



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Business of Dáil	2
Leaders' Questions	2
Order of Business	10
Draft Orders to Improve Tax Compliance and Related Matters: Referral to Committee	17
Topical Issue Matters	18
Public Health (Tobacco) (Amendment) Bill 2013: Order for Second Stage	19
Public Health (Tobacco) (Amendment) Bill 2013: Second Stage	19
Ceisteanna - Questions	42
Priority Questions	42
Northern Ireland Issues	42
Use of Non-Conventional Weapons	44
Northern Ireland Issues	45
Northern Ireland Issues	47
Peace and Reconciliation Programme	48
Other Questions	50
Overseas Development Aid Provision	50
Overseas Development Aid Provision	52
Overseas Development Aid Oversight	54
Foreign Conflicts	56
Topical Issue Debate	59
Local Property Tax	59
Northern Ireland Issues	62
Food Safety Authority Inspections	67
Ambulance Service Provision	73
Public Health (Tobacco) (Amendment) Bill 2013: Second Stage (Resumed)	76
Public Health (Tobacco) (Amendment) Bill 2013: Referral to Select Committee	101
Further Education and Training: Motion [Private Members]	101

DÁIL ÉIREANN

Dé Céadaoin, 16 Eanáir 2013

Wednesday, 16 January 2013

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

Paidir.
Prayer.

Business of Dáil

An Ceann Comhairle: Before proceeding with business, I record with sadness, on behalf of the House and Members, that since our last meeting we have lost a dear friend and colleague through the untimely passing of Deputy Shane McEntee, Minister of State at the Department of Agriculture, Food and the Marine. In accordance with the wishes of the family at this time, expressions of sympathy will be heard at a future date, on which Members will have an opportunity to express their condolences. Ar dheis Dé go raibh a anam dílis.

Leaders' Questions

Deputy Micheál Martin: I am sure the Tánaiste will agree with me that people need to know what they are eating. He will also agree with me that the same standards should apply in terms of quality, the ingredients used and the make-up of meat products, no matter what is the price. People's right to food safety should not depend on how much they are able to spend on food. I was concerned, when listening to or reading reported comments by Professor Alan O'Reilly about yesterday's revelations, that we need to look more closely at ingredients and what goes into this type of product. He was referring to what he termed food products at the lower end of the chain. This implies that we are not looking as closely as we should at such food products.

Yesterday's revelations about the presence of horse and pig DNA in a variety of meat products are truly shocking. Such revelations undermine the consumer's trust and confidence in products. As a result the authenticity of food products is called into question. The veracity of food labelling is now in doubt. The president of the IFA put it well this morning when he made the pertinent observation that the extraordinary rigour that now applies in the food supply chain to the primary producer does not appear to be applied at the processing end. He suggests that

there is a weak link in the food supply chain.

I ask the Tánaiste to tell the House when the Department of Agriculture, Food and the Marine was first informed about the outcome of the tests undertaken by the Food Safety Authority. When was the Minister informed? Why did it take until yesterday for the public to be informed, given that the tests were carried out last November? Will the Tánaiste undertake to ensure the Minister takes private notice questions in the House today so that Deputies can hear a transparent presentation on this issue? Will the Tánaiste undertake to publish a full chronology of all the events that led up to yesterday from the outset and to publish all documentation exchanged among the Department of Agriculture, Food and the Marine, the Food Safety Authority and the companies concerned? We need nothing less than 100% transparency on this issue.

The Tánaiste: I agree with Deputy Martin that people should know, and have a right to know, what they are eating and the content of processed food in particular. There should be no differentiation in that knowledge between people who purchase expensive cuts of meat and those who purchase less expensive processed meat. The Minister for Agriculture, Food and the Marine briefed the Government on this matter yesterday. I spoke with him about it this morning and I am happy to make available to the Deputy the information that his Department supplied. The Minister himself will be willing to make whatever information he can available and will, I am sure, make himself available to answer Members' questions at the appropriate time.

The Food Safety Authority has made clear that the results of the survey do not show a public health risk and that this is not a food safety issue. It is important to clarify that for consumers and the industry. The Department of Agriculture, Food and the Marine and the Food Safety Authority are working closely to identify exactly how this situation occurred. On receipt of the laboratory results from the Food Safety Authority, the Department commenced a full-scale investigation. The priority is to ensure that the source of this problem is uncovered and appropriate action is taken to ensure there is no question mark over the quality of beef products from Ireland. The investigation is focusing on the individual ingredients used in the manufacture of the affected batch. A number of these individual ingredients were imported into the State. The Food Safety Authority sampled 19 salami products, 31 beef meal products and 27 frozen burger products in a targeted survey of the authenticity of such products available from retail outlets in Ireland. The findings of the laboratory tests provided by the Food Safety Authority to the Department of Agriculture, Food and the Marine on 14 January revealed the presence of equine DNA in some beefburger products as well as trace or minute amounts of porcine DNA. The survey results showed the presence of equine DNA at a high level - 29% of the meat content of one particular sample of frozen burger.

On receipt of the laboratory results, the Department of Agriculture, Food and the Marine immediately initiated an investigation at the plant which had produced the burger and showing the higher level in order to determine the source of the equine DNA. The investigation is focusing on the individual ingredients used in the manufacture of the affected batch, a number of the ingredients of which were imported into the State. The Food Safety Authority of Ireland, FSAI, published the findings of the survey on 15 January and emphasised that there was no food safety risk. It also stated the retailers which sold the products, Tesco, Dunnes, Lidl, Aldi and Iceland, were removing all of the implicated batches from sale.

The detailed results are: 31 beefmeal products were tested, of which 21 showed trace or very low levels of porcine DNA and all of which were negative for equine DNA. Some 19 salami products were tested, all of which were negative for equine DNA. A total of 27 beefburger

products were tested. With the one exception mentioned that showed a very high level, there were ten with trace or very low levels of equine DNA and 23 with trace or very low levels of porcine DNA. I can supply the Deputy with the details and the timeline in which the tests were carried out, if he so wishes.

Deputy Deputy Micheál Martin: The timeline is very important. The Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, has just stated on radio that the Department was first informed on 21 December about the outcome of the tests and then asked by the Food Safety Authority of Ireland, FSAI, to assist it in getting more samples. What interests me is that in December it was clear that there were disturbing outcomes from the tests started in November and that it was considered further tests were required. What informed the decision not to make the results publicly available, if I am correct in my interpretation of what the Minister stated on national radio some minutes ago? Will the Tánaiste explain what informed the decision-making process that resulted in the issue being published only yesterday? If tests were indicating worrying results in terms of the presence of such material in meat, surely the public should have been alerted much earlier. I appreciate that the Tánaiste has stated he will publish the chronology involved, but will he also undertake to ensure all documentation between the FSAI and the Department from the outset will be published and that we will not have to, as we have had to do in other cases, go through the laborious method of using freedom of information requests to ascertain what is vital information in terms of the public interest?

The Tánaiste: As I stated, I spoke to the Minister for Agriculture, Food and the Marine this morning. He is very clear that he will be very open in providing information both for the public and the House on everything that has happened in this case. I can provide the Deputy with the information I was given this morning by the Minister's Department on the timeline. The FSAI first took samples in mid-November which were tested in a laboratory called IdentiGEN. At the end of November the FSAI took further samples which were sent to a laboratory abroad in December. On 21 December, at the request of the FSAI, the Department of Agriculture, Food and the Marine assisted the authority in taking samples of ingredients at some processing plants. The results of these tests were received by the FSAI last Friday, 11 January and the Department was informed of them by the FSAI on Monday, 14 January. The FSAI provided the Department with details of the sampling results at a lunchtime meeting on Monday, at which the implications were discussed and evaluated. Once the Food Safety Authority of Ireland had advised the Department of Agriculture, Food and the Marine of the details of those sampling results, the Department immediately commenced a full-scale investigation. As stated earlier, the Department is continuing to carry out that investigation.

Deputy Micheál Martin: When was the Minister informed?

The Tánaiste: The Minister was informed on Monday last, after the meeting to which I refer, and-----

Deputy Micheál Martin: He was not informed in December.

The Tánaiste: -----he informed the Cabinet of the position on Tuesday.

Deputy Gerry Adams: Ba mhaith liom beannachtaí na bliana úra a bhronnadh ar an Tánaiste agus ar bhaill an Rialtais go léir. Tá súil agam go raibh sos maith acu. Mar is eol dóibh, ní bhfuair pobal an Trá Ghearr i mBéal Feirste sos ar bith le linn na seachtaine seo chaite.

I am sure the Tánaiste is concerned about events that occurred in recent weeks in the North.

16 January 2013

While these events should not be exaggerated, they show the need for constant and consistent support for both the political and peace processes and - despite all its other obligations - for the Government to focus on matters of this nature. The Tánaiste will be aware that the Good Friday Agreement states that symbols and emblems should be used in a manner which promotes mutual respect rather than division. This recognises the reality that there are two flags to which the vast majority of people in the Six Counties give their allegiance, namely, the Union flag and the Irish tricolour. For this reason, some councils fly no flags while at Stormont and at other councils' buildings the Union flag flies on designated days only.

Belfast City Council took legal advice on this issue. In addition, it received advice from the Equality Commission and an equality impact assessment was carried out. The decision made in December was in keeping with the advice, etc., received and, ironically enough, with the protocols which obtain in Britain. It was a democratic decision and was entirely proper and appropriate. Democratic and peaceful opposition to it would also be proper. I am sure the Tánaiste will agree, however, that the violent sectarian reaction is entirely wrong, that the illegal protests must be brought to an end before someone is killed and that the attacks on the Short Strand community need to stop. I visited Short Strand on Sunday and the Deputy First Minister is there today. Short Strand is a community under siege. There have been 16 illegal loyalist marches in recent weeks and also countless sectarian interface protests.

Since the recent violence began, the Deputy First Minister has - as the Tánaiste, in light of the fact that his Department has been in contact with the Executive in the North, will be aware - has been endeavouring to bring about all-party opposition to the violence and the protests and continues to do so. The Tánaiste will recall that when two British soldiers were killed in 2009 and when two PSNI officers were killed sometime later, Martin McGuinness stood shoulder to shoulder with Peter Robinson and, in an extremely robust way, set out opposition to those dreadful events. He also led a robust all-party and cross-community response. There was no equivocation. A similar all-party approach is again required.

I ask the Tánaiste to join in calling for an all-party, cross-community response in order to bring these illegal and violent protests to an end. I also ask him to visit east Belfast tomorrow - I presume he will do so - and meet the people there, particularly those who live in the Short Strand area and in the loyalist areas adjacent to it.

The Tánaiste: Ar dtús, ba mhaith liom beannachtaí na hathbhliana a bhronnadh ar an Teachta Adams agus ar gach Ball den Teach. I am aware that the Deputy had surgery recently and I wish him a good recovery.

The Government and I are extremely concerned with regard to what has been taking place in Belfast and elsewhere in recent weeks. I refer to the widespread street violence that has occurred, to the attacks on members of the Police Service of Northern Ireland, including the attempted murder of police officers, and to the many attempts that have been made to intimidate public representatives and their families. I have condemned these events unreservedly. As the Deputy is aware I have remained in contact with the Secretary of State for Northern Ireland, Theresa Villiers, and with all the party leaders in Northern Ireland, throughout that period. Over the past week, I have spoken with Peter Robinson, Martin McGuinness, David Ford, Mike Nesbitt and Alasdair McDonnell. I will be travelling to Belfast tomorrow morning to meet with the Secretary of State and the First Minister and Deputy First Minister. Officials from my Department continue to work closely with the British Government and with political representatives in Northern Ireland to identify ways to address not just the current crisis but also its underlying

problems. My officials have been keeping in close contact with the situation on the ground. They visited St. Matthew's church and the Short Strand community yesterday and they reported to me extensively on the local situation. I am concerned by reports that the attacks on houses in the Short Strand were premeditated and I condemn them. I will be discussing that matter with the Secretary of State and the First Minister and Deputy First Minister when I meet them tomorrow. I hope to visit the Short Strand area and other community interfaces in the near future.

The economic cost of recent events is becoming apparent. Apart from the cost of the policing operation which is estimated at €7 million, foreign direct investment, the retail trade and tourism are all at risk. The Confederation of British Industry director in Northern Ireland has warned of the economic damage being inflicted on local businesses, tourism and investment.

It is my hope that out of this setback we will see a redoubling of efforts to achieve a genuinely reconciled society in Northern Ireland. It is a reminder to all of us that the peace process is exactly that: a process which still has some way to go. Both political co-operation and security co-operation on this island have never been better and we can rely on those relationships of trust and on the resilience of the Good Friday Agreement to create space for progress beyond the current difficulties.

The Irish Government has no closer political relationship than with the Northern Ireland Executive. Over the past year alone, the Taoiseach, other Ministers and I have met with members of the Northern Ireland Executive on more than 50 occasions. The persistence of sectarianism in Northern Ireland and the absence of agreement on the shared future agenda contribute to the likelihood of incidents such as those we have witnessed in recent weeks. Building relationships between divided communities takes time and a sustained effort and investment. I wish to assure the Deputy and the House that this Government is committed to doing just that.

Deputy Deputy Gerry Adams: I thank the Tánaiste for his best wishes. I thank him also for his response. I am pleased he will travel to meet with the First Minister and the Deputy First Minister tomorrow. I have been in contact, as have other Belfast representatives, with the Tánaiste's Department. I suggest he should try to carve out time tomorrow to meet with people in those communities. I appreciate the ongoing work. I also understand very much the many responsibilities which the Government has, not least on the economic front. However, as the Tánaiste says, the peace process cannot be taken for granted. What is needed is an ongoing, steady, almost invisible engagement by Ministers right across all sectors in the North.

We also need to explore some of the people who are behind these protests. The British National Party is engaged in whipping up these tensions and fears. The Ulster Volunteer Force is also heavily involved. Those attacks were premeditated over recent evenings. An issue which this Dáil has to address and which everyone who lives on this island has to address is sectarianism. It has to be tackled. I am from Belfast. These protesters do not represent the vast majority of people in Belfast. The vast majority of people in Belfast are living in a modern city which has many proud traditions and which they want to see shared on the basis of equality. That is the view; that is what we have come through in the past 40 years and that is what the vast majority of people have settled for. The Government needs to continue to underpin both in this State as well as in the Northern State, principles of equality, parity of esteem and mutual respect.

I am not lecturing but just making the point that this issue needs constant attention and must not be taken for granted. It is only by the grace of God that someone has not been killed. All representatives of civic society, the community and the political and business classes must stand

16 January 2013

shoulder to shoulder against what is a very small minority.

The Tánaiste: It does have to be said that it is a very small minority. People have a right to protest. Someone who is unhappy with a democratic decision made by the elected members of Belfast City Council is entitled to protest against that decision, and we defend that right. However, people are not entitled to fire petrol bombs at the police and intimidate and threaten elected public representatives, including some of those who were involved in making the decision in question. They do not have the right to disrupt the normal business life of Belfast and other areas in the way they have done. It must stop.

The Deputy is correct that it is required that the political leaders in Northern Ireland stand shoulder to shoulder. He will have heard from the Deputy First Minister that I have been very much in touch with the latter and other political leaders since this problem arose before Christmas. We had hoped it would die down over Christmas and the new year period but it has continued.

The original plan was that tomorrow's meeting would be held on Friday but there were problems at the Belfast end over people being available. I was anxious that the meeting would not be postponed. There is a Cabinet meeting tomorrow afternoon on the jobs crisis, which is very important. I decided that, rather than coming here for Leaders' Questions tomorrow and instead of postponing the meeting until next week, it would be appropriate for me to have it tomorrow. I do not want to see this matter long-fingered. We want to deal with it now and work with the Secretary of State for Northern Ireland. I have been in touch with the latter regularly about what has been taking place with a view to having both Governments provide support to the political leadership and the Northern Ireland Executive in order to get on top of the situation and put an end to the street violence that has been taking place. It is also a matter of addressing the issues at the root of the problem. They relate to shared society, people's concerns and dealing with the problem of sectarianism in Northern Ireland, which the Deputy has rightly identified.

An Ceann Comhairle: I call Deputy McGrath, who is to speak on behalf of the Technical Group.

Deputy Deputy Mattie McGrath: I wish the Ceann Comhairle a happy new year. I hope we will have good interaction while I am in this position.

An Ceann Comhairle: I look forward to that.

Deputy Deputy Mattie McGrath: I want to raise an issue of great importance to the public, both rural and urban. I sympathise with all the victims of crime in recent times. We are dealing with gangland crime in the cities and it featured in my town quite recently. In recent weeks, especially, there have been attacks on elderly people and families in rural and urban areas. I do not blame the Tánaiste for the criminals but the crimes are a direct result of the Government's policies. I am delighted the Minister for Justice and Equality, Deputy Alan Shatter, is here because his policies, as pursued by the Government over almost two years, are aiding and abetting criminals. The policies have denuded rural areas of Garda stations. I now see that stations in urban areas, such as Stepside and Whitehall, are being closed. Gardaí do not have squad cars. Only yesterday evening it was reported to me that, on the preceding night, a member of the community alerted gardaí when he saw some strange activity. When the gardaí arrived, they did not have flashlights and were using their telephones. That is a sad state of af-

fairs. On another occasion, a garda from a station outside Tipperary rang me to state there was no light in the bathroom when he wanted to use it and he did not have a light bulb to put in it.

11 o'clock

These are the facts and the Ministers and the Tánaiste know that.

(Interruptions).

Deputy Deputy Mattie McGrath: I ask the Minister-----

An Ceann Comhairle: Will the Deputy put his question to the Tánaiste, please?

Deputy Deputy Mattie McGrath: I will put it to the Tánaiste.

An Ceann Comhairle: Thank you.

Deputy Deputy Tom Hayes: On a point of order, the light was fixed last week.

(Interruptions).

Deputy Deputy Mattie McGrath: I did not hear what the Deputy said.

An Ceann Comhairle: Will Members allow the Deputy to put his question to the Tánaiste without interruption?

Deputy Deputy Mattie McGrath: I express sympathy to the victims of all these crimes and wonder if these crimes would have occurred if the victims' savings had been safe in the banks or credit unions. People's money, however, is not safe anywhere with the Tánaiste's policies. I ask the Tánaiste and the Government to consider launching a public information and awareness campaign on security and on the matter, as was done in the past, of keeping cash in their homes because they are afraid to keep it in any of the institutions, the guaranteed ones or otherwise. By doing that they would support Muintir Na Tíre and all the other groups that are helping to fit safety alarms and equipment.

I would like to thank the my friend, Big Phil, the Minister, Deputy Hogan, for doing a U-turn recently on the cut in respect of alarms. I ask for further money to be put into this area because people must be safe in their homes. If they cannot sleep in their beds at night it leads to ill health and to them moving out of their homes and being afraid to return to them.

I ask the Tánaiste and the Minister for Justice and Equality to visit, with gardaí, some of the homes of the people who have been savagely attacked not once but in some cases twice or three times. No place is safe from attack any more, not even church sacristies. I ask the Tánaiste to deal with this issue in a serious manner.

Deputies: Hear, hear.

Deputy Deputy Michael Healy-Rae: Well said.

The Tánaiste: The issue Deputy Mattie McGrath raised is a very serious one. I share with

16 January 2013

him, as I am sure do other Members, the widespread outrage at the recent incidence of aggravated burglary and condemn, in the strongest possible terms, those who prey on vulnerable and isolated members of our community. The members of the Garda are determined to do everything they can to bring the perpetrators to justice. I call on anyone who might be able to help them in any way to get in touch with them.

The Minister for Justice and Equality is also acutely conscious of the broader concerns which exist concerning burglary and is in regular contact with the Garda Commissioner on measures to counter it. In particular, last year the Garda Commissioner introduced Operation Fiacla to tackle mobile gangs involved in burglary around the country. Between April and December 2012 3,538 persons have been arrested and 1,924 persons charged as part of that operation. In addition to these enforcement measures, An Garda Síochána works closely with communities through Community Alert, Neighbourhood Watch and other organisations to provide expert crime prevention advice and support to communities.

I am particularly aware of the position in Donegal recently, for example, and in the Border counties. It is important to note that there is excellent co-operation between the Garda Síochána and the PSNI in disrupting and investigating attempts by criminals who try to take advantage of the Border.

While the recent incidents are very disturbing, the latest recorded crime figures, published at the end of the last year, suggest that Garda operations are having an impact - in particular, the quarterly figures on burglary are down from the levels experienced earlier in 2012 prior to the introduction of Operation Fiacla.

I acknowledge Deputy Mattie McGrath's praise for the Minister for the Environment, Community and Local Government who met Muintir Na Tíre recently. I also want to say that Muintir Na Tíre is doing excellent work and the Minister for the Environment, Community and Local Government, the Minister for Justice and Equality and the Government as a whole will be willing to work with it and other community organisations to provide the best possible advice, particularly to elderly people and to those living in isolated areas.

An Ceann Comhairle: Deputy Mattie McGrath has a minute to put a supplementary question.

Deputy Deputy Mattie McGrath: I acknowledge the Tánaiste's praise for Muintir Na Tíre. As a former member of its board, I am aware it has 1,300 Community Alert groups throughout the country. I have been a member since 1986. I support An Garda Síochána, but it cannot work without the tools of the trade. The Tánaiste referred to Operation Fiacla. The Garda must have gone to the dentist and lost all its teeth because it has no equipment or squad cars. Stations that had up to eight patrol cars are now down to two. There is some silly rule that they must be put off the road once they reach 300,000 km. Surely in these times, if they are MOT-tested and shown to be working perfectly, they can be kept longer than this.

I acknowledge the role of the IFA and other farming organisations, as well as the Community Alert groups and ordinary people, because policing cannot be undertaken without the support of the community. By removing Garda stations and gardaí on the beat who know the people, the Government is creating a significant impediment in policing. Having a Garda squad car flying in several hours after being called out is not the same as having the local garda on the beat. I commend the service given during the years by gardaí, especially those on the beat. If one is

to have confidence in the force, its members must be visible at, say, local matches, involved in sports organisations, living and actively engaged in their communities.

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

Deputy Deputy Mattie McGrath: Morale is seriously low in An Garda Síochána. Will the Tánaiste speak to the Garda Commissioner about this because the real story is not getting to the top echelons or across to the Minister for Justice and Equality?

The Tánaiste: The Garda Síochána is doing an excellent job. What we need and what the Minister for Justice and Equality is determined we will have is a modern, effective and efficient police service.

Deputy Deputy Michael Healy-Rae: Without Garda stations.

The Tánaiste: The current Garda strength is 13,400. The total number of Garda stations, even after their rationalisation, will stand at 564. This is far more compared to the number in Northern Ireland or Scotland.

Deputy Deputy Dara Calleary: There are more police officers per head of population in Scotland.

The Tánaiste: The rationale behind this is to put gardaí on the beat and where they are needed. They are not needed behind the desk in a police station but out in a patrol car, on the beat, working with the community to prevent and detect crime.

According to figures published by the Central Statistics Office, the level of crime in 12 out of the 14 categories measured was down in 2012 compared to the figure for 2011. Additional moneys will be provided in 2013 for the purchase of Garda vehicles. The emphasis is on equipping the Garda Síochána with the resources it needs to deal with crime. The evidence is that these reforms are succeeding. Of course, any crime against an individual is one crime too many. The Minister for Justice and Equality, the Garda Commissioner and the Garda Síochána are determined to deal with all crimes as effectively as possible and encourage the public and community organisations to work closely with gardaí in fighting crime.

Order of Business

The Tánaiste: It is proposed to take No. 11, motion re referral to select sub-committee of proposed approval by Dáil Éireann of the Agreement to Improve Tax Compliance and Provide for Reporting and Exchange of Information concerning Tax Matters (United States of America) Order 2013 and the Exchange of Information Relating to Taxes (Montserrat) Order 2013; and No. 3, Public Health (Tobacco) (Amendment) Bill 2013 - Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that No. 11 shall be decided without debate. Private Members' business, No. 79, motion re further education and training, shall also take place immediately after the Order of Business tomorrow and shall, if not previously concluded, be brought to a conclusion after 90 minutes on that day.

16 January 2013

An Ceann Comhairle: There are two proposals to be put to the House. Is the proposal for dealing with No. 11, without debate, agreed to? Agreed. Is the proposal for dealing with Private Members' business agreed to? Agreed.

Deputy Deputy Micheál Martin: I read in the *Sunday Independent* last Sunday that Deputies Olivia Mitchell, Eoghan Murphy and Mary Mitchell O'Connor, to mention a few, are extremely concerned about the unfairness of the Finance (Local Property Tax) Bill and in particular its application to Dublin house owners, who will be expected to pay six times more than the owner of an identical house outside of Dublin. This is an issue of great concern for people throughout the country. Despite the fact that we warned about this during the guillotining of the Bill before Christmas, when it was rammed through in a matter of days in a very unsatisfactory manner, it now seems that Members on the Government benches are waking up to the full implications of that legislation.

Deputy Deputy Michael McNamara: Deputy Martin knows all about guillotines.

Deputy Deputy Micheál Martin: Perhaps this indicates and illustrates the need to give more time to legislation when it is put before the House. I have a question in terms of forthcoming legislation that I want to ask the Tánaiste in this context. The Minister for Finance has already committed to having a provision in the finance Bill to exempt the owners of pyrite homes from the property tax. Can the Tánaiste confirm the commitments already made to the effect that there will be further amendments to the property tax in the context of the finance Bill as suggested by the Fine Gael Deputies that I have mentioned?

An Ceann Comhairle: Sorry, Deputy, you are straying somewhat.

Deputy Deputy Micheál Martin: The rest of the House would like to share in any suggestion that there would be amendments.

An Ceann Comhairle: Are there promised amendments to this legislation?

Deputy Deputy Micheál Martin: When will that finance Bill be published?

Deputy Deputy Joe Higgins: A Cheann Comhairle, on the same Bill-----

An Ceann Comhairle: Hold on and sit down for one minute, please. We are dealing with the Leaders first.

The Tánaiste: I saw a leaflet that Deputy Martin distributed in his constituency. It struck me that although he is less than two years in opposition he has already forgotten that in fact his Government had agreed with the troika at the time the memorandum of understanding was reached that it would bring in a property tax that would raise €500 million.

Deputy Deputy Robert Troy: The Tánaiste disagreed with that at the time.

The Tánaiste: Deputy Martin omitted any reference to that in his leaflet.

Deputy Deputy Robert Troy: The Labour Party has forgotten a lot of its promises in government.

Deputy Deputy Timmy Dooley: The Tánaiste is top of the class in that.

An Ceann Comhairle: Deputies are using up time that would be available to Members

seeking to raise issues.

The Tánaiste: The finance Bill will be published this session in February. Matters of detail in the finance Bill will be for the debate that will take place.

Deputy Deputy Gerry Adams: The Tánaiste has already acknowledged the widespread public concern about the revelations that horse meat or its DNA has been found in beef burger products. However, there is no space on today's clár for the Minister to come in and make a statement.

An Ceann Comhairle: I have granted a Topical Issue debate to Deputies who have sought it.

Deputy Deputy Gerry Adams: The other question relates to promised legislation and the commitment to legislate for collective bargaining. The Tánaiste will be aware that this year we will celebrate the 100th anniversary of the Lock-out in Dublin. There could be no better time or year to reflect on the rights of workers and no better way to mark the anniversary. As the Labour Party leader I imagine the Tánaiste will be familiar with all of that. What are the plans? Will we see the long overdue legislation to mark the centenary this year and, equally important, to give workers their rights?

An Ceann Comhairle: Is there promised legislation?

The Tánaiste: Yes. The Government has committed in the programme for Government to reform the current law on employee rights to engage in collective bargaining, which is currently enshrined in the Industrial Relations (Amendment) Act 2001 to ensure compliance by the State with recent judgments of the European Court of Human Rights. There will be consultation with employer and trade union organisations in preparation for the legislation. Officials of the Department of Jobs, Enterprise and Innovation are setting in train the necessary consultation process and the relevant bodies will be contacted in the very near future. Deputies will see progress on the legislation in 2013.

Deputy Deputy Mattie McGrath: I understand from the Tánaiste's answer to Deputy Micheál Martin that the Cabinet had information on the meat scare. Food production is of great importance to the economy and Harvest 2020. What efforts will the Government make to ensure traceability of the most minute ingredients in the food supply chain? We saw what happened some years ago with a previous scare and know the damage which can be done to our international reputation, notwithstanding our wonderful record for producing top quality food.

An Ceann Comhairle: What legislation is the Deputy talking about?

Deputy Deputy Mattie McGrath: I hope there will be legislation to deal with this issue.

An Ceann Comhairle: We are dealing with promised legislation.

Deputy Deputy Mattie McGrath: I will not scaremonger on the issue.

An Ceann Comhairle: Is there promised legislation?

The Tánaiste: The Ceann Comhairle has agreed to allow a Topical Issue debate on the matter when I am sure the Minister for Agriculture, Food and the Marine will address the issues raised. The approach of the Government to the matter is open and above board.

16 January 2013

Deputy Deputy Joe Higgins: I wish to refer briefly to three items of legislation. Will amendments or additions to property tax provisions be made by the Minister for Finance by way of amendments to existing legislation, separate legislation or inclusions in the Finance Bill? Rather than having the House endure further cynical posturing by Fine Gael Deputies pretending to be the champions of Dublin home owners having already voted for it, will the Government repeal this odious tax?

The Chief Whip circulated with the legislative programme approved by the Cabinet a statement to Members setting out that job creation was to be the programme's top priority. He listed five Bills which will not lead to the creation of a single job. Will the Tánaiste tell the House where is the legislation which will make job creation a priority or state when it is to be published?

Under the heading "Bills in respect of which heads have yet to be approved by Government", I see no reference in the legislative programme to legislation providing for the judgment in the X case and the judgment of the European Court of Human Rights in A, B and C v. Ireland to cover circumstances in which a woman's life is in danger by reason of pregnancy. Why is this not on the legislative list and what is the precise timescale for its publication?

An Ceann Comhairle: Only the last question is in order as it relates to promised legislation. The other questions refer to notional matters.

Deputy Deputy Joe Higgins: I am seeking clarification on the publication of legislation.

An Ceann Comhairle: We are dealing with promised legislation. To what Bills is the Deputy referring?

Deputy Deputy Joe Higgins: The Finance Bill and the five Bills enumerated by the Chief Whip.

An Ceann Comhairle: Which five Bills? I do not know them.

Deputy Deputy Joe Higgins: The leader of Fianna Fáil was able to ask that type of question without interruption.

An Ceann Comhairle: The Deputy has been in that position. He knows there is a little flexibility. We are trying to be fair. I allowed Deputy Mattie McGrath to represent the Technical Group.

Deputy Deputy Joe Higgins: There is no one view in the Technical Group, as the Ceann Comhairle knows.

Deputy Deputy Richard Boyd Barrett: There is no one representing the Technical Group.

Deputy Deputy Brendan Howlin: They are independent when it suits.

An Ceann Comhairle: I call on the Tánaiste to deal with the promised legislation relating to the X case.

The Tánaiste: If Deputy Joe Higgins had read the statement issued by the Chief Whip accompanying the Government's legislative programme yesterday, he would have seen that the Government had decided to legislate on the issue. Following the very successful, reasoned and dignified hearings which took place recently, the Minister for Health and the Attorney General

will proceed to prepare the legislation. I compliment Deputy Jerry Buttimer and his committee on the way in which the hearings were conducted last week. Legislation is being prepared as a matter of priority.

Deputy Deputy Richard Boyd Barrett: My question has been answered.

Deputy Deputy James Bannon: There is a very hefty programme of pending legislation before us this term.

An Ceann Comhairle: I saw that myself.

Deputy Deputy James Bannon: I would appreciate clarification on the children (amendment) Bill. The Bill cites costs and administrative efficiencies in respect of children, detention schools and public interests but, strangely, there is no mention of provision for children and their welfare. Will this vital aspect be included and considered in the Bill?

An Ceann Comhairle: We will not go there. We are talking about promised legislation. Deputy Bannon can talk all he likes about it when the Bill is published and a debate on it is held. When is the Bill due?

The Tánaiste: Observations have been received on the draft heads of the children (amendment) Bill and they are currently under consideration. The Bill is expected to be published this year. There is ongoing consideration of the views of the Oireachtas Committee on Health and Children in respect of the Children First Bill, including significant policy, operational and legal issues. It is expected that this Bill will be published this session. There are also other pieces of legislation which the Minister for Children and Youth Affairs is bringing forward, including the child and family support agency Bill. Ongoing dialogue is under way with the Attorney General's office regarding further clarification of the functions and scope of this agency. It is expected that this Bill will also be published this session. The child care (amendment) Bill is also due this session.

Deputy Deputy Aodhán Ó Ríordáin: The Minister for Justice and Equality made a very welcome statement that forced labour will be criminalised under the Criminal Law (Human Trafficking) (Amendment) Bill. When will this Bill come before the House?

The Tánaiste: I thank Deputy Ó Ríordáin and acknowledge his welcome for the removal of forced labour, which is an entirely outdated concept, from our legislative provision. The Bill is expected this session.

An Ceann Comhairle: I call on Deputy Joan Collins.

Deputy Deputy Brendan Howlin: Tá sí ina codladh.

Deputy Deputy Joan Collins: My question concerns legislation before the Oireachtas Committee on Justice, Defence and Equality and whether it is the Government's view that a sex worker should attend that committee. There seems to be some reluctance to allow a sex worker to speak before the committee.

An Ceann Comhairle: It is going through the House at the moment so the Deputy can speak on the Bill.

Deputy Deputy Michael Healy-Rae: I wish the Ceann Comhairle every good luck for the

new year.

An Ceann Comhairle: I thank the Deputy and look forward to his co-operation.

Deputy Deputy Michael Healy-Rae: The Ceann Comhairle can be assured of it. The high cost of private health insurance is driving more and more families to abandon their policies and let them run out. They then must rely on the already struggling public health service. I raise this very important matter in the context of the health (private patient charges) Bill.

The Tánaiste: That Bill is expected this session.

Deputy Deputy Catherine Murphy: I have a question about two pieces of legislation. The assisted decision-making (capacity) Bill is obviously on the A list but when might we see it published and what is the expected timeline for its completed passage through the Dáil? The second piece of legislation is associated with the fund on pyrite that was announced before Christmas. Clearly, a piece of legislation will accompany that in respect of a levy on the industry. It is not on the list. Is it necessary for that piece of legislation to be in place before solutions are commenced? When are we likely to see that piece of legislation?

The Tánaiste: The Minister of State with responsibility for disability, equality and mental health is working on the assisted decision-making (capacity) Bill. It is a priority for the Government and is expected this session. To the best of my knowledge, the pyrite issue is to be dealt with in the finance Bill. I will have the matter checked and a reply sent to the Deputy.

Deputy Deputy Pearse Doherty: The Tánaiste mentioned earlier that a special Cabinet meeting will be held to deal with the unemployment crisis. More than 430,000 people are on the live register. On 29 September the Government announced the strategic investment fund. As part of that announcement it indicated that legislative change would be needed to allow for resources to be channelled from the National Pensions Reserve Fund into the productive economy. It is now 2013 and the legislative programme was published yesterday. This legislation is not due for publication this term and the heads of the Bill have not even been agreed. The strategic investment fund was supposed to be a major plank in the Government's strategy to get people back to work. Given that it was announced nearly one and a half years ago but the legislation has not even come before the House, when will the amendment to the National Pensions Reserve Fund legislation be brought to the House to allow for the channelling of funds sitting in the NPRF into the domestic economy to help get people back to work?

The Tánaiste: The important part of the narrative that Deputy Doherty omitted was the announcement last year by the Minister for Public Expenditure and Reform of a stimulus package worth €2.25 billion, which relates directly to the National Pensions Reserve Fund and the strategic investment fund. The way in which the strategic investment fund and the NPRF will be dealt with is among the issues that will be considered by the Government in the context of our discussion on jobs.

An Ceann Comhairle: I call Deputy Griffin.

Deputy Deputy Pearse Doherty: On the first day of the new term-----

An Ceann Comhairle: We are not having a debate on this.

Deputy Deputy Pearse Doherty: -----I asked a specific question in regard to promised legislation. The Bill sits at No. 84 on the schedule announced this week.

An Ceann Comhairle: Is legislation promised?

Deputy Deputy Pearse Doherty: When will the legislation be introduced? We can duck and dive all we want but this is required to give full effect to the strategic investment fund.

An Ceann Comhairle: Thank you, Deputy. Other Deputies wish to raise questions and we are constrained by time. I cannot allow speeches.

The Tánaiste: There is no need for Deputy Doherty to get excited. This legislation is being worked on and will be introduced. Certain technical issues have to be ironed out but it is at an advanced stage and will be brought before the House.

Deputy Deputy Brendan Howlin: It will be introduced this session.

Deputy Deputy Sean Fleming: I ask about two items of legislation. Under the Department of Health, when will we see legislation on the merger of the Opticians' Board with the Health and Social Care Professionals' Council? Under the Department of Justice and Equality, when will we see legislation on the new commission to merge the Equality Authority and the Human Rights Commission?

The Tánaiste: In regard to the merger of the Human Rights Commission and the Equality Authority, it is intended that legislation will be published this session. In regard to the other matter, it is the intention to publish the relevant legislation this year.

An Ceann Comhairle: I apologise for not calling Deputy Griffin. I was distracted.

Deputy Deputy Brendan Griffin: It is a tough station.

In regard to the legislative programme for the Department of Justice and Equality, which Bill will provide for the electronic tagging of sex offenders? We discussed this matter in the previous term and I was assured that provision would be made in forthcoming legislation.

The Tánaiste: I will check that and have a reply sent to the Deputy. I think it is the DNA database Bill.

Deputy Deputy Robert Troy: Last summer the Minister for Children and Youth Affairs announced the establishment of the new child and family support agency, which we welcomed, and a commitment was given on that occasion by the Minister and subsequently by the Taoiseach that legislation to give effect to this agency would be brought before the House during the last session. That did not happen. The Tánaiste indicated that the legislation would be introduced this session. I ask that the commitment be met.

An Ceann Comhairle: Does the Deputy want a double assurance?

Deputy Deputy Micheál Martin: For good reason.

Deputy Deputy Robert Troy: A commitment was given last year but it was not honoured. I am seeking a commitment that it will be honoured this session to put this important agency on a statutory footing.

An Ceann Comhairle: Has the Tánaiste answered that question?

The Tánaiste: The heads of the Bill were approved by the Government on 6 November

16 January 2013

2012 and dialogue is ongoing with the Office of the Attorney General on further clarifying the functions and scope of services of the agency. The Bill is expected to be published this session.

Deputy Deputy Bernard J. Durkan: In regard to section A of the legislative programme, is it intended to prioritise any particular or urgently required aspects of the proposed Bills in this session?

My second question relates to the National Treasury Management Agency (Amendment) Bill to enable management by the State Claims Agency of claims for third party legal costs arising from tribunals and commissions of inquiry and legal costs awarded against the State by the courts. Have the heads of the Bill been discussed and when is it likely that the Bill will be brought before the House?

An Ceann Comhairle: The second question is in order.

The Tánaiste: The heads of the Bill were cleared in November and we expect the Bill to be brought before the House by the middle of the year.

Deputy Deputy Bernard J. Durkan: What about the prioritisation of the others?

An Ceann Comhairle: That is a general issue.

The Tánaiste: Clearly, the Government wants to move ahead with all items of legislation as quickly as possible and the A list reflects its priorities. The statement issued by the Chief Whip yesterday clearly identifies a number of items of legislation which are Government priorities.

An Ceann Comhairle: The Deputy can check the list in the Whip's office.

Deputy Deputy Michael McNamara: I have questions regarding two items of legislation. Arising from *Foy v. an t-Ard Chláraitheoir, Ireland* and the Attorney General, a declaration of incompatibility was granted by the High Court regarding Ireland's refusal to recognise transgender realignment. When will a Bill be brought forward to rectify the position?

Second, the programme for Government contains a commitment to ratify the convention on persons with a disability, for which a wide range of legislative changes are required. When will a Bill be brought forward to make the changes required in order that Ireland can proceed with ratifying the convention on the rights of persons with a disability?

The Tánaiste: It is intended that the gender recognition Bill will be introduced this year. With regard to ratification of the agreements and the convention on disability, I will ask the Minister of State, Deputy Kathleen Lynch, to reply directly to the Deputy.

