



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Ceisteanna - Questions	1
Priority Questions	1
Social Welfare Payments	1
National Internship Scheme Placements	4
Community Welfare Services	7
Social Welfare Code	9
Information and Communications Technology	11
Topical Issue Matters	13
Ceisteanna - Questions (Resumed)	14
Other Questions	14
Respite Care Grant	14
Employment Support Services	16
Pension Provisions	20
Leaders' Questions	22
Ceisteanna - Questions (Resumed)	30
Law Reform Commission	30
Freedom of Information Requests	34
Office of the Attorney General	39
Business of Dáil	43
Death of Garda Adrian Donohoe: Expressions of Sympathy	43
Order of Business	52
Reform of Judicial Appointments Procedures Bill 2013: First Stage	56
Topical Issue Debate	56
Hospitals Capital Programme	56
Hospital Services	62
Book Rental Scheme	64
School Accommodation	67
National Lottery Bill 2012: Order for Second Stage	69
National Lottery Bill 2012: Second Stage	69
An Garda Síochána: Motion [Private Members]	81

DÁIL ÉIREANN

Dé Máirt, 29 Eanáir 2013

Tuesday, 29 January 2013

Chuaigh an Leas-Cheann Comhairle i gceannas ar 14.00 p.m.

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Social Welfare Payments

123. **Deputy Willie O’Dea** asked the Minister for Social Protection the number of applicants for disability allowance, invalidity pension and domiciliary care allowance in 2012; the average waiting times and total percentage of successful applicants for each; and if she will make a statement on the matter. [4268/13]

Minister for Social Protection (Deputy Joan Burton): The Department received 4,339 claims for domiciliary care allowance in 2012, with 4,680 claims processed. There are no claim backlogs in domiciliary care allowance where claims were processed within six weeks, on average, with 34% awarded the allowance.

Scheme	No. Claims Registered	No. Decided	% Awarded of claims decided	Average Weeks to award
Disability Allowance	25,887	26,159	40%	17
Invalidity Pension	11,510	17,775	36%	14 to 16
Domiciliary Care Allowance	4,339	4,680	34%	6

A total of 11,510 claims were received in 2012 for invalidity pension, with 17,775 decided. Invalidity pension claims were processed within 16 weeks, with 36% awarded. However, new invalidity pension claims are now being processed promptly upon receipt and all backlogged claims have been actioned and are either decided or awaiting further information necessary to make a decision.

Scheme	Awaiting Decision I not actioned May 2012	Awaiting Decision- actioned January 2013	% Reduction
Invalidity Pension	7,300	3,000	57%

The Department received 25,887 claims for disability allowance in 2012. A total of 26,159 claims were processed, with 40% awarded. Disability allowance claims were processed, on average, within 17 weeks.

The time required to process a new application under these schemes can vary depending on the complexity of the individual circumstances and whether full information is provided by the person claiming at the outset. In addition, a request for a review or an appeal by a person whose claim is disallowed will add to the length of time taken to deal with the claim.

As part of the Department's major ongoing service delivery modernisation programme, new service delivery schemes have been rolled out in the long-term illness schemes, that is, the invalidity pension, the carer's allowance and the disability allowance, during 2011 and 2012. Following the deployment of the new system, an in-depth business process improvement project was initiated in each of the schemes aimed at maximising capacity to deal with weekly intake of applications, eliminating backlogs and ensuring optimum efficiency.

Acting Chairman (Deputy Peter Mathews): The remainder of the reply will be read into the record.

Deputy Joan Burton: I wish to emphasise that we made changes to our business processes last year. We have virtually eliminated the backlog in applications for the invalidity and domiciliary care allowances. In the case of the disability allowance we will have all the backlog eliminated shortly. This is in the context of the volume of applications going up and a considerable number of experienced personnel from the Department having resigned in the earlier part of last year.

Additional information not given on the floor of the House

The business process improvement programme commenced in the invalidity pension section in May 2012. At that time, there were approximately 7,300 new claims awaiting a decision. All new claims are dealt with on receipt, all backlogged claims have been actioned and reduced to approximately 3,000 claims that are awaiting further information or a medical assessment to allow a decision to be made. This number also includes approximately 900 cases which fall to be decided under EU regulations or bilateral agreements. Such cases are more complex and take longer to investigate and decide.

A business process improvement project is under way in disability allowance at present

29 January 2013

with a view to putting together a plan, similar to that successfully implemented for invalidity pension, for the prompt processing of weekly intake and the elimination of the current backlog. While the plan has not yet been finalised and rolled out, it is anticipated that the backlog of disability allowance applications will be eliminated by the end of quarter 2, 2013.

The Department is holding an information session on its illness schemes tomorrow, Wednesday, 30 January to which all Oireachtas Members and their staff are invited.

I am pleased to advise the Deputy that there are now no backlogs in domiciliary care allowance and invalidity pension schemes. While there is a backlog in disability allowance we have a programme in place to deal with it.

Deputy Willie O’Dea: There are two aspects to this, the questions of eligibility and delay, and I will deal with them separately. I sought this information from the Department some time ago and I received figures for up to the end of September 2012. I understand the figures the Minister is providing now relate to the full calendar year. Is that the position?

Deputy Joan Burton: Yes.

Deputy Willie O’Dea: Anyway, they do not vary much in terms of success rates. According to the Minister’s reply there is a 66% refusal rate for domiciliary care allowance. In other words, two of every three claims are refused. It is similar for invalidity pensions: almost two of every three claims are refused and the refusal rate is somewhat less for disability allowance but it remains at approximately 60%. Does the Minister agree that this represents a substantial increase in rates of refusal for these matters in the past two years? It appears that now a person applying for invalidity pension must be even more of an invalid than ever before. The person applying for domiciliary care allowance must have a particularly acute form of autism, cerebral palsy or intellectual disability. Will the Minister explain this dramatic increase in the refusal rates?

Deputy Joan Burton: Since 2009, when Deputy Willie O’Dea was a member of the Government, the number of claims has increased enormously under all headings, while numerous civil servants have taken early retirement, including very experienced staff. In that context, I undertook a complete overhaul of the system and implemented IT improvements and I am happy to say that by the end of the year the backlog of domiciliary care allowance and invalidity pension applications had been significantly dealt with. There is now no backlog of applications for domiciliary care allowance. Expenditure under the headings under discussion has gone up since last year.

There can be a problem where a person does not provide all of the data and details necessary to support an application. It can mean having to revert to seeking additional information. There are certain areas in which deciding on claims may be more difficult. It must be remembered that a claim is made by an individual, but it is the medical adviser who supplies the actual data to support it.

Acting Chairman (Deputy Peter Mathews): We now move to Question No. 124.

Deputy Willie O’Dea: I understand I am entitled to raise a second query.

Acting Chairman (Deputy Peter Mathews): That is within the time allowed of four minutes. I have been giving guidance on the time allocated.

Deputy Willie O’Dea: In dealing with a priority question we are entitled to ask a second question.

Acting Chairman (Deputy Peter Mathews): Very quickly.

Deputy Willie O’Dea: I disagree with the Minister on the issue of times. Her Department’s official statement sets out that there is an eight month waiting period for claims for invalidity pension and a further eight month waiting period where there is a need to appeal. That applies to summary decisions, not oral hearings. The waiting period is 16 months from beginning to end. Does the Minister agree that this is unreasonable? Does she agree that it has been the experience of Deputies on all sides of the House that delays are increasing inordinately?

Acting Chairman (Deputy Peter Mathews): The Minister has 20 seconds in which to reply. I want to clarify the position. There are four minutes available for cross-questioning. I must go by the clock.

Deputy Joan Burton: Twenty seconds.

Acting Chairman (Deputy Peter Mathews): Yes, otherwise we will move on to Question No. 124.

Deputy Joan Burton: Deputy Willie O’Dea should recognise that the Department of Social Protection has completely overhauled its business systems and claims processing times have been transformed.

Deputy Willie O’Dea: Not according to the Department.

Deputy Joan Burton: We have deployed additional staff to clear the backlog. The Deputy’s information dates from last August.

Deputy Willie O’Dea: It has got worse since.

Deputy Joan Burton: We have appointed backlog teams and I am very happy to say it is working. Family income supplement claims have been transferred to Donegal for processing. On Thursday my Department is hosting a session for Members and their staff to discuss improvements in the data and information supplied to the Department to assist those with a strong claim to ensure the appropriate information is provided.

Deputy Willie O’Dea: The session has been cancelled.

Deputy Joan Burton: Perhaps that is due to events at the weekend.

Acting Chairman (Deputy Peter Mathews): I am limiting the discussion of priority questions strictly to six minutes. There are two minutes for the Minister’s initial reply and four minutes for supplementary questions and answers.

National Internship Scheme Placements

124. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection if she will confirm that jobsbridge interns were used by An Garda Síochána, with the agreement of her Department, to work in the highly sensitive area of Garda Vetting, which included research in respect

29 January 2013

of personnel working in a full-time, part-time, and voluntary capacity in a position in a registered organisation, through which they have unsupervised access to children and/or vulnerable adults; and her views on whether this is an appropriate use of interns. [4452/13]

(Deputy Joan Burton): Since it came into operation on 1 July 2011, significant progress in the JobBridge scheme saw 13,960 internships commence by 24 January 2013. There are 5,563 interns on the scheme, with a further 1,888 internships advertised on *www.jobbridge.ie*. The Department verifies the suitability of internships before they are advertised to ensure they will provide real work experience to enable an intern to develop new skills that will enhance the intern's ability to secure employment. As such, the Department expects interns to be given real and substantial experience of the host organisation's workplace so the intern is seen by future potential employers as having had real work experience, including real responsibility and accountability.

It is a matter for the host organisation, including in this case An Garda Síochána, to determine if the work involved is appropriate to the intern, taking account of its business needs, including confidentiality and sensitivity of the information to which they will have access, be that commercially sensitive information in the case of a private sector organisation, publicly sensitive information in the case of a public sector organisation or personal information. The duty of care of all host organisations in respect of sensitive and confidential information and in respect of training and proper protocols with regard to access to and use of this information extends to people on internship programmes.

In the case of the Department of Justice and Equality and An Garda Síochána, as is the case for all of the Civil Service, the requirements of the Official Secrets Act apply to all workers, including interns recruited under JobBridge. It is an offence under section 4 of this Act to disclose information obtained in the course of work unless this disclosure is duly authorised.

I am informed that An Garda Síochána has hosted 13 interns for positions including general office administrator receptionist, project accountant, legal policing researcher and graphic designer.

Additional information not given on the floor of the House.

Of those 13 interns, eight were assigned to duties in the Garda vetting unit, of whom six have completed their internship and two are on placement. The Department has received assurances from the Department of Justice and Equality that these interns were not involved in conducting vetting checks on vetting applicants nor had they access to these data. These interns were engaged in a clerical capacity only.

While the moratorium on recruitment in the Civil Service means that interns cannot progress to a job in the Civil Service, it is clear from the Indecon report on JobBridge that experience in the public sector is very valuable and progression rates are good. The Deputy will know that the Department, as part of its ongoing work to protect the intern and to ensure the integrity of the JobBridge scheme, has introduced a variety of control measures and criteria. Among these measures is the ongoing monitoring of internships by the Department of Social Protection. This involves the regular review of monthly compliance reports and the conducting of random monitoring site visits to ensure the host and intern are abiding by the terms and conditions of the scheme.

In 2012, two monitoring visits were conducted on internships within An Garda Síochána,

and one monitoring visit was conducted on internships within the Department of Justice and Equality. In all three cases, the monitoring report found the internships to have been conducted in a satisfactory manner.

Deputy Aengus Ó Snodaigh: Given that Garda vetting can determine the future employment prospects or otherwise of individuals whose organisations or companies have applied for vetting, does the Minister think it was appropriate to use interns to process or be in any way part of the processing of the confidential and sensitive material being assessed and processed by the Garda vetting unit, given that not all of this material is necessarily in the public domain? Details disclosed during Garda vetting include details of all convictions or prosecutions, successful or otherwise, and pending or completed prosecutions in the State or elsewhere. Is it appropriate for JobBridge to be used in this way to fill positions vacant due to the public sector recruitment embargo and to carry out policing duties? Does the Minister agree that this is a form of yellow pack policing or public service?

I have been critical of JobBridge but my point has always been to ensure that the internship experience is enhanced and to prevent abuse of these young or older jobseekers. Does the Minister believe that if a criterion is imposed, it needs to be properly resourced? In this case, the Garda vetting unit has not been fully resourced. Is she sure about the work carried out by those interns in that process and have interns been vetting other interns? That is the implication because everyone would have to have been interns.

In respect of the suggestion that interns have a promise of future prospects of employment, there is no possibility of their being recruited into the Garda vetting unit in the future given the Garda and public sector recruitment embargo so the applicants are being sold a pup.

Deputy Joan Burton: The redeployment and use of staff is an operational matter for the Garda Commissioner in conjunction with his senior management. Neither the Minister for Justice and Equality nor I have a role or function in that matter. The allocation of all resources, including civilian personnel such as interns, is a matter for Garda management. In this case, I am advised by An Garda Síochána via the Department of Justice and Equality that no JobBridge interns were engaged at the Garda central vetting unit to conduct vetting checks. I noted earlier that the Garda Síochána hosted 13 interns, of whom eight were assigned to duties in the Garda vetting unit. Six of the latter have completed their internships and two are on placement. My Department has received assurances from the Department of Justice and Equality that the interns were not involved in conducting checks on vetting applicants nor had they access to these data. They were engaged solely in a clerical capacity.

The Deputy asked whether such work experience is valuable, whether in the public or private sector. The Indecon survey shows that more than 50% of people who completed JobBridge internships went on to further work. In respect of the public sector, which faces a difficulty with the embargo, over 40% of people who took on internships in public bodies were placed subsequently in employment. By working in quality internships these mostly younger people got references and work experience, which are very valuable in helping them to find subsequent employment. I cannot see why the Deputy and Sinn Féin are so opposed to young people being assisted in getting work, particularly young graduates who have just come out of college and find it difficult in today's jobs market to find a work placement because they have no previous work experience. The internship gives them work experience.

Deputy Aengus Ó Snodaigh: The abuse of the internship is wrong. The Minister misun-

derstood what I said.

Acting Chairman (Deputy Peter Mathews): Deputy Ó Snodaigh -----

Deputy Aengus Ó Snodaigh: I support JobBridge if it offers an enhanced job seeking mechanism. It is not such a mechanism if it is being abused, whether in the State sector or private sector.

