colm.	Wallace, Mick.
Kehoe, Paul.	
Kelly, Alan.	
Kenny, Enda.	
Kenny, Seán.	
Kyne, Seán.	
Lawlor, Anthony.	
Lynch, Ciarán.	
Lynch, Kathleen.	
Lyons, John.	
McCarthy, Michael.	
McEntee, Shane.	
McFadden, Nicky.	
McGinley, Dinny.	
McHugh, Joe.	
McLoughlin, Tony.	
McNamara, Michael.	
Maloney, Eamonn.	
Mathews, Peter.	
Mitchell, Olivia.	
Mitchell O'Connor, Mary.	
Murphy, Dara.	
Murphy, Eoghan.	
Nash, Gerald.	
Neville, Dan.	
Nolan, Derek.	
Noonan, Michael.	
Ó Ríordáin, Aodhán.	
O'Donnell, Kieran.	
O'Donovan, Patrick.	

19 September 2012

O'Dowd, Fergus.	
O'Mahony, John.	
O'Reilly, Joe.	
O'Sullivan, Jan.	
Phelan, Ann.	
Phelan, John Paul.	
Quinn, Ruairí.	
Reilly, James.	
Ring, Michael.	
Ryan, Brendan.	
Sherlock, Sean.	
Shortall, Róisín.	
Spring, Arthur.	
Stagg, Emmet.	
Stanton, David.	
Timmins, Billy.	
Tuffy, Joanna.	
Twomey, Liam.	
Wall, Jack.	
Walsh, Brian.	
White, Alex.	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Michael Moynihan and Seán Ó Fearghail.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 99; Níl, 50.	
Tá	Níl
Bannon, James.	Adams, Gerry.
Barry, Tom.	Boyd Barrett, Richard.
Breen, Pat.	Broughan, Thomas P.
Bruton, Richard.	Browne, John.
Burton, Joan.	Calleary, Dara.
Buttimer, Jerry.	Collins, Joan.
Byrne, Catherine.	Collins, Niall.
Byrne, Eric.	Colreavy, Michael.
Carey, Joe.	Cowen, Barry.

*Dáil Éireann*

Coffey, Paudie.	Crowe, Seán.
Collins, Áine.	Daly, Clare.
Conaghan, Michael.	Doherty, Pearse.
Conlan, Seán.	Ellis, Dessie.
Connaughton, Paul J.	Ferris, Martin.
Conway, Ciara.	Flanagan, Luke 'Ming'.
Coonan, Noel.	Fleming, Sean.
Costello, Joe.	Fleming, Tom.
Coveney, Simon.	Halligan, John.
Creed, Michael.	Healy, Seamus.
Daly, Jim.	Healy-Rae, Michael.
Deasy, John.	Higgins, Joe.
Deenihan, Jimmy.	Kelleher, Billy.
Deering, Pat.	Kirk, Seamus.
Doherty, Regina.	Lowry, Michael.
Donohoe, Paschal.	Mac Lochlainn, Pádraig.
Dowds, Robert.	McConalogue, Charlie.
Doyle, Andrew.	McDonald, Mary Lou.
Durkan, Bernard J.	McGrath, Finian.
English, Damien.	McGrath, Mattie.
Farrell, Alan.	McGrath, Michael.
Feighan, Frank.	McGuinness, John.
Ferris, Anne.	McLellan, Sandra.
Fitzgerald, Frances.	Martin, Micheál.
Fitzpatrick, Peter.	Moynihan, Michael.
Flanagan, Charles.	Murphy, Catherine.
Flanagan, Terence.	Naughten, Denis.
Gilmore, Eamon.	Nulty, Patrick.
Griffin, Brendan.	Ó Caoláin, Caoimhghín.
Hannigan, Dominic.	Ó Cuív, Éamon.
Harrington, Noel.	Ó Feargháil, Seán.
Harris, Simon.	Ó Snodaigh, Aengus.
Hayes, Tom.	O'Brien, Jonathan.
Heydon, Martin.	O'Dea, Willie.
Hogan, Phil.	Pringle, Thomas.
Howlin, Brendan.	Ross, Shane.
Humphreys, Heather.	Smith, Brendan.
Humphreys, Kevin.	Stanley, Brian.
Keating, Derek.	Tóibín, Peadar.
Keaveney, Colm.	Troy, Robert.
Kehoe, Paul.	Wallace, Mick.
Kelly, Alan.	

19 September 2012

Kenny, Enda.	
Kenny, Seán.	
Kyne, Seán.	
Lawlor, Anthony.	
Lynch, Ciarán.	
Lynch, Kathleen.	
Lyons, John.	
McCarthy, Michael.	
McEntee, Shane.	
McFadden, Nicky.	
McGinley, Dinny.	
McHugh, Joe.	
McLoughlin, Tony.	
McNamara, Michael.	
Maloney, Eamonn.	
Mathews, Peter.	
Mitchell, Olivia.	
Mitchell O'Connor, Mary.	
Murphy, Dara.	
Murphy, Eoghan.	
Nash, Gerald.	
Neville, Dan.	
Nolan, Derek.	
Noonan, Michael.	
Ó Ríordáin, Aodhán.	
O'Donnell, Kieran.	
O'Donovan, Patrick.	
O'Dowd, Fergus.	
O'Mahony, John.	
O'Reilly, Joe.	
O'Sullivan, Jan.	
Phelan, Ann.	
Phelan, John Paul.	
Quinn, Ruairí.	
Reilly, James.	
Ring, Michael.	
Ryan, Brendan.	
Sherlock, Sean.	
Shortall, Róisín.	
Spring, Arthur.	
Stagg, Emmet.	
Stanton, David.	

*Dáil Éireann*

Timmins, Billy.	
Tuffy, Joanna.	
Twomey, Liam.	
Wall, Jack.	
Walsh, Brian.	
White, Alex.	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Michael Moynihan and Seán Ó Feargháil.

Question declared carried.

The Dáil adjourned at 9.25 p.m. until 10.30 a.m. on Thursday, 20 September 2012.