Draft Orders to Improve Tax Compliance and Related Matters: Referral to Committee

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

That the proposal that Dáil Éireann approves the following Orders in draft:

(i) Agreement to Improve Tax Compliance and Provide for Reporting and Exchange of Information concerning Tax Matters (United States of America) Order 2013, and

(ii) Exchange of Information Relating to Taxes (Montserrat) Order 2013, copies of which were laid before Dáil Éireann on 11th January, 2013,

be referred to the Select sub-Committee on Finance, in accordance with Standing Order 82A(3)(b) and (6)(a), which, not later than 24th January 2013, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

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 Joe McHugh - Irish culture and bullying in Irish society; (2) Deputy Michael Healy-Rae - the impact on services of the reduction in Garda numbers from offering gardaí a three year career break; (3) Deputy Paudie Coffey - the development of a technological university for the south-east region; (4) Deputy Peadar Tóibín - the recent issuing of protective redundancy notices to workers in Tara Mines; (5) Deputy Jonathan O'Brien - the ongoing hardship being experienced by students arising from the failure of Student Universal Support Ireland, SUSI, to process outstanding third level grant applications; (6) Deputies Éamon Ó Cuív, Martin Ferris, Kevin Humphreys and Denis Naughten - the response to yesterday's report by the Food Safety Authority of Ireland that found significant traces of equine meat in burgers; (7) Deputy Robert Dowds - the need for Ireland to lead European efforts to halt the melting of the Arctic ice cap as part of our Presidency of the European Council; (8) Deputy Seán Kenny - the steps that will be taken to prevent accidents between Luas trains and other vehicles occurring on the Luas red line, particularly on the Abbey Street sections of the line; (9) Deputy Catherine Murphy - the ongoing delays in appointing a contractor to carry out finishing works on a new school building at Ardclough, County Kildare; (10) Deputy Finian McGrath - the new drug, kalydeco, for cystic fibrosis patients; (11) Deputy Paschal Donohoe - the need to finalise student grant applications; (12) Deputy Alan Farrell - the criteria that will be applied by the Revenue Commissioners to determine the value of properties for the local property tax; (13) Deputy Aengus Ó Snodaigh - the making redundant of 83 staff at Johnson Brothers, Ballymount, Dublin; (14) Deputy Aodhán Ó Riordáin - the restriction of speech and language therapy services provided by Beechpark Services owing to the HSE recruitment embargo, affecting students attending Scoil Chiaráin CBS Donnycarney, Dublin; (15) Deputy Joan Collins - the centralisation of community welfare offices in Drimnagh, Crumlin and Walkinstown to Parnell Road and Bishop Square, Dublin; (16) Deputy Thomas Pringle - the need to address the spate of robberies on the elderly in County Donegal; (17) Deputy Derek Keating - the impact on jobs of the decision of HMV to cease trading; (18) Deputy Gerald Nash - the lack of protection for consumers who buy gift vouchers which companies may then refuse to honour owing to trading difficulties or arbitrary deadlines; (19) Deputy Emmet Stagg - the need to maintain a 24 hour, 365 days a year ambulance service in the north Leinster area, particularly in the stations located in Maynooth, Baltinglass, Athy, Swords and Arklow; (20) Deputy Eamonn Maloney - HMV and the threat to jobs; (21) Deputy James Bannon - the need to provide an update on the remedial works being carried out at Glenn Riada estate, County Longford; (22) Deputy Mattie McGrath - the need

16 January 2013

to reverse the proposals to reduce the salary of graduate nurses; (23) Deputy Robert Troy - the need to address the problems in the youth mental health services in view of the waiting lists for appointments; (24) Deputy Ciara Conway - the need to clarify if HSE support is being withdrawn for childminder advisory officers, CMAOs, within city and county child care committees; (25) Deputies Seán Crowe and Micheál Martin - the need for an all-party, cross-community response to the recent flags protests in the North and the violence which has accompanied them; (26) Deputy Billy Kelleher - the need to amend the terms of the new nurse and midwife graduate programme; (27) Deputy Pádraig Mac Lochlainn - the need to deploy adequate Garda resources to County Donegal to deal with burglaries against elderly citizens; (28) Deputy Dara Calleary - the need, in the wake of HMV going into administration, to amend consumer legislation to ensure gift vouchers will always be redeemed by retailers; (29) Deputy Clare Daly - the recent deaths from hypothermia in a Dublin City Council dwelling; (30) Deputy Barry Cowen - the plans for the future of urban renewal housing projects in O'Devaney Gardens, Dublin; (31) Deputy Mick Wallace - the deaths of a couple in their 60s in a flat in a complex run by Dublin City Council; (32) Deputy John Deasy - the formulation of the investment aid guidelines post-2013; (33) Deputy Caoimhghín Ó Caoláin - the future of the family resource centres in the light of the new arrangements to apply with the advent of the child and family support agency; (34) Deputy Richard Boyd Barrett - the rise in the daily charge for public patients undergoing chemotherapy; and (35) Deputy Dessie Ellis - the risk posed to senior citizens from hypothermia in the current cold conditions.

The matters raised by Deputies Alan Farrell; Seán Crowe and Micheál Martin; Éamon Ó Cuív, Martin Ferris, Kevin Humphreys and Denis Naughten; and Emmet Stagg have been selected for discussion.

Public Health (Tobacco) (Amendment) Bill 2013: Order for Second Stage

Bill entitled an Act to amend the Public Health (Tobacco) Act 2002; to repeal certain provisions of the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Act 1978; and to provide for related matters.

Minister for Health (Deputy James Reilly): I move: "That Second Stage be taken now."

Question put and agreed to.

Public Health (Tobacco) (Amendment) Bill 2013: Second Stage

Minister for Health (Deputy James Reilly): I move: "That the Bill be now read a Second Time."

I thank the Ceann Comhairle for giving me this opportunity. I wish him and the House a happy new year.

I take the opportunity to outline the background to the amendments being set out. As a

public health measure, for many years Ireland had set a mandatory pricing level below which the price of cigarettes could not be lowered. In the past there was an arrangement between the Department of Health and Irish tobacco companies, whereby a weighted average price was calculated for cigarettes. This arrangement was in place for over 30 years and based on sales volumes data and retail prices to year end each year. In 2010 the European Court of Justice ruled that by imposing minimum retail prices for cigarettes, Ireland had failed to fulfil its obligations under Article 9(1) of Council Directive 95/59/EC. As a consequence of the court judgment, Ireland can no longer set a mandatory pricing level below which cigarette prices cannot be lowered, as this would restrict the freedom of the industry to make effective use of competitive advantage. The Commission indicated that it would initiate infringement proceedings if Ireland did not take steps to comply with the court judgment. As a result of this ruling, my Department informed the tobacco industry that the practice of setting floor prices for cigarettes each year would cease. In addition, Ireland advised the Commission that new regulations would be introduced to remedy the infringement. The aim of the draft regulations developed was to remove the price setting provisions in current tobacco regulations.

During this process and after a considerable period of time the Commission indicated that, in addition to the new regulations, the primary enabling tobacco legislation would need to be amended to meet the requirements of the court judgment. The purpose of amending the primary legislation is to remove the legal basis for the fixing of a minimum price. In order to comply with the court judgment, therefore, new regulations had to be devised and the primary tobacco legislation needed to be amended. I completed the first step in complying with the court ruling in December when I signed regulations - the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) (Amendment) Regulations 2012 (S.I. No. 525 of 2012) - the effect of which was to remove the regulatory basis for the fixing of a minimum price.

On examination of the tobacco legislation, it appeared that the Public Health (Tobacco) Act 2002 and the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Act 1978 both needed to be amended to satisfy the court judgment. The Bill being debated achieves this in so far as it removes the legal basis for the fixing of a minimum price. In amending the relevant sections of the Act it is important for the power to introduce regulations relating to tobacco sales promotion activities to be retained by me and future Ministers. This power is already available in current tobacco legislation. The provision before the House allows for the development of regulations in this regard. More specifically, it sets out some of the types of promotion to be included in the regulations. For example, it will prohibit “three for the price of two” offers, “happy hour” promotions and “buy one, get one free” deals. The issue of sales promotion activities falls outside the court ruling because it does not relate to minimum or maximum pricing of tobacco and is not, therefore, a direct requirement of the European Commission.

I wish to set out the content of the Bill in detail. It provides for the repeal of certain provisions contained in section 2 of the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Act 1978. It also amends section 38 of the Public Health (Tobacco) Act 2002 in respect of activities which are intended or likely to promote the sale of tobacco products.

The Bill is short and comprises three sections. Section 1 amends section 38 of the Public Health (Tobacco) Act 2002 by removing any perceived price fixing provision. However, it retains the power to make regulations in respect of activities which are intended or likely to promote the sale of tobacco products. Specifically, the new section 38(10) gives the Minister for Health the power to make these regulations. The new section 38(10A) sets out some of the

provisions which may be included in these regulations such as the prohibition of the promotion and sale of tobacco products at a reduced price or free of charge on the purchase of another tobacco product or other products or services. As I mentioned, this covers promotions like “three for the price of two” and “buy one, get one free”. The prohibition of the promotion and sale of tobacco products at a reduced price or free of charge for a limited period of time on any day will prohibit “happy hour” promotions. The new section 38(11) will make it an offence for someone to contravene the regulations made under section 38(10).

In this context, it is important to state my Department and the HSE are continuously monitoring the ever-evolving marketing tactics of the tobacco industry. It is not in doubt that they are evolving and that our legislative and policy framework must evolve at the same time. Section 2 repeals provisions contained in section 2 of the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Act 1978 and revokes Regulation 17 in the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Regulations 1991. Again, as I mentioned earlier, these provisions contained price fixing elements to them which were seen to be in contravention of the relevant European Council directive and were deemed as restricting the freedom of industry to make effective use of competitive advantage. Specifically, section 2(1) of the Bill repeals section 2(1)(c) and sections 2(2)(h) and (2)(2)(i) of the 1978 Act. I should mention that section 8 of the Public Health (Tobacco) Act 2002, as amended by section 4 of the Public Health (Tobacco) (Amendment) Act 2004, sets out the provision for the repeal of the 1978 Act. However, it is important to note this provision is not yet commenced and the 1978 Act has not yet been repealed.

Section 2(2) of the Bill is a standard saver provision. Section 2(3) revokes Regulation 17 in the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Regulations 1991. As mentioned previously, this Regulation 17 was already amended and Regulation 16 deleted by the regulations I signed in December 2012 to remove any price fixing provisions from them. The revocation outlined in this Bill is to allow my Department to, as set out earlier, introduce new regulations in the future which relate to sales promotion activities, thereby ensuring there is no overlapping of provisions. Section 3 is a standard provision and provides for the Short Title, collective citation, construction and commencement.

Having set out the content of the Bill, I would like to take this opportunity to speak in a broader context about smoking in Ireland. As a doctor with decades of experience, I have seen first-hand the damage caused to the health of those who become addicted to tobacco. Tobacco use is the leading cause of preventable death in Ireland. Each year, more than 5,200 of our people die prematurely from diseases caused by tobacco use, which represents 19% of all deaths. Smokers lose on average ten to 15 years of quality life. They have higher rates of absenteeism directly attributable to smoking of, on average, five to ten days a year. Smoking increases the risk of cardiovascular disease and the risk of mortality from cardiovascular disease among smokers is 1.6 times of those who have never smoked. Smoking causes 90% of all cases of emphysema and is the main cause of chronic obstructive pulmonary disease. Smokers have higher levels of lifelong morbidity than non-smokers. Treating tobacco related illnesses accounted for €280 million, or nearly 10% of overall acute budgets, in a 2008 study on the costs of acute care.

This is a serious problem. I believe it is the greatest threat to public health this country faces and a similar position applies across Europe, with nearly 700,000 Europeans dying annually from smoking related illness. It is not surprising, therefore, that I am keen, during my period as Minister for Health, to make a significant impact in the tobacco area. The regulation of the tobacco industry in regard to its sales promotion activities, as set out in the Bill, is just one of

the ways I hope to achieve this. A comprehensive range of tobacco control legislation is already in place in Ireland which places us in the top rank of countries internationally. Some of these significant initiatives include the following: the successful implementation of the smoke-free initiative in 2004, the ban on the sale of packs of cigarettes of less than 20 in 2007, the groundbreaking legislation in 2009 that introduced the ban on in-store display and advertising and the introduction of the retail register.

I am pleased to say that I introduced regulations which place an obligation on tobacco manufacturers to include photographs on cigarette and tobacco packs. These images depict the negative health impacts associated with smoking. Research and experience in other countries has shown that health warnings combined with coloured photographs can be an effective means of discouraging smoking and informing people about the health risks related to smoking. These packs will appear in our shops from next month. This particular measure, together with the 2009 retail measures, will have a positive impact on reducing the numbers of young people starting to smoke. Indeed, although the prevalence of smoking remains stubbornly high, it is heartening to see a recent survey demonstrate that the number of children smoking fell from 18% to 12% from 2002 to 2010.

The introduction of many of these measures was facilitated by developments at European Union level and it is important that our tobacco policy and legislation framework continues to develop within the context of the European Commission. To this end, I am delighted that the proposal for the revised tobacco product directive was published in December 2012 in time for the Irish EU Presidency. I intend to use the Presidency of the EU to pursue vigorously measures to reduce the prevalence of smoking, both here and across the EU. There is no doubt that if tobacco were discovered today, knowing what we know about it, it would not be legal. I recommend this Bill to the House.

Deputy Billy Kelleher: I wish Members a happy new year. On the Bill, the Minister has outlined the technical reasons it must be brought forward, namely, the European Court judgment and the fact we were infringing the article with regard to free trade and all that flows from the mandatory minimum price. Therefore, I will not go into the detail of the Bill as the Minister has dealt with that and has highlighted why it has been brought to bear.

It is important that we broaden out this debate and encourage Government at all levels to ensure we have forward thinking and forward reaching policies that discourage people from taking up cigarettes and, more importantly, to encourage those who are already on them to give them up. For all those reasons, I believe the Minister should use the EU Presidency this year to encourage the European Union to be more proactive in the whole area of tobacco control.

There is no doubt the international tobacco companies have huge political clout and financial muscle, which they use very effectively. They are insidious organisations that threaten and bully governments. They have been challenging governments which are trying to control tobacco in various countries and have pursued the matter through the courts on a continual basis. These organisations that are selling tobacco around the world have no scruples when it comes to making sure their product has an advantage over other products, particularly in the developing world and by targeting young people in particular. This is quite disgusting and base.

I say all of that because, as the Minister noted, a stubbornly high proportion of our adult population, some 25%, are still smoking some form of tobacco product. If one looks across the developing world, particularly in Africa, Asia and South America, there is a concerted effort by

16 January 2013

the tobacco companies to target young people. Moreover, when we talk about young people, we are not talking about teenagers but about those aged eight, nine and ten years. This shows the depths these tobacco companies will stoop to in order to try to raise their product profile.

Anything that discourages people from purchasing tobacco is welcome. I am not a puritan on this issue as I frequently struggle with the addiction to nicotine. Nonetheless, we have to be as proactive as possible. I do not want to outbid the Minister in terms of saying what we on this side of the House would do with regard to tobacco control if we were on the other side of the House. However, I know the Minister, having been a practising GP for many years, will have seen first-hand the devastating impact tobacco has on individuals and on the collective health of society. For all of those reasons, we must continue to pursue a policy that discourages tobacco consumption and cigarette sales in this country. That is why even though this Bill is intended to address a discrepancy in Ireland's compliance with European trade law, it will ensure that tobacco prices will stay high and that price will be used as a mechanism for discouraging the consumption of tobacco. We must go beyond that. I welcome the fact that from February the Minister will publish graphic images on cigarette packs. We should go to generic, homogenous packaging such as is used in other countries, particularly Australia, which has been to the fore in tackling the cigarette companies' ability to advertise in subtle ways. Homogenising tobacco packaging to ensure no company can be identified would be a positive step and we should consider taking it.

The European Union has been appallingly slow to promote positive health in respect of tobacco consumption. Health is a competency of the individual member states and as parties and governments over the years we have fought to retain that subsidiarity. There is, however, an obligation on the European Union to use its muscle to take on the tobacco companies and to deal with them in a forthright manner. Philip Morris, Imperial Tobacco and Japanese tobacco companies have huge resources and they are not afraid to use them. I urge the Minister to ensure that the Irish Presidency of the EU will be used to promote healthy living and more important, to address the problem of tobacco consumption. I wish the Minister well in doing so.

The Minister has given figures for the cost of tobacco consumption to the individual's health, to the State, people's lives and their families yet we can purchase this product legally in any shop. Senator Crown, an eminent oncologist, and the Minister, as a general practitioner, have said on numerous occasions that were tobacco to be discovered today or tomorrow we would all campaign to ensure that it would never be legalised. There would not be a discussion on the issue. We would talk about not allowing it into the country or the European Union. The difficulty now is that it is so tied up with vested interests, hedge and insurance funds, that it is a massive industry. It exploits not only the consumer but also the supplier, and the source countries of the raw materials. For these reasons I have no difficulty supporting any proposal or measure that will discourage tobacco consumption, decrease the number of people taking up smoking and encourage those who smoke to try to give it up.

I would also welcome any measures that make it more difficult for these companies to ply their trade. Over the past few years tobacco companies have increased their profit share per pack of cigarettes. Until 2005 or 2006 the profit was €1 per pack. As the Government, in a health policy initiative to discourage people from purchasing cigarettes, continued to increase the excise and VAT on cigarettes the tobacco companies have increased their profit share to €1.84. We must address that issue. The Irish Cancer Society and the Irish Heart Foundation made pre-budget submissions to the Government about bringing forward new proposals with regard to pricing and how VAT and excise would be charged to ensure that any increase in the

price of cigarettes goes to the Exchequer, with a mechanism in place whereby tobacco companies make only a certain profit from the sale of cigarettes and the rest of the increase would accrue to the State. It is quite a complex and technical submission but it is worth considering because if the State pursues a policy of increasing the price of cigarettes we are inadvertently making them more profitable for the tobacco companies. We should take these pre-budget submissions on board. The industry has used the opportunity afforded by increases in tax on tobacco to increase its profits.

We endorse the proposals from the Irish Heart Foundation and the Irish Cancer Society that tobacco prices should be controlled in the same way as prices in other sectors, such as energy and taxi fares. With such a change the proportion of the retail price of tobacco that would go to the Exchequer would increase. This could raise a minimum of €100 million in the first year, increasing to approximately €150 million in subsequent years. We want to go down this route to make sure that any increase in the price of tobacco will go to the State to help the State pick up the tab for treating many smoking-related illnesses. Tobacco companies have very low principles and morals as we saw when Philip Morris and others lied through their back teeth at Congressional hearings. They pretended that cigarettes and nicotine are not addictive. These organisations-----

An Ceann Comhairle: The Deputy must be careful about accusing people of making false-----

Deputy Deputy Billy Kelleher: They certainly were accused-----

An Ceann Comhairle: It is not germane. We are under privilege here.

Deputy Deputy Billy Kelleher: Yes but they did lie to Congressional and Senate hearings about whether tobacco was an addictive substance and whether they used ingredients that made it more difficult for people not to smoke. I am simply making that point and we need to be conscious that while many of these organisations are seen to be respectable they will use every method and mechanism to defend themselves, as I highlighted in the context of the challenges brought before the Australian Supreme Court some time ago about copyright and packaging. For all those reasons it is important to consider this budget submission.

On the broader issue of health policy and without criticising the Minister, while we welcome the moves in some areas with regard to packaging and graphic advertising, we have a long way to go in promoting the concept of a healthy society. We have not made the strides that others have, for example, Australia, New Zealand and some other countries which have made a holistic healthy lifestyle central to education, schooling, the workplace and across the board. Our effort is a little haphazard. There must be a stronger emphasis on encouraging people to make decisions, giving them information to make choices that will give them a better quality of life. It will improve society and cut down the burden to the State of funding health services to treat illnesses associated with tobacco and alcohol consumption, obesity and other areas. We should encourage people to take up exercise and while there are stated policies there is no central driver in this area. The HSE is half-obligated to promote healthy living and has a health promotion unit but we need to step beyond that to create a central policy unit similar to the Road Safety Authority.

12 o'clock

This was very effective in targeting road safety. It was able to introduce and publish its

policies and nudge governments, ensuring that all policies coming from Government and the various Departments maintained a focused and determined effort to reduce road deaths. In this it has been very successful. We must have something similar in this area, an agency that has statutory powers, advises Government and holds it to account to ensure policies emanating from a Department are in accordance with what our stated objective should be, namely, to ensure there are health-centred policies across all Departments. Even when we are talking and debating, and meeting organisations to try to encourage people to get involved in more healthy aspects of life, people will say this subject transcends children and goes into areas of education, justice, health and across all areas. At the same time we should be more proactive in setting up a statutory agency that would have powers and a strong advocacy role in promoting every aspect of healthy living.

This Bill is more or less technical in that it is intended to ensure Irish law is compatible with EU law. The broader issues must be continually targeted, however. We now know, for example, that there is a cohort of 25% of adults who smoke and there is still a take-up of smoking by young people. There is subtle advertising in other ways because companies are not allowed to advertise in the traditional way. They target young girls for example, with the message that if one smokes cigarettes this is actually a diet and one will be tall, thin and beautiful like Kate Mosse. This insidious type of advertising should be targeted at an EU level and I encourage the Minister to consider this.

I wish the Minister well during the Presidency and hope he will ensure there is a strong emphasis at EU level in tackling and reducing tobacco consumption and bringing about a more holistic and healthy lifestyle in society. Not only would this benefit Irish people but it could become a European-wide policy of healthy lifestyle and a holistic approach to living, tackling childhood obesity and alcohol-related illnesses as well as the obvious illnesses that arise from tobacco. For all those reasons, if the Minister were to use the Presidency for this purpose he would be very much supported on this side of the House and such a policy would be embraced by many people.

Deputy Caoimhghín Ó Caoláin: Ar dtús ba mhaith liom athbhliain faoi mhaise a ghabháil don Chathaoirleach agus do gach Teachta anseo.

This Bill gives us the opportunity to focus once again on the enormous damage caused to the health of people and the huge cost to society of tobacco smoking. It also provides us with an opportunity to address the ongoing campaign to reduce and, one hopes, eventually to eliminate this practice. I support this, absolutely, and wish to see the creation of a smoking-free society. While there will probably always be a remnant of smoking among a small minority, for maximum effect the aim has to be a smoke-free society in Ireland. Much progress has been made - this must be acknowledged. Measures undertaken by successive Governments and the campaigning work of the Irish Cancer Society, the Irish Heart Foundation, ASH Ireland and others have greatly reduced the numbers who smoke and unquestionably have hugely improved public health. A combination of public education and pricing measures has ensured this reduction in the numbers who smoke. Pricing measures are crucial; that is one of the two areas covered by the provisions of the Bill which I will address.

It is still a startling statistic that around a quarter of the adult population of this country smoke. The numbers of young people starting smoking and becoming addicted at an early age must be addressed on a continuing basis. It is estimated that smoking causes well over 5,000 deaths each year, mainly as a result of conditions such as lung cancer, heart disease, stroke and

emphysema. Nearly a third of cancer deaths and 90% of lung cancers in Ireland are attributed to smoking. The cost to society in human terms and in financial terms is enormous. One estimate is that the cost to the State in health service provision in a single year is €1 billion, with approximately a third of that spent on hospital admissions. It is estimated that if smoking continues to expand as it is doing at present it will be the single biggest cause of death worldwide before the middle of this century. Smoking is expanding across the globe because the tobacco industry's great area of expansion is in developing countries that have not yet put in place the preventive measures that have been provided for in developed countries such as our own.

The tobacco industry is an industry of death and it is exploiting as never before the most disadvantaged people on our planet. Yet there are still people, including in this country, who lobby on its behalf, happy to benefit from the enormous profits reaped by these multinational drug pushers. It has been said, rightly, that if the tobacco drug had been developed in our own time it would never have been authorised for sale and would have been banned outright, a point made already in the Chamber. That is not an argument for a ban on smoking, as prohibition would be unworkable and would merely drive it underground, thus benefiting organised crime. However, the point underlines the lethal nature of this drug.

In terms of legislation the ban on smoking in enclosed work-places has been a considerable success. As well as improving the health of workers and those visiting premises, the knock-on effect of making smoking less socially acceptable has been profound. It is now common for people who smoke, especially those with children, to do so only outside their homes.

The Bill has two main purposes. First, it provides the Minister with additional powers to combat the promotion of tobacco products. Second, it amends existing legislation to comply with the European Court of Justice ruling that the setting of minimum prices for tobacco in this State is in breach of EU law. Sinn Féin fully supports the first element of the Bill and welcomes further measures to ensure the sale and advertising of cigarettes and other tobacco products are restricted. The second element of the Bill is highly problematic for us. It is an example of how democracy has been eroded by the European Union. An EU directive which provides that manufacturers and importers must be free to set their own prices for their products takes precedence over Irish law.

The European Court, in a judgment against the State and other jurisdictions - I think France and Austria, but I am not certain - ruled that the directive covered the minimum pricing of tobacco products and, therefore, struck down the relevant provisions of the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Act 1978 and the Public Health (Tobacco) Act 2002. There are two major objections. First, the Dáil's right and ability to set minimum prices is nullified by a EU directive. Second, the application of the directive in this case is nonsensical. The directive is supposed to relate to facilitating competition, but in this case it is clearly being used to actually restrict measures to protect public health. One cannot get away from the fact that this is the real position. I accept that the directive does not restrict our ability to set rates of tax on tobacco products, but there are many in the Dáil who would happily see us go down the road of tax harmonisation. I refer to those who, time after time, have demonstrated their support for a federal European Union.

With the other main element of the Bill, we have no difficulty. It is a logical extension of existing legislation and allows the Minister to control and regulate the promotion of tobacco products through "special offers", whereby they are offered free or at reduced prices, together with other products. This follows on from the legislation put in place in July 2009 to prohibit

16 January 2013

all point-of-sale advertising in retail outlets and require the storage of tobacco products out of sight of the customer. Both measures are welcome and, in general, being adhered to.

As a result of the fact that the Bill provides for further restriction in tobacco promotion, we will not oppose it. However, recognising the situation in which the Minister finds himself as a result of the decision of the European Court of Justice, we must, at least at this point, record our strong objection to what I view as an unacceptable application of a EU directive which runs absolutely contrary to the public interest, in this instance, the health of the population. That must be said loudly and clearly.

Acting Chairman (Deputy Olivia Mitchell): I call Deputy Mattie McGrath who, I understand, is sharing time with Deputy Finian McGrath.

Deputy Mattie McGrath: I wish the Acting Chairman, Members and an tAire a happy new year.

Deputy Finian McGrath: This is an historic occasion.

Deputy Mattie McGrath: I may meet the Minister during his next visit to Tipperary.

I welcome the opportunity to contribute to the debate on the Bill which will amend the legislation on tobacco in order that we might comply with the judgment handed down by the European Court of Justice in respect of minimum and maximum pricing. I compliment the Minister on his contribution and stated intention to use our Presidency of the European Union to try to deal with this most serious and grave matter.

Tobacco is a scourge. I do not intend to criticise those who smoke, particularly those such as my colleague, Deputy Finian McGrath, who have done so for decades, because it is an extremely difficult habit to give up.

Deputy Finian McGrath: Give us a break.

Deputy Mattie McGrath: We must change the culture which obtains, particularly among young people. It is completely distasteful that, as various investigations have indicated, in developing countries children as young as seven and eight years of age are being targeted by tobacco companies. Tobacco is a drug on which people can become hooked. Targeting those aged seven or eight years flies in the face of all standards which obtain in the developed world in trying to raise children to be healthy, fit and athletic and encouraging them to avoid harmful substances.

Strong action must be taken to tackle the tobacco industry. Those involved in it have been at what they do for a long time, have a great deal of experience and are good lobbyists. In addition, the industry is very powerful and has paid for massive advertising campaigns during the years. We all understand organisations, clubs, societies, big companies, television and radio stations, etc., require advertising revenue in order to finance their activities and ensure they can remain in operation. However, it is important that a balance be struck. The Minister is a doctor and has taken the hippocratic oath. In the light of his experience, he has more knowledge than most of the damage tobacco products can do to people's bodies.

I compliment the Irish Cancer Society, ASH and the hospice movement on the dedicated and passionate work they have done for many years. These organisations made extra special efforts to combat smoking on days such as Ash Wednesday, during Lent and on other occasions.

One death annually from smoking is one too many. However, some 5,000 deaths each year are medically classified as having been caused by lung cancer. I have happy memories of a man who worked with my family for 55 years and smoked Woodbine cigarettes all his life. That was the culture. I often engaged in debates about smoking with the man in question who was a very good friend of mine and like a second father to me, but the cigarettes got him in the end. There is no doubt that they lead to people developing awful health problems.

I wish to call into question the standards and ethics which apply in the area of broadcasting. As is the case with alcohol, cigarette smoking can be portrayed, particularly in the case of young women and young men, as being positive and good in the context of their bodies, health and looks, the fashions and styles that they follow, etc. That myth must be exploded and completely dispensed with.

One of our colleagues in the Upper House, Senator John Crown, is lobbying hard to have action taken against smoking in cars. The Minister and his Department are examining the position in this regard. It is extremely uncomfortable to be in a car in which someone is smoking. I would go so far as to say it is an extremely distasteful activity, particularly if a baby or young person is in the vehicle. While I support what is being done in this matter, I do not support many of the Big Brother-style traceability measures introduced - the fact that people must have cards for everything - the intrusions into people's homes and so forth. Despite the fact that many cars now have air conditioning systems, it must be recognised that they remain confined spaces and that smoking within them can have extremely adverse effects on all occupants. I will support whatever measures are taken in respect of the issue to which I have just referred. I also support the Bill before the House. In the past we proceeded on the basis of agreement. Now, however, we must take cognisance of and enact the ruling handed down by the European Court of Justice. I ask the Minister to deal with this most serious issue.

While I accept the needs of my colleague, Deputy Finian McGrath, I support the idea of making the Leinster House complex a smoke-free zone. While I lobbied against the prohibition of smoking in licensed premises and hotels, the decision to introduce such a prohibition was one of the best ever made. The tobacco industry did not collapse as a result of it. Even though I was not then a Member of the House, when the prohibition was being introduced, I was lobbied strongly by small businesses in my constituency which were concerned that their trade would be diminished. Trade was diminished somewhat but they are still in business. Trade is not flourishing but they are doing well. Freedom of choice must be acknowledged, but it comes at a cost. I refer in particular to the costs for the Exchequer and the Department of Health. The Minister for Health could do with any savings that could be made, but there is a cost to treating the ailments caused by smoking. Information to discourage smoking should be made available in schools at all levels, including preschools.

We are debating the smoking of tobacco, but I completely abhor the smoking of other substances which are even more harmful and dangerous.

The Commission for Tobacco Control is anxious that the legislation be amended as soon as possible. In the interim, the draft regulations were signed by the Minister in December 2012. This is a worthy subject to be discussed as one of the first items of business to be dealt with in 2013. It will be argued that the regulation of smoking will mean job losses in the advertising sector as well as losses to the Revenue Commissioners.

I refer to Deputy Kelleher's contribution in which he stated that the tobacco companies have

increased their profits in recent years. The tobacco lobby is very powerful and it is all about profit. I refer to good investigative television programmes about the importation of tobacco products by way of Northern Ireland. These products are very noxious and are dressed up in cigarette packets. This activity must be tackled in the strongest possible fashion. The ingredients alleged to be in these cigarettes are a cause for great concern and are shocking. There is a need for urgent action to counteract these activities, as is the case with laundered fuel. The imports are depriving the State of valuable revenue. These products are freely available, if not openly. The programme makers had no difficulty in buying these cigarettes, which cost less than legal products. The public should be warned that these are deadly products. I note that cigarette packets contain a warning about possible damage to health through smoking.

I meet constituents who lobby me about issues such as poor housing conditions, for example. I have noted that in many such houses, the two people are smokers. I have often said to them that the cost of smoking, at €10 a packet, adds up when they smoke 20 cigarettes a day. There are competing demands for money and services in any family. I sympathise with and encourage anyone who is trying to stop smoking. The best part of a family budget is often spent on cigarettes, which is detrimental to the overall well-being of the family. The budget for food may often suffer. Thankfully I have never smoked, except when I experimented with it as a schoolboy, just as everyone else did. It is said that smoking affects the appetite and a person who smokes may not have a good diet. Many of the old cigarette brands such as Woodbine and Sweet Afton have been banished from the shelves because cigarettes are all tipped now.

Smoking is a serious issue and we must do all we can, as legislators, to encourage people to cut down on smoking. We must ensure our young people are educated about smoking and the damage it does. Smoking is often to blame for house fires and car fires. It can often be a combination of cigarette smoking and alcohol. A person may nod off to sleep leaving a cigarette which has not been extinguished sufficiently. I wish the Minister well in his endeavours.

Deputy Finian McGrath: I will be taking a strong and differing view from that of the Minister and the rest of my colleagues. It is important that dissenting views-----

Deputy James Reilly: I was hoping Deputy McGrath would give them up.

Deputy Finian McGrath: -----are heard. I am not giving them up. I will also be challenging some of the statistics presented by the Department of Health, the HSE, ASH, and most of my colleagues in the Oireachtas. I am asking for a reasonable, balanced and fair hearing.

It is important that this is a debate that is balanced and based on reliable facts and information. Attacking or marginalising smokers is not acceptable. Treating people like lepers should never be an option in any democratic or inclusive society. The reality is that 30% of the population smokes and hounding them is not working. All Government Deputies should accept this reality. All we ask for is a little bit of respect and understanding. Of course we all respect the rights of non-smokers and we all respect the views of people who have genuine concerns about health, which must be protected at all times. However, that does not mean we cannot facilitate smokers. Knee-jerk reactions will never be a solution.

I am a smoker and I am addicted to cigarettes. I know it is not good for my health. However, trying to drive me and others out of the Dáil precincts, as Senator Crown and others have suggested - pushing us out onto Kildare Street - smacks of gross intolerance. It is unacceptable for a Member of the Seanad to do that. It is also unacceptable for the 30% of Oireachtas staff

who are smokers to push us outside the gates of Leinster House into the rain. This proposal by Senator Crown should never be an option. Let us use the designated smoking areas here. Senator Crown should stop whingeing.

The Bill provides for the repeal of certain provisions contained in section 2 of the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Act 1978 and the amendment of section 38 of the Public Health (Tobacco) Act 2002 in respect of activities which are intended or are likely to promote the sale of tobacco products. Section 1 amends section 38 of the Public Health (Tobacco) Act 2002 and provides for the Minister to make regulations in respect of activities which are intended or are likely to promote the sale of tobacco products. Section 2 repeals provisions contained in section 2 of the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Act 1978 and revokes Regulation 17 of the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Regulations 1991. Section 3 provides for short title, collective citation, construction and commencement.

We all accept that smoking damages health, but so do excessive eating, drinking and lots of other things. We need to bring balance to the argument. We should not forget the significant tax contribution made by smokers to the Irish economy, which amounts to between €300 million and €400 million and could be as high as €500 million. This revenue from our taxes is available to the health service and the mainstream Exchequer.

I am opposed to an overreaction by the State. I know it is no longer trendy to be a civil libertarian but that is where I stand. I am very concerned about the strong emphasis on a nanny state from the new and younger Deputies. They want to investigate our private lives and practically look in our bedroom windows every night of the week. I am an old-fashioned civil libertarian. This kind of cosy consensus should be challenged. I reject the Government's view, which is obviously the majority view in the House. This is a democratic society and I make no apology for having a pint and cigarette with my friends and neighbours. That is part of my life.

During the previous debate on smoking, I advocated having designated areas in every pub as a way of resolving the problem. This debate is part of distraction politics on the part of many on the politically correct wing of society. There are many other issues that need to be dealt with. There are patients on trolleys, including cystic fibrosis patients. There are all sorts of other problems in the health service to be addressed.

During the last debate, I argued that one third of a pub should be designated as a smoking area, with the other two thirds designated as a non-smoking area. The two areas would be separate, thereby causing no problem. This could easily have been achieved while respecting people's rights.

Many among the anti-smoking brigade have failed to mention the proper, modern ventilation equipment that can result in 12 air changes per hour. It is on the market but nobody mentions it at all. It is being used by sensible publicans and others who care about the 30% of the market comprising smokers. The latter are human beings also.

Let me deal with the economic arguments. The example of New York is regularly used in this House. United Restaurant and Tavern Owners of New York, which represents state restaurants and taverns, said that since the new smoking ban was introduced, turnover is down by 30%. Small family businesses in Ireland have been under severe pressure since the introduction of the smoking ban. They have lost from 25% to 30% of their regular customers. Having

16 January 2013

spoken to people in the trade, I note that in the region of 3,000 jobs have been lost. We have not considered the impact. The statistics I am presenting were researched by number of organisations, including universities. The needs of both smokers and non-smokers could be addressed in a sensible way.

Let me refer to the health impact and the number of deaths. It is important that we ask fundamental questions. Environmental tobacco smoke or smoke from passive smoking is classified as a human carcinogen by the World Health Organization. Almost everything we touch, eat or wash with can be described as carcinogenic to some degree. I am sure the Minister is aware that a number of carcinogens are present in a cup of coffee, for instance. Does he want to ban the drinking of a cup of coffee?

Let me refer to the figures mentioned by the Minister and other colleagues this morning. The 5,000 cancer deaths in Ireland each year are widely attributed to tobacco-related illnesses. There is no scientific foundation for such a statement. We have been fed this line for the past few years. The figure relates to the total number of deaths from cancers in Ireland. The National Cancer Registry lists the number of deaths occurring every year. The commonest cancers were those of skin, large bowel, lung and of the breast in women and the prostate in men. The registry does not indicate in any way that these cancers are due to smoking. This is something that the Irish have not been told. The statistic was simply a lie. However, if one throws out a figure such as 5,000, it lodges in people's minds.

Deputy James Reilly: I must interrupt the Deputy.

Deputy Finian McGrath: The Minister may not.

Deputy James Reilly: The Deputy should withdraw his remark. He has accused people of lying to the House.

Deputy Finian McGrath: I will not withdraw it. The Minister may revert to me when he is replying.

The Minister may not be aware that the US Environmental Protection Agency study that gave rise to this type of figure was found by the federal court in the United States to have "knowingly, wilfully, and aggressively disseminated false information with far reaching regulatory implications in the US and worldwide". On account of this, the court ordered a summary judgment against the agency and nullified the its environmental tobacco smoke risk assessment. I will quote examples from other countries before the Minister gets up on his high horse again.

Deputy James Reilly: It is Deputy McGrath who is on his high horse.

Deputy Finian McGrath: I am making my point and have asked for a balanced debate.

Deputy James Reilly: He is making nonsensical and erroneous statements and misleading the House.

Deputy Finian McGrath: I am putting forward another point of view, I am not misleading House. I am asking questions about the Minister's figures and am entitled to do so. He may answer them later if he wants to do so.

The expert report issued before the ban instigated by former Minister, Deputy Martin was couched in numerous caveats, such as "may be", "could be" and "might be". One matter is

clear however - the conclusion recommends further research to assess the dangers of environmental tobacco smoke, particularly in the hospitality industry. To suggest that such a report is unequivocal in demanding a ban on smoking in the workplace is bending the truth to an outrageous degree. I am only asking the questions. I am asking the experts to consider their own reports, in which I am picking out flaws, as is my democratic right. The nanny state brigade in this House will not bully me or get me off the pitch in regard to that issue.

Deputy Mary Mitchell O'Connor: “Bully” is not a word that should be used.

Deputy Finian McGrath: Deputy Mary Mitchell O'Connor should listen to some of the facts, for once. She is the one who was always talking about heckling people. Let us cool down and have a bit of respect for people.

There are many modern ventilation systems that allow for 12 air changes per 60 minutes. Previous Ministers shied away from this fact, claiming in a previous debate that outdated technology allowing for one air change per house was ineffective. We have moved beyond the old technology and have specified 12 air changes per house for many years. Pubs all over Ireland are certified by the HSE as a result of a six-year clean-air initiative in pubs. These are issues that have not been mentioned at all in the debate, and it is right that they be mentioned. They are mentioned in public houses and community facilities all over the country.

Studies point to the efficiency of ventilation equipment. Research by the University of Glamorgan shows that ventilation can be highly effective in protecting bar staff and customers from the adverse effects of environmental tobacco smoke. Consider a study from Tennessee in the United States, for example. The Oak Ridge National Library's study of restaurant and tavern workers in 16 cities, and over 1,500 subjects, concludes: “A well-known toxicological principle is that the poison is in the dose”, and that “It's pretty clear that the environmental tobacco smoke dose is pretty low for most people”. A study carried out on environmental tobacco smoke levels in the Black Dog Pub near Toronto in Canada indicated that “ETS component concentrations in the nonsmoking section of the facility in question were not statistically different [...] from those measured in similar facilities where smoking is prohibited”. These quotations are from reports from the United States and Canada. These issues should be considered in an honest way. If the Minister proves me wrong tomorrow morning based on independent research, I will accept it. However, he should not make sweeping statements and outline statistics while expecting all the world to go happy-clappy and follow him down the road. We made that mistake in the past regarding other issues.

We should not be shying away from the issue of taxation. A packet of 26 cigarettes costs €9.30 at present. Of this, €7.31 is paid in excise duty and VAT. This amounts to a tax rate of 79%. One should consider the important contribution smokers are making to the Exchequer. These matters should be examined in a balanced way.