Acting Chairman (Deputy Peter Mathews): I remind Deputies and the Minister that we have a programme to complete which involves five priority questions in 30 minutes. We are now well over the time allotted to these questions. We either conduct this session in accordance with the rules and protocols or it becomes a free-for-all. What do Members want? Please help me to do my job.

Community Welfare Services

125. **Deputy Joan Collins** asked the Minister for Social Protection if the community welfare offices (details supplied) in County Dublin are being closed and staff services being centralised to Parnell Road and Bishops Square, social welfare offices; and if she will make a statement on the matter. [4270/13]

Deputy Joan Burton: The Department is in the process of major organisational change following the transfer of responsibility for community welfare services and FÁS employment and community employment services. We have taken approximately 1,000 community welfare service staff and 700 FÁS staff into the Department.

The Department is committed to developing and implementing a case management approach across the full range of its services, with a focus on working with the person rather than the scheme. In implementing this challenging programme of change, the objective is to ensure that all services provided are co-ordinated and support customers and clients of the Department through the development of improved processes and the concentration of staff and resources in integrated units. Skilled and knowledgeable case managers will work with individuals in need to ensure that they not only receive the appropriate income supports but are also helped to find a way in which they can participate to the fullest extent possible in their community, economy and workforce.

This is the context in which the services provided in Dublin 12 are being reviewed. The offices referred to by this question are located in Curlew Road Health Centre, Drimmagh, Dublin 12; Cashel Road Health Centre, Crumlin, Dublin 12; and Parnell Road Health Centre, Dublin 12. The hours during which the services are provided are Mondays, Tuesdays and Thursdays from 9.30 a.m. to 11 a.m. and Fridays from 10 a.m. to 11 a.m. It is also important to note that the review is ongoing and that a final decision has not yet been made on the location and nature of services to be provided. I assure the Deputy that the overall priority is better customer service and that members of the public and public representatives will be fully informed about the changes being proposed and consultation will take place.

Deputy Joan Collins: I appeal to the Minister not to move on any closure of the community welfare offices in Crumlin or in Curlew Road. These offices are in the heart of their communities where people can access them. Their staff have significant experience and know exactly

who is who and what goes on in the area. They have their ear to the ground with regard to work in the area. Closing these offices and moving the staff to Parnell Road and Bishops Square would be brutal for the people in the community. These people have little or no money and many of them are ill and waiting for appeals on disability. Now they will have to travel further into town although they can little afford the €2 for the bus to get there.

This removal of community offices from the heart of the community is a retrograde move by the Department. Morale is completely down within the offices in this regard. People are worried. Voluntary organisations have contacted our offices on this and they are hugely concerned that these offices are being pulled out of the area. It is the wrong move and I ask the Minister to reconsider it.

Deputy Joan Burton: I wish to reassure the Deputy that we consult very widely with the kind of community organisations to which she referred. However, it should be borne in mind that we took over a service where we had 1,000 community welfare service officers, many of whom handled not just special payments and rent, but also social welfare assistance. As we move to the new model - this should be good news, it was done with a number of offices last year and it is proposed to do it in a large number of offices this year - what happens is that people who come in for social welfare assistance have their claim dealt with within a couple of days or a week at the most.

As the Deputy knows, people who took the traditional community welfare route often had to wait quite a number of weeks before they got whatever payment they were due. This is a very big change in the service, but it means we can now use the talents and resources of the community welfare service officers to help people getting back to work and education and to take up opportunities such as community employment, as well as providing the traditional service. The assistance services will largely be integrated into the offices, which will free up time for a more targeted person to person service for each person in receipt of a social welfare income.

Deputy Joan Collins: I do not think that washes from the point of view of the community in the Dublin 12 area. The Parnell Road office is a tiny office. Currently it is very busy, yet the Minister is talking about bringing in claimants from Dublin 6, 6W, Dublin 12 and Bluebell. That is ridiculous and will not work. People will be queuing up outside trying to access the office. I appeal to the Minister not to go ahead with this. Surely, with computerisation that work could be brought to the community welfare offices in Crumlin, Limekiln and Curlew Road. I urge the Minister not to take this step as it will have a detrimental effect on the people who need the service most.

Deputy Joan Burton: Change is always difficult and it takes some time to implement. However, we are consulting the organisations and we are determined to improve the experience and the service for people, particularly with regard to helping people get back to work and to transforming the long waits people used to face for assistance.

Deputy Aengus Ó Snodaigh: There is no improvement for people with what is happening.

Deputy Joan Burton: We must move to improve the service.

Acting Chairman (Deputy Peter Mathews): If the Deputies and the Minister want to continue the discussion, it should be done outside the Chamber. I must take care of conducting the business here. We will move on to Question No. 126.

29 January 2013

Social Welfare Code

126. **Deputy Willie O’Dea** asked the Minister for Social Protection when the Commission on Social Welfare and Taxation (details supplied) will be published; if the Programme for Government commitment on Social Welfare rates still stands; and if she will make a statement on the matter. [4269/13]

Deputy Joan Burton: Creating jobs and tackling poverty are two of the key challenges that Ireland now faces and it is essential that our tax and social protection systems play their part in addressing these issues. To this end, and in line with commitments contained in the programme for Government, I established the advisory group on tax and social welfare in 2011, with the aim of harnessing expert opinion and experience to examine a number of specific issues and make cost effective proposals for improving employment incentives and achieving better poverty outcomes, particularly child poverty outcomes. The group’s overall method of working is based on producing modular reports on the priority areas identified in the terms of reference. These areas include, among others, child and family income supports, working age income supports, issues concerning social insurance for self-employed persons and the budget 2012 proposals concerning disability allowance and domiciliary care allowance.

The group commenced its work programme by prioritising the area of family and child income supports. It subsequently submitted its report to me. I have been considering its findings since I received the report. I have held discussions with my ministerial colleagues on the issues raised in it. In this regard, I asked my officials to undertake further analysis of the implications of the reform options outlined in the report. They supplemented their analysis of the report by using the SWITCH tax-benefit model to determine the financial impacts and poverty outcomes that might arise from the proposals made in the report. A detailed assessment of the administrative and operational changes that would be required to implement the proposals was also carried out. I intend to publish the advisory group’s report on this issue in the very near future. The group recently submitted to me its report on the budget 2012 proposals concerning disability allowance and domiciliary care allowance. I intend to publish this report in the near future. I understand the group is considering the issues involved in providing social insurance cover for self-employed persons and the issue of working age income supports.

Deputy Willie O’Dea: The Minister has told us that the committee was established. We knew that. She has also told us what the group was supposed to do and what its terms of reference were. We knew that also. We need to make the best use of the limited time we have available. When exactly did the Minister receive this report? Why has it not been published to date? Parts of it have been selectively leaked and I have read about it in the newspapers. Given that the taxpayer paid for the report, why should it remain in the possession of the Minister for an indeterminate length of time after it has been produced? The rest of us should have access to it to see what it states. If the recommendations made in the report are implemented, they will have a profound effect on hundreds of thousands of people throughout the country. When exactly will the report be published? I remind the Minister that the question I tabled to her referred to the Government’s commitment to maintain core social welfare rates. Does that commitment still stand, even within the parameters of the narrowest possible definition given to the term “core social welfare rates”? In the light of the child benefit cuts made in last month’s budget, the Minister announced the creation of 6,000 after-school places for primary schoolchildren.

Deputy Joan Burton: Yes.

Deputy Willie O’Dea: What progress has been made in implementing that measure? The budgetary cuts have already kicked in.

Deputy Joan Burton: The programme for Government contains a commitment to maintain welfare rates. The commitment relates to primary weekly social welfare payments intended to enable recipients to meet their basic day-to-day income needs. As the Deputy will be aware, there were no reductions in primary weekly social welfare payments, including increases for qualified adults or qualified children in budget 2012 or budget 2013.

Deputy Willie O’Dea: The Government has reduced the period of time for which payments are made.

Deputy Joan Burton: By comparison, the Deputy’s party reduced the rates by €16.30 a week.

Deputy Willie O’Dea: People are living in penury.

Deputy Joan Burton: There was a reduction of €8 in one year and €8.30 in another.

Deputy Willie O’Dea: At least we can say we increased them over a long period, unlike the Labour Party.

Deputy Joan Burton: That amounts to €16.30 a week.

Deputy Willie O’Dea: We increased social welfare payments enormously.

Deputy Joan Burton: These reductions were made by Fianna Fáil.

Deputy Willie O’Dea: The Minister and her colleagues have never done anything other than reduce them.

Deputy Joan Burton: People have not forgotten that.

Deputy Willie O’Dea: They will find out about it when they go to the polls.

Acting Chairman (Deputy Peter Mathews): We are getting two voices for the price of one.

Deputy Joan Burton: The Deputy’s second question was related to the proposed creation of 6,500 after-school child care places. I am happy to say the issue is being worked on intensely by my colleague, the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald. We expect to have the scheme up and running within-----

Deputy Willie O’Dea: When are the places going to appear?

Deputy Joan Burton: I expect to have very detailed proposals some time after Easter.

Deputy Willie O’Dea: That could mean any time up to next Christmas.

Deputy Joan Burton: The Deputy will understand the creation of such a system is quite demanding. We will have it up and running in the near future.

Deputy Willie O’Dea: Is the Minister still maintaining her commitment to maintain core rates, as she understands them?

29 January 2013

Deputy Joan Burton: What I said to the Deputy is that, unlike Fianna Fáil, which cut the core weekly rates by €16.30 a week-----

Deputy Willie O'Dea: We had increased them substantially.

Deputy Joan Burton: -----in both this year's budget and last year's, this Government did not cut core weekly rates. I cannot comment, however, on budget 2014 decisions, as the Deputy will be aware.

Acting Chairman (Deputy Peter Mathews): We will move on to Question No. 127.

Deputy Willie O'Dea: In that case, the Minister would not regard the cuts to children's allowance, carer's allowance and the length people are paid jobseeker's allowance as core cuts. Her definition is extremely narrow. Fianna Fáil can take pride from the fact it increased social welfare rates in this country very substantially, unlike the Labour Party.

Deputy Joan Burton: And then cut them by €16.30 a week.

Deputy Willie O'Dea: The Minister talks about what the people think. She will find out soon enough.

Acting Chairman (Deputy Peter Mathews): Order, please.

Deputy Willie O'Dea: If she knocked on the doors in Limerick, she would find out what people think about the Labour Party. There is no way it is on 11% in Limerick, I can tell her that.

Acting Chairman (Deputy Peter Mathews): We are 20% over time, cumulatively. Is that fair? It is not fair.

Deputy Willie O'Dea: The Minister spends too much time giving us information we already know.

Information and Communications Technology

127. **Deputy Thomas Pringle** asked the Minister for Social Protection the steps she is taking to ensure the efficient operation of computer systems within her Department in order to allow for the effective management of information and to cross reference data with other State agencies such as the Revenue Commissioners; and if she will make a statement on the matter. [4440/13]

Deputy Joan Burton: The Department of Social Protection has a number of systems which have been developed over many years to enable it to pay multiple groups of clients and manage data in regard to the various schemes. These systems reliably deliver over 87 million payments yearly between them. Although developed independently, mechanisms exist on its major systems whereby significant changes made to customer or claim details are automatically notified to other systems.

I apologise for all the technical jargon. Basically, the Department is building a single ICT platform, known as the Business Object Model implementation, or BOMi. The work is carried out as part of the Department's continuous service delivery modernisation, SDM, programme.

As this programme progresses, all the Department's client and claim related systems will be integrated into the one platform, ensuring that all client and claim information is fully and automatically available across all of the Department's schemes and places of business.

A high-level group, established between the Department and the Revenue Commissioners, co-ordinates issues of mutual concern between the two organisations, including information sharing. Further information sharing initiatives are put in place as new requirements are identified and specified. The Department also works closely with other agencies to mitigate social welfare abuse and to help them in dealing with their own clients; for example, the Department provides validated information to over 50 other agencies in regard to life events and deaths.

A key priority for the Department is to ensure that fraudulent activity within the social welfare system is vigorously prevented and combated. Social welfare fraud undermines confidence in the entire system. We are co-operating, for example, with the Revenue Commissioners, the Irish Prison Service, the third level institutions, the General Register Office, the Commission on Taxi Regulation, the Department of Work & Pensions in the UK and the Probate Office, just to mention some of the offices with which we co-operate and share information.

Deputy Thomas Pringle: On a point that is not within the Minister's control, the question listed on the Order Paper is not the question I submitted to the Department and leaves out a substantial part of the question, although the Minister addressed that part in her reply, for which I thank her as I had thought I might have to raise the issue separately. Nonetheless, as the Questions Paper should reflect the question that was actually submitted by the Member, I am disappointed.

Throughout last year, I was trying to carry out research in regard to child benefit payments and social welfare recipients. In trying to get the information for that through parliamentary questions, I discovered that different computer platforms, as they are known, in the Department cannot yet cross-reference with each other. This is a very out-of-date system for any Department, particularly one as important as the Department of Social Protection. I welcome the answer that they are building a single ICT platform to deal with this. What is its delivery date? How fast is it progressing and will it be on target?

Deputy Joan Burton: The Deputy is correct in saying the Department of Social Protection's systems are separate and, to some degree, in silos. Ultimately, with the development of modern IT and cloud computing systems and other developments, one can envisage a situation where over time they will be brought together. From my experience as a Minister for the past year and three quarters, one has to be very careful when one changes systems that the person receiving the income from that system is not placed at a serious disadvantage. Further to Deputy Willie O'Dea's question about disability allowance applications and applications for domiciliary care allowance, we upgraded that system, but the upgrade took a long time to complete because we had to pay existing clients, include new applications in the new system and deal with the backlog. One thing I have learned is that it takes some time, but the Department is working on the system and will develop it. We have already achieved a significant number of serious reforms and, as I said to Deputy Joan Collins, people using the new offices are finding that the payment process is much faster. For instance, the office for in Donegal which is now handling FIS payments has made tremendous improvements in its processing times with the result that there is no backlog. Therefore, it does produce results, but it takes time to manage the changeover.

29 January 2013

Topical Issue Matters

Deputy Acting Chairman (Peter Mathews): 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 Ann Phelan - the need to revisit the case of the murder of Fr. Niall Molloy;

(2) Deputy John Paul Phelan - the need for the Health Service Executive to alter its recruitment policy in respect of psychologists in order to allow for the recruitment of both educational and counselling psychologists;

(3) Deputy Maureen O'Sullivan - the implications of imposing a property tax on housing associations;

(4) Deputy Anthony Lawlor - the need to have science as a mandatory subject at junior certificate level;

(5) Deputy Jonathan O'Brien - the relocation of Blackpool Post Office, Cork city;

(6) Deputy Pearse Doherty - the restructuring of the Anglo-Irish Bank promissory notes;

(7) Deputy Regina Doherty - the need for cash for gold outlets to specify that customers bringing in second-hand gold items are requested to provide evidence of photo ID and other forms of ownership;

(8) Deputy Catherine Murphy - the delays in completing school accommodation works at St Anne's national school, Ardclough, County Kildare;

(9) Deputy Michael Moynihan - the need to ensure specialised units for treating epilepsy in Cork University Hospital and Beaumont Hospital, Dublin are fully utilised and operated;

(10) Deputies Billy Kelleher, Richard Boyd Barrett, Denis Naughten and Caoimhghín Ó Caoláin - the way in which capital developments were expedited in Kilkenny and Wexford;

(11) Deputy Michael McNamara - proposals for the alignment of local government and local development; (12) Deputy Thomas P. Broughan - proposals for the alignment of local government and local development;

(13) Deputy Mick Wallace - the need for more direct action to combat obesity; (14) Deputy Aodhán Ó Ríordáin - the redirection of receipts from the upcoming levy on on-line betting into sports, other than horse and greyhound racing, and health infrastructure;

(15) Deputy Eamonn Maloney - the new school book rental scheme;

(16) Deputy Martin Ferris - the future of Coillte;

(17) Deputy Joe Higgins - the terms of the promissory note payments;

(18) Deputy Mattie McGrath - the need to solve ongoing problems with the payment of grants by SUSI;

and (19) Deputy Simon Harris - the provision of primary school places in Kilcoole and Greystones, County Wicklow.

The matters raised by Deputies Billy Kelleher, Richard Boyd Barrett, Denis Naughten, Caoimhghín Ó Caoláin, Michael Moynihan, Eamonn Maloney and Simon Harris have been selected for discussion.

Ceisteanna - Questions (Resumed)

Other Questions

Respite Care Grant

128. **Deputy Niall Collins** asked the Minister for Social Protection if she will outline her plans for the future of the respite care grant; and if she will make a statement on the matter. [4081/13]

398. **Deputy Dara Murphy** asked the Minister for Social Protection if savings are found within her budget during 2013, is it envisaged that the cut to the respite care grant will be restored; and if she will make a statement on the matter. [3993/13]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 128 and 398 together.

Expenditure on carers has increased significantly in recent years. In 2013 it is estimated to be €776 million, compared with an estimated outturn of €771 million in 2012. The expenditure on carers in 2012 included €509 million on carer's allowance, €24 million on carer's benefit, €135 million on the respite care grant and €103 million on domiciliary care allowance. This represents an increase of almost €20 million on expenditure in 2011. Even with the reduction in the respite care grant, expenditure on carers in 2013 will be higher than in 2012.

The respite care grant which is not means tested is paid to approximately 70,000 people each year, with approximately 4,000 receiving more than one grant as they care for more than one person. There are almost 52,000 people in receipt of carer's allowance. Of these, over 23,000 are receiving half-rate carer's allowance in addition to another social welfare payment at an annual cost of some €90 million. There are over 1,600 people in receipt of carer's benefit. The numbers in receipt of a carer's allowance payment from the Department have increased by more than 150% in the past ten years from 20,000 in 2001 to 52,000 in 2012, while expenditure on the scheme has increased by almost 220% in the same period.

I am acutely aware that the reduction in the respite care grant is difficult for carers. However, in order to protect the core weekly payments which people receive, including disability payments, pensions and carer's allowance, the Government had to look very carefully at other additional payments, including the respite care grant. Such an annual payment, in a single lump sum with no requirement to satisfy a means test, is not available for any other group, nor is there an equivalent payment for carers in any other country in Europe. I have no plans to amend the respite care grant at this time. As Deputies know, the income disregard and means test for carers are the most generous within the social welfare system. A couple aged under 66 years with two children, earning a joint annual income of up to €35,400, can qualify for the maximum

29 January 2013

carer's allowance payment, while a couple earning just under €60,000 will still qualify for the minimum rate and may also be eligible for the household benefits scheme.

Deputy Willie O'Dea: I refer to Question No. 398.

Acting Chairman (Deputy Peter Mathews): One minute is allowed per question and reply. The rules have changed.

Deputy Willie O'Dea: I understood the minute rule applied to general questions. Deputy Dara Murphy and I asked the Minister whether she envisaged this cut being reversed. Although there was no direct answer, I take it from what the Minister stated that the answer is "No". She gave an expenditure figure of €776 million for carers. Will she agree that the cost of care provided on a voluntary basis, at some 900,000 hours, if costed, would amount to €77 million per week, which is effectively a contribution of some €2.5 billion to the Exchequer? In other words, we are getting back from carers almost four times what we are giving to them. In view of this and the work they are doing - many carers testified in a recent survey that their own physical health had been affected - and given that the budget deficit figures came in beneath target, will the Minister reconsider the decision to impose the cut in June?

Deputy Joan Burton: Like the Deputy, I have immense personal knowledge of the work carers do. What is important for carers is their weekly income. In government the Deputy's party cut the weekly income of carers by €16.30 a week.

Deputy Willie O'Dea: That cut was reversed.

Deputy Joan Burton: From speaking to carers, we know that such a reduction affects them most.

Deputy Willie O'Dea: Why then did the Minister axe the grant?

Deputy Joan Burton: The work carers do is incredibly valuable-----

Deputy Willie O'Dea: We know that.

Deputy Joan Burton: -----for the people for whom they care, particularly within a family. I agree that many carers provide an extraordinary level of care and in the process suffer from considerable exhaustion. In the case of the respite care grant, the cut reduced the payment to above 2006 levels. Given the economic pressures on the country, as bequeathed by the Deputy's party-----

Deputy Willie O'Dea: Will the Minister reverse the cut?

Deputy Joan Burton: -----he must admit that in 2013 there will be an increase in overall spending on carers-----

Deputy Willie O'Dea: Waffle. Deputy Colm Keaveney, the Minister's party chairman, voted against this measure.

Deputy Joan Burton: -----which is a mark of the consideration, respect and admiration the Government has for the work they do.

Deputy Willie O'Dea: Will there be further cuts?

Deputy Joan Burton: We are determined to continue to support carers and not to do what Fianna Fáil did and reduce their weekly payment by €16.30.

Deputy Willie O’Dea: Will there be further cuts? I take it the answer is “No”.

Employment Support Services

129. **Deputy Joan Collins** asked the Minister for Social Protection if she is planning to bring in a jobbridge type scheme to take thousands of unemployed persons into local authorities on internships; her views on this type of scheme; and if she will make a statement on the matter. [3913/13]

158. **Deputy Richard Boyd Barrett** asked the Minister for Social Protection if she is planning to bring in a jobbridge type scheme to take thousands of unemployed persons into local authorities on internships; her views on this type of scheme; and if she will make a statement on the matter. [3916/13]

172. **Deputy Martin Ferris** asked the Minister for Social Protection if she will provide details on the new local authority social employment scheme; the persons who will qualify; and if it will be open to people on disability. [4061/13]

386. **Deputy Michelle Mulherin** asked the Minister for Social Protection if she will provide details of the new local authority scheme announced by her; the way the scheme will operate and the types of work within a local authority that will be covered; and if she will make a statement on the matter. [3800/13]

387. **Deputy Michelle Mulherin** asked the Minister for Social Protection the criteria for eligibility as a participant on the additional community employment placements and new local authority scheme announced by her in Budget 2013; and if she will make a statement on the matter. [3801/13]

(Deputy Joan Burton): I propose to take Questions Nos. 129, 158, 172, 386 and 387 together.

I am happy to say spending has increased very significantly on employment support schemes, from €958 million in 2012 to an estimated €1.045 billion in 2013. As part of this increased expenditure, there will be 10,000 additional work placements. The Government, as part of the budget package for 2013, announced a number of initiatives focused on providing work opportunities for those currently unemployed. The key elements of this package are to add an additional 2,500 places to the JobBridge programme, 2,000 places on community employment schemes, 2,500 on Tús – the community work placement initiative - and the development of a new initiative with local authorities to provide 3,000 opportunities in 2013. This is in line with the commitments set out in the Action Plan for Jobs and Pathways to Work. The design of the local authority initiative and the nature of work to be undertaken will require consultation with a range of stakeholders, including those bodies responsible for the delivery of other schemes funded by the Department of Social Protection. Development work on this new initiative has commenced with the local authorities. The method of allocating places, the criteria for selection of participants and the timetables for the development of pilot schemes to inform the design of the scheme and the roll-out of the full initiative have yet to be agreed.

29 January 2013

I made announcements in recent days on the roll-out of new community employment placements to which the same eligibility criteria will apply. I hope to announce the allocation of additional placements on Tús in the coming days once the necessary consultation with local development companies has been completed.

Deputy Joan Collins: The Minister has stated a new scheme involving 3,000 job placements is coming on stream and that these placements will be with local authorities which have lost approximately 7,000 staff in recent years. Why is she establishing a new scheme under which those who take up job placements will not be paid the same amount as those already employed in a particular section or department? How will the scheme operate? Will those participating in it be paid €50, as is the case with their counterparts on the JobBridge programme? Will the placements be for a short period? Is it intended to take the people concerned into local authorities as workers? People were stunned when the announcement to the effect that placements of this type were to be created, particularly as that announcement was made by a Labour Party Minister. Will the Minister clarify exactly what will be involved? Will the placements be similar to those on offer under the JobBridge programme? Will they be short-term or long-term in nature? How much, if anything, will those offered placements be paid? Will all of the placements be offered to people who are long-term unemployed? What will be the position on people not in receipt of social welfare payments and who are long-term unemployed?

Deputy Joan Burton: The terms and conditions relating to and the duration of these placements will be broadly similar to those which obtain to community employment schemes and Tús. Local authorities will organise a number of pilot schemes which will commence during February and inform the final design of the scheme. It is anticipated that the local arrangements to permit the pilot schemes to commence in February will be concluded in the coming weeks. My aim is to have the full scheme in operation by sometime in the middle of the year and to have 3,000 people on placements towards the end of the year.

The scheme will be very much geared towards people who are unfortunate enough to be long-term unemployed. We will be considering people who have been not one but rather two or more years on the live register and who have not been participating in education, training or employment. The scheme is designed to assist people in gaining work experience and also in carrying out valuable work in their communities and local authority areas. The response to the Tús and JobBridge programmes has been extremely positive. I await the launch of the pilot schemes which are due to commence in February by the local authorities. The response and interest from communities have been extremely positive.

Acting Chairman (Deputy Peter Mathews): I will allow Deputy Collins one supplementary question as Deputy Wallace wishes to contribute.

Deputy Mick Wallace: Ladies first.

Acting Chairman (Deputy Peter Mathews): I thank the Deputy. He is very gracious.

Deputy Joan Collins: I am sure people want to do valuable work. I know they want to work rather than sit at home. However, the Minister's proposal is not creating jobs. It seems she is creating short-term placements without any long term work. People want to work until they are 60 or 65. They do not want a short-term job such as cleaning parks, for example. If the local authorities need the work done, why not create a job? This is preferable to using low paid workers who are on social welfare and paying them €50. It is outrageous.

Deputy Joan Burton: This time last year, Deputy Collins was very concerned that there were not sufficient places available on community employment schemes. Now she seems worried by our provision of extra places.

Deputy Joan Collins: We do not know what the scheme is.

Deputy Joan Burton: The critical issue is that there are numbers of people who have been out of work for a very long time. A part-time job placement with a local authority is restricted to less than 20 hours. There is a fair level of interest in this scheme, particularly in rural areas because people are contributing to their local community. It is a very positive opportunity for individuals who, through no fault of their own, have lost their jobs. Such a person may have been employed in the building trade and the job disappeared. In some cases, people have returned to their home rural areas while others have been at home for a long period of time. I am told by people that they would love an opportunity to get back into work. Ireland's economic situation is known to the Deputy. In applying for a job the person who is more than two or three years on the live register, as opposed to a person already in employment in another job or who may be recently finished college or school, is at a significant disadvantage. This scheme is a way of helping people who have been out of work for a long time to avail of education, training and work experience. They can then make a valuable contribution to their own community while gaining good quality experience which will help them to go for a job.

Deputy Mick Wallace: The Minister's point is that the long-term unemployed are more deserving of assistance in some form. For those who wish to avail of the scheme will she consider relaxing the rule whereby a person must be unemployed for a period of three months before availing of the scheme? Is it true that lone parents and people with disabilities are not eligible to avail of the scheme? The final report from Indecon was expected last December. Has this report been published?

Deputy Joan Burton: I have received a draft copy of the Indecon report. It confirms the initial figures that more than 50% of people who took a JobBridge internship in the private sector have proceeded on to further work and approximately 40% in the case of those in public sector internships. These are preliminary results but they are positive and are in line with the initial survey carried out by Indecon.

The Deputy asked a question about JobBridge. Since last May the JobBridge scheme has been open to people with a disability and to lone parents. Initially JobBridge was confined to people on the live register for at least three months. On the question whether the requirement of a period of time on the live register should be dropped, I will have to think about that. The Deputy will know that some people have been unemployed for a very long time, out of work for two and three years. These people are now quite far removed from the labour market. As well as offering JobBridge-type opportunities to people who have been unemployed for a very short period of time, it is also necessary to consider the people who are out of work for a very long time, particularly those out of work for more than two years.

3 o'clock

We are reviewing continually all the various opportunities to ensure people get a chance. It may be a chance to return to education or training, but this does not suit everybody. There is a demand for community-based employment according to the terms of the community employment scheme. As one will know, those concerned do tremendous work in various communities

throughout the country.

Deputy Aengus Ó Snodaigh: There is not enough detail available on the scheme so it is difficult to question the Minister. A key question concerns why an existing scheme, such as the community employment scheme, Tús or even JobBridge, is not used. Does the Minister intend to use the proposed local authority scheme to undermine craft workers and their rates? I refer to electricians or bricklayers who have been unemployed for a long time and who may be going to a local authority to do some type of work. If the Minister does not intend to do what I have outlined, I cannot see how she can separate the work from that which already exists for workers in the local authority. Why not employ the staff directly? Is the Minister proposing a kind of chain gang of unemployed people who will be sent out to clean the street or sewers or cut the grass? In the past, this kind of work was carried out by direct labour employed by the local authorities. Over the years, local authority numbers have been reduced. While the Minister is still thinking about the new programme, will she take my point on board?