The Minister is very concerned about crime. Since the Government got into power, activity in the illegal cigarette trade is increasing. Owing to the high cost of cigarettes, people are getting involved in smuggling. We hear that some criminal drug-trading gangs believe there is a better market for illegal cigarettes than heroin and cocaine.

Deputy Paudie Coffey: They would not be selling them unless there was a demand.

Deputy Finian McGrath: There is a demand for cheap cigarettes. The Deputy is missing the point. The Government's policy is resulting in the loss of more jobs in the retail sector. If

the Deputy goes to Waterford and questions the proprietors of small shops there, he will learn the facts. Displacing smokers to the black market is part of the policy of this Bill. The argument is that the more cigarettes are taxed, the more consumers will buy non-Irish duty paid products, on which no duty is due in the State. We are losing out on duty and not realising our potential. I met people engaged in small businesses throughout the north side of Dublin prior to the announcement of the budget and they said that if we did not do anything about the illegal cigarette trade, thousands of jobs would be lost in the sector because their takings in the retail market were down by 20% to 30%. They are the ones who pay taxes and rates every week and nobody seems to give a toss about them. That is the point I am making. I am not saying and never have said smoking is good for one's health, but in the debate the Minister is closing off consideration of the views of all the people concerned who would challenge him on the basis of economic, health or civil liberty arguments. He wants to marginalise us and throw us out in the cold, but that carry-on is not acceptable in a modern, inclusive, democratic society. He should go to Cuba, sit in a bar and have a pint-----

Deputy James Reilly: And a cigar.

Deputy Finian McGrath: He should have a cigar and also take note of the great health service it has bearing in mind that it is a very poor country.

To return to the legislation, it is amending the existing legislation to comply with the judgment of the European Court of Justice that having minimum retail prices for cigarettes infringes European Union law. The ruling does not interfere with the State's ability to levy taxes and duties on cigarettes to maintain higher consumer prices. The Bill also sets out the ministerial powers on the sale and promotion of tobacco products.

I have given a different view and accept it is not popular and part of the cosy consensus here, but I say to the Minister and all of my colleagues that 30% of the people deserve to be shown a little respect on this issue. Let us stop the moralising and lectures and listen to people. If they have valid arguments, be they economic, health, social or political, the Minister should listen to them.

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

Deputy Mary Mitchell O'Connor: I listened carefully to what Deputy Finian McGrath had to say and while his arguments are highly amusing, they are false. He has dismissed World Health Organization reports and everything else. He has run out through the door of the Chamber and did not listen my criticism. I fundamentally disagree with what he said and it would wrong of us to let that erroneous message be sent. He stated the Bill was an attack on smokers; it is not, rather it is an attack on the cigarette and tobacco industry. I understand it is difficult to give up smoking and ask the Deputy to try hard to do so because it can be done. I smoked cigarettes for 20 years and was successful in stopping. It is as if the Deputy is involved in fantasy politics. He dismissed the arguments made by the Minister for Health who is a qualified medical doctor and also those brought forward by Senator John Crown, a renowned oncologist, as if this was some kind of game. I thought it was April Fool's Day and that he was pulling all of our legs. The argument made by the Deputy is totally wrong. He may not realise it, but 5,200 people die every year as a result of smoking. This accounts for 19% of all deaths. The Deputy may be able to laugh it off, but there are people who will die in this country as a result of smoking cigarettes. In my former profession I was a school principal, something I share with

the Deputy. It is very irresponsible that, as educationists, we put out the message to children that smoking is okay; it is not.

Deputy James Reilly: Hear, hear.

Deputy Mary Mitchell O'Connor: There are also costs associated with smoking. In 2008 it was claimed that smoking was responsible for 36,000 hospital admissions, at a staggering cost of €280 million. People have to take time off work; they suffer from lung disease, strokes and cancers, all of which impacts on the cost of smoking. Let us be clear about this: as taxpayers, we have to foot the bill and cough up €280 million required through extra taxes. Nothing annoys and upsets me more than seeing a child or a pregnant woman smoking.

The Irish Heart Foundation reports that 12% of school age children are smokers. It claims that children from lower socioeconomic classes are likely to smoke. It also points to research indicating that smoking is largely a childhood phenomenon, with 78% of smokers reporting that they started to smoke before the age of 18 years. More than half started before the age of 15 years. IHF research in 2011 indicated that 21% of women in Ireland had smoked during pregnancy and that it had a negative impact on the foetus. These statistics give cause for real concern and they are factual. I, therefore, ask Deputy Finian McGrath to check his statistics.

One method the Government has used to reduce the level of smoking is the setting of minimum retail prices for cigarettes. However, this approach has been deemed contrary to EU law. Minimum pricing will no longer be an option for the Government in controlling cigarette sales. However, it will still be capable of controlling the price of cigarettes through taxes and levies. As a preventive measure, price control is important. I will not dismiss what the World Bank and the World Health Organization argue, namely, that price is a key factor in reducing the number who smoke. Young people are particularly more sensitive to price rises. It is found that, on average, they will reduce their level of consumption three or four times more than adults.

In 2002 the New York city tobacco control programme put in place by Mayor Bloomberg included the raising of tobacco tax. In the ten years before the programme was implemented there was no decrease in smoking rates. After the control programme was introduced, the rate of smoking among teenagers decreased from 17.6% in 2007 to 8.5% in 2011. Irish figures also show that a price increase resulted in a decrease in the level of consumption. Figures further show that new smokers, especially children, become addicted when the price remains constant. These figures reinforce the argument in favour of the Government maintaining and raising the price of tobacco. The World Health Organization states, "Increasing the price of tobacco through higher taxes is the single most effective way to encourage tobacco users to quit and to prevent children from starting to smoke".

The Irish Heart Foundation also suggests the implementation of a price cap regulation which would set a minimum price tobacco companies could charge for their product based on an assessment of the genuine costs each firm faced. A price cap could have a number of benefits: it could address the excessive profits of tobacco companies, increase Government revenue by transferring excess industry profits to the Government and deliver many public health benefits. However, it is likely that such a move would also be struck down by the European Union for infringing EU law. The Irish Heart Foundation also recommends extending smoke-free zones to protect children. The Minister for Health is making great strides to achieve this and I congratulate him on that promotion.

I am also delighted many county councils have banned smoking in playgrounds. Smoking must be denormalised for children who should not associate smoking with something Mammy does in the car on the way home from school, with something Daddy does in the playground or with something Granny does while waiting outside the school grounds. Second-hand smoke is a significant cause of death and disease. For the benefit of Deputy Finian McGrath, I repeat that it is a significant cause of death and disease. Children, pregnant women and unborn babies are particularly susceptible in this regard.

When tobacco price increases are mentioned, an argument usually is made about tobacco smuggling. We heard it made here earlier. A recent Revenue analysis stated that increasing tobacco taxation will increase consumption of untaxed tobacco products. The Irish Heart Foundation disagrees while the World Bank and the World Health Organization, WHO, also concludes that tax is not a major driver in smuggling. WHO points to other factors such as weak customs controls.

Announcements of tobacco seizures are not always well advertised but it is determined on how effective our controls are. As of September 2012, almost 81 million contraband cigarettes had been seized in 2012. There is no doubt that cigarette smuggling is big business. The measurement of the scale of illicit trade is difficult in any country. Revenue has estimated that illicit cigarettes accounted for 14% of all cigarettes consumed in the State in 2009. This represents a potential loss of €200 million in excise duty for the Exchequer.

Deputy Paudie Coffey: I too welcome the opportunity to contribute to the Public Health (Tobacco) (Amendment) Bill which makes provision for the Minister to regulate in respect of activities that may promote the sale of tobacco products. In a cross-parliamentary way, I commend the previous Fianna Fáil Administration that introduced the smoking ban in 2004. It was a good day's work when people could not smoke in public places. Many of those who opposed it at the time now see the benefits in it.

Anything we can do to lessen the serious and lasting negative health impacts of smoking is important and must be welcomed. I am also conscious that at this time of the year, many people make new year resolutions to try to give up smoking. They must be encouraged and supported in every way possible in doing so. We must also acknowledge the efforts of the staff in the Health Service Executive, HSE, and in organisations such as ASH Ireland, the Irish Cancer Society and the Irish Heart Foundation, for the work they do in raising awareness and assisting people who wish to give up smoking.

I come from a family that had heavy smokers. Both my parents smoked heavily but, thankfully, I do not. As I have seen the long-term damage to health done by smoking, I cannot understand how Deputy Finian McGrath, himself a teacher, could express some of those irresponsible views he expressed earlier. I am not attacking smokers personally as this is a much wider health issue. I always respect differences of opinion and respect what Deputy Finian McGrath has to say. I am surprised, however, that he has taken the steps contained in this Bill so personally. Why does he resent its provisions so much? Is he in denial of the facts about smoking?

Almost 6,000 people die from smoking-related diseases in Ireland every year. Up to 90% of lung cancers are caused by smoking. Up to 50% of all smokers will die from smoking-related diseases. Smokers have an increased risk of cancers, heart disease, strokes, low birth weight and many other diseases. It costs the State €1 billion a year to provide health services for smoking-related illnesses. I am not trying to force my opinion on any individual who smokes.

I have family members who smoke heavily. I certainly do not want to be looking into Deputy Finian McGrath's windows. However, as legislators, we must ensure the non-contamination of people's air quality and encourage healthy and fit living practices. Many of those who opposed the original smoking ban in 2004 now see its benefits.

I am concerned by the number of young people who smoke. I am not sure whether it is due to image, peer pressure or easy access to cigarettes. The best way to address this is through education and health initiatives in schools, youth clubs and the home. Parents must take responsibility in this regard and lead by example by not passing on habits that will lessen the long-term health and life prospects of their children. I recognise it is an addiction and not easy to give up cigarettes. However, smoking is a significant cost to health and to the State in providing health services.

I welcome this Bill and welcome any action in lessening the damage caused by smoking in society.

Deputy Brian Walsh: I welcome the opportunity to contribute to the debate on this important legislation. Listening to Deputy Finian McGrath's contribution, I was reminded of a "Yes, Minister" episode in which Sir Humphrey Appleby was trying to impress upon the Minister that the effect of smoking on people's health was greatly outweighed by the benefits that accrued to the Exchequer from duty and VAT receipts. Deputy Finian McGrath's contribution would be more appropriate to a sitcom of that nature. It is clear his motivation was to give a soundbite that would allow him occupy some column inches in the newspapers. In his tirade of misinformation, he attempted to set this debate back 40 years. He added weight to his claims by arguing that this is what is being said in the public houses around the country. What next can we expect from Deputy Finian McGrath? Will he start quoting some of the graffiti from the cubicles in these public houses?

At a time when our overarching economic challenges dominate the public agenda, predominantly technical legislation such as the Public Health (Tobacco)(Amendment) Bill tends not to come into sharp focus. However, the importance of the underlying issues and any changes to the law in this area should not be diminished or underestimated. Smoking is the leading cause of preventable deaths and is responsible for over 5,000 deaths per annum. In addition, 35,000 people are admitted to hospital each year with smoking-related illnesses at a cost of €280 million to the Exchequer. Such statistics make for stark reading. These are fatalities which one would associate with conflict, epidemic or natural disaster but they are entirely avoidable. I believe the continuing effort to reduce tobacco use will be seen in the fullness of time as one of the most important social issues of our generation. Already we have come a long way in this regard. We have seen cultural and legislative changes that have succeeded in encouraging people to kick a most destructive habit.

Praise rarely traverses the floor of the House. However, as Deputy Coffey said, the ban on smoking in the workplace introduced in 2004 was a significant milestone in the campaign to protect our people from the harmful effects of tobacco. Regulating in this regard for restaurants and bars proved to be a difficult area in the European experience. The ease with which the Irish hospitality industry adapted to the challenges of the ban is to its enduring credit.

Maintaining high tobacco prices has long been a central tenet of our health policy towards tobacco. The necessity of this legislation arises from a ruling of the European Court of Justice in which it held that minimum retail pricing for cigarettes infringes on European competition

law. There was some concern that the ruling would lead to a reduction in the price of tobacco and its availability at lower prices would encourage more people to smoke. Such fears should be allayed for two reasons, however. First, retailers have not reduced the cost of cigarettes since his ruling was made in 2010.

1 o'clock

Second, while minimum pricing may be disallowed, the same result can still be achieved through taxation measures. Maintaining high prices should remain a central part of our efforts to reduce smoking. There is considerable evidence that this the single most effective way of doing so. There is some debate over whether there is a correlation between high prices and the proliferation of cigarette smuggling. I am disinclined to accept this argument for lowering the price of tobacco. Instead, we should propose that a strategy of maintaining high prices be pursued in tandem with vigilant policing of the black market. In recent years the Revenue Commissioners have continued to have considerable success in this regard. We have come a long way in reducing the prevalence of tobacco use and in protecting our people against its associated health risks, but it is an enduring challenge and it is incumbent on all Members to continue to augment their efforts in order that more people can enjoy longer, healthier lives.

Deputy Seamus Healy: I wish to share time with Deputy Catherine Murphy.

I welcome the opportunity to speak on the Public Health (Tobacco) (Amendment) Bill 2013. This is an important issue, bigger than the views of any individual Deputy. Smoking is remarkably harmful to the individual and society. We must ensure we establish a culture that reduces the number of people who smoke, especially younger people. These people create considerable health difficulties for themselves and others.

The necessity for the Bill arises from the judgment of the Court of Justice of the European Union on minimum retail pricing of cigarettes. The court maintained that European law had been infringed. That may well be the case and the legislation before us arises from that, but we must ensure that we continue and extend campaigns to stop smoking in the country. We must ensure that the price of tobacco products, including cigarettes, remains high, because price is a key factor in discouraging smoking. We must ensure there is no below-cost selling of tobacco or tobacco products and that there are no so-called special offers. We must ensure that we maintain the prohibition on advertising and on displays in retail premises.

All of the organisations involved in this area agree that there should be a three-pronged approach. There should be price increases for tobacco products, there should be a comprehensive smoking cessation programme, and there should be stronger smuggling controls.

Earlier, I noted that smoking is remarkably harmful for the individual and society. The facts are there for everyone to see. There might be a question about whether there are 5,000, 6,000 or 7,000 deaths, but there are a significant number of deaths, at least 5,000, each year. Some agencies put the figure as high as 7,000 deaths annually arising from smoking. The HSE has said that there are 360,000 admissions to Irish hospitals every year as a result of smoking and has reported a cost of approximately €280 million to the Exchequer as a result. The figures of ASH Ireland are significantly higher: it referred to 7,000 deaths per year and a cost of €1 billion.

Irish cigarettes prices are currently the most expensive in Europe and they should stay as such. Price has a significant effect on consumption and it definitely reduces smoking. Some surveys show that a 10% increase in price will decrease smoking by between 5% and 7% on

average. The World Health Organization has already been referred to. It has concluded that “Increasing the price of tobacco through higher taxes is the single most effective way to encourage tobacco users to quit and prevent children from starting to smoke.” Prices are a significant factor in ensuring a reduction in smoking and they should be kept high. We should ensure there is no below-cost selling and no way in which tobacco companies and the industry can get around very high tobacco and cigarette prices. I support the call from ASH Ireland for a 50 cent environmental levy on the tobacco industry for each packet of 20 cigarettes sold.

The facts relating to smoking are horrendous. Significant initial headway was made with the ban on smoking in public places in 2004 but, unfortunately, it appears that despite this initial headway the rate of smoking is now at pre-2004 levels. There is a particular concern about the percentage of young women and less well-off people who are smoking.

Tobacco is the single largest cause of preventable death and disease in Ireland, killing half of all lifetime users. Approximately 30% of people in Ireland smoke and 16 people per day die as a result. Up to 79% of smokers wish to quit, but it is difficult to do so. Smoking causes one third of all cancers and nine out of ten lung cancers. Clearly, this is remarkably harmful to the individual and to society in general as well.

It has been stated that the cost to the State of smoking is approximately €1 billion. There would be a great cost advantage to the State in ensuring that there is a proper comprehensive campaign to turn this around. This has been done to a large extent in the area of road traffic accidents by the Road Safety Authority and there is no reason it should not be possible in this area as well. I welcome the provision whereby graphic images will be on cigarette packets in future.

I believe that certain actions are necessary, as do organisations such as ASH Ireland, the Irish Cancer Society and the Irish Heart Foundation. I support the ban on smoking in cars transporting children and a complete ban on smoking in playgrounds and recreation areas used by children. We must ensure a comprehensive programme is put in place and operated to tackle this issue. It has been done in other areas, which shows that it is possible to do it.

Smuggling and the black market have also been mentioned. Cross-Border traffic and illegal importation account for in the region of 20% of the overall market. It is an issue which must be tackled by way of addressing weak customs controls, slow judicial processes, low penalties and lack of communication with neighbouring jurisdictions. It is an urgent matter and I hope that as a result of the debate on the Bill, the issues of increased prices, a comprehensive campaign and smuggling and the black market will all be addressed.

Deputy Deputy Catherine Murphy: I regret that legislation is necessary owing to the judgment of the European Court of Justice in a case which was strongly defended by Ireland, Austria and France and in which it appears the European Union’s fair market principles overrode public health concerns and interests. I question the morality of that approach and as a result, cannot support the legislation, notwithstanding that it is required of us to implement the court’s judgment. One must ask what values the court is working to when an important vehicle to assist member states to inform and decide behaviour in public health matters is not permitted to be used. It is strange and must be galling for the Minister for Health who is a medical doctor to have to sponsor the Bill.

We have used minimum pricing since 1978 as a vehicle to reduce the incidence of smoking, which approach has had considerable success over the decades. I am sure smokers themselves

16 January 2013

wish to discourage others from smoking because of how addictive it is and the difficulties they experience in trying to kick the habit. This vehicle was being used to prevent people from becoming addicted in the first instance. The cost of smoking to the health service is greater than the revenue yielded from taxes on cigarettes. There is ample evidence of the damage cigarettes cause and it has been articulated by many. While one can talk about the evidence in an academic sense, people also talk about family members who smoke. My father died of lung cancer. When it is close up and personal and one has to watch for 12 months someone with less than an egg cup of capacity in his lungs gasp for breath, panic and experience pain, one is assured of the appropriateness of a health policy which discourages people from putting themselves in that position. No one would want his or her children to put themselves at that risk, which is what the health policy was intended to achieve. It was designed to stop young people, in particular, from starting to smoke in the first place.

One in every two people who is a life-long smoker will die from a smoking related illness. There are other significant effects of smoking, with 25% of all strokes being caused by cancer, for example. The incidence increases among young people, whereby more than half of young adults who experience a stroke are smokers. It is not merely about failing to survive a stroke, it is also about living with the damage the stroke will have caused to ruin a young person's life and limit his or her potential. We tend to think of older people when we think of strokes, but they can happen at any age.

The statistics are alarming. Aviva Health carried out research recently which showed that 24% of Irish females and 22% of Irish males smoked. The amount of money spent on cigarettes is astonishing. Smokers spend €293 a month, or €3,500 per annum from taxed income. It is astonishing to consider the sum which has to be earned in gross wages by a person in the 41% tax band in order to pay for cigarettes. Research shows that smoking rates have actually increased recently and that women smoke twice as many cigarettes as men. We should seek every vehicle possible to discourage smoking. I smoked for a few years but gave them up a long time ago, before I became pregnant with my eldest child, and know how difficult it is to stop. I sympathise with those addicted to cigarettes, of whom very few would not give them up if they had a choice. Smoking is hugely addictive, expensive and damaging to health.

The cornerstone of Irish health policy to discourage the use of tobacco was price control, which is widely seen as the most successful tool to reduce the incidence of smoking. The policy has been successful in a number of countries. This is an almost textbook case of the ideals of free trade and open competition taking precedence over public health concerns to our detriment. A certain amount of industry lobbying will have been involved. We must engage at European level to change the values and attitudes which informed the decision. We should ensure the precedence of the European philosophy on free markets over public health and the social good is as temporary as possible.

Instances of lung cancer are increasing according to the Irish National Cancer Registry and estimates based on recent figures are for increases of 59% for men and 136% for women by 2020. There is no point in looking back and saying we could have done something to prevent this. We must do everything we can to reduce the figures. We need clear assurances from the Minister that the regime for the pricing of cigarettes will not change at the consumer end. We can implement the same restrictive pricing levels through taxation. While I cannot support the Bill, I would support legislation to ensure prices do not change at the consumer end. Ultimately, we will need to engage with the European Union on the issue. I want the Minister to assure the House that this will happen.

This is not simply about lung cancer. There are a range of cancers at issue. While the treatment of persons who have suffered a stroke is estimated to cost the health service €1 billion a year, the Irish Heart Foundation indicates that, unfortunately, less than €7 million is spent on community rehabilitation measures. A great deal of rehabilitation is required by the victim of a stroke who does not get to a stroke unit early, which is the ideal. What is even more ideal is ensuring someone will not have a stroke in the first place. Some 25% of all strokes are caused by smoking, which statistic rises to 50% among young adults as a result of a stroke caused by a blood clot. Smoking is responsible for up to 2,500 strokes and 500 deaths from the disease every year according to the Irish Heart Foundation. We relate things to the death rate on our roads and this equates to road deaths. I know that not every stroke is preventable and that some strokes happen in old age but they happen across the age range. Young adults who smoke substantially raise their risk of stroke.

Acting Chairman (Deputy Olivia Mitchell): The Deputy's time is up.

Deputy Catherine Murphy: I will finish up. The ban on smoking in the workplace was not about punishing smokers. I will return to what Deputy Finian McGrath said about this. It was about protecting workers from secondary smoke, which has been demonstrated to be significantly damaging. We all remember the fog in restaurants and pubs when one was in a horrible environment. This was obvious from the outward effects of it and one can clearly imagine the internal effects.

Ireland is a target because we are the most expensive country in terms of the way we implement price controls. We should continue to be an example in respect of that. I want to hear assurances from the Minister about a corresponding tax initiative to override this piece of legislation.

Acting Chairman (Deputy Olivia Mitchell): The next slot is a Government one and the first speaker is Deputy Joe O'Reilly. I understand he is sharing time with Deputy O'Donovan.

Deputy Joe O'Reilly: Yes.

Acting Chairman (Deputy Olivia Mitchell): The Deputies have ten minutes each.

Deputy Joe O'Reilly: The legislation before us today is necessitated by the European Court of Justice ruling on minimum pricing. I am impressed by the response to the court ruling in that while the legislation accepts the court ruling, it deals very well with it in that the Bill prevents cigarettes being distributed free as an incentive with another product, tobacco product or service. It prevents that type of sinister marketing that would be dangerous and prevents making cigarettes available at a reduced price in that scenario. The Bill is a good response to the court ruling in that respect.

The court ruling does not prevent the imposition of excise duties with the health policy objective. I presume and would be strongly of the view that we should continue that policy and one assumes that has been the case in recent budgets and will continue to be the case. To that extent, the Bill is an intelligent, proactive response to a court ruling based on a very fine and defined principle relating to competition.

I also accept the point that was made very well by Deputy Catherine Murphy that public health issues like alcohol and cigarette consumption need to be looked at in the context that where there is absolute evidence of a health scare or a threat to people's health, one would as-

sume that would impinge on court rulings. The Bill gets over the issue very well.

The statistics relating to cigarette smoking in Ireland are frightening. The Bill responds to those statistics and we must continue to respond to them. One in four Irish people smokes, which is a frighteningly high figure. A total of 5,000 deaths arise from cigarette smoking annually and one half of all long-term smokers will die prematurely due to a smoking-related illness. In 2008, smoking was responsible for 36,000 hospital admissions costing €280 million. These are frightening statistics that merit repeating and putting on the record of the House and into the public arena any time we get the opportunity. They also deserve a very strong emergency response from us as legislators and the Government. It would be churlish and remiss of me if I did not acknowledge that the initiative by the past Government in respect of the smoking ban has been an unqualified success and is to be welcomed. Not only has it acted as a preventative measure, it has acted as a significant support to those who are trying to give up cigarettes. One of the difficulties people trying to recover from the addiction faced in the past was that when they went into public places where everyone around them was smoking, refraining from smoking cigarettes put an extraordinary strain on them. That challenge has at least been removed which is to be welcomed, apart from the other objective merits of the measure.

There is no doubt that in addition to the ban, all empirical data from the World Bank and the World Health Organization, WHO, would suggest that there is an absolute relationship or correlation between the price of cigarettes and the numbers of people who smoke and, very important, the numbers of young people who will start smoking. It is to the credit of Government that we are continuing a policy of a high level of excise duty on cigarettes and this has been included in the current budget. Studies confirm that consumption decreases by between 5% and 7% for a 10% real increase. The WHO states that increasing the price of cigarettes is the single most effective way to encourage quitting and prevent children from starting smoking. I also welcome the fact that graphic images will soon appear on cigarette packets. The Minister referred to it earlier in his opening Second Stage speech. This will have an impact to some degree as have the images of car accidents.

The smuggling of cheap cigarettes into the country is a significant issue. Coming from a Border constituency, I suspect that it would happen irrespective of price. Even if we had not pursued a policy of increasing cigarette prices as a preventative exercise and were cigarettes to be at a lower price, contraband or smuggled cigarettes would still come into the country at a lower price. The response to smuggling is not to decrease the price to compete with the smugglers but rather to stop smuggling. I urge the Government to continue putting all the machinery in place, remove the bureaucratic impediments to dealing with smuggling that seem to exist and work at European level to achieve this.

I welcome the fact that the legislation deals with efforts to give out free cigarettes or have prices below the minimum price as an incentive with other products to get people hooked. In the very fine research carried out by the Oireachtas Library & Research Service, I see that P. J. Carroll & Company states that 25% of cigarettes smoked are bought on the black market, which is a frightening figure because there is also evidence to suggest there might be extra additives and dangerous chemicals in those cigarettes which is of concern.

The health problems caused by smoking cost the Exchequer more than €500 million and kill 7,000 people per year. All of the figures are frightening and unacceptable. Deputy Catherine Murphy related them back to the death of her father. Although, thankfully, I did not have that immediate experience, it was the case in the extended family and we all know where this is the

case among neighbours or friends. It is horrific to watch. While pricing and graphic images on cigarette packets are crucial, as a reformed smoker, I think the thrust of our anti-smoking efforts should be a positive agenda. We should accentuate the degree to which not smoking improves one's life.

Acting Chairman (Deputy Olivia Mitchell): The Deputy has two minutes left but as it 1.30 p.m., I ask him to move the adjournment.

Debate adjourned.

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

Ceisteanna - Questions

Priority Questions

Northern Ireland Issues

1. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade the discussions he has held with the British Secretary of State for Northern Ireland in relation to the outbreak of sectarian violence in Belfast over the past number of weeks over flag protocols at Belfast City Hall; and if he will make a statement on the matter. [1357/13]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): In recent weeks we have seen widespread street violence in Belfast and elsewhere in Northern Ireland. We have seen attacks on the Police Service of Northern Ireland, including the attempted murder of police officers and widespread attempts to intimidate public representatives and their families. I have condemned these events unreservedly. I have remained in contact with the Secretary of State for Northern Ireland, Theresa Villiers, MP, and with the party leaders in Northern Ireland throughout these events. Over the past week I have spoken with Peter Robinson, MLA, Martin McGuinness, MLA, David Ford, MLA, Mike Nesbitt, MLA, and Alasdair McDonnell, MLA. I will be travelling to Belfast tomorrow morning to meet with the Secretary of State, the First Minister and the Deputy First Minister. Officials from my Department continue to work closely with the British Government and political representatives in Northern Ireland to identify ways to address not just the current crisis but its underlying causes. Security co-operation between the Garda and the PSNI is at its most effective level ever. The PSNI is on the front line dealing with the violence of recent weeks and, with 99 police officers injured to date, I want to reiterate my steadfast support for that force in dealing with these difficult circumstances. I also wish to take this opportunity to put on record the Government's abhorrence at the attempts on the lives of police officers.

The vast majority of people in Northern Ireland want to see an end to street violence. The rioters are in effect wrecking their own communities. This year has the potential to be a great year for tourism to Northern Ireland. That potential must not be jeopardised by the recent terrible images from Belfast that have been beamed around the world by international media. The economic cost of recent events is becoming apparent. Apart from the cost of the policing operation, which is estimated at £7 million, foreign direct investment, the retail trade and tourism are all at risk. The director of the Confederation of British Industry in Northern Ireland has warned of the economic damage being inflicted on local businesses, tourism and investment.

It is my hope that out of this setback we will see a redoubling of efforts to achieve a genuinely reconciled society in Northern Ireland. It is a reminder to all that the peace process still has some way to go. Political co-operation and security co-operation on this island have never been better and we can rely on these relationships of trust and on the resilience of the Good Friday Agreement to create space for progress beyond the current difficulties.

Deputy Brendan Smith: The Tánaiste correctly stated that the street violence in Belfast and elsewhere and the attempts on the lives of police officers are unacceptable and reprehensible. These are issues that we believed had been thoroughly addressed. The past 40 days in Belfast clearly demonstrate the need for both Governments to continue to take an active interest in developing the peace process. We spoke previously in this House about the need for constant vigilance over the peace process. I welcome that the Tánaiste has been in constant contact with the Northern Ireland Executive at First Minister and Deputy First Minister level and with other party leaders. I ask him to ensure the message is passed on to the First Minister and Deputy First Minister that politics must be seen to work. It is not a question of emblems or street violence; it is about improving the lives of the people of Northern Ireland. We must bear in mind the comments by the leader of the SDLP at his party's conference in November, when he described the Executive as the stagnation of a complacent and paralysed institution which is not delivering to the people in the areas for which it has responsibility. It is important this message is transmitted clearly to political leaders in Northern Ireland.

Deputy Eamon Gilmore: I agree it is important that politics be seen to work. All of the political parties and political leaders in Northern Ireland work closely together to communicate a clear message that the street violence seen in recent weeks should not continue because it is damaging and unrepresentative of the people of Northern Ireland. We have been working very closely with the Northern Ireland Executive over the past couple of years. I noted earlier today that approximately 50 ministerial meetings have been held under the framework of the North-South Ministerial Council. These meetings deal with practical issues, such as transport, education and health services. I have remained in close contact with the First Minister and Deputy First Minister, as well as the Minister of Justice, David Ford, MLA. My colleague, the Minister for Justice and Equality, is also in regular contact with the Minister, Mr. Ford. I have also maintained close contact with the Secretary of State for Northern Ireland, Theresa Villiers, MP, and her predecessor, Owen Paterson, MP. The purpose of our meeting tomorrow is to discuss with the First Minister and Deputy First Minister a positive way out of the current difficulties and to assure them of the support of both Governments in finding a solution.

Deputy Brendan Smith: In view of the disappointment expressed by certain communities in east Belfast to Members of this House, including the Leas-Cheann Comhairle and me, on the lack of progress on employment and educational attainment, will the Tánaiste be in a position to discuss with the Northern Ireland Executive and whatever communities he meets tomorrow the support that he can offer to advance bridge-building projects between communities? Noth-

ing can justify the violence but investment in job opportunities and education and training is particularly important for areas that have suffered terrible deprivation over a long period. These issues were clearly outlined to us by representatives of communities which come from a different political tradition from most of us in this House.

Deputy Eamon Gilmore: My Department provides support through the peace and reconciliation funds and the anti-sectarianism fund for community-based projects which are aimed at building cross-community relationships in Northern Ireland. We also place a high value on funding from the International Fund for Ireland and the European Union's PEACE programme. One of the Irish asks in the negotiations on the multi-annual financial framework is successor funding for peace building and reconciliation purposes in Northern Ireland. I am hopeful that we will succeed in getting European Union funding in order to address the issues of disadvantage that lie at the root of some of the problems in Northern Ireland.

Use of Non-Conventional Weapons

2. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will support an international investigation to examine if the use of non-conventional weapons, such as chemical weapons and depleted uranium munitions, were used in Israel's recent bombardment of Gaza in November 2012; and if they were the cause of a rapid rise in the number of patients being admitted into hospitals in Gaza with grotesque injuries, that the Ministry of Health in Gaza said resembles the adverse effects of exposure to uranium or lethal chemicals. [1979/13]

Deputy Eamon Gilmore: In contrast to the 2009 conflict, no hard evidence has emerged to suggest that Israel used non-conventional weapons in Gaza in November 2012. While claims of this kind have been made, there has been no statement by UN organisations or reputable NGOs on the ground alleging the use of non-conventional weapons. I have not seen any allegation to this effect from the *de facto* ministry of health in Gaza. As the Hamas authorities were one of the parties to the conflict, it would, of course, be desirable to have independent evidence of any such allegation. European and other diplomatic missions in the region, including those with professional military attachés, closely monitored the reports on the conflict and detected no suggestion of non-conventional weapons being used. There is, therefore, no basis on which to consider the international investigation the Deputy proposes.

Many observers can be shocked and misled by the dreadful injuries which modern conventional weapons are capable of inflicting. Ireland has stressed repeatedly, both internationally and directly, to the Israeli authorities that the use of conventional heavy weapons in a crowded and built-up area inherently risks serious and unacceptable harm to innocent parties, as has again turned out to be the case. The legitimate right of self-defence must be exercised in conjunction with the rights of others and the need to clearly distinguish military targets and avoid civilian casualties. It goes without saying that this should also apply to the deliberate firing of weapons by Hamas and others at civilian targets in Israel and the siting of weapons in civilian areas.

Deputy Seán Crowe: In 2006 the European Parliament adopted a resolution that called on the European Union and its member states to work hard to ensure the scope of the protocol to the Convention on Certain Conventional Weapons would be expanded to prevent the further use of white phosphorous shells and depleted uranium warheads against military and civilian

targets. In the previous conflict in the area in 2009 Amnesty International found white phosphorous wedges in residential buildings in Gaza city and both it and doctors came out strongly on some of the weapons used. There were also reports on levels of radioactivity. I am basing my comments on the reports of some medics who suggest the burns they have come across in the latest conflict are not the usual ones seen as a result of the use of conventional weapons. I know the Israelis used a dense, inert metal explosive, DIME, which had a different impact with regard to the burns suffered as a result. Is the Tánaiste saying there is no demand to investigate what happened during the recent conflict and that there is no evidence from the region in that regard? We are getting our information second hand, but if there was evidence of the use of such weapons, would the Tánaiste support the view that these weapons should not be used in built-up areas or at all? There are many depleted uranium shells lying on the ground in some areas and we have received reports from hospitals that they affect children also. The doctors describe a Gulf war syndrome that affects many children. I would be surprised to hear these shells had been lying on the ground since a previous conflict and that they had not been used in the most recent conflict, but it is welcome if that is the case. If the view in the region is that there is a need for an outside investigation, would the Tánaiste support this?

Deputy Eamon Gilmore: We must deal with what we know. I would like to make it clear that non-conventional weapons should not be used at all. We do not have evidence that they were used, but we do have evidence of the considerable damage and deaths caused by the use of conventional weapons. Ireland was in direct contact with the Israeli authorities throughout the crisis, both through the ambassador here and through our embassy in Tel Aviv. We repeated our concerns about civilian casualties and the need to avoid further escalation, particularly through the possible launch of a ground campaign. We acknowledged, as was appropriate and as we had always done, Israel's right to protect itself and its citizens from attack, but we emphasised that this right was not a blank cheque. Any action taken must be proportionate and clearly distinguish between military targets and civilian facilities. During the recent crisis I made a number of public statements on this issue. We are also in regular contact with the UN agencies on the ground, particularly UNRWA. I met officials of UNRWA and other humanitarian agencies last January when I visited Gaza and commended them for their excellent work in challenging circumstances. I also met the director general of UNRWA, Mr. Filippo Grandi, when he visited Ireland last November. We have a very good donor relationship with UNRWA and discussed the situation on the ground.

Deputy Seán Crowe: I am working on information I have been given based on the reports of medics. However, I accept that information has not come across the Tánaiste's desk and accept what he has said on the issue. We know ordnance used in previous conflicts remains on the ground in the region. Previously, I referred to the fact that the head of the medical authorities in Gaza was an Irish passport holder. I suggest it would be useful, if the Tánaiste was in the region at some stage, for him or some of his officials to talk to that man about the difficulties that have arisen, particularly since the current conflict began. There are reports of unexploded ordnance used in the previous conflict, particularly in the border region where children are suffering from Gulf war syndrome.

Deputy Eamon Gilmore: My officials and I are open to receiving first-hand information, particularly from people working on the ground. Apart from that, this is a foreign policy issue which is a priority for the Government. I expect the Israeli-Palestinian-Middle East peace process will be the subject of discussions again shortly at the European Union Foreign Affairs Council. While the hostilities have now ceased, the situation in Gaza is very grim, largely due

to the blockade. We will continue our efforts to try to secure a settlement and a way forward. In addition, we will also try to ease the hugely difficult living conditions for the people of Gaza.

Northern Ireland Issues

3. **Deputy Clare Daly** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will raise on the UN Human Rights Council, the fact that the arrest of Irish citizens including Martin Corey, have been found to be in breach of Article 5(4) of the European Convention on Human Rights but that this has been overruled by the British Secretary of State for Northern Ireland on the basis of closed evidence; and if he will make a statement on the matter. [1603/13]

Deputy Eamon Gilmore: Ireland was recently elected to serve as a member of the United Nations Human Rights Council for a period of three years, which began in January 2013. We have long championed the vital role of the United Nations in the promotion and protection of human rights and will continue to do so as a member of the Human Rights Council. I am aware of the case of the individual mentioned which is being monitored by officials of my Department. The British authorities have confirmed that he was released under licence in 1992. The Secretary of State for Northern Ireland revoked that licence in April 2010 and the individual has, as a result, been in custody for the past two years and nine months. I understand an appeal in the case will be heard by the Supreme Court in Belfast in February. As the case is the subject of an ongoing legal process, it would be inappropriate to comment further at this time.

Deputy Clare Daly: I do not really accept the Tánaiste's response. He is aware that a cross-party delegation of Deputies and Senators visited Mr. Martin Corey and others in Maghaberry Prison prior to Christmas. What we encountered there was a man in a very difficult situation, without him or his legal team being privy to the reasons for his incarceration. This is an incredibly difficult position for anybody to be in and clearly a breach of human rights, as laid down by the European convention which provides that people have a right to liberty, subject to lawful arrest and detention. People also have the right to be informed of the charges against them. In this case, clearly, that right is not being upheld. Martin Corey's arrest was deemed to be unlawful, but that decision was over-ruled by the Secretary of State. I ask the Tánaiste to use his new offices on the UN Human Rights Council to bring this issue to the fore of the discussions that are taking place. To be honest, if he does not use his position on the council to advance human rights issues that affect our citizens, what is the point of it?

Deputy Deputy Eamon Gilmore: It needs to be made clear that this man's case is due to be heard by the Supreme Court in Belfast shortly. It would not be appropriate to have a public discussion on the merits or otherwise of that case in advance of it being heard. I am very much aware of the cases of a number of prisoners in Northern Ireland. I have discussed them with the current Secretary of State and her predecessor. They will be the subject of further discussions. The UN Human Rights Council is an intergovernmental body that is responsible for strengthening the promotion and protection of human rights and addressing human rights violations. There are circumstances in which individuals can make complaints through the council's mechanisms. In all such cases, individuals are expected to exhaust the appropriate domestic remedies that are available to them before they do so.

Deputy Deputy Clare Daly: While the Tánaiste is quite correct when he says the case is due to be heard, it should be made clear that this man will have been incarcerated for almost three years by the time that happens. The courts have already heard his case and decided there

16 January 2013

was no basis for his original arrest. That decision was subsequently over-ruled on the grounds of closed evidence. Given that this scenario affects a number of prisoners in similar situations, as the Tánaiste has correctly said, I suggest that the whole idea of closed evidence, whereby the basis on which a person has been incarcerated is not disclosed to that person or to his or her legal team, is absolutely reprehensible. The Tánaiste indicated previously that he would meet the delegation that visited the North to hear our feedback on that visit, particularly regarding the circumstances of Marian Price, whom we also met and whose incarceration is somewhat similar to that of Martin Corey. On behalf of that delegation, I would like to reiterate the wish of the delegation to meet the Tánaiste at his earliest convenience to discuss the issues that have arisen from our visit. I appreciate that logistical difficulties made it difficult to organise such a meeting before Christmas.

Deputy Deputy Eamon Gilmore: Of course I am willing to meet the delegation that travelled to Northern Ireland. As the Deputy has acknowledged, there has been some confusion about the logistical arrangements for the meeting. I would be quite happy to have the meeting as quickly as it can be arranged. I would be particularly interested to hear the assessment of the delegation that visited the prison. I must make it clear that I do not want to comment on the appeal or on the legalities of the issue. I hope that can be accepted. I am concerned about the prisoner issue in Northern Ireland. It is and will continue to be the subject of ongoing discussion between me, the Secretary of State and our respective officials.