It is not only a question of allowing for work experience, as training needs to be made available also. There needs to be payment in recognition of the fact that one is working. We must ensure we take into account the training that is not available under Tús, for example. Tús, unlike the community employment scheme, does not have a training budget. In JobBridge, at least, one is placed in a work environment where it may be possible to get specific additional training from the employer. In the case of the proposed programme, the local authority should have to provide the required additional training, be it computer training or otherwise.

Deputy Joan Burton: As I stated, I am waiting for the local authorities to respond and establish pilot schemes. We expect that those schemes will influence the nature of the final schemes.

When I started Tús, there was nobody on it at all. There was no specification other than that it would be for people who were unemployed for more than one year. I do not know whether the Deputy has had an opportunity to meet people on a Tús programme in his constituency. There are now more than 5,500 people signed up to the programme. People with the best of skills who worked very hard during the building boom lost their jobs and found themselves unemployed for six months, then a year and then longer, thus becoming long-term unemployed. The programme has proven to be very popular.

With regard to the local authority social employment scheme, the critical point is to offer a high-quality experience that will provide for progression, as the Deputy stated. We hope to be in a position to achieve this when we get the details from the local authorities. I will keep the Deputy advised.

There can be a difference between rural and urban areas. In rural areas, in particular, there may be many unemployed people who were once in the building trade. A scheme such as the one proposed may well be of significant assistance to them. There will be some co-operation between existing schemes such as the community employment scheme. One should remember, however, that I have offered the community employment scheme 2,000 additional places under current terms and conditions. I am also providing for new projects where they may have been identified by community employment schemes, and I am ring-fencing a significant number of places for community employment schemes that deal with people with a history of drug problems. We are, therefore, trying to have a collection of schemes that meet the needs of various clients of the Department of Social Protection.

Deputy Willie O’Dea: A percentage of people on the live register were previously self-employed. I have had a number of requests that the JobBridge scheme be extended to the self-employed. Is this under consideration?

Deputy Joan Burton: There are self-employed persons now on the live register who after a period of time may qualify. As the Deputy is aware, on ceasing self-employment they would not normally have an immediate entitlement to social insurance payments but, ultimately, many of them will make a claim. I will obtain the figures for the Deputy. In that context, the people concerned under normal conditions would be eligible for any of the schemes mentioned. I will see if we can get the data for the Deputy.

Acting Chairman (Deputy Peter Mathews): Let me say to the Minister and the Members present that there is an opportunity before the next item on the clár for us all to express our deep sadness and condolences to the family of Detective Garda Adrian Donohoe who so courageously carried out his duties and in so doing lost his life. All Members of the House and staff are deeply saddened by the event and convey our deepest sympathy to his family and colleagues.

Deputy Joan Burton: On my own behalf and that of members of the Labour Party, of all parties and none throughout the country, I express our sincere condolences to the wife and children of Detective Garda Adrian Donohoe who must be experiencing tremendous grief and torment as a result of what happened to their beloved husband and father. It is important to note that, as a garda, he died protecting and serving his country. It is difficult to read some of the details in the newspapers. The murder was particularly callous, cold and merciless.

Acting Chairman (Deputy Peter Mathews): There will be formal expressions of sympathy on the Order of Business.

Deputy Willie O’Dea: I appreciate that, but I join colleagues in expressing sympathy to the detective garda’s family. He had very close family connections in Limerick. His brother-in-law is a serving member at Henry Street Garda station. On my own behalf and that of the Fianna Fáil Party, I express our sincere condolences and hope those responsible for this brutal murder will be brought to justice quickly.

Acting Chairman (Deputy Peter Mathews): There will be formal expressions of sympathy later.

Deputy Finian McGrath: There will.

Pension Provisions

130. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection further to Parliamentary Question No. 116 of 13 November 2012, stating that backdating the home-makers scheme to 1953 would cost the Exchequer in the region of €160 million and 1973, an estimated €150 million, if this is an annual cost; and the number of people that would be effected by the introduction of such a change. [4071/13]

(Deputy Joan Burton): The State pension is a very valuable benefit and the bedrock of the pension system. Therefore, it is important to ensure those qualifying have made a sustained contribution to the social insurance fund over their working lives.

The homemaker's scheme makes qualification for the contributory State pension easier by disregarding time spent out of the workforce on caring duties. The scheme was introduced in and took effect from 1994. Eligibility for the scheme is conditional on, first, meeting the standard qualifying conditions for State pension.

As previously stated, backdating the scheme would involve considerable costs. The 2007 Green Paper on pensions indicated that to back-date the homemakers scheme to 1953, the year when the unified system of social insurance was introduced in Ireland, would cost the Exchequer in the region of €160 million and to 1973, an estimated €150 million. These were immediate annual costs at the time of publication of the Green Paper. It is difficult to determine exact numbers, given the absence of information on those involved, including their family circumstances, work and insurance records. These costs took into account the likelihood that any backdating would go towards improving the position of those already in receipt of reduced payments or a qualified adult payment. The cost of the scheme, under current rules, is expected to increase in the coming years owing to the increase in female employment rates since 1994.

While my Department will keep the homemakers scheme under review, improvements which could result in further costs for the Exchequer could only be considered in a budgetary context where our financial position as a country had improved significantly.

Deputy Aengus Ó Snodaigh: The people affected by this are overwhelmingly women and worked in the public sector. The ones most hard done by are the ones who were forced to leave because of the marriage bar in the Civil Service. The Minister may be aware of a SIPTU campaign to highlight this issue. Prior to Christmas, several of its members highlighted their own personal testimonies on how they were affected. In one case, a woman who worked in Aer Lingus was forced to leave because of the marriage bar. The Minister stated consideration will not be given to the issue at this time. I urge her to look again at this matter. Does she know the number of people who will be affected by this over the next several years? As we have an aging population, I would assume that figure will be reducing

I too wish to express my and my party's sympathy to the family and colleagues of Detective Garda Adrian Donohoe.

Deputy Joan Burton: An analysis undertaken in the 2007 Green Paper on pensions, published by the previous Government, identified that to backdate the payment to 1953 when the current pensions system was introduced would cost €160 million. Even backdating the payment to 1973 would still involve substantial costs. I propose to keep this under review. However, I have to be honest with the Deputy. Every year social welfare pays out an extra €200 million to €300 million in pensions because we, happily, have many more older people living longer. With this increased population in retirement, I would find it difficult with the current budgetary restrictions to find an extra €160 million per year to cover the homemakers scheme. I will keep this issue under constant review.

Deputy Aengus Ó Snodaigh: The Minister has addressed my question. The key point is that society is moving forward and trying to address inequalities from the past. This matter is one of those inequalities. We should take the earliest opportunity to address it; it should not be just a matter of whether we can afford it. Equality in our society comes at a cost. In this case, it is a substantial cost but we must find a way of coming around this. The SIPTU campaign suggested a 1964 cut-off date rather than going back to 1953. There would not be much of a difference in the costs for these two dates. This matter must be kept under review.

Dáil Éireann
Leaders' Questions

Deputy Micheál Martin: Over the past several months, particularly over the past several weeks, we have been led to believe that a deal to restructure the promissory notes was all but done. We on this side of the House support the need for a restructuring of our bank debt. As the Taoiseach said in Paris before Christmas, “Ireland was the first and only country which had a European position imposed upon it, in the sense that there was not the opportunity if the Government wished to do it their way by burning bondholders.” In essence, the Taoiseach said Ireland showed solidarity to prevent the risk of contagion at the time which now needs to be reciprocated.

In addition, many media commentators felt a deal was clearly on the cards over the last while. To be fair to all of those concerned, the leaks and the usually well-informed sources certainly led people to come to such a conclusion. However, if it was not for Reuters we would probably have the same view today. The Government did not indicate all along, and certainly not last week, that there was any setback or any significant challenges particularly in the context of the ECB, European Central Bank, meetings. It was Reuters that revealed on Friday evening that the ECB did not accept an Irish Government proposal, claiming it was contrary to EU treaty law. Will the Taoiseach comment on this? Will he specifically outline to the House the Government’s proposal to the ECB on the promissory notes?

At this stage we need transparency. The Government has been negotiating for the past 18 months. There seems to be a lack of willingness to communicate the facts about the progress made, or otherwise, in the basic request the country has made to the ECB. How many ECB meetings are left where this issue will be considered? Will the Taoiseach indicate the impact any such deal will have on next year’s budget? The Tánaiste escalated the rhetoric several days ago when he told Latin American leaders meeting their European counterparts that any failure to arrive at a deal would be catastrophic. Will the Taoiseach explain what the Tánaiste meant by “catastrophic”?

The Taoiseach: I have been very clear and consistent about this since the negotiations and discussions with the European Central Bank began. The Government and the Governor of the Central Bank, who attends the meetings as a member from Ireland, have made it perfectly clear that this is not an easy situation to unravel. Clearly, the untangling of the deal done, which will cost €3.1 billion per year until 2023 and lesser amounts beyond and which amounts to almost €48 billion under the current arrangement, is not simple. If this were a simple issue to untangle, it would have been done long ago; if it were not as complicated as it is, then it would have been dealt with long ago. I have said consistently that what the Government wants is the best outcome that can be got for the taxpayer.

During complex and technical negotiations on a range of issues many matters are discussed. I want, and I am confident that we will have, a conclusion and a deal on this before the next payment date, which is due at the end of March. Deputy Martin said there were no significant challenges but there are and they are very significant, technical and complex.

Deputy Micheál Martin: I did not say that.

The Taoiseach: Deputy Martin said it in his comment just now. I wrote it down. He referred to significant challenges. Clearly, there are significant challenges.

Deputy Micheál Martin: I am asking “What are they?”

The Taoiseach: In any event, I put it to Deputy Martin that the general focus of these discussions has been about the range of options with regard to the promissory notes, the sources of funding, the duration of the notes, the interest rates applicable and all of that area. I have been clear in saying that we want to effectively restructure and re-engineer this situation to move from a high interest rate overdraft to a long-term, low-interest mortgage. It is within these parameters that we want to get the best possible deal for our taxpayers. The discussions have not concluded and I expect that we will have a conclusion by the next payment date, which is at the end of March.

I have no function and neither does the Government in calling European Central Bank meetings. It is a matter for the chairman and chief executive when they wish to call them. The Governor of the Central Bank attends those meetings.

What would the impact be? Clearly, it would make the debt sustainability more easy to deal with from an Irish perspective. It would strengthen the international view of Ireland making progress towards an exit from our programme. It is in these areas where we wish to get the best deal for the taxpayer here.

Deputy Micheál Martin: I am no wiser about the questions I asked. It is time for a little more transparency in terms of what is being asked. People are interested. They have been hearing for some time that a deal is certainly on the cards and will be concluded but no one has any idea what kind of deal is being discussed. Ultimately, when a deal arrives, will it be the real deal the Taoiseach was looking for or will it be some watered down deal that emerges from the discussions with the European Central Bank? In essence, can the Taoiseach confirm that the European Central Bank is up for separating bank debt from sovereign debt? Is it committed to the game-changer decision, so described by the Tánaiste following the June summit last year? I would appreciate if the Taoiseach could elaborate.

Some one and a half years ago or perhaps less I put it to the House and I wrote to the Taoiseach suggesting that we join up. I suggested that we would be willing to support the Government and that all sides of the House, as the Oireachtas, could communicate a unified message to Europe in terms of the need for such restructuring. On that occasion the Taoiseach declined and suggested that perhaps the strands of opinion in the House were such that they would not command a uniformed response or position. I put it to the Taoiseach that I offered that in a constructive spirit in terms of the Oireachtas making a clear statement supporting the need for restructuring. I asked about the impact and the Taoiseach gave some indication in terms of the sustainability of our debt and programme. Does the Taoiseach envisage an impact of the deal in practical terms and in terms of the actual figures to be brought forward by the Minister for Finance in next year’s budget? Some people have suggested that the deal on the table last week could have realised €1 billion in savings and that such would be the impact on the budgetary figures next year. Will the Taoiseach confirm that or will he give his ball-park figure for what a deal could mean in practical terms for the people and their household day-to-day activities in terms of budgeting, savings, cutbacks and so forth?

The Taoiseach: The discussions taking place at the ECB are about the source of the funding, the duration of the notes, the interest rates applicable, the implications for a wider bank debt deal and the implications and options arising from it in respect of the financial system. In respect of the deal done by the previous Administration on the promissory notes, the unified

message which we have been sending clearly to Europe and in respect of which there has been powerful support from the Commission, the Council, the European Parliament and the IMF is that: first, it is unfair; second, it needs to be restructured and re-engineered; third, it would ease our debt burden in respect of the requirement to fork out €3.1 billion each March for ten years; fourth, it would strengthen market intent and reflect better on Ireland as a place that is open for business and a most suitable location for further investment; and fifth, it would help to ease our exit from the programme. We have been upfront about that and these five points are messages that anyone in the Oireachtas who would wish to support the measures could convey.

The detail of this is very complex and technical. Deputy Martin has referred on several occasions here following meetings of the European Council that it could be restructured quite easily. I assure Deputy Martin that if that were the case it would have been done long ago.

Deputy Micheál Martin: The Taoiseach keeps saying that but I never said it.

The Taoiseach: With regard to the decision of 29 June to break the link between sovereign debt and bank debt, following that on the single supervisory mechanism, the ECOFIN group started its discussions on this matter. When the matter of an extension of the mortgage situation for Portugal and Ireland in the same way as that applied to Greece was raised, the principle was accepted and it went to the working group for further consideration. If that is to happen, it would be separate from the recapitalisation discussions. I imagine it would be worth more than the figure mentioned by Deputy Martin but I would rather not put a figure on it. The important thing is the acceptance of the principle and the discussions that will follow. Clearly, if it is agreed and it can be followed through, it will be of substantial benefit to the country.

Deputy Micheál Martin: What did he mean by catastrophic?

Deputy Gerry Adams: We need a debate on the promissory note negotiations, a promissory note, the House will recall, which was created by Fianna Fáil and which the people cannot afford to pay.

I wish to put to the Taoiseach another question which I hope he will be able to answer clearly. Due to some intrepid work by journalists, who used freedom of information requests, we learned that hospital upgrades were fast-tracked by the Minister for Health, Deputy James Reilly, at the behest of the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, and the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, in their respective constituencies ahead of other hospitals upgrades and capital works in hospitals throughout the State.

No one in Sinn Féin begrudges the people of Kilkenny, Carlow or Wexford their hospital services. There are other priorities in the region, including the need for a palliative care centre for the south east. However, the Labour Party Minister for Public Expenditure and Reform, Deputy Brendan Howlin, authorised the €12 million budget for the Wexford Hospital upgrade without reference to the HSE board, which was only informed of these decisions one month after they were announced by the Ministers. The Government has downgraded hospitals in Dundalk, Navan, Ennis, Nenagh and elsewhere and it has broken promises to restore accident and emergency services to hospitals in Roscommon and Monaghan.