Northern Ireland Issues

4. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade the steps he has taken in relation to requesting a full independent inquiry into the murder of Pat Finucane since the publication of the De Silva report; and if he will make a statement on the matter. [1358/13]

Deputy Deputy Eamon Gilmore: Over 3,500 people died during the Troubles. The pain that their relatives and friends continue to endure to this day is considerable. There is no hierarchy of loss or grief for these families. They all seek the truth of what happened to their relatives. The Finucane family is no different in this regard. The Government continues to seek a public inquiry into the murder of Pat Finucane, as committed to in the various agreements, on the basis of the findings of Judge Cory on the likelihood of state collusion. The work undertaken by Desmond de Silva QC can facilitate this by helping to ensure the inquiry does not need to be lengthy, open-ended or inordinately expensive. As I said when the report was published, we must build on the progress that has been made to date. In my contacts with Secretary of State Villiers following the publication of the report, I made it clear that the Government will continue to seek a public inquiry. The Taoiseach has passed this message to the British Prime Minister, Mr. Cameron. I will continue to work with the Secretary of State to ensure the full implementation of all the agreements.

Deputy Deputy Brendan Smith: I thank the Tánaiste for his reply. He is right to make the point that there is no hierarchy of grief or pain for the families of the 3,500 people who died or the many thousands of people who were injured. The de Silva report clearly exposed the shocking level of brutal state collusion during the Troubles, which represented a dark chapter in this country's history. It is obvious that the publication of the report does not equate to the establishment of a fair and objective full investigation into the murder of Pat Finucane. In 2006,

this House agreed an all-party motion that called for a public inquiry into the matter. That was also provided for in the international Weston Park agreement. Can the Tánaiste tell the House whether Secretary of State Villiers has indicated that the British Government will give further consideration to the all-party motion in which this House called for a full public inquiry to be held, in line with an international agreement? Did the Tánaiste raise these matters in his discussions with Secretary of State Villiers? If I recall correctly, the Tánaiste mentioned the last time we discussed this matter that he intended to raise the issue with the British Deputy Prime Minister, Mr. Clegg, as well.

Deputy Deputy Eamon Gilmore: The British Government is aware of the Government's position on this issue. The Taoiseach has communicated that directly to the British Prime Minister, Mr. Cameron, and I have communicated it directly to Secretary of State Villiers. When I have had an opportunity to do so, I have raised it with Deputy Prime Minister Clegg and Foreign Minister Hague as well. The British Government decided not to hold a public inquiry in this case. Instead, it asked Desmond de Silva to carry out a review and to publish a report. The Government's position has not changed since I made a statement in the House after that report was published. We are continuing to seek a public inquiry. Concern has been expressed about the length of time a public inquiry would take and the amount of money it would cost, but I suggest the work that has been done by Desmond de Silva would facilitate the holding of such an inquiry. Given that a great deal of evidence has already been examined, the inquiry should not be protracted. A commitment to the holding of a public inquiry was included in the Weston Park agreement. Indeed, we were required under that agreement to hold an inquiry of our own - the ongoing Smithwick inquiry. Our view is that the full terms of the various agreements, one of which relates to the holding of an inquiry, should be implemented.

Deputy Deputy Brendan Smith: The Finucane family, which has been very dignified throughout its campaign for a full public inquiry, has completely rejected the report as a white-wash. I ask the Tánaiste to continue to pursue this matter with the British Government, especially given that an international agreement is being breached. As he said, the other part of the Weston Park agreement involved the establishment of a tribunal in this jurisdiction to investigate allegations of collusion. The Government implemented its part of the agreement when it established the Smithwick inquiry. Every opportunity at every forum needs to be followed up to ensure the British Government changes its mind about this issue. The de Silva report clearly outlines the brutal collusion by State forces in the murder of an individual.

3 o'clock

Deputy Deputy Eamon Gilmore: I agree with Deputy Smith that the Finucane family, Geraldine Finucane in particular, have pursued this issue with great determination and great dignity. I spoke with Geraldine Finucane on the day the report was published. We agreed I would meet her and her family early in the new year to discuss where we go from here. I hope to arrange that meeting in the near future and to keep in close contact with her and her family about the issue.

Peace and Reconciliation Programme

5. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade the programmes which will benefit from the €315,000 increase in Reconciliation and Cooperation on the Island services of his Department as laid out in Budget 2013. [1675/13]

16 January 2013

Deputy Deputy Eamon Gilmore: With the move to performance budgeting in 2012, the layout of the Estimates has changed. All expenditure is now grouped under departmental programmes which combine administrative and direct expenditure attributable to each area of activity. In the case of programme C – Reconciliation and Co-operation On This Island, the overall allocation for 2013 is €18.334 million, a slight increase on the allocation for 2012. Overall, the Estimates for 2013 published on 5 December last in respect of my Department show a reduction of some €4.1 million for Vote 28 - Foreign Affairs and Trade, compared with the allocation for 2012.

In preparing the budget, every effort was made to protect direct expenditure and the direct programme expenditure allocations, comprising €2.7 million to support the reconciliation and anti-sectarianism funds and €195,000 to support the International Fund for Ireland, remain unchanged. The particular adjustments to programme C, shown in the Estimates, are the result of an updated estimate of the administrative costs attributable to the programme in light of the experience of the first year of the operation of the new performance budgeting system.

As well as incorporating the overall reduction in administrative funding, there has been some minor redistribution of expenditure across the various administrative subheads. Taking these adjustments together, the revised administrative allocation has then been associated with the relevant programmes according to standard criteria. It is this process that has resulted in a slightly higher figure being assigned to programme C for 2013.

The Revised Estimates volume, which will be published in the coming weeks, will provide more detailed information on all expenditure. That volume will take account of the 2012 out-turn and will also include a number of adjustments, often technical, that are made as part of the budgetary process.

Deputy Deputy Seán Crowe: I thank the Minister for his reply. I welcome the fact there has been an increase in the reconciliation fund from the Department. However, I would like to know where the money is going, what groups avail of it and what type of work they are doing. It would be useful to get that information onto the public record.

This work is vital. As Deputy Smith said, some Members of the House recently visited Belfast and met people from south, north and east Belfast. We saw the actual work taking place on the ground, much of it funded by the Department of Foreign Affairs and Trade. It is hugely important work and, if only for selfish reasons, we want to see it continue because the work these groups are doing will determine the type of society, country and people we will be in the future.

The flag flying issue creates problems for many of those groups. At the end of the day, however, reconciliation and equality is not about putting things on the back boiler. Rosa Parks did not one day decide “Oh well. I will sit down the back”, and think about when it would suit people to change. Equality is very important to the whole work of reconciliation. It is about shared spaces.

An Leas-Cheann Comhairle: A question, please.

Deputy Deputy Seán Crowe: It is about people being comfortable working together. That is part of the difficulty in regard to what is happening at the moment on the flag issue.

What is the Minister’s view on how the flag issue and what is happening on the streets are affecting those groups? The trouble seems to be happening in isolated areas whereas the work

is still going on outside the Belfast area and it is still going on in the Short Strand, in east Belfast and in communities like the Springfield Road, where houses have been attacked. The Minister talked earlier about the importance of politics. What more can we do, as politicians, to make this work, to bring about that shared space and to make people feel comfortable to be involved in this process?

Deputy Deputy Eamon Gilmore: First, in respect of the Estimate, which was the subject of the question, I would be very happy to take the opportunity at the Joint Committee on Foreign Affairs and Trade or the Joint Committee on the Implementation of the Good Friday Agreement, if the Deputy wishes, to tease through some of the detail. The 2012 Estimate was the first on which we undertook this performance budgeting. The idea was basically to reflect in the Estimate what the real cost of staff and all resources would be. To some extent, that is a learning experience and, in the adjustments in this year's Estimate, we have learned from this and are coming to the conclusion that we are doing more on the Northern Ireland side than was reflected in the 2012 Estimate. That is just a technical point.

In respect of the issue in Northern Ireland, one of the great strengths of the Good Friday Agreement was the idea of mutual respect - that there are two national identities and there is respect for each. As we move forward, it is critical that we retain that fundamental principle of the Agreement. We also need to understand and to be respectful of people whose identity is British and to be sensitive to that identity, particularly at a time of demographic change in Northern Ireland. Above all, this needs to be done in a collective way by all of the parties in Northern Ireland.

Everybody in Northern Ireland needs to feel at home and needs to feel comfortable, and we need to understand and be sensitive to that. Where we have to draw the line, however, is where the expression of that, or protest about that, spills over into the kind of street violence we have seen in recent times. As the Deputy said, we have to work on the ground in building up local communities and building cross-community relationships. That is where the anti-sectarianism and the peace and reconciliation funding of my Department comes in.

Other Questions

Overseas Development Aid Provision

6. **Deputy Sandra McLellan** asked the Tánaiste and Minister for Foreign Affairs and Trade if, in view of the fact that Ireland has received praise internationally for maintaining its overseas development co-operation programme despite the recession, he will take or encourage any measures to ensure that the EU's larger member states live up to their commitments and obligations in terms of the quality, and the quantity, of overseas aid during Ireland's Presidency of the EU. [1665/13]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello): The programme for Government contains a clear commitment to Ireland's aid programme

16 January 2013

and to the UN target of providing 0.7% of gross national product for official development assistance, ODA. We have underscored this commitment in our budgetary allocations for ODA and we have emphasised that we are working to achieve the UN target when our economic circumstances allow it.

Last year, the Government provided €639 million for development assistance and an estimated €623 million has been allocated for 2013. After a period of budget reductions, we have essentially stabilised the aid budget, which is a very significant achievement in current economic circumstances. The aid programme is at the heart of our foreign policy and reflects the values of the Irish people. It remains focused on the fight against global poverty and hunger and on the poorest countries and communities in sub-Saharan Africa.

In 2011, the European Union collectively provided over €53 billion in ODA, accounting for over 55% of global assistance to developing countries. The EU and its member states have called on all international donors, including new and emerging partners, to raise their level of ambition and to increase their ODA efforts to a level similar to the EU, thus contributing their fair share to the global development efforts.

EU member states are committed to making development aid more effective and to agreeing a global framework to improve the impact of development assistance on the reduction of global poverty. Ireland has been recognised internationally as a leader in making aid more effective. During our EU Presidency, we will continue to work with our EU partners to emphasise the transformative role of development co-operation and to ensure maximum impact in the delivery of assistance to developing countries. I believe we owe this to our own citizens and to those with whom we work in the developing world, especially at a time of economic challenge internationally.

Deputy Seán Crowe: Many who contribute get really upset and annoyed when they see larger states failing to live up to their responsibilities and commitments to aid and development. Ireland and other EU countries are going through extremely difficult times, with spending cuts in health and education and other areas. In the recent budget Irish Aid's budget was cut by €16 million. It has been cut five times since 2008 and has fallen by 32%, but Irish development aid has a proven record as the best in the world in terms of value for money, overall quality and effectiveness.

Does the Minister of State agree that Ireland's prosperity depends on global stability and international co-operation and that investing in Irish Aid is an investment in global stability, fairness and prosperity that will benefit Ireland in the short and long term? What is his response to the handful of politicians and journalists who say that Irish Aid money should be spent nearer home and that aid should be stalled or drastically cut? The Minister of State has probably heard this question raised on some radio stations and television programmes. It is a huge question and needs a response.

Deputy Joe Costello: The Deputy has asked several questions. I would like to indicate my appreciation for his support, and that of his party, for my Department's development assistance programme, which has always been unstinting.

The European Union provides €53 billion, or 55% of all global development aid, so it is showing the way. Four member states have reached and exceeded the 0.7% target. Our largest neighbour, the United Kingdom, whose contribution reached 0.56% in 2011, expects to exceed

0.7% either last year or this year. It has made a tremendous commitment and effort to do that. The European Union is not being slow in dealing with this matter. It is anxious to ensure that contributions from other countries will come into the equation. We are particularly anxious to see emerging economies such as China and India get involved. We want to see global development aid and we will certainly pursue that.

Irish Aid has been reduced by slightly over 30% since 2008. This Government has pretty much stopped that reduction and stabilised the situation. Last year the reduction was from €639 million to €623 million, which, in the present circumstances, was quite an achievement.

Irish Aid is an investment, focusing on sub-Saharan Africa, the area where there is the greatest poverty. The OECD has on many occasions indicated that we are at the cutting edge in the quality of the aid we provide and its effectiveness, so there is no doubt about that. It is in all of our interests to ensure there are developing economies in countries that are emerging, and we have an African strategy whereby we show integrated progress from relief to recovery, development, and economic engagement, which is very much to the benefit of the African countries and, in a broad sense, to the benefit of Irish trade and government as well.

Deputy Patrick O'Donovan: I agree with much of what Deputy Crowe said, but we have an obligation to raise questions when things may not be as they seem to be. Concerns were raised recently about the €4 million designated for aid in Uganda that went elsewhere within the country. Given the economic constraints and the limited budget at home, whereby we all want more done with less, is the Minister of State confident that the Department's and Irish Aid's procedures are robust enough to ensure the same thing will not happen again?

Are we involved in a process whereby we can audit or assess Irish Aid and the delivery of its projects in other countries? I do not want to single out Uganda. Maybe there should be a spot check every now and again. I agree with Deputy Crowe's point about how we are perceived internationally, but at home, too, the Government and the Oireachtas must be perceived as holding people to account. When €4 million goes missing, that is no small amount of money, as the Minister of State must appreciate. We must learn something from this experience.

Deputy Joe Costello: The situation is dire in many countries, particularly in sub-Saharan Africa. There are approximately one billion people who go to bed hungry every day. There are various epidemics, particularly that of HIV-AIDS. Our legacy of hunger since the Famine is part and parcel of who and what we are and because of that we do the best we can possibly do for those who are so much less well off than we are. That is context of Irish Aid. At the same time, we have an obligation to the Irish taxpayer to ensure the money is well spent. The diversion of €4 million in Uganda is a good example of how Ireland deals with such a situation when it occurs. We pursue the matter immediately. The Tánaiste directed straight away that the director of Irish Aid proceed to Uganda, that we examine the situation and demand that the money be restored and that we check out the facilities in place. We discovered that the Auditor General there had been trained by Irish Aid assistants, and it was he who determined what funds had gone missing. The money was restored before Christmas and we have indicated quite clearly that we will be examining all the mechanisms in place to ensure that something of this nature does not happen again. That is being done. This shows that the Irish Aid mechanisms fulfil their intended purpose, and we will ensure this is the case in every country with which we deal.

7. **Deputy Sean Fleming** asked the Tánaiste and Minister for Foreign Affairs and Trade his plans for the establishment of a civilian corps; and if he will make a statement on the matter. [1576/13]

(Deputy Joe Costello): Ireland has a strong international reputation for the quality and effectiveness of our aid programme, which is sharply focused on the fight against poverty and hunger, especially in the poorest countries of sub-Saharan Africa. The programme is built on the contributions of generations of Irish people who have worked in the developing world, including volunteers, professionals and missionaries. At present, the aid programme, which is managed by Irish Aid in the Department of Foreign Affairs and Trade, is funding the work of some 1,300 development workers, volunteers and missionaries in developing countries. In addition, the rapid response corps established by Irish Aid provides an opportunity for those with specific skills to be deployed swiftly in response to humanitarian crises and disasters. The programme for Government includes a commitment to establish a civilian volunteer corps. In line with this commitment and following the completion of the review of the 2006 White Paper on Irish Aid, we are planning to implement a new initiative on international volunteering in developing countries. This will strengthen support for volunteering and promote civilian participation in high quality volunteer programmes that contribute to the achievement of clear sustainable development goals. The volunteering initiative will reflect development needs in developing countries and increase volunteering opportunities for people, including jobseekers and, in particular, retired public servants who have skills and experience that are in short supply in the developing world.

Irish Aid has begun discussions on the elements of the volunteering initiative with key development non-governmental organisations and UN agencies. I expect to present the details of the initiative in the coming months. In addition, in the context of our current EU Presidency, we are now working closely with the Council, the European Commission and the European Parliament to bring forward proposed legislation for the establishment of a new EU aid volunteers initiative.

Deputy Brendan Smith: My understanding is that the Peace Corps formula was devised by President Kennedy and Sargent Shriver in the United States in the early 1960s. It is the most notable example of a voluntary civilian corps of which I am aware. Am I correct in thinking that the US Peace Corps operates on the basis of giving placements to students in particular, the equivalent of our second-level students, rather than to those who have finished third level or college education, giving them placements to work on local projects in countries where the United States wishes to give out certain messages or assist particular programmes? Does the Minister of State hope to develop a programme on the basis of the US model? Will the people he hopes to place on the programme get specific training beyond their general knowledge or competence? He mentioned retired public servants, giving the example of their particular competence, as well as those retired from the private sector. Is his thinking more inclined to make placements available for retired personnel rather than for people who may be midway through or approaching the conclusion of their formal education?

Deputy Joe Costello: What we have in mind is to build on what is already in existence, such as Voluntary Service Overseas and Comhlámh, which are involved in volunteering initiatives to which anybody can apply and put forward their names, whether they are students, working people or otherwise. Non-governmental organisations also very often look for volunteers. In the context of the commitment in the programme for Government for a civilian corps, we are looking at how we might best harness retired civil servants in particular, as well as others from

the private sector. This is in consideration of the approximate 30,000 people who have retired in the past two years, with a further 10,000 civil servants to follow under the terms of the troika programme. These include retired people who have considerable managerial and professional skills. We believe they offer a potential with which we should engage. We are talking about trainers of teachers and people in the health services. This is a new potential volunteering cohort that has not been available to come on scene before and we are very anxious to use it to the best possible ability.

That is the thrust of the new initiative but we are also looking for other people to become involved, for example, the diaspora population present in this country. There is no reason such persons should not return to their own countries given the experience they have had here, bringing it to bear on development in their countries.

Deputy Brendan Smith: Will the Minister of State refer to the timeframe he has in mind for launching his initial programme? When does he hope to have the corps in operation? Apart from health and education are there other areas in which he hopes to have a cohort of people to focus on and work with local communities in impoverished countries?

Deputy Joe Costello: I am looking at this with a whole-Government approach. There are just as many potential volunteers in the Garda and the Defence Forces, in Revenue and right across the board, in particular in the area of agriculture which is very relevant to impoverished countries where there is a high degree of agricultural involvement. I would like to see this programme operating right across the board, not just in health and teaching. When will it happen? We have already done most of the work and it will be part and parcel of the new policy we will launch in the not too distant future. Further details will be released in the coming months.

Overseas Development Aid Oversight

8. **Deputy Timmy Dooley** asked the Tánaiste and Minister for Foreign Affairs and Trade his plans to review the overseas development aid paper; and if he will make a statement on the matter. [1574/13]

Deputy Joe Costello: The 2006 White Paper on Irish Aid set out clearly the basis and priorities for Ireland's official aid programme which is working on behalf of the Irish people to improve the lives of the world's poorest people. The programme has been recognised internationally for its focus on poverty and hunger, especially in sub-Saharan Africa, and also for its leadership in making aid more effective. The review of the White Paper on Irish Aid is one of the commitments contained in the programme for Government. We wanted to carry out such a review to examine the progress being made by our aid programme, to assess the changed context, globally and here at home, and to set out our future priorities as the international community considers the framework for international development after 2015, the target date for the millennium development goals.

A very vibrant public consultation was undertaken for the review between February and April of last year, which was overseen by the independent Irish Aid expert advisory group. We met more than 1,000 people across Ireland and in our partner countries, and received a large number of written submissions. We also undertook consultation across Departments and in various committees in the Houses of the Oireachtas. Since then, we have embarked on a process of considering carefully the contributions made during the consultation period as well as

the available evidence on what works best. Based on this we have finalised a new policy on Ireland's role in global development. This policy will be submitted for Government approval in the near future.

Deputy Brendan Smith: In regard to the review, has the Minister of State taken into account the programmes operated by other countries? I do not know which in particular - one hopes our country is seen as one that has best practice in regard to development programmes but I presume other countries run very efficient and effective programmes too. Has any of these programmes, or strands thereof, been taken into account in the Minister of State's review? I welcome that there was widespread consultation within this country as well as elsewhere.

When the Minister of State replied to Deputy Crowe on the reduction in the level of overseas development aid since 2008, he spoke about a 30% reduction. Was that reduction in the quantum of money, or does it take into account the downturn in the economy, the smaller GNP and the fact that we assess the millennium goals and the overall targets we hope to achieve on the basis of the percentage of GNP?

Deputy Joe Costello: On the last point, the 30% reduction is in accordance with the official target sought and is described officially as gross national income, which is, effectively, gross national product. In terms of other countries, we are very *au fait* with what is going on and take much of that into consideration. There are, of course, some differences between us and many other countries, one such relating to tied aid. Many other countries practise tied aid whereas ours is untied. In other words we do not make our aid provision dependent on any contingent consideration. It is separate from any other condition. We were anxious to discover what was happening elsewhere in the world - we did so - but we were especially anxious to discover what the people who were providing the funds for Irish Aid thought and what were their views on how we should proceed. That is why we held meetings in Cork, Galway, Sligo, Dublin and elsewhere. We invited members of the public to attend these meetings in order that we might obtain the best of their views. They made a large number of proposals and suggestions which, in so far as is possible, have been incorporated into our final proposals.

Deputy Seán Crowe: Does the Minister of State accept that most people would agree with aid being provided in times of crisis? I do not believe people have a hugely negative view of development. However, their perceptions become muddled when aid is being provided for large countries with massive resources and corrupt governments. If we are seen to be involved in such countries, difficulties often arise. This is because of the extreme circumstances which obtain in many of the countries to which I refer. People want us to learn from the mistakes we made in the past, but they become concerned when they consider where Irish aid goes. That is why clear evidence must be provided of where the money goes and how it is spent. People refer to Uganda in the negative, but it must be seen in a positive light, particularly when one considers the changes which have occurred there in the past decade. These changes are the result of work done by a number of countries and Ireland is in there with the best of them in that regard. Rather than always being negative, people should congratulate Irish Aid on the work it is doing in Uganda.

Deputy Brendan Smith: My point is similar to that made by Deputy Seán Crowe. Mr. Brendan Rogers and his colleagues from the Tánaiste's Department recently made a presentation to the Joint Committee on Foreign Affairs and Trade in which they highlighted the progress made in the areas of health and education in Uganda. I refer, in particular, to the increase in the number of people who are completing their education at primary level and to the develop-

ment of health facilities. This positive message must be communicated to the public at large, especially those who find themselves under continual pressure in their household budgets and became concerned when difficulties arose in respect of the misappropriation of funds for Uganda. Has the Department of Public Expenditure and Reform sanctioned the appointment of a professionally qualified chief financial officer? It is important that we send another message to the public, namely, that the assessment of risk is to the fore. The positive message regarding the great success of our overseas development programme must be got across to people, particularly during these challenging economic times.

Deputy Joe Costello: The appointment of a chief financial officer is under discussion with the Department. There is not yet a final outcome in this matter, but there should be one soon.

On communicating the good news relating to overseas development assistance, we have established a new website - it went live just after Christmas - which makes it possible to obtain current information on everything taking place. In the context of how aid provided by Ireland is spent, there is no doubt, as Deputy Seán Crowe stated, that this a good news story, particularly in the context of the way in which the matter was dealt with. Our actions highlight the fact that we will not tolerate any form of corruption and that there are mechanisms in place to deal with corruption. What occurred also showed that where further improvements were required, they would be made. Unlike most other countries, Ireland provides a greater proportion of its funding for non-governmental organisations, NGOs. Our embassies are responsible for monitoring and overseeing what happens to much of the funding disbursed. As a result, there is a level of direct contact regarding the funding provided by the Department and the way in which it is distributed. We engage with foreign governments only in respect of projects which can be carried out in the context of broad policy issues - for example, in health - and where we are satisfied that what a particular government is doing is proving to be beneficial. The projects to which I refer are assessed on that basis.

Foreign Conflicts

9. **Deputy Charlie McConalogue** asked the Tánaiste and Minister for Foreign Affairs and Trade the steps he and his EU counterparts have taken to address escalating ethnic tensions in Mali; and if he will make a statement on the matter. [1585/13]

(Deputy Eamon Gilmore): The Government and the European Union share the widespread international concern about the situation in Mali. The UN Security Council has adopted three resolutions on the situation since July 2012. During the past week there has been a serious escalation in the conflict as militants based in the north pushed southwards towards Mali's capital, Bamako. On 10 January the UN Security Council stated the deterioration in the situation threatened the stability and integrity of Mali "and constitutes a direct threat to international peace and security". The Malian army, with support from France, has launched a counter-offensive to repel the advance.

Following a meeting of the UN Security Council on 14 January, the Secretary General welcomed the response by bilateral partners to the call for assistance by the Government of Mali. EU Ministers will review the situation at an extraordinary meeting of the Foreign Affairs Council in Brussels tomorrow. The situation in Mali is very complex and volatile. I welcome the decision taken to accelerate the deployment of African regional forces to assist the Malian authorities. This effort is being led by the African Union and the Economic Community of West

16 January 2013

African States, ECOWAS. The European Union will support the African-led mission. Urgent planning is under way for the establishment of an EU training mission which will be considered at tomorrow's meeting of the Foreign Affairs Council.

The Government fully understands the action taken by France and others in support of the Malian authorities. There is strong agreement that military action alone will not secure lasting peace and stability. EU Foreign Ministers have consistently pressed the Malian parties to adopt and implement a roadmap for a transition to democratic elections. When this is in place, the European Union will be in a position to resume bilateral development co-operation and economic engagement with Mali. It is also essential to have an inclusive process of reconciliation and peace building in Mali that respects the territorial integrity of the country and addresses ethnic divisions.

We are seriously concerned about the impact of this crisis on the civilian population. During the past year Ireland has provided over €9 million in emergency assistance for the Sahel region, including €1.35 million for Mali and Malian refugees in neighbouring countries.

Deputy Brendan Smith: It is welcome that this matter will again be discussed at tomorrow's meeting of the Foreign Affairs Council. Last week I was contacted by a constituent who indicated a particular personal knowledge of the region and outlined their disappointment at the fact that the difficulties in Mali did not appear to have been given the international attention they merited. The person to whom I refer spoke to me in the context of media commentary on the issues involved. I am not sufficiently competent to state whether my constituent's comments in this regard are appropriate. Peaceful elections have taken place in Mali for the past two decades and the area in question was perceived as one in which democracy had been working well. The difficulties to which I refer, which began to emerge last March, are extremely disappointing. Is Ireland continuing to provide aid for the affected area of Mali? May I assume, on foot of the Tánaiste's comments, that the European Union has ceased to provide assistance or is my interpretation of what he said in this regard incorrect?

Deputy Eamon Gilmore: As stated, the situation in Mali will be discussed at the special meeting of the Foreign Affairs Council tomorrow. Unfortunately, as I am attending the meeting in Belfast I will not be able to be in Brussels but the Minister of State, Deputy Creighton, will represent me at tomorrow's meeting of foreign ministers. There will be a full discussion on the action that has been taken. We will have an opportunity to hear from our French colleagues about what they have been doing in co-operation with others. There will be a discussion about putting together a European Union training mission. As far as aid is concerned, we have been contributing to the situation in Mali and we remain committed to doing so. Over the past year we have provided €9 million in emergency assistance to the region and €1.35 million specifically for Mali.

An Leas-Cheann Comhairle: I remind Deputy Smith that other Deputies are waiting to contribute. I ask him to co-operate and to be brief.

Deputy Brendan Smith: I thank the Tánaiste for his reply. Are the difficulties in Mali the reason for the extraordinary meeting of the Foreign Affairs Ministers tomorrow? Is it the main topic for consideration or are other issues to be considered?

Deputy Mick Wallace: I ask the Tánaiste to instruct the Minister of State, Deputy Creighton, to highlight the history of interventions in this area which are liable to be problematic and

disastrous in the long term. President Hollande has said this intervention will last for a matter of weeks only. It only takes a few hours to decide to go in but it will take a lot longer to get out of it. This will become a very complex affair. It smacks of French colonialism. France is very dependent on uranium from the area as its nuclear energy is built on the back of cheap uranium supplies from Niger and northern Mali. The French obviously have other interests aside from the problems with the tribes. I suggest that the Africans should be encouraged to deal with their problems but the French should be told to keep their noses well out of the place because I do not think they will help matters.

Deputy Clare Daly: The Tánaiste says he understands the action by the French authorities. Will he accept the point that part of that motivation is clearly governed by economic interests and the very substantial importance of uranium for the French, given the importance of nuclear energy for France? Will he also consider that the instability in that region is linked to the overthrow of Gaddafi and the intervention in Libya whereby displaced tribes have gone back to that region and are demanding separatist rights for their states in that area? The lesson of the story is that interventions by other authorities into countries like this can have a substantially destabilising effect which brings with it significant civilian casualties. This is beginning with up to ten or 12 civilians killed since the French intervention but tens of thousands of people have already been displaced. What action will be taken in this regard?

Deputy Seán Crowe: As a previous speaker said, lines were drawn on maps that did not really take into account the people in those regions. The Tuareg are moving into that region. One of the worrying comments is the suggestion that the French intervention was carried out under UN guidelines. Will the UN support this intervention? I have listened carefully to the Tánaiste's response that intervention by other African nations is welcome. However, the French intervention could be seen as a colonial action.

Many of these al-Qaeda-related organisations want to engage the West; they want to engage in conflict with the Crusaders. This is the language they are using. The Malian Government came to power as a result of a coup. I do not know enough about the region but I am concerned about the possibility that other countries and people could be dragged into this conflict.

Deputy Eamon Gilmore: The situation in Mali is very serious. I agree it is the case that there is a spillover from one country to another. The French intervention and the intervention of the African Union and ECOWAS is all being done to support the Malian authorities. There is a very serious danger of terrorism in that area. Recent meetings of the European Union Foreign Affairs Council have adopted conclusions reaffirming the EU commitment to continue to play a constructive role in the support of stabilisation efforts. The European Union is working through political pressure, development and economic assistance and in support for regional military intervention and a common security and defence policy mission focused on training of the Malian armed forces, EUTM Mali. The meeting tomorrow is specifically called on the situation in Mali. A draft Council decision is expected to be discussed at tomorrow's meeting of the Foreign Affairs Council. This will establish a European Union training mission. The French authorities have already identified an officer to be the mission commander. A deployment of 240 individuals to the mission is envisaged. This does not include force protection personnel. The main function will be the training of units of the Malian armed forces.

The question of a possible Irish contribution of trainers to an EU mission in Mali is under consideration by the Minister for Defence. A decision has not yet been taken. A major consideration for Ireland will be the question of force protection. I emphasise that the Defence Forces

16 January 2013

are already making a major contribution to international peacekeeping and security through their involvement in Lebanon and smaller contributions to a range of operations including the training mission which is focused on Somalia and is based in Uganda. I visited that mission in July when I was in Uganda.

Written Answers follow Adjournment.

Topical Issue Debate

Local Property Tax

Deputy Alan Farrell: Given the statement by the Revenue Commissioners last week that they will be compiling information on valuing properties for the local property tax beginning in March, it is necessary to provide more information for the public. Assumptions have been made in the media. I have spoken to individuals who are uncertain as to the valuation methods to be used by the Revenue Commissioners. If the *Irish Independent* is to be believed, surmising from the statement by the Revenue Commissioners, stamp duty records, electricity bills, rental details and household charge records will be used. With the exception of stamp duty, I am not sure how any of those payments are connected in any way to the value of a property. One would assume the vast majority of stamp duty records relate to the period before 2008, in which case, it would be very difficult to value these properties even if one were to take the industry average of 30% to 60% of loss in value since that period. It is very difficult to arrive at an accurate figure, even if only indicative.

I refer to reports in the media that property owners will have the option of valuing their property. I raised this matter in early January. It also came up for discussion in my constituency over Christmas. I refer to properties that are extremely difficult to value, such as those in estates affected by pyrite. There have been no sales of properties in the vast majority of those estates. It will be almost impossible to put a value on the property where there is no comparable property on the market within a couple of miles. It would be difficult, even in urban environments such as my constituency, to value these properties, notwithstanding that the Minister has rightly announced that pyrite affected properties are to be exempt. I refer to properties that might have been repaired and on which the local property tax will be due.

The Office of the Revenue Commissioners has set out in its timeline that it will be issuing letters on self-assessment at the end of March, stipulating a valuation date in the middle of May. I am slightly concerned about where the figures are coming from and the right of reply of the homeowner. To what lengths must one go in valuing one's property? Must one engage the services of a valuer? If so, how much will it cost? Will the industry push up its prices? Perhaps it will, given that an opportunity presents itself to those concerned. I do not really have a problem with this in that people pay for services provided and valuation is a service, but many homeowners are under severe stress financially. Adding to the local property tax is not a step we should be taking.

The Revenue Commissioners' ability to stand over stamp duty figures, in particular, will present a difficulty. There is a large number of unique properties, including those in rural environments. I am clearly not talking about three-bedroom semi-detached bungalows but about properties above and beyond these, perhaps those built in the 1990s or 2000s. These properties are very difficult to value right across the country. They may not have sold for a number of years and it would be very difficult for us to value them. What leeway will the Revenue Commissioners provide in the valuation process for these homes?

Minister for Finance (Deputy Michael Noonan): I thank the Deputy for raising this important issue. The legislation governing the local property tax is contained in the Finance (Local Property Tax) Act 2012 which was signed into law by the President on 26 December 2012. The legislation sets out in detail how the tax is to be administered and provides how a residential property is to be valued for local property tax purposes, including where there is a change in ownership of the property. The Act provides for a number of specific exemptions from the charge, in addition to the possibility of deferring the charge in certain cases of hardship.

The Revenue Commissioners are compiling a local property tax register which is being drawn from a range of sources, including the LGMA database, its own databases and data from utility companies. Data from the various sources are being cross-checked to ensure the register is as accurate as possible. The register will be used to correspond with property owners.

In common with many other taxes, the local property tax is a self-assessment tax. Thus, in the first instance, it is a matter for the property owner to calculate the tax due based on his or her assessment of the chargeable value of the property. Beginning in March 2013, the Revenue Commissioners will be issuing a local property tax return to all property owners, together with an information booklet. The general issue of returns will also include a Revenue estimate of the local property tax. This Revenue estimate which is provided for in the Finance (Local Property Tax) Act 2012 is not a property valuation but an amount of tax which will be collected in the event that the liable person does not submit a return. Property owners will have the option of completing and submitting their local property tax return on paper or by electronic means. I am advised that the development of the paper local property tax return form and an online system for completing and submitting local property tax returns is well advanced.

The Revenue Commissioners will not be valuing properties for local property tax purposes, except where there is a dispute about a valuation provided by a taxpayer which, because of the banding system, is expected to arise only in a minority of cases. Revenue is, however, actively preparing valuation guidance and developing tools to assist liable persons in assessing the value of their property. These will be made available as soon as possible. Where these guidelines are used honestly, the property valuation will not be challenged by Revenue in accordance with its normal customer service charter. The guidelines will include drawing property owners' attention to the publicly available PSRA property price register which includes some 62,000 reasonably recent property prices and a method to help property owners establish average-indicative values for properties in different locations.

A range of data sources is being analysed to assist in providing this valuation guidance. They include Revenue's stamp duty records which record all property sales in the Republic and the values of the properties sold. These records provide an important benchmark that indicates average property values across the country. Analysis shows these values are in line with price indices produced by the Central Statistics Office and similar measures published by the real estate sector. Revenue is also examining accessing other sources of recent property valuations

data which will complement and enhance the stamp duty data.

Data sources in addition to stamp duty records and other valuation data include the GeoDirectory produced by Ordinance Survey Ireland and An Post which provides information on property location and type; spatially derived data that indicate relative distances of all residential properties — using GeoDirectory — from a series of key amenities and services, including transport, health, education, retail and emergency services.

Revenue is also geographically linking its data with publicly available sources such as the CSO's 2011 census results at small area level and the 2011 Pobal HP Deprivation Index. The output of this work will be to give indicative or average values for properties in different locations across the country. The average values will be provided by property type, to distinguish separate values for detached, semi-detached, terraced and other types of houses. Other features include, for example, the ability to distinguish between values for new and old properties.

The Revenue valuation guidance tools will be available on the Revenue website as soon as possible but certainly in good time before the general issue of local property tax returns in order to allow property owners to examine and compare these indicative average values in their area. The Property Services Registration Authority property register, to which I referred, is already available for consultation in regard to property sale prices in recent years.

The approach of the Revenue Commissioners to producing valuation guidance is based on international best practice methods in this field. The methods being applied are widely used and accepted in real estate valuation and property tax administration in many countries. Similar methods to estimate average valuations have been used in Ireland, for example, by the Central Statistics Office when estimating the residential property price index and in research by authors from the Economic and Social Research Institute.

The Revenue guidance will provide average values for an area. These averages will be indicative of the correct property value band in the majority of cases but will not be correct for every property in every area. The approach used by Revenue meets international standards for property valuation, but no method can comprehensively and accurately value every property in the country. Comparisons with properties recently listed for sale show that valuations provided are in line with current market transactions.

The Revenue valuation guidance is intended to assist property owners, but each owner will need to consider the specifics of his or her property, the area and any other local factors that influence the value when making his or her valuation assessment. As I noted, the local property tax is a self-assessment tax and the Revenue valuation guidance will be provided to assist property owners in determining a value for their property. Each property owner will need to consider his or her area, his or her knowledge of properties therein and any other relevant factors in determining for himself or herself whether the Revenue guidance offers a reasonable indication of the value of his or her property. If the property owner approaches the matter honestly, Revenue will accept self-assessed valuations in accordance with the customer service charter.

Deputy Alan Farrell: I thank the Minister for his comprehensive response. Let me return to his point on homeowners being honest in their approach to the process. Once guidance is made publicly available, perhaps it will be a little easier for people to judge how best to approach the process.

4 o'clock

I am slightly concerned about the process that will apply to a property in a new housing estate where the owner or owners have invested in the property - there have been articles on this subject in a number of publications - be it to build an extension or to fit a new kitchen, for their own benefit and such investment has increased the value of the property. How easy or difficult will it be for Revenue to factor in the value of those improvements? If a homeowner receives a letter from the Revenue Commissioners with a valuation of €300,000 for their property and has spent €50,000 on an extension or a considerable amount to fit a new kitchen, as against their next door neighbour who has the same type of property but has not invested in it, how is the homeowner to balance such improvements in terms of the valuation given that they have increased the value by having invested in the property? Will the Revenue accept the homeowner returning the self-assessment form with the original value of the property?

Deputy Deputy Michael Noonan: The Revenue will send out a return to every householder. Much of what I described related to Revenue putting together a register of homeowners as that is not readily available. It will involve putting together a complete inventory of homeowners in Ireland, not valuing the properties just identifying the owners because the obligation to pay is on the owners. If one goes to anybody in the estate and valuation business, the auctioneering business, and asks them to sell a house, they will give one an indication of value very quickly and put an indicative price on the house. They may be right or wrong but the same system can apply if a homeowner wants to bring in a valuer. If the process is honestly approached, Revenue will accept that at face value. If somebody does not want to get a valuation and simply takes the norm for the area, as indicated by the Revenue, one does not have to precisely value one's house, all one has to do is to indicate the value is somewhere within a €50,000 band. If one thinks the value is between €150,000 and €200,000, one would put an X in that box and the house will be taxed at 0.175%, the midpoint. If one has built an extension at a cost of say €7,500 and one's neighbours say that their houses are valued between €150,000 and €200,000, the normal thing would be for one to value one's house in the next band and indicate it is worth between €200,000 and €250,000 and one would put an X in the box opposite that band and the tax will apply at 0.225%. One can create a problem for every solution but this can be done if there is a willingness to do this. One is not being asked to precisely value the house. Everybody knows that price values have gone down. The Revenue will give a good deal of information to assist people to simply fill out the form and will give an indicative value but it will not value houses for tax purposes. It is a self-assessment system and it is up to the homeowner returning the form to indicate what he or she thinks is the value of the house. If the homeowner proceeds in an honest fashion, according to the Revenue customer charter, that will be accepted. The value will hold for three years until there is a revaluation in November 2016.

Northern Ireland Issues

Deputy Deputy Seán Crowe: It is hugely important that we in this House collectively put our heads together and work to bring about an all-party, cross-community response to the recent flag protests in the North and the violence that is accompanying them. We know from the recent census figures that Belfast is a changed city and is no longer dominated by Unionism. The issue of flags and symbols in City Hall is a sensitive one but that does not mean it should be ignored or put aside. The city needs to be representative of the people of all traditions who live there and not simply Unionism.

The recent controversy of the flying of flags over City Hall can be traced back as far as 2004

16 January 2013

and the issue has arisen through a variety of equality tests, legal advice and council committees. Belfast city is a shared workplace and those who represent that city have to reflect that and give cognisance to it. Under equality legislation in the North and in the interest of creating a good and harmonious working environment, it is important to ensure employees and those who use City Hall have their cultural and political identities respected and are not made feel unwelcome. That is a primary role for elected representatives in that area.

A proposal was placed before a council to remove the union jack from Belfast City Hall totally but it was not accepted by the Alliance Party and a compromise position of only flying the flag on designated days was democratically passed by the council in accordance with the equality legislation. Many people are confused not only in this country but in Britain and elsewhere as they cannot understand what is happening.

The DUP and the UUP cynically tried to use the issue in a bid to undermine the position of Naomi Long as MP for east Belfast and distributed 40,000 leaflets. Many parties were supposedly opposed to the flying of the flag on designated days - in the past the DUP, the UUP and the PUP all voted in favour of the flying of the flag on designated days. What is happening in regard to this?

One of the positives is that nobody has been killed so far. We have been lucky that nobody has been killed. Also, they are not getting large numbers on the protests. Again, that is a positive. People are asking what exactly is happening and how did this come about. In the Tánaiste's view, is this about criminality? Is it about court cases coming down the line - supergrass court cases? Is it about the number two in the UVF in east Belfast facing drug charges at the moment?

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

Deputy Deputy Seán Crowe: What about the other night and £100,000 worth of drugs being found in the area? Are there underlying factors in regard to what is happening?

Deputy Deputy Micheál Martin: At the heart of the shocking violence that has spilled across the streets in Belfast in the past six weeks and the economic damage it has wrought is a profound problem with how politics works in Northern Ireland. If politics is not clearly about the bread and butter issues of making people's quality of life better, it will all too quickly revert to being all about flags, emblems and parades and the bleak chronicle of flashpoints that have defined public life in Northern Ireland for too many people for far too long.

My critique is based on a deeply held belief that the Executive can and must work for ordinary citizens. It is the belief that the peace process was supposed to be much more than just an absence of violence. If the Executive is not making real progress in tackling head-on the challenges people in the North face on a daily basis, we cannot be surprised when a section of society unleashes chaos and brings a city to a standstill. I condemn unequivocally and unreservedly what has happened in terms of the disturbances and the impact they have had on business, jobs and the quality of life of people.

Some have dismissed the riots as just a Unionist problem. I think that is a mistake because those of us who want to advance republican politics know what the peace process must deliver for all communities. It is also a mistake because disregard for the rule of law is not simply confined to angry thugs in east Belfast. As recently as November, for example, we watched as Sinn Féin's justice spokesperson led 300 protesters on a picket of PSNI headquarters in east Belfast.

Deputy Deputy Martin Ferris: It was a peaceful protest.

Deputy Deputy Micheál Martin: Yes, I acknowledge it was a peaceful protest because the party was unhappy with the direction of a PSNI investigation and wanted one of their own released from custody. The idea of political parties deciding who should and should not be arrested is no longer a tenable proposition for any party to promote.

Deputy Crowe rightly raised questions about the motivation behind certain people in east Belfast behind this and about arrests. That is exactly the point I am making but we cannot have it both ways. The PSNI and reform of policing in the North was central to the peace process. It was one of the great developments that was commented on worldwide, the Patten reforms, and parties must be very careful in their actions that they do not undermine that in particular.

It is time for the Executive - I ask the Tánaiste in his talks and for both Governments to engage on this issue with the Executive - to up its game, for all those from Sinn Féin to the DUP to approach this vital work with real honesty and not to indulge in the tired old sectarian scripts and gross hypocrisy that unfortunately has scarred much of what the Executive has been doing. Too many political parties have been playing to their electoral bases and in their comfort zones for far too long. If there is fresh honesty of endeavour following the events of the troubled past few weeks, Northern Ireland will have taken a major step forward. All of us collectively need to de-escalate the situation. For example, calling for a Border poll at the weekend is wrong in its timing, will move us in the opposite direction in reducing tensions, will be interpreted in the wrong way and is not developed in adopting a collective approach. It could even inflame matters more.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I thank both Deputies for raising this issue. In the light of the ongoing protests and tensions in Northern Ireland, there is a need for broad political agreement among the political parties on a way forward. In recent weeks we have seen widespread street violence in Belfast and elsewhere in Northern Ireland. We have seen attacks on the Police Service of Northern Ireland, PSNI, including the attempted murder of police officers, as well as widespread attempts to intimidate public representatives and their families. I have condemned these events unreservedly.

I have remained in contact with the Secretary of State for Northern Ireland, Ms Theresa Villiers, and the party leaders in Northern Ireland throughout. In the past week I have spoken to Mr. Peter Robinson, Mr. Martin McGuinness, Mr. David Ford, Mr. Mike Nesbitt and Mr. Alasdair McDonnell. I will be travelling to Belfast tomorrow morning to meet the Secretary of State, as well as the First Minister and the Deputy First Minister. Officials of my Department continue to work closely with the British Government and political representatives in Northern Ireland to identify ways to address not just the current crisis but its underlying causes. Tomorrow's meeting will discuss with the First Minister and the Deputy First Minister a positive way forward and the two Governments will be providing them with all necessary support to find solutions to the current problem. We will continue our efforts, but they must support rather than supplant those of the Executive and elected political leaders.

Irish Government officials visited St. Matthew's Church and the Short Strand community yesterday and have reported extensively to me on the situation locally. I am concerned by reports that the attacks on houses in the Short Strand were premeditated and I condemn them. I will be discussing this matter with the Secretary of State, as well as the First Minister and the Deputy First Minister, when I meet them tomorrow. I hope to visit the Short Strand area and

other community interfaces in the near future.

The persistence of sectarianism in Northern Ireland, with the absence of political agreement on how to make progress towards a truly reconciled society, contributes to the likelihood of incidents such as those we have witnessed in recent weeks. Building relationships between divided communities takes time and sustained effort and investment. The recent violent street disturbances are a reminder that the challenge remains to build a society that can accommodate competing and, sometimes, contradictory notions of identity. It is incumbent on all political leaders to show that democratic politics works and is the only means through which positive change can be brought about.

It would be simplistic to suggest the street protests are a result purely of the decision by Belfast City Council to fly the union flag on designated days only. Dealing with the legacy of the past and current contentious issues, manifestations of that legacy present challenges that will be at the core of the work of the Northern Ireland Executive, party leaders and the Northern Ireland Assembly for some time to come. The parties in Northern Ireland must learn to resolve issues around flags and symbols in a respectful and consensual way as we work towards a society based on respect for difference, as well as tolerance for the traditions and multiple identities on the island. The blight of sectarianism affects both Nationalist and loyalist communities and contributes to grievances on all sides.

My Department, through its reconciliation and anti-sectarianism funds, assists projects in interface areas designed specifically to address the root causes of sectarianism, defuse tensions and pursue new and more effective ways to tackle sectarianism. In the past two years direct small grants totalling almost €300,000 were awarded to local community groups operating in predominantly loyalist areas in Northern Ireland. Projects supported include programmes at women's centres, support for youth outreach services to the Nationalist community and re-imagining of murals and emblems. Funding is targeted at groups which have the potential to transform attitudes in their communities.

The majority of people in Northern Ireland want to see an end to street violence. The rioters are, in effect, wrecking their own communities. This year has the potential to be a great year for tourism in Northern Ireland. That potential must not be jeopardised by the recent terrible images from Belfast that have been beamed around the world by international media. The economic cost of recent events is becoming apparent. Apart from the cost of the policing operation - estimated at £7 million - foreign direct investment, the retail trade and tourism are all at risk. The director of the Confederation of British Industry in Northern Ireland has warned about the economic damage being inflicted on local businesses, tourism and investment.

It is my hope that out of this setback we will see a redoubling of efforts to achieve a genuinely reconciled society in Northern Ireland. It is a reminder to all that the peace process is exactly that - a process which still has some way to go. Political and security co-operation on the island has never been better and we can rely on these relationships of trust and the resilience of the Good Friday Agreement to create space for progress beyond the current difficulties.

Deputy Seán Crowe: We all agree that peaceful protests can be healthy and positive in defusing tension. It should be a democratic right in any society for its members to protest. The difficulty, however, with these protests is that they are illegal and violent, with people and their homes being attacked, which has terrified them and prevented many from going to work. The other difficulty is that Unionists cannot solve this problem on their own; they need to involve

their neighbours. It is incumbent on us all to become involved in these discussions that, I hope, will lead us out of this mayhem.

We had all hoped we had moved beyond conflict. The reality is, however, that there is much more work to be done. There is a responsibility on us all not to take cheap shots on this issue. It can be resolved but only by people sitting down and talking to each other.

Deputy Micheál Martin: Last October I made a significant speech at Bodenstown on the issues in the peace process on the island. I warned that we were not reaping the full dividend of the Good Friday Agreement and that its potential was not being realised. As a former Minister for Foreign Affairs and watching events unfold, I made the criticism – not by way of a cheap shot – that politics in the North was not working. As the Tánaiste and Minister for Foreign Affairs and Trade said, there are deep underlying and profound reasons we are witnessing these street protests. That is not to excuse anything and I unequivocally condemn what is going on. Unfortunately, however, one has the terrible sense that politics has not moved on from the tired old scripts on parades, emblems and flags. I understand the importance and significance of symbolism in Northern Ireland. However, bread and butter issues have not been addressed by the Executive. Those on the ground in disadvantaged areas, both Nationalist and loyalist, have not reaped the dividends of the Good Friday Agreement. It seems a new effort and initiative are required to have a far more effective, anti-sectarian policy and drive.

The funds provided by the Department of Foreign Affairs and Trade have been effective in reconciling community groups in interface areas. Should there be a significant expansion of these funds? Should there be greater collaboration with the British Government and the Northern Executive to adopt a far more expansive approach to an anti-sectarian and cross-community reconciliation agenda? We also need to deal with critical issues such as the fact that the North still has the worst indices of child poverty, particularly in west Belfast, that school completion figures are low, particularly in loyalist areas, and that health indices are poor. There is a need for a fresh initiative on these fronts.

Deputy Eamon Gilmore: It is important that we recognise progress has been made. Deputy Micheál Martin will remember, as he was directly involved, that there was a time when it was stop-go with the institutions in the North. They were up and running, before being suspended and are now up and running again. Since then there has been a prolonged period, including an election period, where the Northern Ireland Assembly has been running, the Executive has been operating and we have seen increased devolution. We have also seen improvements in several areas of the economy, tourism and so on. This is important for the normalisation of society and a de-escalation of the security apparatus and environment and so on. It is important to acknowledge that progress has been made.

I agree with Deputy Martin that Northern Ireland remains a deeply divided society. Let us consider Belfast, the number of peace walls still in existence there and the number of divisions throughout the community. There is a considerable amount of work to be done to tackle sectarianism. One of the great strengths of the Good Friday Agreement is that it allows for a mutual respect and a respect for both identities. That must be handled with great sensitivity. There is no point in replacing one form of triumphalism for another or one form of victory for another. We must work towards a shared society in Northern Ireland. As Deputy Crowe noted, Belfast is a shared working space for the people who live there and Northern Ireland is a shared space. We must work towards that shared future and society.

16 January 2013

Much work has been done on the North-South side. This morning I referred to the 50 meetings which have been on bread-and-butter issues including education, health and co-operation on transport. We have also seen the progress that you have made, a Cheann Comhairle, with the Speaker of the Northern Ireland Assembly in bringing together the two parliamentary bodies. All of this represents progress but we must ensure there is no going back.

What we have seen in recent weeks has something of a recall of the past about it. The images of burning cars from Belfast are the wrong images to be communicating internationally for Northern Ireland and for this part of the island. We need to work together to ensure that progress is maintained. In the first instance the political leaders in Northern Ireland, including those in the Northern Ireland Assembly and the Executive, must work as one in order that there is no return to the ways of the past. It is also important to appreciate that the numbers involved in recent weeks have been relatively small. We need the Police Service of Northern Ireland to get on top of it. Respect and support for the police service is vital. As far as the two Governments are concerned, we intend to work with the Northern Ireland Executive to ensure that progress is made. Certainly this is the approach that I intend to take on behalf of the Government.

Food Safety Authority Inspections

Deputy Deputy Éamon Ó Cuív: Although all the findings of the Food Safety Authority of Ireland, FSAI, report are serious the findings on horse meat contamination could potentially do the most damage because of the nature of the meat involved and the quantity of horse meat found in one sample. I welcome the steps taken by the supermarkets to remove product from their shelves and to reassure consumers. This is a serious issue because food exports from Ireland are vital to our economic well-being. Many jobs depend on the meat sector, including those of farmers, workers in distribution and workers in the processing industry, etc. Our reputation as a safe, quality producer of food with a high level of traceability of product is vital. We need to get to the bottom of this affair quickly and we need to take all necessary steps to protect our reputation. Through decisive action the Minister must ensure that our people and all our customers worldwide maintain their faith in the quality and integrity of our meat and food products. We also need to ensure that labelling reflects the origin and contents of all ingredients in food products and that it is made a serious offence to give misleading information in this regard.

I emphasise that in one case approximately 30% of the meat content was horse meat. This is not cross-contamination but the use of horse meat as a major constituent of the burger in question. Given that millions of burgers are made every year, the chances of picking a burger subject to isolated once-off mistaken contamination from a random sample - if it was purely a random sample - are less than the chances of winning the national lottery. Therefore, I have several questions for the Minister. What was the statistical chance of a random sample picking up a once-off isolated contamination? When did the Department and the Minister become aware of this issue? What actions did the Minister take to deal with it? Why did he not immediately make the public aware of the report? What steps have been taken to establish the source of the ingredients? Does the Minister have evidence to show that this horse meat did not originate from within the country? Is the Minister willing to come into the Dáil next week to debate this issue in detail in order that we can reassure the public at home and abroad about the safety of the product we put on consumer shelves?

Deputy Deputy Martin Ferris: The first thing this episode highlights is the need for a

more comprehensive system of food traceability and labelling in the country. While it is to be welcomed that the contamination was detected by the FSAI and that an inquiry has been established there must be positive steps taken as a result. This is especially the case given that consumers are probably under the impression that they are buying Irish beef products when in fact a significant part of the product is imported. Moreover, in this case it was not even beef. The Minister must make known the names of the companies in Spain and the Netherlands which, he claims, supplied the contaminated product and he should say whether either of these companies are owned in part or in whole by any of the Irish companies which processed the burgers. Given that horse meat is an ingredient in pet food usually described as animal by-product rather than horse meat, these issues must be clarified in the interests of the good name of the companies involved in the processing of burgers here. It would be helpful for the Minister to name the companies and to state whether a connection exists between the Dutch and Spanish companies and the Irish companies.

It is also poignant for many people from a socioeconomic point of view because some of the people who bought burgers in the outlets such as those named here this morning are among those most in need. If this contamination was deliberate then effectively people most in need are being abused by companies either inside or outside the country.

Deputy Deputy Kevin Humphreys: I welcome the reform measures that enable us to debate this key issue which is being discussed in the national newspapers and in our communities.

I acknowledge that testing has taken place and it is positive that active testing is taking place in the State. This was discovered and acted upon by the Minister. Food labelling is a major issue. We should recognise that it could become a food safety issue if food processors do not know what is in the ingredients they purchase. I accept the statements today to the effect that this is currently not a food safety issue but rather a labelling issue. My colleagues have raised the issues already and therefore I will focus on food labelling. I hope the Minister for Agriculture, Food and the Marine will work with the Minister for Health to address the points I raise.

The traceability of ingredients is another issue of concern because of how food is produced and marketed in Ireland and elsewhere. Meat, including chicken, pork and beef, is being raised in other countries, imported to Ireland and processed and butchered here. It is not acceptable that such meat can be labelled as produced in Ireland. This is putting severe pressure on our farmers. It is misleading to compare a meat product that has been born, raised, butchered and processed in Ireland with foreign imports. Food producers, retailers, restaurants and caterers should have to specify where their meat comes from. Irish people have a right to know to allow them to support Irish products. It ensures consumers know whether they are eating Irish products.

I have raised the issue of food labelling on a number of occasions. The Ministers for Health and Agriculture, Food and the Marine must address it as a matter of urgency. It is not enough to label a product as containing Irish beef; all the ingredients must be labelled. We are seeing substantial additives being used to bulk up low-cost foods in particular. As Deputy Ferris said, it is mainly those in economic stress who are looking for cheaper options. We must ensure through a strong labelling process that those people are protected.

Deputy Deputy Denis Naughten: I wish to make it clear at the outset that from birth, via the suckler cow welfare scheme, through to slaughter, Irish cattle are the most traceable in the world. Traceability is only as good as its weakest link. Traditionally, this has been a difficulty

16 January 2013

with processed food products rather than with beef carcass and cuts which make up the vast majority of Irish beef exports.

There are two aspects to the issue before the House. First is the trace contamination of beef products by equine and porcine DNA which must be investigated fully and any manufacturer who cannot guarantee non-contaminated ingredients for the food industry removed from the system. Second is the disclosure that one fifth of a burger product contained equine meat. The AIBP group which is at the centre of attention has focused in recent years on becoming the preferred partner of major retailers in Ireland and Britain. While I do not believe the company would put this valuable business in jeopardy by deliberately including equine meat in its product, I cannot accept that such a significant content of equine meat mistakenly ended up in a product labelled as beef. It was either a deliberate act or an instance of gross incompetence at some point in the supply chain. Investigations must not only take place internationally to source the contamination and to discover how it happened, but someone must pay dearly for undermining the integrity of the food chain.

The AIBP group handles over one quarter of the total beef kill in Ireland and just under a quarter in Britain. It seems bizarre that the largest single processor in Ireland or the UK would import beef from continental Europe to a country which has 900% self-sufficiency and is the fourth-largest exporter of beef in the world. Consumers and the thousands of families nationally who rely on our beef industry need honest and clear answers quickly. It is what they deserve.

An Ceann Comhairle: The Minister has two minutes.

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Given the number Deputies who have asked questions, I ask the Chair for some leniency on time.

An Ceann Comhairle: The Minister can revert for two minutes.

Deputy Deputy Simon Coveney: People will have a copy of my speech, all of which I will not be able to read out in four minutes. I will go as far as I can.

As the House is aware, the results of laboratory tests provided to my Department by the Food Safety Authority of Ireland on 14 January 2013 revealed the presence of non-beef DNA in some beef products. This generally involved trace or minute amounts of porcine or equine DNA with the exception of one burger product which had a high level of equine DNA. My Department works under a service contract to the Food Safety Authority of Ireland on food safety matters and, as has been the case in previous instances, both bodies are working together to address this matter. The authority and Department operate as part of a coherent, multi-layered control system designed to ensure the highest standards of food safety. The authority and Department work closely to ensure the safety of Irish food in accordance with strict EU and national regulatory requirements. The system is completely transparent. We identify and respond wherever a problem is detected. It is important to note that this is the system that identified the problem, which demonstrates that it is working. While the problem is not one of food safety as such, it was identified by our systems.

I stress that it is national policy on food safety that consumer protection takes priority and that concerns for public health or confidence in food products are brought promptly to public attention. It is for this reason that the Food Safety Authority of Ireland published the results yesterday. While the authority has provided assurances that no food safety issues arise in this instance, there are clearly issues to be addressed in respect of confidence in the quality of the

products concerned. Those issues are now being addressed in the full investigation which I have initiated. Experience has taught us that openness, transparency and early action are vital to maintaining consumer confidence in these cases and those have been the underlying principles in the instant case.

On receipt of the laboratory results from the Food Safety Authority of Ireland last Monday afternoon and notwithstanding that it said there was no food safety issue involved, my Department commenced a full-scale investigation. The priority is to ensure that the source of the ingredients which gave rise to this problem is found quickly and remedial action taken. That is critical to ensuring there is no question mark over the quality of beef products from Ireland given our collective obligation to ensure the integrity of the food production chain. The investigation is focusing on the individual ingredients used in the manufacture of the affected batch. A number of these individual ingredients were imported into the State. There is no evidence from the investigation so far to show that the manufacturer knowingly imported equine meat to use in the production of these burgers and further investigations and DNA testing of product manufactured yesterday will bring clarity to this preliminary conclusion within 48 hours of tests being carried out.

There has been some comment on the sequence of events and I wish to set the record straight. The first samples were taken by the Food Safety Authority of Ireland as part of one of its snapshot surveys at retail level in early to mid-November. Those samples were sent for analysis to a private laboratory. In December, the authority took further samples at retail level and again had them analysed in a private laboratory in Ireland. Following this process, the initial samples which tested positive were sent for analysis in late December to a laboratory in Germany to confirm the accuracy of the initial tests. Obviously, there was concern about the results. Separately, my Department was requested by the authority on 21 December 2012 to take samples of ingredients at the two processing plants of concern. The results from the German laboratory were received by the authority last Friday, 11 January 2013, and my Department was informed on Monday last. A meeting took place between my Department and the authority on the same day at which the results were presented and their implications evaluated and discussed. My Department set in train a full-scale investigation. Subsequently, the authority met representatives of the food processors and retailers concerned and published the results of the tests.

I turn to the market response. The companies involved have carried out their own urgent investigation and withdrawn product from the market. In the case of Silvercrest, that amounts to some 10 million burgers. It is a significant response and an appropriate one. Retailers have also voluntarily withdrawn affected product from their shelves. While it is too early to assess the impact, if any, on food exports, I am disappointed with this development, particularly when the industry has been performing so strongly to reach record export levels in 2012. The industry's success is based on robust relationships with premium customers which have been built up over an extended period and are capable of withstanding challenges. My aim is to ensure that everything possible is done to restore consumer confidence. I have asked Bord Bia to work with the industry to explain the facts to international markets. We have a reputation for dealing openly and quickly with all food related issues once identified which will stand to us internationally.

Primary responsibility for the safety and quality of food placed on the market lies with food business operators who must implement food safety management systems based on HACCP principles. This is subject to a series of official controls which are applied vigorously at different stages in the food supply chain to verify compliance by businesses with food safety man-

agement systems. My Department has a permanent veterinary presence at all export-approved slaughtering plants. Controls at stand-alone processing plants are based on audits and inspections which are carried out by my Department's staff based on risk assessment. In accordance with the official risk assessment, the plant in question was subject to monthly inspections in 2012 and my Department carried out a full inspection last December.

Under the Department's national residue programme, some 30,000 samples taken at farm and factory level and covering a wide range of foodstuffs are tested annually. These tests normally relate to microbiological and chemical standards focused on food safety and in accordance with EU testing requirements. DNA testing is not required under EU legislation and is not generally in use in respect of food production and safety. It has, however, been deployed in recent times as part of the Food Safety Authority of Ireland's food fraud control activities and these results arose as a result of that control programme.

The investigation arising from the DNA findings is continuing and the Department and Food Safety Authority of Ireland, FSAI, will incorporate the results when found to ensure that we maintain the highest food safety and quality standards within the Irish food production system. As the investigation reaches finality I will, of course, come back to this House and update it on the details concerned.

An Ceann Comhairle: In view of the importance of the issue, I decided not to cut anybody off. Deputy Ó Cuív has one minute in which to ask a question.

Deputy Deputy Éamon Ó Cuív: I thank the Ceann Comhairle. It was important that the full reply was on the record of the House and I am glad the Ceann Comhairle facilitated that. We need openness, transparency and decisiveness. It is very important that we get absolute clarity about what is happening and assurances that it cannot happen again.

Can the Minister clarify on what basis it is being said - the word of the factory or the knowledge of the FSAI - that the equine product was imported? It is very important for us to get to the bottom of that issue once and for all. We know that up to 30% of the equine product was found in one case. Can the Minister give us details of the level of pigmeat contamination, which I understand was minuscule? Could the Minister reassure people as to how minuscule that was?

Is the Minister willing to accept the invitation of the Chairman of the Oireachtas Committee on Agriculture, Food and the Marine to appear before it next week with the FSAI so we can have a full and reasoned discussion on this issue and collectively in the Oireachtas be seen to deal with this matter in an agreed manner?

Deputy Deputy Martin Ferris: It is very important for the Minister to name the companies in the Netherlands and Spain and tell us whether any of them or any of the companies that distributed the product here were owned by Larry Goodman. It is also important for the Minister to outline sanctions for the companies involved if any underhand work has been carried out in respect of quite substantial damage to the industry in this country. All of us have been very reserved and responsible in trying to ensure we do everything in our power to ensure the industry retains its good name rather than engaging in point scoring. If ingredients coming here from another jurisdiction are sold as Irish beef and have been contaminated by produce outside the country, this situation exposes the fallacy of traceability.

Deputy Deputy Kevin Humphreys: We need regulation to cover how food is labelled and marketed with misleading labels. We need clarity about the source of proteins and fillers in

food and must act either with regulation or legislation. Transparency is needed and we need to address this issue now with strong rules on labelling and traceability so that people know and have confidence in what they are buying. The Irish food industry has been done a significant disservice through the importation of these products as basically fillers. I have confidence that the Minister will act speedily and for future confidence, we need much stronger regulation in respect of labelling. The EU scheme of geographic indicators is not the solution and needs to go much further.

Deputy Deputy Denis Naughten: I have a few brief questions for the Minister. In respect of the burger of which one fifth was of equine origin, was the contaminated product meat or bulking agent? Does the Minister agree that supermarkets must take responsibility and stand over what they sell, especially at the lower end of the market? The public is confused about the terms “produced in Ireland” and “produce of Ireland”. Both those terms are very different, as the Minister knows, but EU substantial transformation rules have added to the confusion experienced by the public on a daily basis. What can the Minister do as head of the Council of Ministers to streamline that? Can he clarify whether any of the plants involved in the Netherlands and Spain process equine meat products?

Deputy Deputy Simon Coveney: I will try to answer those questions as best I can. Some of the answers are not complete yet because we must wait until we have the full facts. In respect of Deputy Ó Cuív’s questions, I would be happy to come before the Oireachtas Committee on Agriculture, Food and the Marine to debate this issue. I might not be able to do it next week because I am due to be in Brussels for much of the week.

Deputy Deputy Éamon Ó Cuív: Could officials come before the committee?

Deputy Deputy Simon Coveney: We will do it as soon as we can and if I cannot do it, someone from the Department will do it. We need to get the full facts first, be that next week or in a fortnight’s time. Obviously, I want to ensure we respond to this in as appropriate a way as possible. This is a significant industry for Ireland. One is talking about well over 100,000 jobs and an industry worth about €3 billion in exports alone. We need to ensure we do everything possible to maintain Ireland’s reputation as a quality producer of food from a traceability and safety point of view.

The FSAI’s press release stated that traces of horse DNA were also detected in batches of raw ingredients including some imported from the Netherlands and Spain. I want to make it clear that does not necessarily mean that companies from the Netherlands and Spain are responsible for this. In respect of some of the work we have already done in Silvercrest, they are dealing with companies in the UK, for example, in terms of importing product. The place where food originates is not necessarily where the company responsible for putting that product together and selling it into an Irish company originates. That is the kind of complex trail we need to follow to ensure we find out who is responsible, ensure it cannot happen again and put systems in place to do that. I do not want simply to scapegoat two countries but it is a fact that the FSAI referred to those two countries as a source of some of the material that came into the processor concerned.

We will name companies and I can assure Deputy Martin Ferris that if there are inappropriate linkages, we will highlight those. As far as I can see, there has been no linkage to date between some of the companies that sold product in relating to ownership of companies but, again, let us wait and see until we have a full picture because there are multiple sources for

some of this product. That is the reality of the food industry.

Labelling is a very complex matter to solve. If there was to be a label on every food product which itemised where every product within that food came from, one would face a very difficult task putting an appropriate label on a pizza, for example, in terms of where all the individual products came from, be they olives, onions, fruit etc., and likewise in this sector. Having said that, what has happened here is totally unacceptable and we need to find a solution for it. This problem may have been caused not by a lack of regulations but by a lack of respect for those regulations and the need to enforce them. Common standards across the European Union require full traceability and accurate labelling. If a product comes from one European country into another and is labelled incorrectly, that is a matter of enforcement rather than new regulation. We are collectively examining the issue of traceability and country of origin labelling at European level. This incident will help to inform that ongoing debate in terms of the need for more accurate labelling on country of origin.

The type of burger concerned was a frozen product comprising 63% meat, with the remaining ingredients including onion and other filler protein. The protein should have been derived from a beef-sourced product. It is of concern that 29% of the meat content of the burger was horse meat, which means that 20% was horse meat overall. It is difficult to explain how that happened and we are taking a tough line with everybody involved to ensure we get the full facts so that we can provide an explanation to this House at the earliest opportunity, because consumers and, most important, buyers of Irish food across the world need to know we are on top of the matter.

This incident involved a small segment of the Irish food industry. The frozen burgers concerned were sold predominantly in the Irish and British markets. The vast majority of the beef we export to 165 different countries is fresh meat either on the carcass or processed in some way. However, even though this issue is specific to frozen burgers in a particular price category, we need to enforce the same standards, because every consumer, regardless of what he or she spends on food in Ireland, is entitled to the same assurances and quality control systems.

We are taking this matter very seriously but it does not give rise to food safety issues. It is not like the dioxin scare in pork or a disease scare in animals. There is no threat to human safety. It is a question of traceability and labelling. It has been flagged because we have a structured and comprehensive system of checks. We will get to the bottom of the matter and do everything we can to ensure it does not happen again.

Deputy Éamon Ó Cuív: I ask the Minister to clarify how small were the traces of pigmeat in the other burgers.

Deputy Simon Coveney: In most cases they were minuscule. In one case they comprised 15%, but it subsequently emerged that the label on that product stated that it contained pigmeat. The meat processor concerned contacted us to complain that it was being lumped in unfairly with the other products. The vast majority of products contained less than 1% and in most cases the amount was closer to 0.1%. This quantity of pigmeat can be explained by the way in which we produce and transport food. A refrigerated lorry that carried pigmeat a few weeks ago may still contain a tiny molecule of pig DNA even after it has been power-hosed and cleaned. It is important that we put this matter into context. However, that does not explain the presence of horse meat, which is a serious issue deserving full investigation.

Ambulance Service Provision

Deputy Emmet Stagg: I thank the Ceann Comhairle for allowing me to raise this topical issue and the Minister of State at the Department of Health, Deputy White, for coming to the House to respond to it.

Above all else, people are concerned about their health, and if they are injured in an accident or suffer a heart attack or a stroke they want to be assured that the system of ambulance cover throughout the State will give them the best chance of survival, with prompt medical attention on site and efficient transfer to hospital. I commend our paramedical staff on the tremendous work they do, in often horrific circumstances.

The State is covered by 86 ambulance stations. Under the Croke Park agreement the issue of inefficiencies in rostering arrangements in ambulance stations was referred to the Labour Court following intensive discussions between the HSE's national ambulance service and trade unions representing paramedical staff. The Labour Court subsequently issued a recommendation directing the national ambulance service and the trade unions to address a number of overtime-generating inefficiencies within rostering arrangements. Discussions have concluded at 30 ambulance stations on changes to rosters and 25 will now operate on a 24-hour basis, 365 days per year. However, the stations in Maynooth, Baltinglass, Swords, Athy and Arklow will not have an ambulance on stand-by for immediate dispatch for 12 hours per week. This means there will be no local cover for the equivalent of 26 days, or almost one month, each year.

Maynooth ambulance station covers a population of 60,369 in the towns of Celbridge, Leixlip, Clane, Kilcock and Straffan, as well as Maynooth. Between 7 a.m. and 7 p.m. every Thursday, no ambulance is available for dispatch directly from Maynooth ambulance station. In the event of an emergency, an ambulance would have to be sourced from Athy, which is 90 minutes distant, Naas, which is one hour distant, Dublin or Cavan. I do not want to scaremonger but it would be inefficient to allow this situation to continue if it puts people's lives at risk. The national ambulance service has pointed out that two new rapid response vehicles operate in south Dublin and Kildare and that a new hospital transfer service has increased ambulance capacity. However, neither I nor the people of north Kildare are satisfied with the current arrangement.

If full cover can be retained in 25 stations throughout the country, why can this not be achieved in Maynooth? What is the cost of reinstating dispatch from Maynooth on a 24-hour basis, 365 days per year? I ask that the matter be reconsidered because I cannot understand how savings can be made through the changes that have been introduced. If the Minister of State does not have specific information I will be satisfied if he passes the information to me subsequently. I have been trying to get information from the ambulance service but it is like pulling teeth from hens.

Minister of State at the Department of Health (Deputy Alex White): I thank Deputy Stagg for raising this issue, for drawing attention to the improvements made in the HSE national ambulance service, NAS, and for affording me the opportunity to outline the ongoing delivery by the HSE and its workforce and representatives of important changes in the way our emergency ambulances and crews are deployed.

The Deputy is correct that the NAS is progressing a number of efficiencies arising from the Labour Court decision following a referral to it under the public service agreement. These include the issue of overtime built into rosters and a change from on-call to on-duty service.

16 January 2013

The elimination of on-call rostering was sought by ambulance staff. The referral to the Labour Court was in line with the Croke Park agreement. The court has issued a binding recommendation directing the NAS and the trade unions to address a number of inefficiencies in rostering arrangements. New rosters are in place and are operating successfully in a large number of stations, including Tallaght, Swords, Maynooth, Kildare, Wicklow and Cavan.

5 o'clock

Some concerns over perceived levels of cover or lack of cover at certain stations in the north Leinster area have been raised as these changes have progressed. I reassure the Deputy and the population of the areas referred to in this regard that the national ambulance service is not a static service. It deploys its resources in a dynamic manner and works on an area and national basis rather than on a local basis. The dynamic deployment of ambulance resources ensures that the nearest appropriate resource is mobilised to an incident, including incidents in the greater Dublin area. Where necessary, emergency cover is provided by an advanced paramedic motorcycle response unit, supported by resources deployed from adjacent stations on a rolling basis.

In addition to the operational efficiencies being implemented, two new rapid response vehicles, RRVs, now operate in the south Dublin and Kildare areas, to improve services further across the greater Dublin area. The national ambulance service has also introduced a new intermediate care service in south County Dublin to address routine inter hospital transfers. This releases emergency ambulances for emergency service work. The net effect of these changes is improved efficiency and increased availability of emergency ambulances across the area for incidents where hospitalisation is required.

As mentioned, the national ambulance service is a dynamic service. It responds to calls on a prioritised basis, through the advanced medical priority dispatch system, AMPDS, which is in operation in all NAS control centres. The NAS has established that 10% of all 999 calls are inappropriate for an emergency ambulance and a further 50% are neither life-threatening nor serious. This data is in line with international experience.

With regard to the specific stations mentioned by the Deputy, Maynooth, Baltinglass, Swords, Athy and Arklow, these stations particularly benefit from the dynamic and rolling cover improvements due to their proximity to each other and to the road network available in the area they cover. I appreciate the Deputy referred to Maynooth in particular. The question raised with regard to Maynooth and the manner in which these issues are being addressed must be seen in the context of the dynamic service that exists, which comprehends a broader area of cover than a particular town or centre.

Deputy Emmet Stagg: The system we use for raising topical issues is very useful for Members like myself, but we appear to be falling back into the old trap, where Ministers or Ministers of State come into the House and read a script that was prepared before hearing what we have to say on the issues. The result is that regularly the issues being raised are not addressed at all. This is what has happened today.

I asked some specific questions and while I did not expect the Minister of State to have the answers, I would have been satisfied if he had said he would get the answers for me. I will put my questions again. How can he justify not having an ambulance service in Maynooth when there is, apparently, no savings whatsoever from abandoning it? The system being put in place

is no better and is probably more expensive than the system that existed when Maynooth had a full service. I do not accept the notion that Athy and Maynooth are adjacent, as they are an hour and a half apart. A person could have died from a heart attack ten times in the time it would take for the special ambulance to come. However, perhaps the man on the motorbike would arrive to help.

The man on the motorbike would probably cost more than it would cost to send the ambulance which is lying idle in Maynooth, all because somebody decided that five stations in the country should have 12 hours a week with no ambulance service and that a motorbike service would replace them. I do not understand how this could provide any savings. Will the Minister inquire or find out what exact savings are being made, as all of this was based not on more efficient services, but on cost efficiencies? I fought for years to get an ambulance service for Maynooth and we succeeded in getting it. I am not about to allow it be whittled down or reduced so as it will eventually disappear into some larger centre.

Can the Minister of State tell me what happens in Maynooth on a Thursday when the ambulance and crew are not allowed to leave the station? Does the crew sit in it and wait for the 12 hours to be up before they can go out? What has occurred is nonsense. A group in Maynooth and the north Kildare area is organising a protest on this issue and I understand and appreciate that. If we could get some answers, we could explain why this has occurred.

Deputy Alex White: The Deputy has indicated he would like me to ascertain the level of savings associated with the changes in so far as they apply to Maynooth and I will endeavour to ensure that if the information can be ascertained it will be relayed to him.

I cannot explain the broader issue any further than I have done. However, all of us would be concerned if any of the decisions being made in order to achieve efficiencies brought an associated risk with them or if they introduced any kind of public health risk into the system.

Deputy Emmet Stagg: Of course there is a risk.

Deputy Alex White: Our primary concern is to ensure the health and well-being of the population, including access to emergency care if needed. If it can be demonstrated there is some risk associated with this change, that must be addressed.

Deputy Emmet Stagg: If there is no risk, there is no need for an ambulance service at all.

Public Health (Tobacco) (Amendment) Bill 2013: Second Stage (Resumed)

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

Deputy Joe O'Reilly: Earlier I addressed the issue of cost as a disincentive to people starting to smoke cigarettes. I also addressed the issues of the proposed new graphics on cigarette packages and the smoking ban.

I would like to put forward my strong view that the promotion of sport among young people and the support of sport by the Government financially and within schools and communities

16 January 2013

will act as a significant disincentive to smoking. In that context, the recent sports capital grants are welcome. My experience as a former teacher, both within my family and elsewhere, is that young people engaged in sport have a personal incentive not to smoke so that they can develop and enjoy their sport. Their desire to get on a team or participate in individual sports such as martial arts ensures they refrain from smoking so as to be involved in sport, physical activity and an alternative lifestyle. I appeal to the Minister of State to bring the message to the Government that moneys invested in the promotion of sport and an alternative lifestyle will help overcome the enormous health bill resulting from cigarette smoking. This concerns the issue of people starting to smoke.

With regard to encouraging people to quit smoking, we need to focus on advertising and promotional work. We must emphasise the quality of life changes that will occur if people quit. There has been too much emphasis on the threat of lung cancer and other medium or long-term threats. However, if we are to succeed in encouraging people to quit smoking, we must advertise the immediate benefits of quitting, such as an improved appetite, improved breathing, cleaner air and an improved quality of life in the here and now. This should be the focus of advertising.

This Bill merits discussion. While it is a short Bill dealing with an amendment that needed to be addressed, we could well spend a full session discussing this serious health issue. The support clinics held by the HSE over the years - I have personal experience of one in Cavan town - for people trying to quit smoking and run by professional staff are excellent and I urge the Minister of State to reconsider the extent to which these clinics are available as there is great potential for them.

This legislation was made necessary by the ruling from the European Court of Justice. I think the response is intelligent. It is maintaining the essence of our policy. It behoves us to take this opportunity to recommit ourselves to dealing with this great health threat. As a previous speaker said this morning, if tobacco were to be discovered now for the first time, it would be deemed to be an illegal substance. We should never forget that.

Deputy Patrick O'Donovan: I welcome the opportunity to say a few words on this issue. An important aspect of the legislation we are discussing - the fact that it has been necessitated by a European Court of Justice ruling - has gone pretty much unnoticed. In some cases, I find it difficult to get my head around the competencies of the European institutions when it comes to issues like this. Different societies and different member states across the European Union have different expectation levels and different ways of addressing public health issues. We have grappled for a number of years with the issue of the number of people in this country who smoke. I will speak later about the number of people who consume alcohol. I am concerned about the initiative by the European institutions and the decision on this matter by the European Court of Justice. Our nearest neighbour is having a bit of a convulsion in its relationship with the EU and its institutions. I have heard a commentator suggesting that the EU is essentially parked in one's front room so it can dictate everything that happens in one's life at a micro level. We should have some concerns when sovereign Governments are faced with making legislative changes of this nature in the absence of any reflection of the societal differences between member states. We need to ask ourselves whether that is the type of EU we want to have. Do we want issues of public health to be determined in the fashion in which they are currently being determined? The previous speaker suggested that the Government has reacted responsibly to the European Court of Justice ruling. I wonder why we are doing this at all. It brings us back to the question of the manner in which the European institutions have entered into all of

our lives on a daily basis.

I would like to refer to a contribution that was made earlier in this debate. It had the potential to turn into a three-ring circus. One Opposition Deputy was almost looking for an opportunity to take the nails out of his hands. He seemed to suggest he was the closest thing to the patron saint of smokers. It demeaned the argument and it demeaned the whole debate. It edged closely to the possibility that the Deputy was attempting to break the link between smoking and illness. Many people have referred to cancer and stroke, but chronic obstructive pulmonary disease has not yet been mentioned. Anybody who has seen someone struggle each day with an oxygen tank, a nebuliser and up to 20 tablets that may have to be changed on a weekly basis if antibiotics are needed as immune system resistance breaks down, will be aware that smoking-related illnesses affect those who are ill and those who care for them. I have personal experience of this. I agree with the sentiments expressed earlier by Deputy Catherine Murphy from County Kildare, who spoke about her personal experience in this regard. The remarks made by Deputy Finian McGrath were very insensitive to those who are suffering from smoking-related illnesses and those who are caring for them. He tried to create some sort of smokescreen, for want of a better word, as part of his attempt to break the link between smoking and the health effects of smoking even though smoking ultimately kills people. He did absolutely nothing to promote his cause, which involves making sure smokers are not somehow treated as pariahs. I accept that is important.