The problem with the Government, like the Fianna Fáil Government before it, is that there is no real transparency in Fine Gael and Labour Party decisions. The Taoiseach will recall the famous programme for Government in which he committed to openness and transparency, but

the decisions about these two hospitals, like the decisions of the Minister, Deputy Reilly, on primary care centres, were only revealed because journalists and Deputies asked questions. How long will the Taoiseach allow the Minister, Deputy Reilly, to act in breach of his commitments in the programme for Government and in complete conflict with the public interest?

Deputy Michael Healy-Rae: If any other Government did it, there would be war.

The Taoiseach: These projects have been in the pipeline since 2006. Deputy Adams will be aware that it is now 2013.

Deputy Finian McGrath: Bring home the bacon.

The Taoiseach: The Wexford General Hospital accident and emergency unit operated out of a converted pharmacy. I do not know if Deputy Adams considers that suitable or whether he thinks it should continue in that situation. At St. Luke's General Hospital in Kilkenny, accident and emergency has operated from a portakabin since 2000. Any public representative will understand that these are major hospitals which have had commitments for support from everybody in getting on with the provision of these facilities, which are part of the restructuring of the health system to ensure that patients have the best facilities available to them for their treatment. In 2006, the then Minister for Health and Children stood over here and described the fact that people were waiting on trolleys as a national emergency and said the situation was unacceptable. It was. The party that was then in the majority, Fianna Fáil, said it would take urgent action, but both projects have languished on the capital programme since then.

Deputy Micheál Martin: Not true.

The Taoiseach: Clearly, since this Government was appointed, waiting times have reduced significantly, while critical hospital infrastructure has been prioritised.

The project in Wexford comprises an emergency department, including a maternity delivery suite and a theatre with necessary equipment, with a main entrance. The project is under construction and good progress is being made. Do not deny that to the people of Wexford. What we want is to see more of such developments as quickly as possible in the interests of patients. The project is expected to be completed in 2014. To date, €2.5 million has been expended.

Deputy Willie O'Dea: When is the Limerick project commencing?

The Taoiseach: The St. Luke's hospital project comprises an emergency department, a medical assessment unit and a unit for day services, including endoscopy. Construction commenced in 2012 and the facilities are expected to be completed and operational by 2014. To the end of 2012, €1 million has been spent.

Deputy Adams should consider the outcome. Instead of having more reports, more capital programmes and more proposals sitting on shelves while nothing happens, it is about time we moved, with as much urgency as we can, to put blocks and concrete in place and make facilities available for the taxpayer - in this case, those in Kilkenny and Wexford who need these facilities, which have been operating out of portakabins since 2000 and 2002, respectively. These capital works were approved in the programme by the HSE and it is past time we got on with this. We must look at the outcome, which is of great benefit to the people of Wexford and Kilkenny.

Deputy Róisín Shortall: That is disingenuous.

The Taoiseach: Deputy Mary Lou McDonald is shaking her head. If she does not want these facilities made available to patients in those counties, she should stand up and say so.

Deputy Gerry Adams: Of course the people of Wexford, Kilkenny and Carlow and every other county deserve the very best hospital services. The Taoiseach is being disingenuous. The question I asked was on the transparency and accountability of Government decisions. It is not long since the Taoiseach's predecessors were boasting about how ministerial office brought benefits to their own particular constituencies. It was seen as acceptable and reported as such. There used to be speculation in the media about the benefits a ministerial appointment would bring to a particular constituency. That is now seen as wrong and as bad politics. We have had the spectacle of a Labour Party Minister of State resigning over such politics while a serving Labour Party Minister engages in strokes. The Taoiseach's Minister for Health is central to it all. I admire the Taoiseach's loyalty to the Minister.

Deputy Simon Harris: Deputy Adams was let down.

Deputy Gerry Adams: I am looking for the transparency and accountability referred to in the programme for Government. The Taoiseach has failed to provide a credible explanation as to why these hospitals, which obviously deserve to be upgraded, were fast-tracked. What were the criteria? What was the basis? Where is the record of the decisions? Why was the HSE not told until after the Ministers had made the announcements?

The Taoiseach: In the supplementary budget of 2009, the HSE's capital allocation was reduced by 32%. As a consequence, certain capital projects were deferred, or paused, as they like to call it in official terms. The Wexford and St. Luke's hospital projects were among those deferred. Despite the previous Minister's statement that urgent action was being taken and that the situation was unacceptable, the reality is that they were paused.

Deputy Gerry Adams: Like Dundalk.

The Taoiseach: In 2011, planning permission was in place for both locations and both projects had reached the detailed design stage. As it happens, in 2011, the Minister for Health, Deputy Reilly, made it crystal clear that his initial priority was to reduce the number of patients on trolleys, as set out in his policy on transforming the structure of health services delivery. As Deputies are aware, the Minister established the special development unit to tackle the scandalous situation at accident and emergency units throughout Ireland. In case Deputy Adams did not hear me the first time, I repeat that the medical assessment unit at St. Luke's hospital in Kilkenny has operated from a portakabin since 2000, while the emergency department at Wexford General Hospital has operated from a converted pharmacy.

Deputy Gerry Adams: I know that.

(Interruptions).

The Taoiseach: Deputy Mac Lochlainn may think that is acceptable. However, I am sure he was very happy to see the scale of investment in the accident and emergency unit at Letterkenny General Hospital, which the people up there were perfectly entitled to.

Deputy Finian McGrath: Free the portakabin two.

29 January 2013

The Taoiseach: Instead of persisting in the witch hunt of the Minister for Health, Deputy Reilly, and other Ministers - I understand the politics of that-----

(Interruptions).

The Taoiseach: I am much more interested in the outcome, in terms of bricks and mortar, facilities, equipment and professional staff to give patients in Kilkenny and Wexford the very best level of attention.

Deputy Michael Healy-Rae: The Minister is tougher than that.

The Taoiseach: A number of major hospital projects in the south were delivered under budget in 2011, and efficiencies were achieved. That enabled the Kilkenny project to be accelerated, while additional funding of €12 million was made available for the facilities in Wexford.

Deputy Róisín Shortall: The Taoiseach is embarrassing himself.

The Taoiseach: I supported that in Opposition and I support it now.

Deputy Micheál Martin: The Taoiseach supported Roscommon too.

The Taoiseach: No other projects have been delayed, omitted or withheld from the capital programme to accommodate these projects. Let us have a discussion about Roscommon some day if Deputies wish. I will tell the House about the increased activities that have taken place at that hospital.

(Interruptions).

The Taoiseach: The changes delivered have made Roscommon County Hospital a much busier place than it has been for very many years. What we need is to get on with these projects to provide facilities not only in Wexford and Kilkenny but in many other locations around the country.

Deputy Mattie McGrath: I welcome the Taoiseach back from his sojourn in Europe. I am delighted to take this first opportunity to question him across the floor of the House. I was very interested in his last replies to Deputy Gerry Adams, because I happen to represent one of those places - that is, Tipperary South, which includes part of west Waterford. We have suffered as a result of this cronyism. Fine Gael and its colleagues in the Labour Party promised us a new beginning and an era of greater transparency, honesty and integrity. It must have all washed down the Liffey in the recent floods, because what we are seeing now is the worst type of political cronyism. The HSE boss at the time, Cathal Magee, and Brian Gilroy, with whom I have an excellent relationship, knew nothing about this. Clinicians and other hospital practitioners in the south east region knew nothing either.

We were all buying into the idea, as we were told by the last Government and the HSE, that the way forward was through the development of centres of excellence, one of which would be located at Waterford Regional Hospital. All the consultants and everybody down to the porters bought into this and were working towards that. We let services go, as did Kilkenny, Wexford and Clonmel in the case of South Tipperary General Hospital, so that we would have the centre

of excellence in Waterford. We heard rumours before Christmas that there was a change of plan and that Kilkenny might align itself with Dublin. We received assurances from the Minister that this was not true. Thanks to our good journalists who made the enquiries under FOI, we found out that political cronyism was flying at its best. We never saw anything like it before. The Ministers for the Environment and Local Government and Public Expenditure and Reform had contacted the Minister for Health and were pulling at the hems all the time. Will the Taoiseach give us a guarantee that he will stop and out this? I know the two of them came to the Taoiseach's rescue and saved his bacon two years ago but this is not fair to the people of the south east or any other region who want patient care and not political slush funds in which the Government is involved in respect of the HSE and its funding with an eye to the next election because it knows its policies have failed in so many other areas, as was referred to recently in respect of the EU.

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

Deputy Mattie McGrath: We cannot have this. Can the Taoiseach give us an guarantee that the people served by South Tipperary General Hospital and people in the Waterford region will have the services to which they are entitled and that it will not simply be through the efforts of a Minister that a person is treated in a hospital? This is outrageous. The deeds of past Ministers condemned by the Government when it was in opposition pale into insignificance in comparison with it. Those in government are fast learners.

The Taoiseach: That would be a good speech from the back of a trailer outside Clonmel. I am glad to see the foremost member of the investigative troika in full flight. Compliments to him on his tie. My visit to Davos was not a sojourn, rather, it was a working visit that involved meeting international business leaders and politicians. The dividends will speak for themselves in due course. The Deputy mentioned cronyism and NewERA, for which legislation is on its way.

(Interruptions).

An Leas-Cheann Comhairle: Order please.

The Taoiseach: In respect of the difference of opinion between the Deputy and me regarding the meaning of NewERA, in June 2012, the Minister for Health appointed Professor John Higgins to chair a strategic group on the establishment of hospital groups. That board has representatives with both national and international experience in health service delivery, governance and linkages with academic institutions, which are part of progress for the future. The establishment of these trusts is a complex matter and there is an obvious need for communication and direct dialogue with all the organisations and individuals involved. Over 70 meetings have taken place as part of the process of establishing initial hospital groups. I expect the Minister for Health to be in a position to decide on an administrative basis the setting up of these groups inside the next month pending the introduction of the legislation. Before the trusts are legally established, the functioning of the groups must be reviewed and if changes prove necessary, they will be made with Government approval. Clearly, there are different views in the south east. It is an issue of concern from both the political and medical perspectives and relationships between various institutions and personnel all come into these discussions. I expect the Minister to be in a position to finalise that and the other groups around the country in

the next four weeks.

Deputy Mattie McGrath: I am disappointed with the Taoiseach's reply. How many front-line service staff does Professor Higgins's group include? The answer is none. The people in the south east are working towards the reconfiguration and the centre of excellence in Waterford Regional Hospital in Ardkeen. This has been the template for the past number of years. Will the Taoiseach allow the Minister for Health to wreck that, put people's lives in danger and put the constituents of different Ministers first? We have seen it recently with the distribution of national lottery funds in Wexford. Is this Government aware of the medical and economic consequences of the proposed realignment of hospital services?

Professor Higgins believes his loyalty is to Cork. He also sees a spin off from South Tipperary General Hospital to Cork if Waterford is gone.

Deputy Jerry Buttimer: That is not true.

Deputy Mattie McGrath: The people of the south east will not take this. The Taoiseach should not insult the staff and services in St. Luke's Hospital and in Wexford by saying-----

Deputy Jerry Buttimer: On a point of order.

(Interruptions).

An Leas-Cheann Comhairle: There will be no points of order. This is Leaders' Questions. I ask Deputy Buttimer to resume his seat.

Deputy Jerry Buttimer: Deputy McGrath has named an individual who is not in the House to defend himself and who is acting for a Government of all hues. I ask the Deputy to withdraw the remark.

An Leas-Cheann Comhairle: This is Leaders' Questions. I ask Deputy Buttimer to resume his seat.

Deputy Jerry Buttimer: I ask the Deputy to withdraw his remark.

An Leas-Cheann Comhairle: I ask Deputy Buttimer to resume his seat. We will deal with this. I ask Deputy McGrath to conclude. This is Leaders' Questions.

Deputy Micheál Martin: Deputy Buttimer is outrageous.

An Leas-Cheann Comhairle: I ask Deputy McGrath to conclude as his time is up.

Deputy Mattie McGrath: I remind Deputy Buttimer that it was the Taoiseach who first named Professor Higgins.

Deputy Jerry Buttimer: Deputy McGrath should withdraw the remark.

Deputy Mattie McGrath: Deputy Buttimer is not in the health committee waving his hammer

(Interruptions).

An Leas-Cheann Comhairle: I ask Deputy Buttimer to resume his seat.

Deputy Mattie McGrath: He is not in the health committee to dictate for three days and lay down the law. He is in the Dáil Chamber now. It was the Taoiseach who first named Professor Higgins and not me.

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

Deputy Mattie McGrath: I accept that. It is a pity he is insulting the work of the wonderful medical staff in Kilkenny and Wexford by saying they were operating in Portakabins and rented huts. The Taoiseach knows better than I do that this is not true and is an insult to the staff.

Deputy Micheál Martin: On a point of order, the Leas-Cheann Comhairle must reprimand Deputy Buttimer. That was an outrageous intervention.

(Interruptions).

An Leas-Cheann Comhairle: I ask the Deputy to resume his seat. This is Leaders' Questions and there will be no points of order. I call on the Taoiseach.

Deputy Alan Shatter: Deputy Martin will have to defend "Fianna Fáil Lite" behind him.

The Taoiseach: The rationale behind the restructuring of the health system is to establish hospital groups to allow for increased operational autonomy within those groups and to have accountability for hospital services that will drive the service reforms and give the best possible outcome for patients. This is all part of the process of leading to a system where money follows the patient and where we introduce universal health insurance at the end of the process. I deplore Deputy McGrath's comment about Professor John Higgins. I do not intend in any way to offer any insult to the hardworking staff in the south east. They do their job on the front line, as one would expect them to do. The process has involved over 70 meetings. It is never easy to get agreement and consent between any institutions much less in the health area but I hope the Minister will be in a position to conclude on the groupings for the south east. I am not getting into speculation, allegations or rumours about what that might entail.

In respect of Deputy McGrath's comment about the national lottery, each county was given a proportionate amount which is open, transparent and very clear unlike the situation that applied when the Opposition was over here where secret arrangements were made with the Government that were not subject to FOI and where nobody could find out the price of the Government's support every Wednesday when it was needed. The next time the Opposition is back on troika duty, it should make its questions a little more succinct.

Ceisteanna - Questions (Resumed)

Law Reform Commission

1. **Deputy Micheál Martin** asked the Taoiseach if a programme of law reform has been agreed arising out of recommendations made by the Law Reform Commission as outlined in his Department's Strategy Statement; and if he will make a statement on the matter. [49724/12]

The Taoiseach: The Law Reform Commission has initiated a comprehensive consultation process in order to develop proposals for its fourth programme of law reform. Following this consultation the commission intends to bring its proposals for the fourth programme to the Attorney General for her views early this year. I will then submit a draft programme to the Government for approval, as required by the Law Reform Commission Act 1975.

Deputy Micheál Martin: The statement of strategy for the Department of the Taoiseach commits it to drawing up a programme of law reform arising from the recommendations of the Law Reform Commission. How does the Department prioritise the legislation that is to be brought before the House? For example, the Personal Insolvency Bill 2012 took many months to prepare and bring before the House and it is only now coming to some form of realisation after almost two years of preparation. The Minister for Justice and Equality recently asked the commission to review the legislation covering bullying, including the Non-Fatal Offences against the Person Act 1997, in light of the need to legislate for cyberbullying and other issues that, unfortunately, are now frequently manifesting themselves. In devising this programme of law reform, will additional resources be allocated to the Minister for Justice and Equality or the Office of the Attorney General to ensure the fulfilment of the programme and drafting of legislation? Does the Government intend to review how judges are appointed in light of the commission's recommendation in that regard?

The Taoiseach: The consultation process for the fourth programme began in October 2012. The commission posted a general notice on its website and invited submissions for consideration from various groups. The president of the commission sent out letters in October to a wide range of public bodies and non-governmental organisations inviting submissions on the fourth programme and it also wrote to the Chairman of the Joint Committee on Justice, Defence and Equality in this regard. Since 2000 it has been the practice for the commission to discuss the programme for law reform with the joint committee. In November the commission placed an advertisement concerning the fourth programme in two journals that have a wide circulation among the legal profession, namely, the *Law Society Gazette* and the *Bar Review*.

The commission's annual conference for 2012, which was held on 11 December, focused on the development of the fourth programme. The conference was addressed by speakers from Ireland and abroad and covered a wide social and economic setting for the development of the new programme, as well as areas of law which the commission might consider to have included. The commission plans to hold further public seminars early this year, including a seminar in NUI Galway on 27 February.

The commission will also liaise with the consultative committee, and a note on that has been circulated. The consultative committee has been in place since 1998 to assist in the commission's consultation with the Attorney General under section 4 of the 1975 Act in the preparation of law reform programmes. The consultative committee includes representatives of the Office of the Attorney General, the Bar Council, Departments, the Law Reform Commission and the Law Society. The commission will liaise with the committee in parallel with that consultation process.

The commission has sufficient staff to meet its demands. Staff are assigned to each of the

commission's three functions, namely, law reform, access to legislation and administration. The commission has reformed and restructured all of its processes to ensure each function has adequate staffing resources and that they are deployed to deliver the best results for citizens and the State. The staff allocated to the law reform function comprise the director of research and six legal researchers. These staff are currently completing the final elements of the commission's third programme of law reform, which should be concluded by the middle of this year. They are also beginning the initial scoping of the fourth programme.

Four staff are allocated to the access to legislation function and, following the restructuring of that area, they comprise the project manager, assistant project manager and two legal researchers. The access to legislation team produces and maintains the legislation directory for Acts and statutory instruments, responsibility for which was assigned to the commission by a Government decision in 2007. The registration directory for Acts is complete from 1922 to date and is kept current. In 2011 the commission commenced production on a legislation directory of statutory instruments, which is complete from 2000 to date. The commission is currently examining how it might extend the legislation directory to statutory instruments preceding 2000. This team also produces and maintains the classified list of Acts in force twice each year. The sixth revision was published on the commission's website in December 2012. In addition to this classified list of Acts, a classified list of statutory instruments in force has also been prepared and is being reviewed by Departments. Once that is published the list of statutory instruments will be kept up to date by the access to legislation team. It also produces and maintains a list of revised Acts, over 130 of which are on the website.

I am not aware of any intention to change the structure of appointments for members of the Judiciary. These applications are vetted by the Judicial Appointments Advisory Board under the chairmanship of the President of the High Court and presented to the Attorney General for consideration by the Minister for Justice and Equality.

Deputy Martin mentioned another issue which has momentarily slipped my mind. That process is underway and when the consultation has concluded the proposals will go to the Attorney General for Government approval of the programme.

Deputy Micheál Martin: My question pertained to resources for the Departments. One of the issues arising is that while many recommendations will come forward their implementation through legislation could take a long time unless additional resources are allocated to the relevant offices, particularly in the Department of Justice and Equality in respect of cyberbullying and the Office of the Attorney General.

The Taoiseach indicated that the manner in which judges are selected will not change. Is that over the lifetime of this Government? The Chief Justice and others have made compelling arguments for the need to review fundamentally the way in which we appoint judges to ensure transparency and reflect changing public perceptions. Since the general election we are supposed to be moving into a different era in terms of political and administrative reform. Such reform should cover the way in which we appoint judges to address any perceptions that would otherwise apply.

The Taoiseach: I have been examining the way in which legislation is produced for the Oireachtas. For many years Governments have published lists of legislation which they hoped to publish during Oireachtas sessions. Over the last couple of years these lists have come under pressure from troika requirements because the country happens to be in a programme. This has

put additional pressure both on the Departments preparing the legislation and on those in the Attorney General's office who have to put the legislation into shape in terms of drafting it. We need to investigate the way in which legislation is prepared, in terms of its remit and spectrum, as it goes through the circle of Departments.

4 o'clock

Perhaps if there was consultation in the beginning with expert draftsmen in the Office of the Attorney General, legislation could take the short circuit before arriving there. The staff there are very experienced and could point out what needs to be done with regard to the issue rather than have people working very hard on areas that might not be a priority for the legislation envisaged. It might be better if we were to ask ourselves what legislation we want to have enacted before the end of the year, rather than stick to the old method which had a list of ten or 20 pieces of legislation and we were happy to get 18 or so of them published.

I agree that the process of how legislation is prepared needs to be examined. The Deputy is aware that once the heads of a Bill are approved, they go to the relevant Oireachtas committee for the views of the political process. This has been helpful. However, there is a bottleneck with legislation in that when it all comes in from the different Departments, it must go through the channel of the Office of the Attorney General. This puts enormous pressure on the people who must deal with this complex legislation. There may be a way of streamlining that process somewhat, but it may be necessary to look at the issue of the staff available here. The Deputy knows, it is not easy to get such staff as expert drafters require experience. I am interested in looking at the issue in that context.

A number of pieces of legislation are being prepared to deal with the courts, the Court Service and the Judiciary. The process by which members of the Judiciary are appointed may be due for focus under some of that legislation, but I cannot say it is because I have not seen the detail of what is proposed. However, I would be happy for that issue to come up later as part of the overall work of the Minister for Justice and Equality, which has an exceptional range, because of the need for legislation in that area. Legislation in this whole area is an issue we could discuss in the House with a view to achieving better results for the exceptional efforts made by personnel in Departments and in the Office of the Attorney General. Their work may be disjointed somewhat and if there was initial consultation between the experts, that might short-circuit quite a deal of the work. I intend to speak to the Attorney General about this.

Deputy Gerry Adams: I wish to raise the issue of sentencing. The Taoiseach will know that the Law Reform Commission published a report on sentencing in early 2012 and that last week there was an extraordinary public reaction to a decision by a judge with regard to sentencing in the context of sexual offences. I commend that judge on the speed with which he rectified that decision. I particularly commend the victim, Fiona Doyle, on her great fortitude, courage, tenacity and honesty.

This case and others like it show up the inconsistency in sentencing. Will the new programme of law reform include measures, such as the introduction of sentencing guidelines, to ensure consistency? Could we have a sentencing guideline council to provide monitoring of this area or could we have a permanent court of appeal to deal with some of these matters? Will any of these issues be part of the law reform measures the Government is considering?

The Taoiseach: It is not my place to comment on any individual case that has been deter-

mined by a court. The clarification given by the judge involved in the case mentioned by the Deputy was very welcome. I had intended to meet the victim in the case, Mrs. Doyle. I have great admiration for her courage, which sends out the message that people who go through that horrific process should not be afraid to come forward and have their story told.

I do not know yet whether sentencing guidelines will be included as part of the process by the Law Reform Commission because the public consultation process is only under way. The president of the commission has put the details of the consultation process up on the website, has advertised in two of the legal journals and has written to many NGOs. I can confirm that the Minister for Justice and Equality has established a group to carry out a strategic review of penal policy, which will include the issue of sentencing policy. I expect that group will report later this year.

Deputy Gerry Adams: I welcome the Taoiseach's announcement of a strategic review of penal policy and that this will include sentencing policy. I commend again the issue of the need for consistency so that justice is done and is seen to be done. I do not necessarily seek a response now, but I urge the Taoiseach to ensure that the suggestion for a sentencing guidelines council and a permanent court of appeal will be included in the considerations.

I do not expect the Taoiseach to comment on individual cases, but as the Taoiseach said in response to a question I asked previously on this issue, we need others who are victims of crime, particularly these heinous, hidden crimes of a sexual nature, to have the confidence to come forward. The Taoiseach made a good case in appealing to people not to be put off that. We need consistency in sentencing so people know that not only will they have their case heard, but they will get justice in order to build that type of confidence.

The Taoiseach: Not only must justice be done in these cases, but it must be seen to be done. We can reflect on the Deputy's suggestion for a sentencing council. Currently there is an appeal process from one court to the next. It is not a question of putting in place something that may cause even further backlogs in the judicial system. The growth of delays in the court process is part of what the Minister is attempting to deal with now and Members are very welcome to give their views on the range of legislation dealing with the courts, the courts system and the operation of the courts as it progresses. I will ask the Minister to reflect on the Deputy's suggestion for a sentencing council. Obviously, the strategic review group set up by the Minister will reflect on that also. The group expects to report later this year.

Freedom of Information Requests

2. **Deputy Micheál Martin** asked the Taoiseach the number of Freedom of Information requests received in his Department in 2012; the number refused and the number granted; and if he will make a statement on the matter. [50871/12]

3. **Deputy Gerry Adams** asked the Taoiseach the total number of Freedom of Information requests his Department has received to date in 2012; the number granted and the number refused; the total fees that have been charged in processing these applications including search and retrieval fees; and if he will make a statement on the matter. [55214/12]

The Taoiseach: I propose to take Questions Nos. 2 and 3 together.

29 January 2013

My Department received 153 FOI requests in 2012. Of the 153 requests received, 97 were granted or part-granted, 14 were refused, in 15 cases no records existed, 18 requests were withdrawn and there are nine requests ongoing. The Department applied €3,918.96 in charges to FOI requests made in 2012. Of this, €1,750.57 related to search, retrieval and photocopying charges.

As I have stated before, the statutory framework relating to FOI requests keeps the decision-making process and the operation of this at arm's length from the political head of the Department. Therefore, I never see these requests when they come in.

Deputy Micheál Martin: I put it to the Taoiseach that the strategy of the Government since it came into office has been the antithesis of everything it said before the election, in terms of transparency and the provision of information in a timely manner to Deputies and the public at large. We have repeatedly had to use the freedom of information process to garner information on a whole range of Government decisions. That information could easily have been provided in response to parliamentary questions, but the Government chose not to do so. On many occasions I have asked the Taoiseach and the Tánaiste during Leaders' Questions whether they will publish documentation on a particular issue and furnish information to Members of the House, but the answer has invariably been "No."

I would like to mention a range of issues in respect of which it took us nearly one year to find out what was really going on behind the scenes. I refer to what happened when we asked for details of the advice Ministers received before Government decisions were taken on a range of issues. In the case of the primary care centre debacle, for example, it is worth reflecting on the fact that we would not have found out the truth about the decisions made by the Minister for Health, Deputy James Reilly, in the Department of Health if freedom of information requests had not been made by Members of this House and journalists. That revealed the chaotic manner in which the Minister, at the eleventh hour, had added primary care centres in his constituency without any reference to the advice of departmental officials. It took us nearly nine months to gain access to the advice received by the Minister for Finance before the Government decided to raid pension funds to secure €500 million for its so-called "jobs initiative". We found out that the Minister for Social Protection and others had advised against the decision to raid the pensions of ordinary people. We could not get any information on the pros and cons of that decision until we used the freedom of information mechanisms to do so.

In the light of the horsemeat saga and debacle of the last couple of weeks, I have asked for correspondence between the Food Safety Authority of Ireland, the Department of Health and the Department of Agriculture, Food and the Marine to be published and furnished. The drip-drip nature of the process means we have not yet received that documentation and there is no transparency. The same applies to the technical paper on the bank debt that the Taoiseach told me 18 months ago was being negotiated with the troika. I do not know whether that paper is available. When I asked the Taoiseach previously to state whether it was, he smiled at me and indicated that it really was not. We sought information on these issues and the Taoiseach's discussions with the President of the European Council, Mr. Van Rompuy, through the freedom of information process, but again we were denied it. The same happened in the case of the discussions on corporation tax.

In many instances, when we have submitted freedom of information requests on claims made by the Taoiseach about certain matters and issues, in order to allow us to check the evidence for these claims, the Department of the Taoiseach has fought the release of such in-

formation and we have not received it all. I will ask a basic question about the reform of the freedom of information legislation which, apparently, is under way. We have been waiting for it for quite some time. In the light of the clampdown on the release of meaningful information to Members, can the Taoiseach give a clear instruction to his Ministers to be accountable to the House? He should demand that they provide total and comprehensive information on issues in response to requests made by Members and spokespeople, particularly through the parliamentary questions process. The degree to which it has tightened up on information, by using the freedom of information facility as a way of preventing people from getting at the truth, is a severe indictment of the Government which seems to hope that by forestalling the release of information, the issue of concern will have passed by and will no longer be the dominant centre-stage issue by the time the truth gets out. A change of culture on the part of the Taoiseach and his Ministers, whereby they provide information for us in a much more timely manner, should be a fundamental part of any reform of the freedom of information regime.

The Taoiseach: Perhaps the issue the Deputy is raising relates more to the accuracy or succinctness of the questions tabled for parliamentary reply in the first place. In the vast majority of questions Ministers are asked to make statements on individual issues. As a general rule, Ministers are anxious to supply information that should be public knowledge. The changes made in 2003 increased the exemption period for Cabinet records from five years to ten, protected communications between Ministers on matters relating to Government business, protected documents relating to parliamentary questions, tribunals and international relations, and introduced fees for freedom of information applications. The Minister for Public Expenditure and Reform has discussed the legislative proposals and the drafting of the Bill by the Office of the Chief Parliamentary Counsel with the Joint Committee on Finance, Public Expenditure and Reform. I expect that a Bill to deal with this issue will be published during this session.