As Deputy O'Reilly said, if Walter Raleigh arrived in Europe with tobacco plants today, this substance would be banned. That is the point from which we need to start to look at this issue. It is a highly addictive toxic carcinogen. It has the potential to destroy people's lives. I have a concern from a public health point of view. We are talking about minimum pricing. I appreciate that the decision of the Scottish Executive to introduce minimum pricing for alcohol is the subject of a European investigation. The Minister of State at the Department of Health, Deputy White, has an interest in this as well. I would like the Minister for Health, in his role as chairperson of the EU Council of Health Ministers, to emphasise that there are different public health issues in each member state. Society is different in each member state. The expectations of citizens are different in each member state. Our cultural expectations and our smoking and alcohol thresholds are totally different from those of the Mediterranean countries. I think that needs to be reflected in what the European institutions are asking us to do. We will have to keep a close eye on the decision to be made by the European institutions on the introduction of minimum alcohol pricing by the Scottish Executive. That decision will have repercussions in Ireland. I appreciate that the European Court of Justice judgment does not prevent member states from banning below-cost selling. If it did, it would have a detrimental effect on our attempts to ensure younger people do not start to smoke. The European Coal and Steel Community was originally established to promote the free movement of goods, services and persons, but it has gone through a metamorphosis to the point where we need to pass this sort of legislation today. It is difficult to understand why this Bill is needed at a time when many people are dying of smoking-related illnesses; the Government is being proactive in terms of the excise duty that is applied and public health campaigns are being run on a daily and weekly basis.

The Australian Government needs to be commended on the manner in which it has introduced labels and obvious pictures on cigarette cartons and packages. I would like that to be done here as well. There is an opportunity for it to be done across Europe. I would hate to think the European institutions will stick their noses into anything that is done in terms of labels and regulations in Ireland or any other member state. Someone could construe such efforts as an

interference with the market. It is important that we do not go down that road. The earlier an intervention is aimed at ensuring people are fully educated and informed about the actual implications for their health of the decision to light a cigarette and go down the road of addiction, the better. This is also of relevance to the whole issue of childhood obesity, which is another hobby-horse of mine. When a young person picks up a packet of cigarettes, he or she will see a piece of lung that has turned black or rotten because of the tar, the carcinogens and the nicotine that have been inhaled over time. The earlier we can get such powerful images into the psyches of younger people who have not yet taken up smoking but may be about to do so, the better.

It is important that we are not seen to pillory in any way those who are struggling with this addiction. If we were talking about those addicted to heroin, cocaine or alcohol, we would be referring to them almost as victims. Those who are trying to give up smoking should be treated in the very same way. As Deputy O'Reilly said, they need support from the public health agencies, from the Department and from us as legislators. Any support we can give should be given. The legislation that has been proposed represents a mature response to the European Court of Justice ruling. I have a greater problem with how we wound up in this situation in the first place. I have concerns with regard to the competencies of the European institutions that are allowed to have their say on these issues even though societal norms are totally different across the 27 member states. I think we need to address this aspect of the matter as we go forward.

Deputy Mick Wallace: I was also amused when I listened to Deputy Finian McGrath this morning. To be honest, I thought he spoke very well. He is obviously passionate about his stand and I thought he was good on it, although I do not agree with him.

The tobacco industry is also very impressive in how it operates. It is very powerful, very effective and very efficient, but I do not agree with how it runs its business all the same. The basic principle of the tobacco companies is that profit matters most and people do not, which is not something I buy into very much.

Deputy Finian McGrath insinuated that smokers were being hounded. I would not be in favour of hounding smokers at all and I would have no interest in banning smoking. Some seem to think it would be illegal if it had only started today, but I would not be in favour of banning it, no more than I would be in favour of banning cannabis. I believe in the right to choose. However, just because I would not be in favour of hounding smokers, as a State we have a duty to inform and to educate people, particularly young people, in the interests of their health. This would also be in the interests of the finances of the State because the results of the abuse of smoking are costing us so much. I am a great believer in education, as I am sure most of us are. I believe a greater effort on the part of the State to get the message across to young people that it is a great idea not to smoke would be money well spent.

The medium of sport is a wonderful vehicle to fight abuse of any substance, be it with regard to smoking, alcohol or hard drugs. I coach the under 16s, under 18s and under 19s in Wexford for both the county teams and the Wexford Youths. In those three squads, there is not one smoker at present because nobody can play sport at a high level and smoke. Some €26 million was divided up in the last sports grant. If the House considers that the cost to the State of smoking is in the region of €1 billion and the abuse of alcohol is costing the State approximately €3 billion, looking at it simply from an economic point of view, the sports grants should be amounting to an awful lot more than €26 million if the Government wants to invest in this area and bring down the cost to the State of smoking and alcohol abuse.

The tobacco industry certainly has the money to combat public health policy objectives. Sadly, the State does not have quite as much funding available to promote positive health in the same area. For this reason, I am of the philosophy that we should take more tax from the industry. The profit margins of British American Tobacco and Imperial Tobacco between 2004 and 2011 are astounding and vary between 28% and 45%, which is superb in terms of profit on turnover. To compare them with Cadbury and L'Oreal in the same period, those companies averaged approximately 16% and, while they were pretty successful, the tobacco industry leaves them for dead in terms of its ability to make serious money.

This directive sets out that, for the sake of free competition, manufacturers and importers must be free to set their own maximum prices for their products. I find this a little ironic given this is an industry with very little competition and controlled by very serious players. If I was starting a little industry in the morning, I would not be taking on these fellows and would think of doing something else. Making cigarettes in competition with these fellows would be a tough game I imagine.

Competition law underpins neoliberal policies evident in the EU trade system. In the European Court of Justice judgment, protecting the channels of free market economics is clearly a priority of the EU and comes at the expense of public health policies and the citizens of Europe, which I find disappointing. I remember, when we were arguing about the Nice treaty, that the ability of the same treaty to facilitate large business at the expense of the citizen was certainly at its core. We have not seen the end of neoliberalism by any stretch, and the present austerity system and philosophy is very much part of that same agenda.

I understand the ruling prohibits minimum pricing rules but does not prohibit maintaining high prices by using taxation. Will the Minister consider increasing the taxation rate on cigarettes to compensate for the removal of the State's power to impose minimum pricing? I note the tax take was 79% before the budget and I presume that has gone up a little with the 10 cent increase per packet. However, the rate is 90% in the UK and I understand we could increase our revenue by well over €100 million if we were to do this. We could use this money to promote positive health in this area.

I note there was talk late last year of introducing minimum pricing to reduce the misuse of alcohol. Is the Government still planning to do this, as was recommended in the 2012 steering group report on a national substance misuse strategy? I am sure the Government is checking whether it would be legal. Given the ruling on tobacco, I have my fears there might be some opposition to this at EU level.

The British Government has been particularly successful at addressing the smuggling issue whereas we have not done as well in challenging that. The British have reduced smuggling by almost half and it has been money very well spent as they have increased their revenue to the state by over stg£1 billion. While it is a country much larger than ours, even in relative terms we could save a lot of money if we invested resources in tackling smuggling.

The point is well made in an article by Mr. Chris Macey from the Irish Heart Foundation some months ago - I found it so good, I kept it. Mr. Macey stated:

Our template for action is provided by the UK which had roughly the same smoking and smuggling rates a decade ago as we have now. By combining high regular tax increases, tough anti-smuggling measures and effective stop-smoking strategies, they now have two

16 January 2013

million fewer smokers, including a 50 per cent reduction among children, while the illicit market has fallen from 21 to 12 per cent. And for an annual outlay of £300 million, tax revenues have risen by £1.2 billion, whilst health service savings total £1.7 billion.

These are impressive figures by anyone's measure. The article continues:

Tax increases alone can't be fully effective because cheap smuggled tobacco blunts their impact. We must give Customs, which has lost hundreds of staff in recent years, and the similarly hard-pressed Garda, the manpower and equipment, along with the tough justice in the courts, required to deal with smuggling. And we must give greater support to free more smokers from the grip of addiction.

If such co-ordinated action is taken we can effectively tackle the health catastrophe that costs this country one of its citizens roughly every 90 minutes and massively increase tax revenue and cost savings for Ireland's cash-starved health service.

The Minister for Health said that approximately one in four people in Ireland are smokers. We need to examine the effectiveness of anti-smoking strategies in other countries. For example, in California the proportion of smokers is down to 11.9%, which is pretty good. Canada and Australia between them average 17%. A report in Britain two years ago pointed out that better policies can reduce the numbers smoking, reduce the associated costs and pain for society and produce increased revenues for the State. Greater investment in this area will be money well spent. I would like to see the minimum price for alcohol increased too, if the European authorities deem that legal.

Deputy Deputy Áine Collins: The Public Health (Tobacco) (Amendment) Bill 2013 is relatively simple. It will give the Minister power to prevent below-cost selling and to control advertising and sponsorship of tobacco products. In recent years the large multiple stores have used and continue to use cheap alcohol products to attract customers. This practice works well as a loss leader to attract customers. The Minister for Health is examining this practice and may deal with it in the future. In the meantime the Minister is quite right to recognise that retailers might use the same tactic with tobacco products. There is no doubt that below-cost selling of tobacco products could prove a useful tool in attracting customers to a particular chain of stores. Section 1(a) of the Bill prohibits the sale of tobacco at a reduced price and section 1(b) prohibits the making available of any tobacco product to persons free of charge. The provision of free or reduced-price tobacco products as part of any promotion is also prohibited.

We are all well aware of the danger to personal health of using tobacco products. Measures surrounding tobacco use and health care are of great importance. Tobacco use has a huge effect on our economy and Exchequer figures. Last year the total cigarette tax take was €1.36 billion, but according to the Department of Health, at current rates of smoking, tobacco-related illnesses will cost the State €2.3 billion annually over the next ten years. This is almost €1 billion a year more than is received in tax from the sale of tobacco products.

The Irish Heart Foundation and the Irish Cancer Society recently told the Oireachtas Joint Committee on Health and Children that the tobacco industry is earning substantially higher profits in Ireland than in many other European countries. Tackling this could net the Government €150 million a year and curb the tobacco industry's ability to recruit young smokers. According to the Irish Heart Foundation, this money could pay for 4,167 extra nurses, 4,853 new primary school teachers, 5,400 Garda recruits or, indeed, 7,000 special needs assistants. It is

easy to see how this money could be put to good use. The Minister for Finance went some way toward dealing with this situation in the recent budget. By introducing this legislation it is clear that the Government is moving in the right direction.

The Irish Cancer Society recently produced a report on the ever-increasing number of young girls and women who smoke. Most worrying of all is that more Irish women are now dying of lung cancer than of breast cancer. The report includes findings of research into why women smoke and why more women smoke and continue to smoke. Two thirds of smokers want to quit. This report shows that there are social and psychological factors that make it hard for women to quit. Many women are aware of the health risks of smoking but see it as a way to cope with the stress and pressure of life. It is important to note that levels of smoking are highest in the poorest communities and are linked to multiple social and economic disadvantages, ill-health and poor life expectancy. Disadvantaged groups in society are disproportionately likely to smoke and are least likely to give up cigarettes. Those who can least afford to do so smoke the most and suffer the most from this. Children growing up in poverty experience social environments in which the majority of adults smoke. Smoking, therefore, becomes normal and acceptable adult behaviour. The tobacco industry is aware of all these facts. It constantly needs to recruit new smokers to replace those who die. Female smokers are a lucrative market for the tobacco industry, which is experiencing a decline in smokers. The tobacco industry has long recognised that women represent a different market from men, and has developed and will continue to develop policies to target women, sometimes by segmenting the market by socioeconomic grouping and developing products for these groups. What better tactic could the tobacco industry employ at any time than below-cost selling or, indeed, free tobacco with the purchase of other items, an approach that would be attractive to men and women? Shopping incentives will undoubtedly affect women more as, generally speaking, they do a larger proportion of household shopping.

By introducing this Bill the Minister is locking the stable door before the horse has bolted. I commend this Bill to the House.

Deputy Deputy Regina Doherty: Thousands of people in Ireland die every year because of smoking. Any measure that seeks to reduce the levels of smoking has to be welcomed. This Bill will bring Ireland into compliance with the judgment of the Court of Justice of the European Union on minimum pricing.

The Bill proposes that all cigarette packaging be of a standard shape and size and be brown in colour, that all distinctive marks be removed from packs and that the text on the packs be in a standard font. The objective of plain packaging measures is to reduce the number of smokers and to improve our public health. Any attempt to encourage a reduction in the number of smokers must be supported.

Recent research detailed in the Irish Cancer Society's report on the crisis of women and smoking in Ireland showed that almost one in three women smoke. More women in Ireland died of lung cancer than breast cancer in 2011. For a six-month period in 2010 there were more women attending St. James' Hospital in Dublin with lung cancer than there were men. That is hardly surprising when one in three females smoke. This statistic stands despite decades of preventative health education programmes and the millions of euro spent on anti-smoking advertising. The sobering fact is that one in two smokers will die of a smoking-related illness and nearly every one of us has seen a life sucked away or squandered through tobacco addiction. It is a dreadful development and has not happened by chance. Tobacco companies targeted wom-

en at a time when men began to respond to public health campaigns by giving up cigarettes. The tobacco industry is still engaged in sophisticated social marketing in order to increase the appeal of cigarettes to young women. Despite a generation of health promotion along with warnings about the dangers of smoking, the number of young women smoking is growing. This is a sobering testimony to the power of advertising. Nicotine is almost as addictive as heroin and smokers find it extremely difficult to quit. As the Minister said this morning, had we known when tobacco was first discovered what we know now, it would have been banned. More than two-thirds of smokers want to quit but this report shows that there are social and psychological factors that make it hard to quit. Many smokers are aware of the health risks but see it as a way to cope with the pressures of life. Smoking often gives women a sense of belonging to a particular group and the support that goes with it.

Nowadays smoking areas in pubs and restaurants are seen as highly social areas, the places to have the craic. It is no coincidence that 90% of smokers try their first cigarette before the age of 18, an age when fitting in is still paramount. Research has shown time and again that smoking is definitely more associated with young women. Every possible effort must be made to make sure children never take up deadly cigarettes. Very often, smoking starts in school, and it is worrying to see more young girls smoking than boys. This increases the need to ensure there are concerted efforts to educate all young people, especially girls, about the dangers of smoking. A common misconception is that the occasional cigarette is not nearly as harmful as full-on smoking. Of course it is obviously better to smoke a little than a lot but even this is not without side effects. Laboratory evidence suggests that toxins in tobacco smoke peak at low levels of exposure, increasing the stickiness of the blood, inflaming the arteries and increasing the risk of thrombosis and blood clots that can trigger a heart attack. Even an occasional cigarette is harmful. Cigarettes contain not only tobacco but carcinogens and nicotine, both of which cause direct harm every time one smokes. Recent research carried out by University College London threw up an interesting statistic, namely, that 80% of occasional smokers found they could not stop when they tried to.

Another myth that needs to be debunked is the idea that menthol or slim, “ladies’ cigarettes” are less harmful than regular cigarettes. Not so, according to a gentleman called Dr. Ross Morgan, a consultant chest physician and chairman of ASH. Again, this is all to do with marketing. In the past some cigarettes were marketed to women as being beneficial for slimming purposes and it was thought that menthol cigarettes might somehow be better for one. There is no evidence that light cigarettes have any different outcomes in terms of lung cancer, heart disease or stroke than do other cigarettes.

The ban on smoking in the workplace, introduced in 2004, cut tobacco consumption but unfortunately the effect was shortlived. However, as more young people become addicted the figures have begun to rise again. Ironically, smoking areas are now perceived to be the most social areas in which to gather. Nobody expects a quick fix to this problem and it may always be a battle. I hope that measures such as this Bill will help us to win the war.

Deputy Jerry Buttimer: This time last year the HSE introduced a smoking ban in all hospital grounds. As one who lives in Bishopstown, a suburb of Cork in which Cork University Hospital is situated, I wish to commend both the staff and the visitors who have embraced the smoking ban in place in the grounds of CUH. I also compliment the staff of Mercy University Hospital. We have seen the benefit of the ban at work in the grounds of these hospitals.

If we are to be serious about the cessation of smoking the comments of Deputy Doherty

must be listened to because a very smart marketing move is being made by cigarette manufacturers to target young women. I do not mean to be sexist. The context is that one must look slim, fit and healthy and smoking can help to achieve that. Of course that is not true. In the course of supervising when I was a schoolteacher, I spoke to many young women and men who now use cigarettes as an appetite suppressant. Rather than eating they smoke. We must dispel that myth, that message. Smoking is bad, it damages one's health and has a profound impact on both public and personal health. We must never dilute that message.

We must also unite with retailers against smuggling because the effect of illegal tobacco smuggling is enormous. We must take umbrage at the fact that people are attempting to smuggle cigarettes into our country. The figures show that one in three cigarettes is bought on the illegal black market rather than in legitimate stores. I will return to that point.

I wish to put on record my thanks and appreciation of the work of the Irish Cancer Society. Former Senator Kathleen O'Meara and Mr. Chris Macey have been leading a public health campaign to show us not only the effects of smoking but also the benefits of not smoking and the positivity that can accrue to our public health system, the work day and the productivity of our citizens from persuading people away from smoking.

I am struck by the level of debate and the hostility on the part of those who smoke to the cessation of smoking. Surely the reduction in the number of people who smoke should not pose such a challenge to those tasked with the responsibility of introducing legislation and policing public health. Protecting our citizens, no matter what their age is, who they are or what stratum of society they come from, is what we are trying to do by introducing the measures in this Bill. It should not be so complex and so difficult. I very much welcome the opportunity to speak on this Bill. Our public health policy requires that each Member in this House stands up and is responsible for promoting public health measures. I genuinely could not understand or comprehend Deputy Finian McGrath's Second Stage contribution this morning. It just did not make sense. I must put that on the record.

Of course legislation on its own will not stop people smoking. What must accompany it is the need to constantly highlight not only the detrimental effects of smoking but also the costs to public health and to a person's life and well-being. That is why it is important that cigarette packaging will display the proposed imagery and that there is a genuine movement towards having bland packaging. I hate to use the pun but it comes to a point where we can no longer be passive bystanders on this journey - we must be aggressive. I say this as one who grew up in a house where my father smoked, where friends smoke, where my partner smoked - and gave them up. I heard Deputy Kelleher speaking about people who were challenging themselves on this journey. We must all support one another. When Senator Crown brought a motion before the health committee he may have missed an opportunity to make this House and campus smoke-free. As and from 2 January at least 1,130 colleges and universities in the United States of America adopted having a 100% smoke-free campus. The policies they are pursuing eliminate smoking in both indoor and outdoor areas across the entire campus, including residences and other accommodation. I hope that in the city of Cork, University College Cork, Cork Institute of Technology, the Cork College of Commerce, Coláiste Stiofáin Naofa and Griffith College, as the leading third level institutes, could lead this campaign with a pilot scheme in our country. We must educate and empower our young people. We have a green school award for environmental issues. Deputy O'Donovan and I have made the case for having a green flag for obesity. We must take action on cigarette smoking to a different level again and must challenge people, in the interests of public health, not only to cease smoking but to make it easier to

16 January 2013

give up. In that way the Minister, the Department of Health, the HSE, the Irish Cancer Society and the Irish Heart Foundation can collaboratively play a role in this ongoing campaign. If we think for one moment that this Bill will stop people smoking we are misguided. It will not. The Minister stated that one in four adults smokes and that almost 5,000 people will die of smoking-related diseases such as cancer each year. That is a huge number of our fellow citizens.

I understand that pricing is an issue and am open to debate this. I have attended meetings with retailers in my city, Cork, who say the price of cigarettes is costing them jobs. We cannot merely consider the matter from that perspective. We must also consider it in the context of the revenue that accrues to the Exchequer and of the benefits obtained by retailers from the sale of cigarettes.

We must examine the position with regard to tobacco smuggling in the context of the Bill. I am of the view, particularly in light of evidence provided by Retail Ireland and the Irish Heart Foundation, that the black market is thriving. There is a need for a high level of vigilance on the part of customs officials in respect of the smuggling of illegal and low-cost, low-quality cigarettes into Ireland. Those involved in this activity are targeting young people. Traditionally, even those involved in the promotion and sale of legal tobacco products - such as manufacturers and others - have targeted the latter.

It is important to keep matters simple. We must send out a strong message regarding both the direct and side effects of smoking. The excise revenue we gain from the sale of cigarettes should be used to fund a public health campaign. We must also consider the position with regard to the sale of illegal tobacco on the black market. There is another issue, namely, that which relates to duty free sales in airports and elsewhere, with which we must deal. We must also be cognisant that while tobacco products cannot be displayed behind sales counters in shops, etc., the fact that they are there is still being made evident in a particular way.

The Bill is an important step forward. Many concerns have been highlighted by those on different sides of the argument. As both a Member of this House and as a legislator, I must do what is best in the context of public health. That is why I am of the view that we should strengthen our resolve with regard to the effects of tobacco and that we should introduce new technologies to combat both the activities of those who smuggle illegal tobacco products and the growth in sales of such products. There must be swift and severe penalties for those who are caught engaging in the sale of illicit tobacco products. We must send a message to those who purchase such products that they will not be treated any differently from those who either smuggle them into the country or sell them. Those to whom I refer are doing a disservice to society.

We must send out a strong message that smoking is harmful. I challenge the universities in Cork to lead the way in the context of introducing a pilot scheme. I commend Cork University Hospital and Mercy University Hospital, Cork, on the way in which they have embraced the smoking ban.

Deputy Michael Healy-Rae: I sincerely thank the Technical Group for affording me the time in which to contribute to the debate on this extremely important legislation. I had a very close friend who got up each morning at approximately 7 a.m. and who used to use just a single match to light his first cigarette. He would still be smoking when he was going to bed at night and he would not have used a second match during the day. He had the remarkable ability to use only one hand to light one untipped cigarette from another. On average, he used to smoke

between 120 and 130 cigarettes each day. I calculate that if he was alive - Members will not be surprised to hear that he is dead - his habit would be costing him €22,000 per year at today's prices. The man to whom I refer spent an average of 900 minutes up and about each day and in all of the years I knew him he was never without a cigarette in his hand. I lost my friend and many others to tobacco-related diseases. We have all lost close friends in such circumstances. Cigarettes can finish people who are already in poor health in many different ways. They can drain the life and energy out of a person.

Smoking is a serious addiction and it is important that those in government and other politicians try to do everything to encourage people to abandon the habit. Unlike previous speakers, I will not disagree with what Deputy Finian McGrath stated. The entire purpose of a democracy is that public representatives are entitled to their own viewpoints and to represent people in the best way they see fit. In that context, I respect the opinions of Deputy Finian McGrath. I have my own opinions with regard to how we might get to where we want to be. I know where I would like to be, namely, in a country where no one smoked. I am a former smoker and, in that context, I would love to live in a country where no one - young, middle aged or old - purchased cigarettes. I accept that this could only be the case in an ideal world. We do not live in such a world and we will never do so. We must, therefore, assist people in recognising how bad smoking is for their health.

When what was then considered a very controversial ban on smoking in public houses was first introduced, I strenuously resisted it. I was of the view - it remains my opinion in some respects - that the law which was put into place does not cover all of the consequences to which the ban gave rise. In that context, I believed that it should have been possible to cater for elderly smokers within the confines of public houses in some way. I was of the opinion that it was disrespectful to turn such individuals out onto the streets in the rain in order that they might smoke. It was for this reason that I resisted the ban originally. If I was asked now whether the ban on smoking in public houses and in public buildings such as Leinster House was a good development, I would reply that of course that is the case. I would be obliged to raise my hand and admit that the good done by the ban outweighs all other considerations. It is a good person who can admit that he or she was wrong in some of the opinions he or she previously held.

Despite what I have just stated, however, I am of the view that, in the context of encouraging people not to smoke, we must be careful and ensure that we do not go over the top. If, for example, a person is driving alone in his or her car and if he or she smokes, it would be ridiculous to try to stop him or her from lighting a cigarette. We would be going completely over the top if we were to intervene in such circumstances. However, it is vitally important that we should do everything humanly possible to ensure that young people do not start smoking. It is disappointing and frightening that one in three women smokes. It is also frightening to think of beautiful young teenage girls taking up smoking. If such individuals develop the habit at a young age, it will be extremely difficult to encourage them to abandon it in later years. Smoking has implications not only for women's health and life expectancy but also for the health and life expectancy of their children.

Deputy Wallace referred to the importance of sport. It is great to encourage people to play sport or to be actively engaged in all sorts of other outdoor activities. This is because such pursuits involve individuals engaging in exertion and expending energy. If a person is involved in activities such as those to which I refer, it will deter him or her from a habit that will lead to him or her being short of breath and unable to run, jump, hop, skip or be lively. I must compliment those who run the GAA, our soccer clubs and the various other sporting organisations and the

16 January 2013

many of people who, on a voluntary basis, spend thousands of hours working to promote sport. Those to whom I refer actually live for sport.

6 o'clock

These people provide an invaluable service. I do not agree with the argument that increases in the price of cigarettes will deter people from smoking. I know people who were smoking when cigarettes were €2 and €3 a packet and they are still smoking as many today even though a packet of cigarettes costs nearly €10. The Government is still happy to have the tax take. A parent who smokes is using money that may be badly needed to put food on the table or to pay bills. I do not agree that continually hiking up the price of cigarettes through taxation will stop people from smoking.

I remember the time when young people who were going out to a dance or a disco at the weekend would go to a pub to have their drink, but now they are staying at home until the last minute. They go to the off-licence early in the night to load up on cheap drink. They over-indulge in the cheap drink and then they go out to the disco and the dance. They are in no condition to be going out in public at all at that stage because they are so intoxicated. It is an education, and I have done it, but anyone who thinks I am mistaken should stand outside a nightclub here in Dublin and watch them going in. Their condition coming out is not much worse than when they went in because they were so bad in the first place. My point is that when one is trying to change a culture, one does not want to finish up with a situation in which the price of cigarettes is so expensive in the shops that people will resort to purchasing illegally imported cigarettes.

There is a massive trade in illegal cigarettes. Members have been provided with statistics for the amount of illegal cigarettes being brought into the country every year. It is flabbergasting. The people selling illegal cigarettes are involved in all other types of illegal activity. Criminal gangs are existing on the back of profits from the sale of illegal cigarettes. While discussing illegal cigarettes I will use the opportunity to compliment the Garda Síochána and the Customs and Excise service which, earlier this week, successfully captured a large amount of illegal drugs being brought into Kerry Airport in Farranfore. Through their work and their actions they stopped something in the order of €300,000 worth of illegal drugs going out onto the streets and being sold in Kerry, Cork and Limerick, predominantly to our young people. I also compliment the people in the intelligence organisations who knew that those drugs were coming into Kerry Airport last week and who were there to intercept them. That was probably only a dent in the armour of the people involved in this activity. We have to continue the fight against the illegal importation not just of drugs but also of cigarettes. It is a massive industry which has grown since the cost of a packet of cigarettes has risen in the shops.

I am the proprietor of a small shop and I have sold cigarettes for many years. Shopkeepers were always vigilant before the HSE was ever involved in enforcing the law prohibiting the sale of cigarettes to under-age people. Shopkeepers, like good publicans, were always diligent in this regard. A good publican does not want to sell drink to an under-age person, and a good shopkeeper does not want to sell cigarettes to an under-age person. I would be the first person to commend the HSE, the Irish Cancer Society and other groups that do great work to encourage people to stop smoking.

I support the HSE in all its endeavours as well as the Minister in this regard. However, I always regarded one practice as being extremely unfair and I never agreed with it even though

the intention was well-meaning. The HSE has a practice of bringing a young person out in a car which calls to various shops. The young person is sent into the shop to purchase cigarettes. This is a test purchase. The young person will ask for 20 Benson & Hedges. If the shopkeeper does not realise that the person is under age and sells him the cigarettes, the youngster will go out to the car and inform the HSE personnel that the shopkeeper has sold him cigarettes. There will be no more about it that day but the shopkeeper will get a letter from the HSE containing a warning notice which states that he will be liable to a fine of €3,000 if it happens on a second occasion and he will lose the right to sell cigarettes for three or four months. I never agreed with that activity, even though I am against young people smoking. The reason I was so vehemently opposed to it was that it is very difficult to determine the age of some young people. I agree that shopkeepers should ask the question if they are in doubt or if there is ambiguity about the age of the person. I do not wish to wrong the HSE. If a shopkeeper questions the young person who is making the test purchase, that young person will admit that he or she is under age and walk out the door. The shopkeeper will receive a letter advising him that a test purchase was attempted in his shop, and it will thank him for his compliance and for his enforcement of the law. However, there may be an elderly person behind the counter in a shop who has difficulty judging the age of a young person who is a stranger to him or her, although he or she will know the local young people and their ages. I never liked that practice of the HSE. As a member of the HSE I raised it on various occasions, but that was my personal opinion.

We must make an effort to educate children at a very young age, at primary school level, about the dangers of smoking. It may mean bringing reformed smokers into schools, or those who are terminally ill because of smoking cigarettes. Young people are very impressionable, as we all know. If they hear horror stories when they are in national school or starting their secondary education and if they are exposed to the good HSE campaigns which highlight the awful results of smoking, this would have an effect on them. It would make them think twice before considering starting a habit that would cost them in sickness and death.

We have all heard stories about individuals who lived to be 90, despite having smoked 20 fags every day. Even so, one should consider the cost. If two parents smoke 40 cigarettes a day, it will cost them €14,000 a year. One should consider what they could do for their children with that sum.

The House knows my view on this issue, yet it is possible to go over the top. The recent suggestion that compounds such as yards should be non-smoking zones is not one with which I agree. In Leinster House this would mean a smoker would have to go to Merrion Street or Kildare Street to smoke. It is only shoving the problem away. I hate talking about a person when he is not present. Deputy Jerry Buttimer stated the banning of smoking on the campus in Cork University Hospital served as a great example, but it actually sent people on the campus out onto the footpath and the road. I was connected to the HSE at the time in question and remember councillors at HSE meetings complaining on behalf of local residents about people smoking on the footpath. The problem was shoved from outside the front door of the hospital onto the street. Stopping people smoking in the fresh air, or in the yard where smoke goes up into the sky, is not a proposal with which I agree. It is shoving the problem away and trying to hide it. It is as if people are not really smoking if they cannot be seen.

When I was in St. Mary's Orthopaedic Hospital for a long period many years ago, a certain consultant convinced me to stop smoking over the course of a number of conversations. He had a tough job convincing me, but I am very grateful to him. The Government should pursue sensible measures to reduce continually the number who smoke and stop young people from

developing a habit. I would be extremely grateful to it if it did that work and I would support it in every way in that regard.

Deputy Derek Keating: I welcome the opportunity to speak on this Bill. I admire the Leader of the Opposition, Deputy Micheál Martin, for introducing the legislation to ban smoking in the workplace during his tenure as Minister for Health. It was innovative at the time and still is today. Credit must be given where it is due. It was the very first time such legislation was introduced in any democracy in Europe. It has since been adopted by many others and admired and supported by the World Health Organization.

I do not need to outline the effects of smoking financially on communities and the State, nor do I need to outline the effects of smoking on the individual citizen. It must be acknowledged that over 5,000 people die in Ireland each year as a result of smoking. It is expected that those who survive smoking and continue to smoke in later years will reduce their life spans by between ten and 15 years. Approximately €300 million is the cost to the State of acute care for those who develop an illness as a direct result of smoking tobacco products.

I wish to focus on two areas, the first of which is the smuggling of tobacco into the country. This is a very serious crime which is having serious and damaging effects, as is the smuggling of heroin and cocaine. I acknowledge and welcome the efforts of the customs service and the Garda. They continue to monitor and prosecute those who smuggle tobacco products into Ireland.

It is frightening to accept that over 25% of Irish adults smoke tobacco products. This amounts to one in every four, or 25 in every 100 citizens. It is more concerning that up to 12% of children, some as young as six or seven years, smoke tobacco products. I have no doubt that the tobacco industry which is a very powerful industry in Europe, just like the National Rifle Association in America, deliberately targets young people and spends vast sums of money on advertising directly and subtly or indirectly. It is evident in Formula One racing, golf and the horse racing industry. Throughout the world the tobacco industry targets events associated with these sports. In some countries, including in Africa and Asia, it still advertises on television, in the cinema and on public transport. I agree with Deputy Billy Kelleher that the European Union has been slow and weak in responding to the power of the tobacco industry. I welcome the efforts of the Minister for Health, Deputy James Reilly, who is using this legislation as one of the anchors as Ireland commences its Presidency of the European Union.

The second issue on which I wish to focus is adherence to current legislation on smoking in the workplace. I take serious issue with the comments of Deputy Finian McGrath. I refer, in particular, to some of the intemperate language he used. He referred to the treatment of those who smoked as akin to the treatment of lepers. This is most unhelpful. The Deputy said 30% of people smoked, but I believe the figure is closer to 25%. Irrespective of which figure is correct, those who smoke are at risk of cancer, asthma, emphysema, mouth diseases, continuous and chronic chest disease and blood disorders. Their eyesight is at risk, as is the taste process in their mouths.

When one considers the cost to the State, one will note we have a responsibility not only to discourage those who smoke today but, more important, to do so in the interests of showing leadership to the next generation. That is part of this legislation and what the Government is about; it is not what Deputy Finian McGrath is about, namely, playing the percentage game.

A large proportion of people, particularly those living in underprivileged countries, remain targeted by the tobacco industry. I am greatly concerned about the example shown by the industry, the effects of that and the influence it will have on our young people who are the next generation of adults and leaders. It is generally the unemployed who rely on social welfare and live in underprivileged communities who are targeted by criminal elements who make available to them smuggled tobacco products the contents of which nobody knows. Evidence cited today suggests those products are even more dangerous than the cigarettes for sale in shops. A shocking report presented by “Prime Time” highlighted clearly that the content of most smuggled tobacco products were more dangerous than that of regulated tobacco products.

I welcome this Bill. I congratulate the Minister on being in the House and his staff and particularly those working in health promotion and in the tobacco control unit in the Department of Health. I support the legislation.

Deputy Paul J. Connaughton: I welcome the opportunity to speak on the Bill. With more than one in four of the Irish population smoking, it is imperative that the Government make all the necessary adjustments to current legislation to ensure that health policy in regard to smoking is properly reflected in law. More than 5,000 people die each year as a result of smoking and half of all long-term smokers die early because of a smoking-related disease, yet it is proving very difficult to deter people, young and not so young, from smoking.

Successive Governments have highlighted the price of tobacco products as a factor in smoking rates. It is now the case that Irish cigarette prices are the most expensive in the European Union. The country is experiencing all the ravages of recession, yet more than one quarter of the adult population smokes. Other factors to remember are the increasing availability of products to aid smoking cessation and the huge strain smoking puts on the health system. A number of years ago more than 36,000 hospital admissions were as a result of smoking.

Although to date the expensive nature of tobacco products in Ireland appears to have had little effect on the population’s smoking habits, there is evidence that the price increases help reduce smoking levels. A European study found that a 10% increase in cigarette prices results in a 5% to 7% decrease in the number of smokers. The World Health Organization has backed higher taxation on tobacco products as the single most effective way to encourage smokers to quit and, crucially, to prevent children from taking up the habit.

As tobacco prices rise so too does the attractiveness of the black market for cigarettes. Duty free cigarettes are estimated to account for 6% of the market and illegally imported black market cigarettes for 14% of the market. Those who use illegally imported black market cigarettes face a number of dangers, not least that the cigarettes were produced without any proper oversight and thus the ingredients used are only to be guessed at and may include extremely harmful toxins.

The European Court of Justice ruling which resulted in the necessity of the Bill before the House related to minimum pricing for cigarettes. It is now five years since the European Court of Justice brought proceedings against three countries, Ireland, Austria and France, having decided that they contravened the EU directive on excise duty on cigarettes as they undermined competition.

The provisions of the Bill focus on controlling or regulating the promotion of tobacco products rather than setting a minimum price. They aim to ensure that tobacco products will not be

available at a reduced price or free when a person purchases another tobacco product.

I understand the spokespersons for Action on Smoking and Health have expressed concerns at the ruling of the European Court of Justice and have underlined the success of high prices in dissuading would-be smokers and the high cost of smoking to the country's health service. The Irish Cancer Society meanwhile has backed price increases and has also called for comprehensive smoking cessation programmes. I suggest that the effectiveness of various smoking cessation programmes be tested on medium to large community groups and the process and results be televised in an effort to inform people of the alternatives available and the success rates of various programmes. Televising such a process similar to that of "Operation Transformation" would give people encouragement that change can be brought about and it could show them the health benefits to be gained.

Following the ruling of the European Court of Justice fears were expressed that the new regime would result in widespread price drops for cigarettes but this has not been the case and four years since the ruling we have seen few price reductions and certainly not the avalanche that was feared in 2008. While the European Court of Justice ruling militates against instituting minimum pricing it concedes that fiscal legislation can be used to deter people from smoking without undermining freedom to determine prices. The ruling also has implications in terms of setting a minimum price for alcohol but once again the governments are free to use fiscal legislation to disregard without instituting a minimum price for a particular product.

This Bill is a common sense approach to difficulties raised by the judgment of the European Court of Justice, one which recognises the need to uphold competition laws while simultaneously ensuring that an important element of Irish health policy is properly reflected in our legislation.

Deputy Peter Fitzpatrick: I welcome the opportunity to discuss this Bill. An arrangement between the Department and the Irish Tobacco Manufacturers' Advisory Committee, ITMAC, was in place for more than 30 years whereby a weighted average price was calculated. This was based on sales volumes data and retail prices to year end each year.

Maintaining high cigarette prices to deter smoking for reasons of health protection is a key part of tobacco-related public health policy. One measure in place to achieve this is minimum pricing of cigarettes. Existing Irish legislation requires that the retail price of cigarettes be at least 97% of a weighted average based on sales of each brand the previous year and the recommended retail price.

The European Court of Justice ruled in March 2010 that by imposing minimum retail prices for cigarettes, Ireland has failed to fulfil its obligation under Article 9(1) of the Council Directive 95/59/EC and indicated that infringement proceedings would be initiated by the Commission unless Ireland took steps to comply with the European Court of Justice judgment. As a consequence of that judgment, Ireland can no longer set a mandatory pricing level below which cigarette prices cannot be lowered, as this would be restricting the freedom of industry to make effective use of competitive advantage. As a result of the European Court of Justice ruling, the Department informed the tobacco industry that the practice of setting floor prices for cigarettes each year would cease. In addition, Ireland advised the Commission that new regulations would be introduced to remedy the infringement. The Commission is anxious that the legislation be amended as soon as possible and a commitment has been given to it to our achieving this as soon as possible. In the interim the draft regulations referred to were signed by the Minister

in December 2012.

The Bill also sets out revised ministerial powers in regard to sales and promotion of tobacco products. The aim of these provisions is to ensure that tobacco products will not be available at a reduced price or for free where a person purchases another tobacco product or any other product or services. While the European Court of Justice has ruled that companies must be free to set their own prices, governments are allowed to levy whatever level of taxes they desire. The ruling does not stop countries from banning the sale of below-cost tobacco products.

More than one in four of the Irish adult population smokes. The Health Service Executive reports that smoking is responsible for more than 5,000 deaths each year and half of all long-term smokers will die prematurely due to a smoking-related disease. In addition, there is concern about the financial cost such as the treatment of smoking-related illnesses. For example, in 2008 smoking was responsible for 36,000 hospital admissions, costing €280 million.

As a result of those concerns measures to control the sale and promotion of tobacco products, including a system to maintain high prices, are common elements of public health policies throughout the world. Irish cigarette prices are the most expensive in the European Union and Ireland has the highest tax content of cigarette prices in Europe. For example, in January 2013, the retail price of a packet of cigarettes in the most popular price category is €9.30. The tax content, including excise duty and VAT, is €7.31 and the proportion of tax is 79%.

The World Health Organization states that “increasing the price of tobacco through higher taxes is the single most effective way to encourage tobacco users to quit and prevent children from starting to smoke.” Dr. Angie Brown, spokesperson for Action on Smoking and Health, ASH, highlighted the importance of price as an influence on buyers’ behaviour. Price is well established as the most important measure in encouraging smokers to quit and discouraging young people from starting to smoke. We must always bear that in mind when legislating on tobacco prices. Smoking kills 7,000 people each year and costs the Exchequer over €1 billion in treating tobacco-related illnesses and diseases. We must ensure these alarming statistics do not increase. I encourage people to stop smoking as it can seriously damage one’s health. Most families have witnessed this, including mine.

Deputy Deputy Peter Mathews: Today, we opened proceedings in this Chamber with Leaders’ Questions during which the Fianna Fáil leader brought to our attention the discovery of equine DNA in beef hamburgers. During the course of answers and supplementary questions, along with significant media focus on the topic, we discovered there was virtually zero health risk with what was found in the hamburgers. By contrast, here we are at the end of the day discussing a landmark and important Bill that gives the Minister powers in regulating advertising and packaging which will impact on the marketing and sale of cigarettes and tobacco.

It is claimed one in four adults smokes. If we are to be honest, however, that works out as one in every three because a quarter of adults probably have no intention of ever smoking or have given it up. The truth behind the statistic is probably one in three which is one too many.

We have heard that raising the price of cigarettes and tobacco does reduce their consumption. On 19 August 1980, luckily, I decided to stop smoking. At today’s prices, smoking 20 cigarettes a day worked out at €3,276 for a year. If I had held steady my consumption rate of 20 a day 33 years ago, I would have spent €108,108. That is one hell of an after-tax saving. A young person smoking ten cigarettes a day will spend €1,638 a year on them which is the

equivalent of the soon to be introduced residential property tax on a house worth €910,000. If a young person today thinks that it is worth smoking for the enjoyment and the sociability of stepping outside a pub for five cigarettes on a social night, twice a week, he or she will spend the equivalent of the residential property tax on a house worth €910,000. If it only is a casual habit at five-a-day, then the annual spend is the equivalent of the property tax of a house valued at €455,000.

These are the sums but numbers do not relate to experience. Young people remember experience. They will remember the experience of a mother, father, brother or sister becoming very ill or dying from tobacco-related diseases. We have also heard the battleground is in educating young and mature people. Where do we give our undivided attention to our health? It is not when we are reading textbooks, looking at notices or even listening to advertisements but when we are in the doctor's surgery. There he has our undivided attention. One usually attends a surgery when one has a health problem. Good general practitioners, as the Minister knows, will spot even the occasional smoker by their skin complexion, breath, hoarseness or if they have a chest infection. This provides a wonderful opportunity for the general practitioners to take several extra minutes to give - not to preach - an honest lesson about where the smoker is headed unless they decide to stop. It requires one to make a decision to give up smoking. No amount of wishful thinking or positioning will achieve it.

One other factor that has emerged in this debate is the number of contraband cigarettes consumed. These can be priced and sold at a third or even half of the price of licensed tobacco. The fines imposed on cigarette and tobacco smugglers are ludicrously small compared to the rewards they get if successful. This is a matter that the Departments of Health and Justice and Equality need to work on. The vast quantities of smuggled cigarettes that are discovered are usually found in 40 ft. shipping containers at the docks. These do not arrive by parachute from aeroplanes but by shipping lines. The owners of these shipping lines would soon be forced to concentrate on their ships' bills of lading if they knew they would be fined €200,000 if smuggled cigarettes were contained in them. That would concentrate their minds and make them check what is exactly in their ships' manifests. I believe we have been indulgently soft on this. It is limp policing and we want to stiffen it up.

One out of every three young women smokes. The deaths from lung cancers for that group exceed those from breast cancer. This brings me back to underlining the importance of the education about the dangers of smoking in the doctor's surgery. The doctors can show the pictures rather than have them on the cigarette packets. It is in the serious and sober environment of the surgery that a smoker will absorb the information about the mutations that take place on the lungs and other organs through smoking. Photographs of these diseases on the packages will not be noticed when the packet will always be in the pocket or when people are socialising. Will the Minister, his staff and the Health Service Executive begin rolling out this education process in the doctor's surgery not by way of notices in the waiting room but through a three minute conversation between doctor and patient? Then it will reach every age group and income strata in society. Smoking for younger people is the gateway to other so-called soft drugs, but they are not soft, they are dangerously addictive and they are behaviour-altering. One cannot indulge in such things as marijuana and weed unless one smokes. Therefore, if one does not smoke one has closed off another dangerous avenue to self harm.

The advertising and marketing of tobacco is altogether invidious. British American Tobacco, BAT, was the subject of a documentary on BBC Two some years ago. It was shown by the producers of the documentary that where advertising was prohibited, merchandising and

marketing took place in shops at corner locations in towns in African countries and the shops were presented as enlarged packets of cigarettes, in particular the Benson & Hedges gold pack. Shops were fronted in this way. Other merchandising tricks - that is all they are - were played in which cigarette packets could be broken up, sold and distributed by under age children. The practices that BAT indulged in were invidious and appalling.

It was disappointing to see that a recent governor of Bank of Ireland, after stepping down from that position, moved over to become chairman of BAT on a salary larger than what he had as governor of Bank of Ireland.

People who have been lucky and fortunate in society should come together not as part of a bible-thumping evangelical mission but with the right message and a truthful presentation of the health risks. People involved in sport are wonderful because they encourage young people to keep fit, healthy and well and to enjoy sports and stay away from harmful habits.

Another aspect of the behaviour of these international manufacturers is entirely wrong. Nicotine is the addictive chemical in tobacco. When people give up cigarettes they try products such as Nicorette patches. If cigarettes only had naturally occurring addictive nicotine then Nicorette products might work, but the cigarette and confectionery manufacturers - we have a problem with obesity and sugar as well - bring in additives which are addictive. This is entirely wrong. There are additional addictive properties in cigarettes such that even if one's nicotine addiction was being addressed or suppressed, the other addictions would remain active and alive. I am unsure whether this is under the ambit of the Department of Health or the Department of Agriculture, Food and the Marine but the composition and the addition of other chemicals in products such as cigarettes should be addressed.

I have referred to the economics and costings and how wasteful cigarettes are for individuals. I have also referred to the opportunity for relevant education to begin in visits to the general practitioner surgery. I invite the Minister to somehow start a programme whereby all general practitioners would be asked to have the appropriate conversation with every patient who comes in.

I invite the journalists to reflect on today's proceedings in the Chamber, where we discussed in headline terms the issue of equine DNA in hamburgers, an issue which, we have been assured, does not pose a health risk. Today that topic has been highlighted disproportionately compared to this legislation, which is most worthy and which could help to prevent between 5,000 and 7,000 smoking-related deaths every year in the country. The Minister also stated that there were approximately 700,000 deaths through the European Community as a result of smoking. I invite the journalists and the media to emphasise and underscore the Minister's closing general remarks about tobacco and smoking. Therein lies the opportunity to greatly help and improve the health of the nation and the opportunity for the avoidance of so much illness, disease and death.

Acting Chairman (Deputy Tom Hayes): I now call Deputy Damien English. There are 20 minutes in his slot. Does the Deputy wish to share time?

Deputy Damien English: I will share with my colleague, Deputy Frank Feighan, a Roscommon man. I welcome the Bill and the work and the efforts of the Minister for Health and his Department to try to tackle this area. I listened to the contribution of Deputy Mathews. Certainly, there is a good deal we can do through legislation and various Bills, but education is

important as well. We need to convince people at a young age that cigarettes are addictive. The attitude of young people - I was a young person not long ago - is that when they are young it cannot happen to them. This applies whether it is a car crash, an illness or getting addicted to cigarettes or drugs. They tend to assume that it will not happen to them but to other people. We need to get young people from an early age. By the time they leave school it is almost too late. If a person is caught smoking before then there is some chance of stopping him from smoking, drinking or taking drugs but attitude is central. I have spoken a good deal about road safety and cars. The prevalent attitude among most people is that it will not happen to them and they will not crash. However, people should realise, as it says in the lotto advertisement, that "It could be you." This is the message we must get across to people when they are in school and in the education system. We should continue to impress the message afterwards but mainly at that stage. We must relay the message that bad things can happen to them as well as good things and that it could happen to them.

I remember the first time I tried a cigarette many years ago. One assumes one will not become addicted but it can take hold. Cigarettes or drugs can be addictive. Some people can take up a cigarette and then put it down again and it does not bother them but others cannot. We need to get into the heads of young people in the education system and let them know that these things can happen. Whether it is cigarettes, road safety issues, driving fast or driving like a madman, all these things can happen. Anyone can have an accident. This is part of what we need to do in our education system. Part of this programme should involve bringing people who have suffered from smoking-related diseases and ill-health into a classroom to meet young people head-on and discuss the consequences of smoking and how bad it can be for a person's health, family and so on.

I support my colleague, the Minister for Health, in his objective to make Ireland a tobacco-free society. I support any measures which are proven to reduce the level of smoking in Ireland and which can avoid countless unnecessary deaths caused by this addiction. However, I wish to use my time on the Bill to discuss something we are doing in our committee in respect of this and other areas. I am Chairman of the Joint Oireachtas Committee on Jobs, Enterprise and Innovation. Our committee has held several hearings in the Oireachtas and in other parts of the country, including Waterford and Kilkenny, to examine the impact the black market is having on the retail and other sectors of the economy. Waterford was chosen because the illegal cigarette trade there is one of the strongest in the country. My county, Meath, and County Kildare are among the strongest when it comes to the black market trade in cigarettes. They are among the top three or four and this area must be tackled.

We have had several meetings on foot of a report carried out by Retail Ireland during the summer which highlighted the cost of fraud and how it can be solved and so on. We used the report to start our study into the area of illicit trade and the black market. One area high on the agenda everywhere we go is cigarette smuggling, the illicit trade in cigarettes and the associated consequences and costs. We hope to have more meetings on this issue and to bring forward more solutions. We will come to the various Ministers in all the Departments with solutions and ways to tackle this illicit trade and fraud and so on. There is a vast cost in terms of jobs and lost revenue to the State. At all these meetings the message has been given loud and clear to all Members across party lines to the effect that Government and legislators must avoid any further regulatory burden which incentivises criminal opportunism to the detriment of legitimate retailers. All of the small business owners with whom we are meet are telling us they are choked with red tape, licensing requirements and enforcement which require of them

a great deal of effort while someone selling on the black market dishes out cigarettes at a third of the price and is subject to very little regulation. We must target our resources at those key areas in which abuses take place. Legitimate business are telling us they feel they get the brunt of regulation and red tape notwithstanding that 95% of them are compliant with everything. Nevertheless, they are subject to all of the effort and inspections while the wheeler and dealer down the road is subject to nothing.

One of the largest growth products in the black market in recent years has unquestionably been illegal cigarettes. Small retailers are feeling the pinch while crooked and sinister members of society profit at their expense and that of the taxpayer. While Ireland is widely admired for the bold stance we have taken against the tobacco industry through the introduction of the successful smoking ban in 2004 and point-of-sale display ban in 2009, some of that admiration has unfortunately fallen foul of certain facts in respect of the protection of the health of our citizens as they relate to reducing the number of smokers. In 2000, the then health Minister, Deputy Micheál Martin, stated that the Government's aim was to cut the incidence of smoking from 31% to 20% within ten years. A decade later, the Eurobarometer survey of 2010 demonstrated that the prevalence of smoking in Ireland remained at the 2000 level. Thankfully, the most recent Eurobarometer survey, published in May 2012, shows a reduction to 29%. While the trend is the right one, we are still above the EU average of 28%. The smoking ban was introduced to reduce the number of smokers but it has not necessarily achieved that. Even the current chief medical officer in the HSE, Dr. Tony Houlihan, recognised the contradiction when addressing a public health conference in 2011. He stated that the frequency of smoking of 28% to 30% had not improved since the public smoking ban was introduced. While I recognise the great benefits of the smoking ban in reducing the effects of passive smoking and protecting the health of non-smokers, a reduction in the number of those smoking has not been achieved. Perhaps in time that will happen. The trends are beginning to go the right way.

While the incidence of smoking has not altered significantly in the past ten to 12 years, excise duty increases have been imposed and new public health regulations introduced. The quantity of illicit cigarettes seized by Customs and Excise and the Garda increased from €96.3 million in 2000 to €218.5 million in 2009. In total, over the past 12 years, €1 billion worth of cigarettes have been seized by customs and Revenue authorities. These are the facts and figures which have been presented to the committee and they are stark. While €1 billion worth of cigarettes has been seized in 12 years, it is estimated by a survey commissioned by Revenue and the National Tobacco Control Office that the value of illicit cigarettes consumed in 2011 was €770 million. If that figure is extrapolated over 12 years, it means more than €8 billion worth of cigarettes have come into Ireland undetected by Customs and Excise and Revenue. This has resulted in huge losses to the State. Retail Ireland recently produced a report which estimated that €861 million a year is lost to the State though the purchase by Irish people of illegal goods, not all of which are cigarettes. Over the last couple of years, we have lost out on approximately €4.3 billion. This is money which could have been used to tackle smoking-related health issues.

While I will not go through all the facts and figures, it is estimated that approximately 6% of smokers are smoking illegal cigarettes in respect of which no tax is collected. We also lose jobs. Our committee looks at this issue from an employment perspective. When legitimate traders lose business, we lose out on jobs. More important, we are losing out on tax revenues which the Department of Health needs. I ask the Cabinet to come together to tackle the illicit trade in cigarettes and other goods. Serious criminals use the profits from illegal cigarette trading to fund other illegal activities which are much more sinister.

16 January 2013

While the Bill focuses solely on public health and the impact of suggested European provisions, it should be considered that unintended consequences may arise. Revenue and law enforcement must have an opportunity to provide their guidance and expertise on a growing trend in Irish society. I ask the Minister to ensure the Bill and any other legislation he intends to introduce to tackle smoking and public health is proofed against unintended consequences. While we want to introduce successful legislation, my committee is anxious to ensure that we do not hit the wrong people with additional red tape and damage employment. The Minister is the right man for the job and must ensure that he covers all the angles. This is a fight in which we must all become involved.

Deputy Frank Feighan: I welcome the Bill which will allow the Minister unilaterally to issue new guidelines on the advertising and promotion of tobacco. It will ensure that Ireland observes a ruling of the European Court of Justice and introduce regulations on the design of tobacco packaging and marketing. I hope the Bill will also dent the sale of illegal tobacco, much of which does not carry EU health warnings.

We are supposed to have come a long way since I was going to school. Not only did we have packets of 20 and ten cigarettes, but some corner shops sold cigarettes singly, which was illegal. I am beginning to wonder whether it might not be better for people to obtain a single cigarette rather than to have to buy a packet of 20. While I am sure studies have been carried out, I am curious as to whether being able to buy cigarettes singly might assist people to wean themselves off smoking. I grew up in a newsagents and cigarette sales were very much part of the family business. Cigarettes are now almost €9 for 20, which is an exorbitant price, but they cannot be expensive enough. Cigarettes have done enormous damage. While tobacco has been available internationally for little over 200 years, more people have died from smoking-related illnesses than have been killed in all world wars combined. It is a statistic which needs to be highlighted.

Of those who smoke, 99% know of the dangers of tobacco-related illnesses. While we should avoid an overtly nanny-state, much more must be done to stop smoking, which puts great pressure and cost on the health system. Any nurse or doctor will know immediately if a person admitted to hospital is a smoker. It is an issue which must be addressed. While lighter tar and electronic cigarettes have been introduced to wean people from smoking, we have not succeeded to the extent that one in three young women smokes. Many young women smoke because they feel they might otherwise put on weight. Smoking creates a craving of its own and one loses a taste for food but I do not believe there is a correlation between giving up cigarettes and eating more. However, it should be remembered by young men and women that there are many who will not see them as attractive because they smoke.

7 o'clock

This is an issue that needs to be brought up.

The smoking ban was a great idea but I am disappointed to see that there has been a reduction of only two percentage points, from 31% to 29%, in the number of people who smoke. If the smoking ban had been introduced in any month other than May, which saw good weather - for example, in November, when people going out to smoke would be freezing - there would have been near anarchy in the streets. This shows that the smoking ban was introduced at the appropriate time. It has been very successful and I give credit where it is due to the former Minister for Health and Children, Deputy Micheál Martin. I also welcome Senator John Crown's

initiative to ban smoking in cars and I believe the Minister is very supportive of that. Anything we can do to reduce smoking in the community is great.

We must tackle the smuggling of illegal cigarettes into the country, which results in the loss of significant amounts of revenue and is a significant incentive for people who want to make extra money on the back of the taxpayer. If someone is selling 200 cigarettes on a doorstep at one third of the retail price, it is a significant incentive. Much has been done to tackle this but more needs to be done because we are losing a significant amount of revenue and cigarette smoking is simply bad for and will kill one.

I once owned a pub and would have given it up at one point because I felt I was a passive smoker, although I had never smoked. I was getting up in the morning and coughing, which was the result of passive smoking. Of course, I could not take an action against myself because I owned the pub but I certainly feel there was an issue there. As a newsagent, I remember that if one wanted to do up one's shop, the three tobacco companies - P. J. Carroll & Company, Galaher's and John Player - would be fighting to put in new cigarette stands and a counter, which showed the power of merchandising and advertising. I am delighted there is no advertising in shops, but it showed that the cigarette companies had their own departments which put in counters in shops to display their wares. It showed how important merchandising in shops was to these companies. Much more needs to be done and I welcome this Bill.

Deputy David Stanton: I will be brief as I have only a few points to make. Youghal is a town in my constituency in which Walter Raleigh lived for a while. He has much to answer for because he was responsible for bringing tobacco to this part of the world from the Americas, or at least made it very popular in the mid-1500s. He lost his head afterwards but it was too late as the damage had been done. This legislation will amend the existing legislation to comply with the ruling of the European Court of Justice and will empower the Minister to tackle brand imagery and put pictures on cigarette packets. This has had an impact in other countries where it has been introduced and is very welcome. The number of people who die from cigarette smoking every year has been estimated to be more than 5,000, which is a significant figure, and the cost has been estimated at €23 billion over the next decade. This is a colossal amount of money that could do much for the health service if it was available to us.

The possibility of introducing a bar code on cigarette packs to ensure the Garda can tell quickly whether a packet of cigarettes is legal has been proposed to me and might be worth considering. This proposal has been put forward by some people in the retail industry. It would mean that gardaí could have a scanner with which to scan cigarette packs sold in markets and various other places. If a packet did not have this bar code, they could confiscate the cigarettes. That is my understanding of how this might work and it might be worth doing.

I am informed that the Irish Tobacco Manufacturers' Advisory Committee maintains that there has been a dramatic decrease in fines handed down for the selling and smuggling of illegal cigarettes. I support the call by Retailers Against Smuggling for a minimum fine of €10,000 to stop this epidemic. The latest figures from the Revenue Commissioners list of defaulters show the average fine for the selling of illegal cigarettes dropped by 20% in the second quarter and the average fine for smuggling cigarettes is down by 37.9%. That is sending out the wrong message. We need to increase the penalties for the smuggling of illegal cigarettes into the State.

We should be targeting young people and one way of doing this is to concentrate on fitness, sport, games and positive healthy living in our schools. If a youngster is involved in competi-

tive sport, games or activities, such as athletics, swimming, canoeing, rowing, football or hurling, which demand physical exercise and exertion, it is good for him or her and means that in order to excel, that person will be deterred from taking up cigarettes. Top-class athletes do not smoke for that reason. I encourage us to look at wellness in our society and to encourage the concepts of wellness, fitness, health, exercise and activity, particularly among young people. That is all I want to say on this issue at this point.

Minister for Health(Deputy James Reilly): I thank all of the Deputies who have taken the time to contribute to the debate. I particularly welcome the cross-party and across-the-board nature of the support that has been apparent for the important work of reducing the number of people who smoke in Ireland. I acknowledge some Deputies' dissatisfaction with the ceasing of minimum pricing for cigarettes. However, under EU legislation, we are forced to do what we must do. I know these Deputies understand this is something that Ireland has an obligation to comply with and I assure those Deputies that I am committed to ensuring that this Government continues in its practice of increasing excise duty on tobacco. Many Deputies today reiterated the well-established link between price and cigarette consumption. To those who would say that increasing the price increases smuggling, invoking the law of diminishing returns, I say that smuggling is an enforcement issue and is no reason to cease the practice of increasing the price of cigarettes. Indeed, I believe that a sudden shock to the system of cigarette pricing in this country, leading to each cigarette costing €1, would cause many smokers to pause and think long and deeply before inhaling deeply as to why they are smoking this carcinogen.

There was, of course, one dissenting voice in respect of these developments around tobacco. I echo the sentiments expressed by Deputy Mitchell O'Connor earlier when she said that it is totally irresponsible for any Deputy to send out a message to our children and young people that smoking is OK. I would also like to say there is no doubting the statistics in respect of the deaths attributable to smoking. It is outrageous and ludicrous that Deputy McGrath can just dismiss as lies the statistics and methodologies from such a reputable establishment as the World Health Organization, WHO. I would go further and say it is irrational, because it refuses to acknowledge the facts, and irresponsible for the reasons I have already outlined. It is important to identify the Deputy concerned as Deputy Finian McGrath and not Deputy Mattie McGrath. The figures quoted earlier on deaths attributed to smoking are based on statistics on the number of deaths from the CSO, using a WHO-recognised methodology. With this in mind, I reiterate that there are approximately 5,200 deaths every year attributed to smoking in the Republic of Ireland. This represents 19% of all deaths. These are the facts and no amount of pub talk can change that. One half, or one in two, of all long-term smokers will die from smoking-related diseases. Contrary to what Deputy Finian McGrath stated earlier, this figure of 5,200 does not represent all cancer deaths. In fact, the CSO figures for deaths from cancer in 2011 indicated a total of 8,684. However, as we have already pointed out, a significant number of people with circulatory disorders, cardiovascular disease, strokes, heart attacks and other illnesses die from smoking-related diseases. Nearly every speaker raised concerns about children and smoking. I share these concerns. It is heartening that research shows a decrease in the numbers of young people smoking but we need to do more. Nicotine is an immensely addictive substance. The younger a person is when he or she starts smoking, the longer and more heavily he or she is likely to smoke. The majority of smokers become addicted in their childhood and teenage years. We need to break this cycle.

The tobacco industry knows this is the case. That is why it tries to catch smokers when they are young. Once they are addicted it is no longer interested in them and will move on to the next

cohort of victims because it knows a smoker will remain addicted for the next ten to 20 years. There is considerable evidence to support the suspicion that the industry aims at creating the golden pack of 20, that is, the 20 cigarettes that will create an addiction.

I hope this Chamber sends the message loud and clear that the best way to avoid addiction to cigarettes is by avoiding smoking in the first place. All cigarettes offer is a one in two chance of dying, a shorter lifespan and a poorer quality of life. In the days before smoking was banned inside hospitals I saw people in chest units who were so addicted that they took the oxygen tank with them to smoke in the toilet. They were prepared to risk an explosion because they could not do without a cigarette. Nobody willingly becomes engaged in that level of addiction.

I suspect the statistics would reveal a much lower uptake of smoking among those aged above 18 years compared to those aged 18 or younger. I recently discussed the question of why young people are still starting to smoke with my Northern Ireland counterpart and research is being commissioned on this area in conjunction with the North-South Ministerial Council.

On a positive note, I believe the introduction of graphic warnings on cigarette packs next month and the removal of point of sale tobacco promotion in 2009 will have a significant impact on our young people in the longer term. I am also working with Senators Crown, Daly and van Turnhout on the drafting of legislation which will ban smoking in cars where children are present. This legislation is not aimed at restricting the rights of adults but at protecting the rights of children. Children's exposure to environmental tobacco smoke in cars is involuntary and highly dangerous. Notwithstanding much talk about the nanny state, most right minded people in this country accept that we must protect our children from second hand tobacco smoke. I believe the legislation will be self-enforcing because any right minded adult who pulls up and sees somebody in the adjacent car smoking while a child is in the back seat will not be hesitant in recording the registration number, blowing the horn or expressing dissatisfaction and concern. Some parents may not be aware of the dangers of exposure to environmental tobacco smoke but children are not able to remove themselves from risk if people smoke around them. I look forward to working with the Senators in progressing this Bill.

It is recognised that in an environment of increasing prohibition of tobacco advertising, the cigarette pack has become a key marketing tool for the tobacco industry. I have seen the attractive packaging of two cigarettes in a box that resembles lipstick or perfume. These products are heavily marketed at young girls at concerts and other events. We are providing funding to investigate further the activities in which the industry engages to ensnare the next generation. I welcome the Australian Government's victory in defending its plain packaging legislation last year and support international developments on plain or standardised packaging. I will be giving the matter of plain or generic packaging careful consideration in coming months.

Just as the barriers to quitting smoking are multifaceted, no one measure alone can reduce the number of smokers or the number of our children who start to smoke. We need a combination of measures which include effective legislation, comprehensive supports for smokers who are trying to quit and effective media and education campaigns on the harmful effects of smoking. All these measures have the effect of denormalising tobacco, which is the most successful way to prevent future generations from continuing the habit. The industry would not spend hundreds of millions of euro on advertising if it did not work.

The tobacco policy review is nearing completion in my Department. It will make recommendations on a range of measures aimed at further reducing smoking. I am pleased to an-

16 January 2013

nounce that our goal for that report is to be a tobacco free country by 2025. This tobacco policy should be considered within the new health and well being framework, which acknowledges that health is the responsibility of all sectors in society. Health promotion and prevention are central to healthier lifestyles which reduce chronic diseases, reduce health care costs and contribute to a healthier workforce, healthier children, positive aging and greater participation in society by those with disabilities and mental health issues. If we can address the issue of health and well being by tackling obesity and tobacco smoking we will not need to worry as much about the number of beds in our hospitals.

In my opening contribution I mentioned the legislative measures we have undertaken that have put us to the fore internationally. Many of these measures were facilitated by developments at European Union level. It is important that our tobacco policy and legislative framework continue to develop within the context of the European Commission. To this end, we hope to be in a position to progress the revised EU tobacco products directive during the course of the Irish Presidency. I am confident that the outcome of the revision of the directive, together with the implementation of the future recommendations of the report of the tobacco policy review group, will bring us a significant way towards a tobacco free society.

I confirm this Government's commitment to health promotion and tobacco control measures and acknowledge the commitment of previous Governments in this regard. We will continue to support the aim of denormalising tobacco and will work constructively with all stakeholders to achieve this goal. We will do all in our power to protect our children and future generations from a habit that would rob them of years of life and health. I commend the Bill to the House.

Question put and agreed to.

Public Health (Tobacco) (Amendment) Bill 2013: Referral to Select Committee

Minister for Health (Deputy James Reilly): I move:

That the Bill be referred to the Select Sub-Committee on Health pursuant to Standing Order 82A(3)(a) and (6)(a) and 126(1)(g) of the Standing Orders relative to public business.

Question put and agreed to.

Sitting suspended at 7.20 p.m. and resumed at 7.30 p.m.

Further Education and Training: Motion [Private Members]

Deputy Charlie McConalogue: I move:

That Dáil Éireann:

agrees that:

— further education and training, FET, is a hugely important sector that provides an

important educational pathway for unemployed, disadvantaged learners and second chance learners to access specialist labour focused courses and to secure employment;

— the FET sector has a crucial role in providing education and training for people that the traditional education system has failed and this has been unfairly targeted and cut in budget 2013;

— budget 2013 will cut up to 500 positions from this vital service and will increase the pupil-teacher ratio and reduce the training allowances for further education and training scheme participants; and

— the cuts to the FET sector are socially and economically regressive affecting the unemployed and the most marginalised learners in our education system; and

calls on the Government to:

— reverse these regressive and unfair cuts as unemployment is at 14.6% and youth unemployment at close to 30% and these people need the opportunities that the further education sector offers so that they can re-enter the labour market;

— ensure that no courses will be cut from the FET sector, all student applications will be dealt with and no teaching posts will be lost;

— commit to tackling educational disadvantage and putting it at the centre of Ireland's education policy;

— publish any impact assessment that was carried out by the Department of Education and Skills into the impact of the cuts on the provision of courses within the FET sector; and

— commit to carrying out an impact assessment in relation to all future decisions on changes to staffing schedules so that the quality of services to students will not be jeopardised.

I will share time and will take just ten minutes to commence. This Fianna Fáil motion objects to the cuts in further education and to post leaving certificate training colleges introduced by the Minister, Deputy Quinn, in the budget and calls on him to reverse them so as to ensure the sector is protected and can continue the valuable work it has proved it can do in the past. I welcome the many representatives of the teaching profession and from the post leaving certificate and further education sector to the Visitors Gallery. The turnout demonstrates the importance of this sector and the danger the cuts imposed by the Minister in the budget pose for the sector and its capacity to carry out its work in the future.

On the morning the Minister introduced these cuts, he intimated he was satisfied with the cuts being introduced. Unfortunately, in the €90 million saving being made in the education budget, the greatest burden falls on the further education and training sector. Fianna Fáil fully understands the constraints and pressures of the economy. Some €21 billion was removed from the national budget when Fianna Fáil was in government, up until 18 months ago. In our pre-budget submission, we prioritised the education budget and suggested three areas in which we should ensure no cuts should be made - education, mental health services and disability services. We found the money that needed to be found elsewhere. We believe the future of this country, as has been stated so often in the past, depends on education. Education is important for our future economy and to developing the potential of our population. The focus must be

on education to ensure the country gets back on its feet and that we maximise the potential of our people.

Unfortunately, the approach taken by the Minister and the Government has been to make cuts to the education budget. The cuts to further education we see in this year's budget follow on the policy of the previous budget introduced by the Government. Last year, the Minister introduced cuts to the DEIS schools, removing teachers from them. Afterwards, the Minister said he did not fully realise the impact the removal of those teachers would have and admitted that move was a mistake. However, that was only admitted after severe, prolonged pressure from schools, parents, teachers, the wider community and Government backbenchers. Only then did the Minister admit he had made a mistake.

Last year also, the Minister introduced cuts at second level to career guidance posts. These posts are crucial as it is important to have qualified counsellors to work with students, particularly at a time when students have more issues than they have ever had. At the time, the Minister said these cuts would not have an impact and that he was empowering second level schools to make their own decisions. A survey published this week indicates that the number of one-to-one hours spent by guidance counsellors with students has reduced by 50%.

With regard to SUSI and the reform of the student grant system, the Minister said SUSI would be a prime example of public service reform. When I brought a Private Members' motion before the Dáil on 12 November, it was long clear SUSI was a shambles. On that day, the Minister's initial comment before he came into the Dáil was that he did not fully understand why grants were not being paid on time. These few examples show that with regard to the measures the Minister has taken previously, he did not fully comprehend their impact.

Unfortunately, the same is true again with regard to the cuts being made in this budget, specifically to further education and post leaving certificate courses. The Minister does not, for example, understand and appreciate the impact that increasing the pupil-teacher ratio from 17:1 to 19:1 will have. If he did, he would not make some of the comments he has made in response to this motion. The Minister's counter motion demonstrates the fact that he does not fully appreciate the impact this cut will have. He says at the outset of his motion that "considerable efforts were made to protect front line education services" in preparing for the budget. I have no doubt the people in the Visitors Gallery would beg to differ with the Minister on that. The Minister also notes that "in raising the pupil-teacher ratio for post leaving certificate courses to 19:1, the Government brought it to the same level as that which applies in all free second level schools". He goes on to say that "PLC courses are for adults who have completed formal second-level education and that the current pupil-teacher ratio of 17:1 is in fact more favourable than the pupil-teacher ratio in typical free second-level schools." This is the Minister's justification for the measures and cuts he is introducing to this sector in his budget.

Let us call this cut what it is. It is a cut to front-line services that will decimate the further education and training sector. Hundreds of jobs will be lost and thousands of students will be affected. I plead with the Minister not to insult the many teachers listening to what the Minister has to say tonight by telling them that he is simply bringing the colleges of further education and training into line with second level schools. It is disingenuous and misleading to say that, somehow, these schools have been operating under some sort of preferential pupil-teacher ratio and that they are being brought into line with second level schools. We all know this is not true. Further education and post leaving certificate colleges are not the same as second level schools. The reason they are there is to fill a niche for students that could not be filled at post primary

level. They are not the same as second level schools.

The truth is that the cut being introduced by the Minister will bring about a 10% reduction in the number of teachers teaching on the front line. It will amount to a whole-time equivalent of 200 front-line posts. Many of the courses provided in the post-leaving certificate and further education sectors are niche courses that depend on specialist teachers, many of whom are brought in from the professions and the business community to impart their specialist knowledge and expertise to the students participating in these courses. As many of the teachers in such roles are not permanent, they will be hit hardest by the cut being introduced.

I will elaborate on the impact of what the Minister is doing. In effect, many schools will not be able to continue to provide the courses they are providing, the cutting-edge teaching skills of many staff will be lost and only the more regular courses will be retained. If the Minister had taken the time to conduct an impact assessment of what this approach would mean, in advance of its introduction, he would have seen the impact the withdrawal of teachers would have. If he had consulted the people involved in the sector and listened to them, he would have heard that more than half of the courses in many schools would be affected. When a module is removed from a course following the withdrawal of a specialist teacher, it affects the whole course. In many cases, it affects the ability of the college to offer the course.

I appeal to the Minister to listen to the contributions that will be made during this debate and understand the impact of what he is doing. Perhaps representatives of national schools in every community in the country are not contacting him about this cut, but that does not mean it is right. He should not need to be subjected to massive pressure from the parents of national school pupils in order to realise he needs to reverse what he is doing. I suggest that when he was preparing for last month's budget, the only impact assessment he undertook related to the political impact the budget would have on him, rather than the impact it would have on the education sector. In the light of the political opposition he encountered when he introduced other cuts in the past, it is likely that he considered the measures he could introduce on this occasion that would lead to the least political backlash. I suggest he sat down to assess how many would be chasing his tail if certain cuts were made. That can be the only rationale for his decision to target a sector that looks after many of the most disadvantaged students in society. These students need the support of the existing number of teachers if the current number of courses is to continue to be provided. I ask the Minister to listen and see the sense in what we are saying. He should realise that what he is doing will decimate this sector and do irreparable damage to something that has taken years to build up. He must make savings elsewhere in the national budget to free up the funding needed to protect the educational services on which so many students depend.

Deputy Deputy John Browne: I join Deputy Charlie McConalogue in supporting the Private Members' motion before the House. The cuts being imposed on the further education and training sector amount to a disgraceful attack on unemployed and disadvantaged learners who are seeking to access second-level education. I am surprised that the Minister for Education and Skills, Deputy Ruairi Quinn, has decided to go down this road, given that he pioneered community employment schemes in Wexford County Council when he held a previous Ministry a number of years ago. At the time I believed he had his finger on the pulse and understood what was needed by the disadvantaged, the less well-off and the unemployed. I have to say he does not seem to be thinking in the same way in his new status as Minister for Education and Skills. Perhaps the years have dulled his thinking in this area. Certainly, his decision to impose cut-backs on the further education and post-leaving certificate sectors is not forward-thinking. The

16 January 2013

further education and training sector is hugely important. This important educational pathway gives unemployed and disadvantaged learners a second chance to access specialist labour-focused courses and secure employment. I will speak later about the substantial number of post-leaving certificate courses provided in my own county. The Minister recently opened a large extension at Enniscorthy vocational college which cost €12 million. As he is aware, more than 300 post-leaving certificate students are taught there.

The further education and training sector which plays a crucial role in the provision of education and training for people who have been failed by the traditional education system was unfairly targeted for cuts in last month's budget. A reduction of up to 500 positions in this vital service, with an increase in the pupil-teacher ratio and a reduction in the training allowances for participants in further education and training schemes, was set out in the budget. The cuts to the further education and training sector are socially and economically regressive. They will affect the unemployed and the most marginal learners in the education system. I suppose the two-point increase in the pupil-teacher ratio for post-leaving certificate schools will save approximately €4 million. Another €10 million will be saved on foot of the reduction in the training allowances for participants in further education and training schemes. Participants in VTOS, Youthreach and FÁS further education training programmes who move from job-seeker's payments will no longer have their new payments increased to a maximum of €188 a week in cases where the jobseeker's allowance is less than this. The allocation to VECs has been reduced substantially by between €13 million and €15 million. The capitation rates paid to those in post-leaving certificate colleges and on VTOS courses are to be reduced by 2%. This severe attack on the entire vocational education sector is unwarranted and unfair.

It is misleading of the Government to suggest the pupil-teacher ratio in post-leaving certificate colleges is simply being brought into line with that in second level schools. It is certainly not comparing like with like. Post-leaving certificate colleges are not the same as second-level schools. If the Minister is not being disingenuous, he has been badly briefed, as Deputy Charlie McConalogue suggested earlier. The lower pupil-teacher ratio in post-leaving certificate colleges was put in place to take account of the fact that most students in such colleges came from disadvantaged backgrounds and required smaller classes where they could get the extra help they needed. These changes will certainly have a serious effect on them. It is important to note that those who work in the further education and training sector are not ordinary teachers who can be easily replaced. They are teachers with key skills who deliver specialist innovative programmes. The loss of these skills will have huge implications for the type of courses and number of places on offer next year. At a time when there is 30% unemployment in the youth sector, we should be encouraging and supporting as many as possible to upskill to help them to secure employment. How can these cuts be justified in that context? It makes no sense to consign such a large number of teachers back onto the unemployment register, which is what will happen if the Minister follows through on the decisions announced in the recent budget.

In an economic downturn further education is a solution rather than a problem. Deputies will be aware that further education colleges offer training, re-skilling and progression opportunities to the most disadvantaged, including the unemployed. Half of the students in such colleges are availing of second-chance education courses in order to acquire new skills. They are seeking opportunities in a difficult economy rather than coming directly from their leaving certificate examinations. These colleges respond to market demands and work with the local business community to provide courses that meet the needs of employers and the needs of the economy. There is strong evidence that real results are being achieved through the delivery

of unique, innovative and creative post-leaving certificate courses in colleges throughout the country.

I would like to speak about Enniscorthy vocational college which has 320 students on post-leaving certificate courses. It is a huge number. Last June some 450 people applied for places at the college. This means that 130 people were denied an opportunity to go to college there. They went back on the dole and receive €100 a week, or €5,200 a year, for doing nothing. I do not think that is what the Minister would want and it is certainly not what we would want. It is certainly of no interest to young people who want to be reskilled and retrained and to further their education. Enniscorthy College is twinned with Aberystwyth in Wales and Waterford Institute of Technology. It is on record that over 300 students who went through the PLC system in recent years have gone on to university and other third level courses. That must be recognised and, in itself, spells out the success of the PLC courses.

These courses give opportunities to people, particularly those from disadvantaged areas, and the Minister will know this town has a high unemployment rate. People were given the opportunity to go back to education in their own home area at very little cost to the Department. As a result, they were able to train in nursing, beauty therapy, business, law, music, tourism and airline services. The college is now part of an exchange with Aberystwyth University in Wales, and it is very good to have such an exchange system and to have a university attached to a second-third level school.

The Minister must recognise the importance of PLCs and further education. He should reverse the decision taken to reduce the moneys in this area at a time when a huge number of people are unemployed. Last week, we were informed by the Department of the Environment, Community and Local Government that approximately 157,000 people who worked in the building industry are unemployed at present. Many young people left school and went to work in the building industry without any further education. This gives them an opportunity to get back into the education system and to be reskilled and retrained. I ask the Minister to reverse these cuts and to make sure we have a properly funded further education and PLC system for the future.

Deputy Deputy Robert Troy: I welcome the opportunity to contribute to this important debate on the impact of the cuts to the further education and training sector resulting from budget 2013. I wholly support my colleague, Deputy McConalogue's motion calling on the Government to reverse them. These cuts represent an attack on some of the most vulnerable in society - the unemployed, who are often highly qualified, and disadvantaged learners who are currently completing such courses in order to re-enter the labour market.

The Government is attacking these vulnerable people on two fronts. First, it is reducing the financial means for those wishing to attend and avail of further education courses and simply putting them out of their reach. However, it is also attacking further education and PLC providers by increasing the pupil-teacher ratio, which will in effect cut the number of courses on offer, the quality of courses provided and the level of staff in the sector. Dublin and Cork will bear a disproportionate amount of pain in these cuts to the further education and training sector.

It is unquestionable that Ireland is experiencing an unemployment crisis despite our much-heralded progress in meeting our targets in various troika progress reports. Unemployment is currently at 14.6% and, more worrying, youth unemployment is close to 30%. One of the most at-risk groups which requires urgent intervention is young people who are not in employment,

16 January 2013

education or training, commonly referred to as NEETs. This group is detached from the labour market and it is access to quality further education and training that will help them to enter the labour market. This is why cuts to further education and post-leaving certificate providers is such a short-sighted and unjustified move by the Government, and will disproportionately affect the most vulnerable in our society.

The true scale of the unemployment crisis continues to be hidden by the large number of people emigrating from the country. Emigration among Irish nationals has continued to rise sharply to 40,200 in the year prior to April 2011, which was nearly 13,000 more than in the same period in 2010. Some 36,200 non-nationals also left the country during the same period. Ireland's emigration rate is the highest in the EU and almost double that of the country with the second highest rate.