The Deputy will know from his own experience that Ministers never see the freedom of information requests that come into their Departments. I suppose they will see them if they ask for them specifically. I told my officials in the Department of the Taoiseach to put all of the requests on the website in order that everybody would see what was being requested. I have noted a tendency among some members of the media. A charge is levied when a freedom of information request is received. The emerging trend is for a long list of questions to be submitted as part of a single request. As they might be of relevance to various sections of Departments, it can take a significant amount of time to deal with them.

In 2011 Deputy Micheál Martin submitted a request relating to the briefing material prepared in advance of the European Council meeting of March 2011, including the form of words used by President Van Rompuy. That request was part-granted. Following an internal review, two further documents were released with minor redactions. The Deputy appealed that decision to the Information Commissioner but later withdrew the appeal. A request was received in June 2012 seeking all documentation held by the Department on the banking guarantee. That was part-granted on 10 August. The volume of records involved necessitated an extension of time. More recently, a request was received on 25 September seeking all documentation held by the Department on home care medical supplies. That was part-granted and answered on time.

The Bill that the Minister intends to introduce during this session will bring certain public financial bodies, including the NTMA, the NAMA, the NPRF and the NDFA, within the jurisdiction of the Freedom of Information Acts, subject, in particular, to the maintenance of strict confidentiality on their engagements with their commercial counterparts; for example, in securing external private finance for the State. It is not proposed to bring other banks under the

legislation as they do not have policy or regulatory functions such as those held by the Central Bank. It is a case of not wanting to keep information from Members of the Oireachtas or the public. As far as I am aware, the freedom of information legislation is operating reasonably well within the current constraints. The Minister intends to change the legislation to make it more accessible, open, transparent and flexible. I do not have a great objection to Ministers making available as much information as they deem appropriate to the nature of the questions asked by Deputies. Obviously, it takes time to get some of the information together. It depends on the nature of the request. When the new Bill is introduced, we can have a rational discussion on the most effective way of providing information for the public through parliamentary questions. The Deputy will recall a famous comment - it arose from tribunal proceedings - about the need to ask the right question. God knows all Deputies, particularly Opposition Deputies, have had recourse to the parliamentary question as a weapon during the years when raising issues of concern to them and the public.

Deputy Micheál Martin: The point I am making is that the real emphasis of the Government should be on reducing the need for Members of the House to have to use freedom of information requests in the first place. Freedom of information legislation is used as a delaying tactic by those who want to prevent information from getting out. When the pension fund raid happened, for example, we raised the matter during Leaders' Questions and asked parliamentary questions to try to get details of the advice the Minister for Finance had received from the Minister for Social Protection and generally. It would have taken very little time to produce that answer. If there was true transparency and a genuine desire to give us information, it could have been given. However, months had to go by before we found out the truth, namely, the advice from the Minister for Social Protection was negative in regard to that pension raid, which netted €500 million for the Government and which was a penalty on workers and their pensions, to which they had contributed over the years.

The reason the Taoiseach and the Minister did not give the information is that they did not want the public to find out at that particular time. That is the point. It is the same with the primary care centres. After more information had come out via *The Irish Times* under freedom of information, I asked the Tánaiste on Leaders' Questions whether he could agree, at that stage, to publish all documentation in regard to the primary care centres. Of course, I got the same kind of equivocal, almost disingenuous, response along the lines of "I have no problem with that", but it never got out and no one ever published anything in regard to it. Again, it took months before the real truth came out about how the Minister, Deputy Reilly, almost an hour before the Cabinet met, slipped in Swords and Balbriggan.

It is a deliberate ploy. The Government is not being forthcoming and is not being transparent at all. This week, it was Reuters that told us there was some problem with the promissory note discussions with the European Central Bank and that the ECB had rejected a Government proposition. We have been asking in the House for 18 months what is the specific Government proposal that is being put and we have been trying to find out generally what is going on but we do not get answers. Were it not for Reuters, I do not believe we would have had the Minister, Deputy Varadkar, telling us on "The Week in Politics" about what happened last week in regard to the proposition the Government put to the ECB which the ECB did not accept. We found out via Reuters exactly what was going on.

The point I am making is that, while the extension of freedom of information legislation and the inclusion of new bodies is welcome, the culture needs to change. This is particularly the case in terms of the Government and Ministers providing a maximum amount of information

to Members of the House, not the bare minimum and not by kicking it into freedom of information and hoping that, by the time it eventually comes out, the heat will have gone out of the situation and they can carry on with the next issue. The real focus and emphasis should be on reducing the need for Members to have to use freedom of information to get basic information about policy decisions.

The Taoiseach: I thank the Deputy for that. Let me assure him there is no attempt to deny the people the truth as to how the situation evolves. Let us practise what we preach here. The Deputy put a very accurate and straightforward question: “To ask the Taoiseach the number of freedom of information requests received in his Department in 2012; the number refused and the number granted; and if he will make a statement on the matter.” In the same sphere, Deputy Adams wanted to know about the total fees that have been charged, including search and retrieval fees, and if I would make a statement. The information is being given as was requested in the question.

I have said to every Minister that they should talk to their Secretaries General and, in so far as the generality of the question is concerned, to answer it, and in so far as the facts or details are concerned, to answer it where that is appropriate. When the Minister comes in with the new Bill in this session, let us have a discussion about that. If the Deputy had the time to read the report of the Joint Committee on Finance, Public Expenditure and Reform of Thursday, 10 January last, he will know the committee had quite a discussion about semi-State bodies and commercial bodies dealing with the Freedom of Information Act, where the Deputies attending the committee gave their views. It is not a case of wanting to have an inferior form of parliamentary question; it is that the entire range of material can be exhausted in many cases.

I would like to think Ministers see to it that the Secretaries General provide for the accuracy of the information and the extent that is appropriate. Of course, it is a good thing that the Freedom of Information Act, which was made more restrictive in 2003, will be opened out again to make it more transparent and more accountable.

Deputy Gerry Adams: As the Taoiseach has just reminded us, the programme for Government contains commitments to restore the Freedom of Information Act to what it was before it was restricted. I presume that was a genuine effort by those who made up the Government to correct what they saw as something which was wrong. They also committed to extend the remit of the Freedom of Information Act to other public bodies, including the administrative side of the Garda Síochána, and to extend freedom of information in the Ombudsman Act to cover all statutory bodies and all bodies significantly funded from the public purse. All of that is good.

I sometimes sit here in stupefaction listening to the exchanges between the Taoiseach and the leader of Fianna Fáil that “the culture has to change” and so on. I will tell the Taoiseach of my own experience, of which I can give numerous examples. One example arose today, when I asked the criteria for fast-tracking decisions regarding necessary upgrades in the hospitals in Wexford, Carlow and Kilkenny ahead of other necessary upgrades in other hospitals. I am no wiser as to the criteria that was used. The Taoiseach went off on a solo run around Sinn Féin not wanting to see Wexford people being treated the way they should be treated, as opposed to being treated out of a pharmacy or a Portakabin, and so on. Similarly, in terms of the decisions taken around primary care centres, which, as we all know, led to the resignation of a Minister of State, our spokesperson on health - the Taoiseach knows him quite well and he is very good at his job - asked numerous questions, including in freedom of information requests. Again, we did not get any scale or clarity on any of that.

29 January 2013

I am trying to convince the Taoiseach to see this in the way he used to see it when he was on this side of the House. I was not here, of course, but it appears to me it has not changed very much. Commitments about transparency, accountability, openness and changing the way things once were come to nothing. With regard to this entire issue, when we stand up here and ask questions in regard to the use of public funds, can we not simply get straight answers, as the Taoiseach promised to give us?

The Taoiseach: Politics is about people, essentially, and government is about making decisions. Far from my going on a rant about Sinn Féin, Deputy McDonald was beside Deputy Adams, making peculiar facial expressions about Wexford and Kilkenny, and obviously could not resist the temptation to comment on that. The point is that it is about moving things along in the interests of people. The projects to which the Deputy referred were already approved for full planning and were in the capital programme in time to move them on.

This question is about the Department of the Taoiseach, which actually publishes quite a deal of information on its own website. The minutes of the IFSC Clearing House Group, for example, are published on the website yet they do not attract any attention because they are published and, therefore, they are available for everybody. People seem to want to get a bundle of freedom of information information because there might be some gem or some piece of information that was not public and that might be spectacular in its impact-----

Deputy Micheál Martin: We have got them.

The Taoiseach: Of course.

Deputy Micheál Martin: The Minister, Deputy Reilly's late, late intervention.

The Taoiseach: That seems to be the rationale for putting in a lot of this stuff. Also on the website of the Department of the Taoiseach are the expense reports on foreign travel by the Taoiseach and Ministers of State, and reports on payments made to the Department's suppliers.

My understanding is that most complaints in regard to freedom of information relate not to the processes of obtaining information but the restrictions which apply on the information which can be released. It seems to be a matter of "Why don't you release this?" or "Why don't you release that?" We undertook in the programme for Government to change and extend the Act and to broaden it out so many of the issues raised by the Deputy and others can be dealt with. I look forward to those discussions when we have them in the House.

An Leas-Cheann Comhairle: I know that there is no time limit on these questions, but if we had shorter questions with shorter answers we might make more progress.

The Taoiseach: A wise observation.

Office of the Attorney General

4. **Deputy Gerry Adams** asked the Taoiseach his plans to carry out a review of the capacity of the Office of the Attorney General. [50986/12]

The Taoiseach: The Office of the Attorney General is organised into two legal areas: the advisory side, which provides legal advice, and the Office of the Parliamentary Counsel, which

drafts legislation. The number of staff working in the Office of the Attorney General is regularly reviewed to ensure that there are sufficient resources available to carry out the necessary functions of the office, specifically the provision of legal advice and the drafting of legislation. If, in the context of the volume, urgency and complexity of work being sought, the senior management of the office concludes that additional resources are required, an appropriate business case is made to the Department of Public Expenditure and Reform. If the Department agrees with the case, additional staff are sanctioned and recruitment takes place.

Arising from business cases put forward in August 2011 and September 2012, seven new permanent legal staff have been authorised. One is engaged on advisory work; one, a legislative editor, assists drafters with their work; and the remaining five persons are all drafters, four of whom are already in place, with another one expected over the coming months. Further, in the context of the Croke Park agreement review mechanisms, the office regularly reviews its progress and updates its targets and objectives.

Deputy Gerry Adams: I welcome the news that additional staff have been allocated to the Attorney General's office, because the Taoiseach has said in the past that there were pressures on the office due to the demands of the EU-IMF programme. He said it in respect of necessary legislation on domestic violence and the necessary recognition of collective bargaining rights for workers, both of which are being delayed due to the pressures of the EU-IMF programme. Could the Taoiseach give us some sense of whether this remains a problem and whether the provision of new staff means that we will have legislation on these two issues or indeed on the failure thus far to provide for free GP care for those on the long-term illness scheme?

The Supreme Court judgment on the McCrystal case in respect of the children's rights referendum led to some critical comment, including some from the Taoiseach's backbenchers, about the role of the Attorney General. The Supreme Court found that the Government publications during the referendum had breached the McKenna principles and were not fair, equal, impartial or neutral. This was a very significant judgment. As the Taoiseach knows, Government spending has been raised in previous campaigns and has been a continuing cause for concern. As I understand it, the Attorney General signed off on the final working text in the Government's information booklet and website. Is that the case? Who made the decision to produce a Government booklet on the referendum rather than leave that work to the Referendum Commission? Did the Government seek advice from the Attorney General on the legality of this and has that practice been ended in light of the Supreme Court judgment?

The Taoiseach: The Attorney General of the day advises the Government appropriately in regard to any referendum. In this case the High Court gave its decision and was very clear in its judgment. The Supreme Court gave a different view shortly afterwards. The Supreme Court is the ultimate determining body for the constitutionality of our legislation, and the Government accepted that and reacted to its decision quickly. We need to discuss the question of holding referendums and what the Government can and cannot do. Elements arising from the McKenna judgment of years ago limit the process of explaining what the referendum is about. In preparing for future referendums we need to have a clear view of the steps the Government must take in introducing legislation to give effect to a Bill to hold a referendum. The process of seeking advice and guidelines from the Attorney General is important. The process by which anybody in the country has the right to appeal that to a court, and on to a higher court if necessary, always stands. This year there will certainly be one referendum, if not more.

The Constitution Convention made several decisions a couple of days ago and I await its

report. The question relating to the Office of the Attorney General deals with the extent of staff there. In responding to earlier questions I spoke about the process of provision of legislation in general and that has obviously been taken into account here. There are 57 permanent and four contract administrative posts in the Office of the Attorney General, eight contract employees, four staff in the Attorney General's office and four legal researchers. A review took place and the extra staff were provided because of the current position arising from the exceptional requirement for legislation driven by troika demands to meet our programme requirements and due to pressure from different Departments and Ministers to get necessary legislation through.

One of the real challenges facing the Government is to give impact to legislation that will affect the creation of jobs, and even that gets pressurised in the bottleneck at the end. It is a case of hoping that the employment of extra staff will result in a greater throughput of Bills that will give effect to necessary legislation. It would be opportune to review how this process works in the first place in order to achieve better co-ordination and results from people who are experienced but who might be working in unconnected sectors until the end, when all the paperwork must be squeezed through the Parliamentary Counsel process. I intend to speak to the Attorney General about that, which might result in a better output.

Deputy Gerry Adams: There are two different issues here. I very much welcome the appointment of additional staff to the Attorney General's office and I hope it will mean that really important legislation on domestic violence, workers' rights to collective bargaining and free GP care for those on long-term illness scheme will come forward quite quickly and bring results. On this issue results will count. I presume, based on the Taoiseach's answer - this almost brings us back to the last question, because he never gave me a clear answer - that the Attorney General did sign off on the final wording of the text in the Government's information booklet and website. The Taoiseach should take the opportunity to say he will institute changes in how the Government interacts with the people in the course of a referendum campaign, given the Supreme Court judgment that the Government breached the McKenna principles and was not fair, equal, impartial or neutral.