Emigration should not be a Government policy for tackling the unemployment crisis. The provision of courses which fill labour market requirements in Ireland needs to be supported and, thus, funding for the further education and training sector should be ring-fenced from cuts. It can be done. Fianna Fáil ring-fenced the education budget in its alternative budget, which was fully costed. We need to enable our unemployed to up-skill and avail of the employment opportunities that are available here, without having to resort to emigration in order to seek employment on distant shores. Emigration is a plight which has touched every family. It was unbelievable over Christmas to meet so many of my classmates who are now working abroad, not out of choice but out of necessity.

The Teachers Union of Ireland has correctly criticised cuts to the further education and training sector. The increase in the pupil-teacher ratio will have negative implications for further education and PLC providers. The pupil-teacher ratio will rise from 17:1 to 19:1 and the Government is ignoring the fact those pupils coming from a disadvantaged background may require additional education supports. In defending the increase, the Minister is not making a fair comparison with the second level student-teacher ratio. PLC providers also fulfil a role for their pupils left vacant by second level institutions.

This is not just a question of class size and will not simply result in bigger classes, but will lead to the loss of 200 whole-time equivalent teaching posts and could realistically result in the loss of up to 500 non-permanent part-time posts. In my constituency of Longford-Westmeath, this will lead to a reduction of four teachers - three in Longford and one in Westmeath, according to TUI statistics. Those who will lose their jobs are not permanent teaching staff but teachers who have been brought in on a temporary or fixed-term basis. These teachers usually possess specialised knowledge and teach modules or courses geared towards industry requirements that permanent teachers may not have the expertise to teach.

For example, a college on the east coast offering a pharmaceutical course consisting of seven modules engages a qualified pharmacist who has been employed to teach a specialised module. That teacher will lose his or her job under these cuts. This module is a critical part of the course and serious questions have now to be asked over the future viability of the course.

The further education and training sector has already borne the brunt of education cuts. While the number of places in further education and training is capped at 30,000, it is widely acknowledged that some 38,000 are attending such courses at present. These course providers accept that, even though the courses are full, they simply do not wish to turn away marginalised people.

These cuts also raise questions over equity and fairness in Irish society. The Government is simply not tackling the issue of educational disadvantage in Ireland and has comprehensively failed to put this issue at the heart of Ireland's education policy. Budget 2013 represents an attack on the most marginalised and vulnerable in our society - the jobless, the unemployed and those dependent on welfare. These people are making every effort to find employment and many have started further education and training courses in order to improve their employment prospects. These cuts have placed them in an impossible position. The Government has reduced training allowances for those in further education by some €10 million. Furthermore, from January 2013, the €300 back to education allowance will be discontinued for new and existing participants. This will have a direct impact on the education opportunities for this section of the population.

The decision to reduce welfare allowances simply does not make sense at a time when so many young people are unemployed or emigrating. We should be encouraging people to upskill or reskill, not putting financial obstacles in their way. It is often noted that governments do not create jobs but that they create the conditions for jobs.

8 o'clock

How does cutting further education and training courses help our unemployed, young and mature, get back into the labour market? These courses play a key role in improving skills and providing new skills for these people in order that they can avail of the opportunities that are available in the labour market in Ireland - for example, in the ICT sector. In its national plan for tackling youth unemployment, which was published last year, Fianna Fáil found that in December 2011, there were approximately 1,800 vacancies in the ICT sector in Ireland. Of the 4,000 IT jobs announced during 2011, 1,000 were filled by workers recruited from abroad because the necessary skills were not available here in Ireland. The further education and training sector can play a key role in providing courses for unemployed people which give a skills base tailored towards industry needs. We have heard some fine talk about the recent success of foreign direct investment during this Government's term of office. However, the Government is not publicising the fact that so many of these jobs are later filled by those recruited from abroad. For example, Louise Phelan, the head of PayPal in Ireland, pointed out in an interview that half of the PayPal workforce of 1,600 in Ireland consisted of people recruited from abroad because the skill set simply was not available in Ireland.

I appeal to the Minister to rethink these short-sighted, callous cuts and to utilise our colleges of further education and PLC courses to ensure that we improve skills and create the skill sets necessary for the economy and society in which we live. In conclusion, I support the motion of my colleague Deputy McConalogue and ask that the Government rethink these short-sighted cuts.

Deputy Deputy Sean Fleming: I welcome the opportunity to speak in this debate and I thank my colleague Deputy McConalogue for arranging to use the Fianna Fáil time on the first day back in this new year to highlight the issue of education in areas in which people suffer disadvantage. It is very important. We recognise that the Government must make choices to balance its books but it did not have to make this choice. Fianna Fáil put forward fully costed budget proposals to meet the €3.5 billion adjustment that was required. We decided in that policy to fully protect funding for education and disabilities. That could be done if the political decision was made. It would be funded by a 3% increase in the universal social charge, USC, for people earning over €70,000 a year and a higher percentage for those earning over €100,000.

16 January 2013

I suspect that the Minister and some of his Labour Party colleagues would like to have seen a 3% increase in the USC for those with incomes of over €100,000 a year. That would have prevented the need for some of these cuts, but the Minister's right-wing colleagues in Fine Gael would not buy it. As long as the Minister's party stays in government, it is supporting that proposal. That is why the choice was made. I accept that tough choices have to be made. We all appreciate that, but some of these choices could have been avoided by asking those who could to pay a little more. That was not done. The choice in this budget boiled down to increasing tax or making the adjustment on expenditure. Fianna Fáil said it must be fifty-fifty. Fine Gael wanted most of it to come from cuts to programmes. The Labour Party would, I am sure, have been happier with some increase in costs, but the budget was lopsided in the interests of cutting expenditure rather than increasing taxation and the only real tax increase is the new household tax that will come in during the year.

When the Government started the budget by saying it would cut programmes for people who depend on Government expenditure rather than increase tax on those who could pay a little more, it was inevitable that these hard decisions would be made. I believe the Minister and the members of his party have a social conscience and are not happy with this, but I am satisfied that the other party in government is not as concerned about it as the Labour Party or Fianna Fáil might be. We are here now because of the choices that were made on budget day.

We can all talk about macroeconomics, but I will tell my own story. Last Monday morning at 9.30 a girl aged almost 20 came to my office for two weeks' work experience as part of the PLC course she is doing at the Abbeyleix Further Education Centre. Centres in Portlaoise, Mountrath and Abbeyleix have always asked my office and other local organisations to take somebody in for work experience. I see the value of the work she is doing and she is gaining invaluable experience, working hard and diligently in an office environment. The Minister is making her life hard. I spoke to her about her situation, which she is finding very difficult. We should not be picking on lone parents trying to complete their education and making it more difficult for them. This girl did her leaving certificate. Each of us sees these people daily and we know they are real people. We can all talk about the millions and billions and 2% cuts here and there but they translate into effects on people on the ground.

I can speak for the work being done through the further education and adult education programme in the VECs in my own county, Laois. The same applies in every other county. The work they do on the PLC course in Portlaoise College, especially the dedicated further education centre in Abbeyleix and the Youthreach programme, is invaluable. Youthreach needs more funding. Investment at that level will pay dividends because not to invest in the people who need its services will cost multiples of that funding in years to come.

Laois VEC has dedicated permanent staff to the Midlands Prison and Portlaoise prison - I do not know how many - to teach people who have been on the wrong side of the criminal justice system and are serving their sentences. In all probability - the Minister probably knows the statistics - the majority of them do not have even a junior certificate. These staff of Laois VEC are bringing their students up to FETAC level 3, the equivalent of the junior certificate or the leaving certificate applied. Some even go on to FETAC levels 4 and 5. I am sure the same applies in other counties such as Dublin where there are prisons. Great work is being done in these programmes.

The outcome of cutting the ratio for the PLCs by two to 19 will be that some courses will be dropped next year. The managers in the schools will have to choose to spread the teachers

they have and the most convenient answer may be to drop a course rather than making classes too big. That will lead to further problems because the present full range of courses will not be available to the people depending on them. It is not fair to compare the ratio for PLC courses with that for schools. These people have been out in the workforce. They were tradespeople working in construction and they are coming back to further their education. They are a different cohort or group of people. It is very difficult for them to come back to the classroom and start learning again. A teenager in secondary school is running through and is part of the system and the ratio there is a very different matter. The Minister's cuts do not reflect that difference.

The Minister made brave decisions last year and he was man enough to say he got it wrong when he made changes to the DEIS schools. He could do the same with these cuts. People will not judge the Minister on whether he made the wrong call; they will look at his track record over his period in office. If he leaves these further education and PLC programmes fully intact he will be judged as having been a good Minister for having protected those areas where there is most need and the people who are most vulnerable. It is not too late to make some of these changes even though the allowance of €300 payable to recipients of the back-to-education allowance will be discontinued. That is a very severe cut. They are the type of cuts I was discussing with the 19 year old who will be in my office tomorrow morning at 9.30 and who wants to get an education. I ask the Minister to help those who want to further their careers and education and make a good contribution to Irish society, and help them to help themselves.

Minister for Education and Skills (Deputy Ruairí Quinn): I move amendment No. 1:

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

"notes that:

— considerable savings of €90 million were required in the education budget for 2013;

— the Government's commitment to fairness in education remains strong and considerable efforts were made to protect front-line education services through the protection of pupil-teacher ratios in free second level schools and the 28:1 staffing schedule at primary level, continued protection of overall numbers of special needs assistants and resource teachers and the maintenance of overall staffing and funding for disadvantaged Delivering Equality of Opportunity in Schools schools;

and

— in raising the pupil-teacher ratio for post-leaving certificate, PLC, courses to 19:1, the Government brought it to the same level as that which applies in all free second level schools;

recognises that:

— PLC courses are for adults who have completed formal second level education and that the current pupil-teacher ratio of 17:1 is in fact more favourable than the pupil-teacher ratio in typical free second level schools;

and

— this budget measure will not impact on the overall number of approved PLC places available to the unemployed or to school leavers;

and

recognises the Government's commitment and resolve, as outlined in Pathways to Work, to tackle the serious unemployment crisis by:

— continued investment in over 430,000 part-time and full-time places across the further and higher education and training sectors in 2013, all of which are open to unemployed people including young people and the long-term unemployed;

— the introduction of 16,500 new flexible re-skilling opportunities specifically for unemployed people in areas of emerging skills needs under the Springboard and Momentum initiatives, with a further 5,000 places planned for 2013;

— initiating the most significant reform of the further education and training sector in its history through the establishment of SOLAS – the new further education and training authority;

— embarking on a major programme of related education reforms, through the amalgamation of the three qualifications bodies, the planned abolition of FÁS and the amalgamation of the 33 vocational education committees into 16 education and training boards;

and

— commencing a major reform of the public employment service, through the creation of Intreo, which will help to ensure that unemployed people, in particular the long-term unemployed, can quickly access the most appropriate activation opportunity.”

I welcome the opportunity to address the House on this important issue and outline the considerable efforts this Government is making to ensure we have an education and training sector that is fit for purpose in the 21st century. The motion proposed to the House by Fianna Fáil raises the importance of the further education system to our education system. I agree that the provision of further education and training is of crucial importance, particularly at a time when unemployment and youth unemployment have never been higher. Few present tonight would disagree with these sentiments.

I want Ireland to be recognised as a fair, inclusive and equal society, supported by a productive and prosperous economy. Against the difficult economic circumstances in which we operate that is not an easy challenge, although members of Fianna Fáil seem to suggest otherwise. The challenge is one we can realise over time. This Government must prove to the people that we have credible answers for dealing with the crisis now, and also that we have a vision for the future, namely, that we can create more jobs, grow our economy, improve living standards for our people, and build a brighter future for our children. We have to show that our politics is about improving the lives of our people.

However, it is my view that the further education and training sector has been something of a Cinderella of the education system. Successive Ministers for Education and Skills have understandably been preoccupied with the primary, secondary or higher education systems and in consequence have often neglected the need to reform and innovate in the delivery of services within the extended further education sector. This Government has been determined not to plough that selfsame furrow. Both I, as Minister for Education and Skills, and my colleague, the Minister of State with responsibility for training and skills, Deputy Ciarán Cannon, have

worked to ensure reform of the further education system and bring about closer co-operation than ever before with the social protection system.

We are in no doubt that Ireland's unemployment crisis is similar to the dark days of the 1950s - a decade which eventually spurred a complete rethink of economic and social policy in this country. As then, we must now rethink how we engage with the unemployed. I draw the attention of the House to a comprehensive report published by the National Economic and Social Council in August 2011, Supports and Services for Unemployed Jobseekers. I believe it contains a good summary of the unemployment crisis we are facing. I shall quote in part from the report for the benefit of the House because it is very relevant:

Ireland's labour market will take years to recover from the massive contraction that has occurred in the economy. Males, young people, low skilled workers and nationals from the recent EU accession states have borne the brunt of the collapse in employment. Compared to previous recessions, more among the unemployed today have good levels of education, skills, and extensive work experience. The share of total unemployment that is long term is relentlessly rising. Significant groups do not appear on the Live Register, notably the "unemployed self-employed" and people who have exhausted their entitlement to Jobseeker's Benefit and whose spouses or partners continue to earn. These aspects require changes in approach if supports and services are to reach unemployed people and prevent them being scarred for the rest of their lives by their current unemployment.

I fully share the analysis expressed in this report and my actions to date have sought to respond to this crisis. My work is being carried out alongside the efforts of the Minister for Social Protection to reform the social welfare system into one that activates people to reskill and seek employment. Our changes should be guided by a long-term vision of what constitutes an effective unemployment regime in a knowledge-based economy. Changes must be imbued with greater empathy and less suspicion towards those who have lost their jobs or have the misfortune to be seeking a first one at the present time.

I will explain in greater detail the reform under way to ensure we future-proof the sector so that it can deliver 21st-century education and training programmes for 21st-century skills needs. First, we are abolishing FÁS. Without prejudice to the hard work and dedication of FÁS staff, it is a damaged brand and must be replaced. Second, we are transferring FÁS training provision to the new network of education and training boards, or ETBs. This new network of ETBs will be crucial to the success of the revitalised further education and training sector. As Members know, the 16 ETBs are replacing the existing 33 VECs. Third, we are establishing SOLAS - the new further education and training authority.

The unemployed, particularly the long-term jobless, have to be the priority group for support. However, a revitalised FET sector must be fit-for-purpose for all learners who wish to avail of programmes - the unemployed, job seekers, job changers, those in work, early school leavers who want to develop basic skills and those who want to pursue particular interests. The new further education and training authority, SOLAS, will be responsible for the strategic direction of a distinct but integrated further education and training sector. It will co-ordinate and collaborate with the ETBs in developing new, innovative programmes and will ensure a focus on priority groups, including the unemployed.

SOLAS will have many parallels with the role of the Higher Education Authority in higher education. It will drive the process of making the further education and training sector a distinct

one, just like the higher education sector, and will help the new education and training boards play a key role in Ireland's economic recovery through the creation of a revitalised further education and training sector. My colleague, the Minister of State, Deputy Cannon, chaired the SOLAS implementation group, which drafted an action plan for SOLAS. The plan sets out the roadmap by which we will achieve this ambitious programme of reform. Drafting of legislation, required for the formal establishment of SOLAS, is currently being finalised, with the intention of having a draft Bill for presentation to the Government, and subsequent publication before the end of this month. I will bring that Bill to the Government next Tuesday.

This major public service transformation fits with the Government's policy of reducing the number of agencies and is consistent with the strategic objectives of transforming the public service agenda through service delivery by a smaller number of agencies, each benefiting from efficiencies of greater scale.

Let me now turn to the recent education budget and the changes made within the further education sector. It is important to place this debate within the context of the wider education budget. The further education sector should not be seen in isolation from other parts of the sector. I reiterate that it is an important constituent element of a lifelong learning system that operates from cradle to grave. Numerous studies show that an individual's life chances are most influenced by educational intervention at the youngest age. Therefore, within our education system our first priority has to be educating our children so that they can get the best possible start in life. In order to ensure this as far as possible, front-line services for children have to be protected and this was at the heart of the Government's overall approach towards the education sector as part of budget 2013. Difficult choices had to be made. I will address one issue in particular - the pupil-teacher ratio for post leaving certificate courses. By raising the ratio for PLCs, which is only one element of the further education and training sector - a point I shall return to later - this Government managed to protect the pupil teacher ratio in free second level schools and the staffing schedule at primary level. We protected overall numbers of special needs assistants and resource teachers. We maintained overall staffing and funding for disadvantaged DEIS schools. Therefore, the Government has succeeded in protecting class sizes in primary and free second-level schools for the coming year, ensuring that our limited resources are rightly focused on the children in our education system. Although it would have been preferable not to have had to make any budget changes, it is worth noting that we will still spend close to €900 million on further education this year.

In making my decisions last December, I found it difficult to justify providing more generous pupil-teacher ratios in PLC colleges, which are largely geared towards adults, than in second level schools, which cater for teenagers. The overall number of approved PLC places will remain at last year's level of 32,688. While this decision may well reduce the subject choice available to students, I trust that the chief executive officers, CEOs, of VECs and principals in colleges of further education will protect the courses which deliver the best outcomes. In the coming months, those VECs will be reconfigured into education and training boards, ETBs. The latter will have a greater capacity to make the outcomes to which I refer easier to bring about.

The further education sector has expanded significantly in recent years. The additional 1,000 PLC places the Government allocated to providers as part of the jobs initiative is one example of that expansion. I cannot but recall the unhelpful criticism that emanated from the Opposition benches when the Government announced that initiative 18 months ago and yet there is now a motion before the House calling for investment in further education. The CEOs

must work with principals, staff and unions between now and next September, when the change will take effect, in order to ensure that innovative, modern courses can continue to be offered to learners.

As already stated, PLC colleges are only one part of a vibrant and dynamic further education and training sector. Young people and adults, in particular those who are unemployed, will continue to be able to access a range of courses and programmes offered by VECs and FÁS, as well as institutes of technology and universities. In 2013, the Government will fund over 430,000 part-time and full-time places across the higher and further education and training sectors. All of these places will be open to the unemployed, including those who are long-term unemployed. This does not include investment by the Department of Social Protection in schemes which support jobseekers or those in receipt of the back to work enterprise allowance. More than 20,000 people are supported under these schemes. The provision in respect of the technical employment support grant for 2013 will be maintained and expanded.

The Government recognises that more than simply maintaining investment will be required. We are aware that the jobs of tomorrow will require that people possess an increasing level of skills in a range of different areas. That is why we have developed and promoted innovative approaches to upskilling, through initiatives such as Springboard and Momentum, which was launched recently. Members will be interested to hear that Springboard has been in operation for some 18 months and already 10,000 people have benefited from innovative programmes delivered in institutes of technology on a flexible basis. Momentum is funded by the Department through the labour market education and training fund and will enable up to 6,500 people to benefit from a range of courses at different levels, all of which are specifically geared to enabling participants gain sustainable employment pretty much immediately. Crucially, Springboard and Momentum are targeted at the unemployed, in particular the long-term unemployed and the young unemployed, and are available completely free of charge to participants. Investment from the national training fund in these and other programmes aimed at the unemployed is almost €50 million annually. These are two high-profile initiatives but for those who possess lower levels of skills or who require more basic options, my Department continues to fund, through the VECs, adult literacy services and part-time further education programmes for literally hundreds and thousands of learners across the country. These programmes enable adults to engage with the education and training system and build skills and qualifications in order that they can enter or re-enter the labour market.

I should also address the issue of allowances for participants in further education and training programmes. Up to now, jobseekers who moved on to Youthreach, the vocational training opportunities scheme, VTOS, or FÁS courses could have their jobseeker payments brought up to a maximum of €188 per week. From now on, people under 25 years of age will receive a lower top up to €160 per week while those over 25 years of age will keep their existing payment, which will have been means tested by the Department of Social Protection. FÁS and VEC meal, travel and accommodation allowances remain the same and child care support, provided by the Department of Children and Youth Affairs through the child care education and training scheme, is also available. Essentially, the new arrangements provide for an element of continued top up for those under 25 years of age so that they will not be discouraged from returning to education or training. They will also enable those who are over 25 to retain their existing payments. These arrangements are mirrored in the back to education allowance scheme operated by the Department of Social Protection. This carefully considered approach will not exacerbate the difficulties we are currently experiencing in the context of youth unemployment.

16 January 2013

As I have emphasised, the further education and training sector is but one element of the overall education sector. This Government has, unlike many before it, shown a sustained commitment to enabling adults reskill and upskill for the changing labour market. We will not give up and, despite the economic crisis, we will persevere. We will continue to invest in further education and training and we will maintain the number of places available to citizens. Most importantly, we are fundamentally reshaping the further education and training sector in order that it will be fit for purpose in the 21st century.

Minister of State at the Department of Education and Skills (Deputy Sean Sherlock):

I welcome the opportunity address the House on this important issue. I am a graduate of the College of Commerce in Cork so I have first-hand knowledge of the important experience people gain within the post-leaving certificate sector. From personal experience I am aware that at a particular stage in one's life one may not be entirely sure of the direction one wants to take. The PLC sector fills an important gap and allows people to take some time and pursue courses while they decide on the ultimate direction they wish to take, both academically and in their working lives. I have always been grateful for the experience I gained from my time at the College of Commerce in Cork, particularly as it afforded me the opportunity to take the time to make the decision to pursue my education further by proceeding to the university sector. I place these facts on the record of the House because it is important to convey to people the fact that there is an understanding of the importance of the PLC sector. We do not want to pay lip service to that sector, particularly as we are conscious of its progressive nature in the context of affording people the space to decide to proceed to achieve even further educational or vocational attainment. Ultimately, it can also facilitate them in the context of career attainment.

I wish to focus on the position in respect of Cork. I do not wish to be overly parochial but I do want to discuss the impact this cut will have in County Cork. I am only too well aware of the level of focus there has been on the level of reduction in the two Cork VECs. At present, there are just under 5,400 PLC places available at City of Cork VEC and Cork County VEC. This represents a significant tranche of the overall number of such places throughout the country. There are 316 staff at the two VECs. The VECs are expected to have the same number of places available and 284 staff from next September. This is, by some margin, one of the biggest allocations of PLC places and staff in the country. It is only right that a county as important as Cork should have such a high level of resources available to it. The Department sanctions the teaching posts to the VECs which, in turn, allocate them to the schools and colleges under their remit. As the changes will not take effect until September, the VECs have the opportunity to plan how best to deal with a slightly reduced allocation. I know there has been concern that the most innovative courses, particularly in cloud computing, veterinary nursing and computer programming, are at risk. We acknowledge this. However, that is the challenge every principal of a college of further education will have to manage carefully with his or her CEO. With the Government and colleagues in Cork, I will work closely with the CEOs and local principals to ensure the breadth of course provision is maintained, particularly in the cutting edge areas that are so vital to our economic recovery. This should include examining whether similar courses offered in more than one college can be merged to ensure niche offerings are maintained. Teacher allocations should not be fixed in isolation in each college. A joined-up approach to course delivery and necessary redeployment within each VEC area is absolutely vital.

I welcome and acknowledge the fact that within one week of the budget announcement last month the Minister met personally all of the CEOs and chairpersons of the VECs. He asked them to ensure the changes that had to be made would have the minimum of risk for front-line

services in so far as was possible. I support that approach fully. This reflects the Minister's awareness of the good work of the PLC sector in the education system. We now have a nine-month window of opportunity to ensure the changes required are made carefully and with appropriate consideration. My priority remains to ensure all those using further education services in Cork and other areas can access the courses that will help them to up-skill and eventually find employment.

Deputies on both sides of the House constantly say we have to look to other parts of the education system if further adjustments are needed. We share that sentiment and that is precisely what the Government has done in this instance. One of the measures announced in the budget will see the teaching allocation in PLC colleges increased by two points from 17 to 19. This will have the effect of bringing the pupil-teacher ratio in post-leaving certificate colleges which teach motivated adults into line with that in second level schools. This will provide for equity. We acknowledge, however, that it will result in the loss of 200 full-time teaching posts across the sector. However, we must support a strategy of prioritisation at a time of reduced resources. Having a more preferential pupil-teacher ratio in PLC colleges than in second level schools is not sustainable.

I welcome the opportunity to address the House on this important issue. It is entirely appropriate that we highlight the importance of the further education and training sector, both as part of the education system which promotes the concept of lifelong learning and as part of the country's future in terms of re-skilling and upskilling of citizens, particularly for those who are unemployed. While it would be preferable not to have to make any reduction, the Government has sought to protect front-line education services to the greatest extent possible through the protection of class sizes in free primary and second level schools and the protection of the overall numbers of special needs assistants, resource teachers and the staffing allocations to disadvantaged DEIS schools. Because of rising demographics and the protection provided in the budget for current teacher allocations, this will mean that we expect to hire an additional 450 primary teachers and 450 second level teachers for the next school year. It is worth reiterating the point about rising demographics and the economic pressures on the Department's budget. We must ensure sufficient numbers of primary and second level teachers to plan for the rise in the population. Despite the economic climate, the Government has shown its strong commitment to protecting and investing in education and creating employment for teachers.

It is also worth reflecting on the record of the party opposite during its last term of office in education-----

Deputy Deputy Charlie McConalogue: The Minister of State was not long in forgetting his own record when he got into government.

Deputy Deputy Sean Sherlock: I have never been in government before.

Deputy Deputy Charlie McConalogue: The Minister of State's party thought very differently when it was on this side of the House.

Deputy Deputy Sean Sherlock: Almost 4,450 posts in primary and post-primary schools have been taken out of the education system since 2008. The vast majority of the work done was carried out under budgets constructed by some of the Members opposite. In that time there was an increase in the pupil-teacher ratio in primary schools from 27 to 28. There was an increase in the pupil-teacher ratio in secondary schools from 18 to 19. There was also the

16 January 2013

removal of eligibility for student support grants from those in receipt of the back to education allowance, the allowance that helps many in the PLC sector. VTOS allowances were removed for those pursuing post-leaving certificate courses in 2010.

Deputy Deputy Charlie McConologue: Which the Minister is now cutting.

Deputy Deputy Sean Sherlock: The party opposite changed the favourable pupil-teacher ratio of 17:1 to 19:1 for the leaving certificate vocational programme in 2011 in order to secure a reduction of approximately 200 posts which was justified at the time by saying it would bring it into line with the normal pupil-teacher ratio in second level schools. I refer to the withdrawal of resource teachers for Traveller children at primary and post-primary level in order to secure a reduction of approximately 600 posts in 2011. I refer to the announcement of the elimination of 500 language support teachers from primary and second level schools in 2011, not to mention the elimination of the posts of primary rural co-ordinator and visiting teacher for Travellers.

We are starting from a base where the country is borrowing €300 million a week. Nobody wants to preside over a situation where teachers lose their jobs. We are trying within the education budget to ensure the courses delivered for those who want to retrain and upskill will be provided within the VEC structures. We seek to do this to the best of our ability. It is necessary, therefore, to effect the savings required. I am the beneficiary of accreditation. I have a diploma in business studies which I acquired through the College of Commerce in Cork. I have first-hand experience of PLC courses which assisted me in the not too distant past and assists others in a way that allows for progression to take place.

Notwithstanding the loss of these teaching jobs, if CEOs work with us and a lateral approach is taken, we are confident that the new and highly innovative courses which allow people to progress to universities and institutes of technology can be preserved in a way that will allow for progression through the system. It is vital to ensure pupils will have that opportunity to come into the PLC system in a manner that it will cater for their needs as they progress through their careers.

An Leas-Cheann Comhairle: Deputy Jonathan O'Brien is sharing time with Deputies Aengus Ó Snodaigh and Michael Healy Rae.

Deputy Deputy Jonathan O'Brien: I commend Fianna Fáil on this motion. This is a very important debate in our first week back. Unfortunately, owing to the nature of the budget announcement, this is the first opportunity the House has had to discuss the impact of the €19 million cut to the education budget. Although we are focusing on the increase in the pupil-teacher ratio tonight, we must realise the use of the word "vast" is inappropriate. The change seems like nothing; we are changing the ratio from 17:1 to 19:1. The reality is that we are actually reducing the number of front-line staff employed to teach the most disadvantaged and marginalised.

I listened to the Minister of State, Deputy Sherlock, speak about his experience as a student of the College of Commerce. I am also a former student of that college. I took some time out on leaving secondary school. I was not really a model student. Most people recognised that, certainly my teachers. I took a bit of time out and did a bit of work and eventually reached a place in my life at which I wanted to return to education. I am thankful there was a road back to education for me and I will always appreciate that.

Although reference has been made to 200 whole-time equivalents, the reality is that we face the loss of between 400 and 500 teaching posts. The Minister of State knows that as well as I

do. He made much play about trying to protect front-line services. The reality in my county is that we are taking 10% of the staff from the sector and expecting the remainder to deliver education of the same quality as was delivered heretofore to the same number of students. According to the Minister of State, we hope the CEOs and the principals can get around the table and protect existing courses. It is just not true or honest to say this Government's priority is to protect front-line services, as the measure under discussion is achieving the complete opposite. We are removing 10% of staff from the further education sector in my county and there is no way of trying to paint that in any different light. Consider the impact it will have on colleges of further education in my constituency and community, including Coláiste Stiofán Naofa and Terence MacSwiney Community College. The impact will be felt for many years.

Terence MacSwiney Community College, which is in the heart of Knocknaheeny on the north side of Cork city, an area that has seen much disadvantage down the years, has a proud tradition. Many good people are working on the ground day in and day out to try to improve the quality of life of young people leaving post-primary education. The area has one of the highest rates of unemployment. The courses that are offered by the college are helping people to improve their skills and regain employment. They give people back a bit of dignity and self-esteem. This is what colleges of education do for a vast number of people. They help students regain self-worth and get back on the education ladder. They even help students who took a few years out and who want to proceed to education although they did not gain sufficient academic qualifications after the leaving certificate examination. Such people can use further education as a stepping stone to education. However, the Government is removing that stepping stone for many people.

At the outset, I stated there would probably be 400 to 500 job losses.

Deputy Deputy Sean Sherlock: Where is the Deputy getting the figures?

Deputy Deputy Jonathan O'Brien: The figures are being provided. If the Minister of State has the figures, perhaps he should publish them. Ours suggest that 400 to 500 jobs will be lost in the sector. Even in respect of Cork city, the proposal is such that 10% will be lost. If a private company announced in the morning an operational change that would result in job losses in the order of 10%, the Government would do everything possible to engage with the relevant sector to save the jobs. Despite this, a Government decision is resulting in 400 to 500 people losing employment. Up to tonight, the decision was justified in only one way, namely, by stating the pupil-teacher ratio was to be brought into line with that in post-primary schools. The Government is now saying its priority is to protect the educational needs of children. If this were the case, it would not be cutting the capitation grants for primary and post-primary schools, and it would not have attacked DEIS schools last year.

Deputy Deputy Sean Sherlock: The funding for DEIS schools was restored.

Deputy Deputy Jonathan O'Brien: It is the Government's priority now because it suits it today when it is trying to justify the cuts it announced.

The Minister of State said it was up to the CEOs and principals to sit down to determine whether there can be a joined-up approach to course provision. This should have happened before the announcement was made. The Government will be risking a lot if such an approach is not agreed.

Deputy Deputy Aengus Ó Snodaigh: Ba mhaith liom mo bhuíochas a ghabháil leis an

16 January 2013

Teachta McConalogue as an ábhar seo a chur ar an Chlár. Tá sé rí-thábhachtach go ndéanfaimís déileáil leis an ábhar seo agus is trua nach bhfuair muid an deis déileáil i gceart leis roimh Nol-lag, uair a rinne an Rialtas cinneadh an seasamh seafóideach seo a ghlacadh maidir le cúrsaí iar árd-teistiméireachta.

Céim ar chúl atá i gceist anseo. Impím ar an Aire seasamh siar uaidh agus déanamh cinnte, seachas an gearradh siar seo a dhéanamh, níos mó airgid agus achmhainní a chur isteach ins na coláistí atá ag soláthar na gcúrsaí seo do mic léinn atá ag teacht ar ais ó gan bheith gafa le hoideachas nó a aithníonn nach bhfuil na scileanna acu chun dul chun cinn a dhéanamh.

We should have dealt with this matter just after Christmas. However, because of the manner in which the budget and other measures were announced - very quietly in some cases - the full effects of the cuts were not understood for a day or two after the announcements. This is a regressive step and the Government should reverse it. Rather than pursuing this step, it should be investing in PLC courses to a greater degree. This would be in line with everything the Government stated during the election campaign. I include the statements of Fine Gael, those in the programme for Government and the statements made in respect of Pathways to Work. I attended the launch of Pathways to Work - I believe I was the only Opposition Member in attendance - because I am interested and believe there needs to be a change. We need to use all the arms of the State together and exploit all the resources of the Department of Education and Skills to ensure we have the best possible outcome for everybody going through the education system and everybody who wishes to return to the system to improve their skills.

The affected people are, in many cases, those who have been out of the education system for many years. In my area, five colleges offer PLC courses. From dealing with my constituents and people from outside my area who want to attend the colleges, which are experts in the fields pertaining to their courses, I am aware the courses are oversubscribed. If the courses were not delivering, people would not be seeking to do them. There is proof that these are the very courses that are required at this time to rebuild the economy and lay the groundwork for its future.

9 o'clock

Those courses are often innovative and well ahead of courses in some of the universities. Sometimes the universities are playing catch-up. There was a huge demand for animation courses in my area because the Oscar winners who produced "Avatar" were trained in Ballyfermot college. That is proof of the success of courses that could be affected by the Government's cuts. The Minister of State can shake his head all he likes but if the Government reduces the staffing criteria, that will affect the delivery of courses. Some of the colleges not only do not have the staff to deliver them, they do not have the space or the equipment to deliver them. The roof of Ballyfermot College is leaking and it has been for many years but thankfully it is now being addressed but in the meantime where are extra classes to be delivered?

We can go all way back into history and say we can blame whoever. In this case this is a decision that comes on top of other cuts in the education sector carried out by the Minister of State's Government. This is being done on his watch. This will affect the PLC sector as a whole. As Deputy O'Brien said, this will possibly result in the loss of 500 teachers delivering PLC courses, the equivalent of 200 full-time teaching posts. They will not be won back because what the Minister of State is saying to those teachers is "Goodbye, go to Germany, Australia or somewhere else where you can ply your trade because you are not wanted here. To all those

students who would have availed of and gained an advantage from completing these courses, he is saying “Forget about it, you are not wanted here, we are not going to train you up because we do not have the jobs”. Perhaps that is what the Government decided at the Cabinet today, namely, that it will not be able to produce the jobs so why bother training these young people? Its attitude may be “why not cut a bit more and make sure they leave as soon as they have sat their leaving certificate or perhaps before that”. Why not put them on the emigration boat when they are in the pram and then it would not even have to educate them? That is how ridiculous this is. For us as a country to come out of this economic crisis, we need the best possible educational standards. We also need the best possible training and to meet the demands of the market, we must ensure we have people trained to deliver those skills to employers when those jobs come up or in the meantime we should create our own jobs. This is a retrograde step.

The Minister can make much of the Springboard and the JobBridge schemes and they are fine but in many cases what they produce is only yellow pack in comparison to what is being produced by the PLCs. In many cases people from those courses go straight on to work - in other cases people go on to university and excel at that level - and there is much more progression from them than the JobBridge scheme will ever produce.

The Minister of State can row back from this. He can reconsider this and instead of cutting, the Government should invest further in this sector.

Deputy Deputy Michael Healy-Rae: I sincerely thank the Sinn Féin Members for allowing me time to speak to the motion. I thank the Fianna Fáil Members for bringing forward this important Private Members’ motion. I have followed the contributions of speakers on the monitor in my office and great contributions were made by Members who support this vitally important motion. We did not get a chance to discuss this matter since the announcement was made in the budget. These cuts will be detrimental and extremely hurtful. Any person with a shred of intelligence will know that the more money one invests in people at this vulnerable point in their lives could mean the difference between those people finding themselves in a position where they would be able to get gainful proper employment later on rather than going on to and staying on social welfare for the rest of their lives. That is what these cuts will mean to families. A person who needs further education will not be able to get it and will be reduced to a lifetime dependence on social welfare. That is what this will mean. If the Government was forthright enough to realise that we have to invest in this sector, ensure courses and education is provided for these people, it could completely change their lives and the lives of the next generation. Statistics show that the children of people who are long-term unemployed end up also being unemployed. We always need to educate.

My filing system may not look great but 15 people contacted me about SUSI grants today. I have to get a dig in about the processing of them. What is happening in terms of the delivery of SUSI grants is a disgrace.

Deputy Deputy Finian McGrath: It is disgraceful.

Deputy Deputy Michael Healy-Rae: Some people are still waiting for their grants and people are worried about whether they will have to leave their college courses. I ask the Minister of State to do something about that.

Deputy Deputy Finian McGrath: I welcome the opportunity to speak on the debate on this motion on further education and training. I totally support the motion because it is a very im-

portant part of the equation in getting this country up and running after the economic crisis. All economists, teachers, educationalists and most sensible TDs in this House recognise that education is a huge part of our economic recovery and ending disadvantage in our society. If we fail to do this we do not have a hope in hell of getting people back to work or ending the emigration crisis. Further education is a huge part of that strategy and it is also part of the equality debate and the poverty debate. I commend Fianna Fáil for putting forward this motion. It states:

Further Education and Training ... is a hugely important sector that provides an important educational pathway for unemployed, disadvantaged learners and second chance learners to access specialist labour focused courses and to secure employer; the FET sector has a crucial role providing education and training for people that the traditional ... system has failed and this has been unfairly targeted and cut in Budget 2013; [more importantly] Budget 2013 will cut up to 500 positions from this vital service and will increase the pupil-teacher ratio and reduce the training allowances for further education and training scheme participants; and the cuts to the FET sector are socially and economically regressive affecting the unemployed and the most marginalised learners in our education system ... [I am calling] on the Government to reverse these regressive and unfair cuts as unemployment is at 14.6 percent and youth unemployment ... [is at] 30 percent ... ensure that no courses will be cut from the FET sector ... commit to tackling educational disadvantage ... [and] publish any impact assessment that was carried out by the Department of Education and Skills.

That is what this motion is about and that is what we need to do. If we need the extra revenue, we need to make those who have the most pay the most. That is what is real equality and fairness.

I wonder where the Minister, Deputy Richard Bruton, Deputies Aodhán Ó Ríordáin, Tommy Broughan, Seán Kenny and Terence Flanagan are tonight. Not one of the north side Deputies is in the House for this very important debate on education.

Deputy Deputy Sean Sherlock: The Deputy is incorrigible

Deputy Deputy Finian McGrath: I call on them to act and stop the cuts that will affect many people who live on the north side of Dublin.

Deputy Deputy Mattie McGrath: I will do my best to follow that. I would say to my colleague that they do not need to be here when they have the likes of the Deputy representing the north side of Dublin.

Deputy Deputy Michael Healy-Rae: Hear, hear.

Deputy Deputy Mattie McGrath: I am appalled and aghast at the change of tack since the members of the Minister of State's party moved from this side to the opposite side of the House. The Government needs to reverse these regressive and unfair cuts as unemployment is at 14.6% and growing, youth unemployment is close to 30% and these people need the opportunities that the further education sector offers so that they can re-enter the labour market. The attacks by the Minister of State and the Government on education are despicable.

My colleague, Deputy Healy-Rae referred to the delivery of SUSI grants. Will the Government have the cop-on and manners at this stage to recognise that it has made a total ham-fisted mess of that situation by putting 60 awarding authorities into one? I want to ask the Minister of State's officials - I do know where they are - who awarded this grant to Dublin City VEC about

this. This is an appalling mess and people are being driven nearly to distraction with concerns about having to leave college, having no funds and having to get food parcels. The Labour Party, my goodness, has been reduced to this.

I am a strong proponent of lifelong education and am very involved in adult education and encouraging people to return to education, to further enhance and upskill themselves and make themselves better equipped for all the different types of economies that we have to try to fight. The Labour Party is presiding over this disgraceful attack and we remember prior to the election that the Minister, Deputy Quinn, was out there signing a pledge and carrying a placard. The Labour Party should come out of the bunkers, see what is going on, take off the blinkers and ear muffs, listen to the people and empathise with them. The Minister of State can smile but those are the facts. The people are incensed.

Deputy Deputy Sean Sherlock: This is downright nonsense.

Deputy Deputy Mattie McGrath: The Minister of State's colleagues said things were nonsense when they were on the opposite side of the House. These are the facts. They are putting people into penury. They are denying them the chance to further educate and upskill themselves and be ready for any job market that might come their way. The Minister of State and his colleagues should hang their heads in shame in continuing with this. They had Christmas to reflect on this and they did nothing, precious little other than eat trifle I would say. The Minister of State is here and this continuing blackguarding of ordinary people is outrageous.

Deputy Deputy Finian McGrath: Hear, hear.

Debate adjourned.

The Dáil adjourned at 9 p.m. until 10.30 a.m. on Thursday, 17 January 2013.