The Taoiseach: I do not speak for the Supreme Court, which is the ultimate body in determining what is and is not constitutional. In this case the Government accepted the decision of the Supreme Court and acted swiftly to see that it became a reality. A short time before that, the High Court had made its view very clear that the Government had acted appropriately and followed proper procedure. There is a requirement to deal with necessary changes to the Constitution, whether these arise from changes in competence in Europe, with regard to other issues such as a requirement for a simple referendum on universal patents, or with whatever the Government may decide following recommendations from the constitutional convention. We have already decided to have a referendum on the abolition of the Seanad. In all such cases a process must take place and the Government must reflect on how to get this process working effectively so citizens are properly and fully informed and can make their decision in the knowledge they are the ultimate arbiters and owners of Bunreacht na hÉireann, on which they alone will make decisions. It is important that the Government, which produces Bills that propose changes to the Constitution, should have a process by which all these matters can be explained properly and comprehensively to the citizens.

Deputy Micheál Martin: The McKenna judgment on referendums does not limit the capacity of Government to explain an issue; it limits its capacity to use taxpayers' money to advocate on one side or the other. There is a crucial difference. The Supreme Court made a definitive judgment regarding the Government's mishandling of the children's referendum and

many questions remain to be answered in that regard. The House has not had an opportunity to hold the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald, accountable in regard to what went on.

I refer to the last question which, again, required freedom of information requests and information gleaned thereby in order to discover that the Attorney General had corrected aspects of the Government material which subsequently was changed again, but we do not know how. Two Ministers, Deputies Varadkar and Fitzgerald, suggested the Attorney General had got it wrong - they dumped on her. The Minister, Deputy Varadkar, commented at the time that legal advice can be wrong. It was wrong but we found out through the freedom of information process that in at least one instance the Attorney General had given the correct advice, which was not followed.

In the context of future referendums, and in reviewing the Office of the Attorney General, would the Taoiseach consider that advice of the Attorney General, or any material produced by that office, should be published and made transparent? We could then see whether such material has been over-politicised by Ministers of the day, contrary to advice received from the Attorney General's office. Traditionally the Attorney General does not articulate publicly on matters of this kind. Today there is silence from the Office of the Attorney General in regard to the entire process leading up to the publication of material on the Government website. This is very unsatisfactory. Given this silence confidence in the Office has been undermined, inadvertently or otherwise, by two Ministers, which is not a good thing. We need to find out what happened in the lead-up to that referendum and why the issue was over-politicised and over-sold, unnecessarily.

The Taoiseach: I do not agree that all or any advice from the Office of the Attorney General should be published.

Deputy Micheál Martin: I refer just to referendums.

The Taoiseach: This has been the procedure in the House for a very long time and for very good reason. The Minister, Deputy Fitzgerald, was very upfront in dealing with the children's referendum, all the preparations and the way in which information was dispensed. When this process was challenged, legitimately, in the High Court that court gave its view. This was appealed to the Supreme Court which also gave its view, namely, that the Government was not fully in accordance with the Constitution. The Government accepted that and immediately acted accordingly.

Deputy Joe Higgins: We have spent 55 minutes on four questions tabled by two Deputies, which leaves five minutes. If this session finishes preemptorily the next tranche of 38 questions on the North, concerning extremely important issues, will be dealt with in five minutes. Something must be done to rationalise this situation. If we go to the next tranche the Taoiseach's reply will take up all the time available and there will be no time left for supplementary material in regard to the many important Northern Ireland issues. I will ensure that does not happen.

I have some relevant questions on Question No. 4 regarding the review and capacity of the Office of the Attorney General. The Taoiseach spoke on the McKenna judgment and his desire to row back on it. Is he not being opportunistic in the extreme in regard to this? As has been noted, members of the Government can argue anything they want, 24 hours a day. Nobody is stopping them, they can take to the hustings and put forward every argument in the book. How-

29 January 2013

ever, is it not the case that what the Taoiseach wants is public funds to finance such Government spin rather than have members of Government do the same as members of the Opposition, or as citizens have the right to do - go out and argue their case?

Deputy Michael Creed: The Deputy himself is one for spin.

Deputy Joe Higgins: How can the Taoiseach justify such a situation? I put it to him there would be great anger and resistance among civil society if he tried to do so.

Is it the case that staffing limits are having a severe effect in many areas of Government, including in the Office of the Attorney General? For example, why is it taking so long to have concrete proposals on the Taoiseach's pledge to abolish the Seanad? There should at least be an outline draft of the legislation that would be needed in this regard. Does this reflect capacity problems in the Office of the Attorney General, or is the Senators' rearguard action to try to protect that institution, which has no use or purpose, winning the day with the Taoiseach?

The Taoiseach: I never said anything about rowing back on any judgment but stated the Supreme Court would make its decision and that it is the ultimate determining body in respect of the Constitution. I accept that, as both Head of Government and as a citizen. In the case of the children's referendum, the Government immediately accepted the decision of the Supreme Court and set about implementing it. I stated it was my view that elements of the Supreme Court decision on the McKenna judgment case, which was a perfectly legitimate case to take, are very narrow and that in the case of future referenda we need to be clear that when Government proposes the holding of a referendum the process of preparing the Bill required and of conveying the information to citizens is as clear, thorough and as comprehensive as can be.

What was the last point raised by the Deputy?

Deputy Joe Higgins: The Seanad.

The Taoiseach: I have answered Deputy Martin's questions on this matter. This legislation will be published in the next session. It is practically complete and we will have a good debate on it when it comes to the House. I hope that is not too much of a rearguard action.

Written Answers follow Adjournment.

Business of Dáil

The Taoiseach: It is proposed that expressions of sympathy on the death of Detective Garda Adrian Donohoe be taken now, from the Taoiseach, Tánaiste and leaders of Fianna Fáil and Sinn Féin, a representative of the Technical Group, the Minister for Justice and Equality, a spokesperson from Fianna Fáil, Sinn Féin and the Technical Group, and Deputies from the Louth constituency, in that order; and that proposals on the Order of Business be taken on the completion of the expressions of sympathy.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Death of Garda Adrian Donohoe: Expressions of Sympathy

The Taoiseach: Today I know I speak for everybody in this country and in this House because today our nation speaks as one. We speak of a man murdered in the service of his community and his country. We speak of a precious husband taken from his wife, of an adored father taken from his children. We speak of a dearly loved son reared by his mother and father to be courageous, upright and honest. They reared him to be loyal to his community, his people and his country. Today we pay tribute to this good man who went out to work as normal on Friday but never came home. I assure everyone present, the members of his family and people throughout the country that we will do everything possible to bring those who murdered Detective Garda Adrian Donohoe to justice. We cannot and will not rest until we have done so.

It is inescapable that the idea behind An Garda Síochána, the members of which protect the peace, is the antithesis of what inspired those who set out to commit robbery last Friday night. Ultimately, what they stole was a human life. In doing so, they also stole a family's happiness and its dreams. They stole the future the members of that family imagined living together and all that would have happened to them. Adrian Donohoe's murder was not just an attack on the Garda, it was also an attack on the people and society. It is equally an attack on what binds us as a people and a nation, that is, our empathy and compassion. The people have expressed their revulsion at this murder and rallied behind the Garda. I remember well the murders of Garda Henry Byrne and Garda John Morley in 1980 and Detective Garda Jerry McCabe in 1996. The country felt the same sense of revulsion then as it does now.

I assure the family of Adrian Donohoe and the people that those who committed this barbarous act of cowardice will face the full rigour of the law. The penalty for those found guilty of killing a member of An Garda Síochána is a minimum mandatory sentence of 40 years imprisonment on conviction, which the individuals who committed this crime will serve. The Garda Commissioner has made it clear that the force will use every resource available to apprehend these murderers. In its efforts in this regard, it has the full support of the Government, the entire House and the people.

It is important to acknowledge the service members of An Garda Síochána provide, on our behalf, every day. That service may often be taken for granted. Without the willingness and courage of gardaí to protect communities, violence and disorder would certainly prevail over the rights and well-being of law-abiding people. This was the service Detective Garda Adrian Donohoe was providing for his community when his life was so cruelly taken away. The law and authority of the State must and will not be challenged by the manner in which Detective Garda Adrian Donohoe was murdered. May he rest in peace. To his family, I extend our deepest sympathy. This is a loss from which they will never recover. Go ndéana Dia trócaire ar an anam cróga dílis.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I join the Taoiseach, on my own behalf and that of the Labour Party, in expressing shock and disgust at the murder of Detective Garda Adrian Donohoe on Friday evening last. I express our sympathy to his wife, Caroline, their two children and all the Donohoe family. I also express our solidarity with and support for Detective Garda Adrian Donohoe's colleagues in An Garda Síochána.

An Garda Síochána provides a public service which forms a cornerstone of our democracy and which allows all of us, as citizens and residents of this country, the freedom to live our lives, conduct our business and raise our families in safety. In providing that service members of an Garda Síochána put their own safety on the line on each occasion on which they leave their

29 January 2013

families behind, answer a call for help or step up to perform their duty. As the callous murder of Detective Garda Adrian Donohoe so starkly underlines, the members of An Garda Síochána are not just the guardians of our community, they are also the pillars of our community. An attack on a member of An Garda Síochána is an attack on all of us, as citizens, on our society and the community the force serves.

I pay tribute to Detective Garda Adrian Donohoe, a man who lived by the ideals of public service and service to his community, a member of a force who, through his actions, exemplified the philosophy that An Garda Síochána will succeed, not by force of arms or numbers but on its moral authority as the servant of the people. In the course of providing that service it was not only Adrian Donohoe who made the ultimate sacrifice but also his wife, Caroline, their two children and all his family. They have our deepest sympathy. I express our solidarity with and support for Detective Garda Adrian Donohoe's colleagues and all the other members of An Garda Síochána. I also express our gratitude and support for their continued work in the service of their communities. We must all be united in our determination to find those who perpetrated this crime. I know An Garda Síochána is determined to do so, but all of us, as citizens, must assist it in that work.

Ba mhaith liom mo chomhbhrón a ghabháil le bean agus le clann Adrian Donohoe agus cúnaimh a thabhairt dá chomhleacaithe ins an Gharda Síochána agus seasamh leo. Ar dheis Dé go raibh a anam.

Deputy Micheál Martin: Ar mo shon féin agus ar son mo pháirtí, ba mhaith liom comhbhrón a dhéanamh le clann Adrian Donohoe, lena bhean Caroline, lena mhac Niall agus lena iníon, Amy, de dheascadh an dúnmharú uafásach a tharla Dé hAoine seo chaite. Tá sé dochreidte go bhfuil daoine fós sa tír seo atá sásta dúnmharú den tsaghas seo a dhéanamh. Táimid go léir feargach agus tá muintir na tíre ar buile. Déanaimid go léir comhbhrón leis na gardaí uilig ar fud na tíre. Beimid i gcónaí buíoch dóibh as ucht an tseirbhís a thugann siad dúinn lá i ndiaidh lae.

The brutal act of violence perpetrated in Lordship, County Louth on Friday night was a bleak moment for the entire nation. In homes all across the country ordinary people were deeply shocked by the news of the cold blooded slaying of Detective Garda Adrian Donohoe as he stood in the line of service for his country. The State has suffered a direct attack, An Garda Síochána has endured the loss of a dear colleague but, more profoundly, the family of Adrian Donohoe have lost a loving husband, a father, a brother and a son. We can never forget the human cost of this savage act of violence. The central role of An Garda Síochána runs deep in the family of Adrian Donohoe. I can only begin to imagine the pain of the loss his parents, brothers and sisters have so cruelly suffered. I offer my most sincere condolences to his wife, Caroline, who shared with Adrian not just a loving relationship but also the commitment to public service in the face of ever-present danger that underpins the work of An Garda Síochána.

There is something truly harrowing about young children being robbed of their father at such a fragile age and what is even more saddening is the violent circumstances in which he was taken. This is a loss that will strike at the heart of all families throughout the country.

5 o'clock

The least we can offer to his son, Niall, and his daughter, Amy, is our deep sorrow and full unwavering support. The deep, irreplaceable loss which his family has suffered is felt by his

colleagues in the force, not just in his station at Dundalk but also across the entire country. Those who wear the uniform of An Garda Síochána are bound together by the ethos of service that defines it. They stand guard against those who would plunge us into chaos. In the darkness of Friday night that entire force felt the loss of a brave member who gave his life in that duty. It is a testament to the resilience and determination of its members in the face of such tragedy that they have rallied around their fallen colleague to strive to bring the perpetrators to justice. Officers cancelled leave and came to work on their days off, while gardaí across the country have offered their help in pursuing the case. These actions stand as a reminder that the force will never be cowed by thugs. Detective Garda Joe Ryan's return to work to help the investigation in the aftermath of witnessing the callous murder of his colleague is a tribute to Detective Donohoe's character and the strength of fraternity in the force.

I offer Garda Commissioner Callinan and the members of the force our condolences. In his home area of Lordship, the town of Dundalk and his family home area of Kilnaleck, County Cavan the local communities are reeling from the shock of such a brutal loss. Detective Garda Adrian Donohoe embodied the best traditions of community engagement. For him, public service was not simply a job but a way of life. His contribution to local life outside his work with An Garda Síochána will be sorely missed by those whose lives he enriched. The people who knew him, played football with him, coached and mentored by him face an immense void at the heart of their communities.

Seventeen years ago the country was appalled by the barbaric murder of Jerry McCabe by the IRA in Adare, County Limerick who died in the line of duty protecting us from the armed thugs whose agenda was greed, murder and chaos. Adrian Donohoe died in defending us against that same dark agenda, protecting a community bank where ordinary people put away their hard and fairly earned money and helped to support other members. Those who committed the crime attacked the very principles of law and order on which the State is founded. The security and stability of society are upheld by the men and women of An Garda Síochána who have pledged to defend it against those who mean us harm. An attack on them is an attack on the people; it is an attack on all of us. We must stand behind those who stand up for us against the scourge of violent criminality.

The name of Adrian Donohoe will now join that of Jerry McCabe and many others on the walls of the cenotaph memorial at Garda Headquarters, alongside those members of the force who paid the ultimate price. Let us all work together to ensure the families they left behind are cared for, that those with blood on their hands face the full rigour of justice and the State they died defending justifies their sacrifice.

Deputy Gerry Adams: Ba mhaith liom mo chomhbhrón ó chroí a thabhairt do chairde, do theaghlach agus do chomhghleacaithe an bhleachtaire Garda Adrian Donohoe. Aontaím leis an méid a dúirt an Taoiseach, an Tánaiste agus ceannaire Fhianna Fáil. On my own behalf, I extend my deepest sympathy to the family, friends and colleagues of Detective Garda Adrian Donohoe. On behalf of Sinn Féin, I express especially our solidarity and sincerest condolences to Adrian's wife, Caroline, and his children, Amy and Niall. This killing has shocked the entire community, especially in the very closely knit Cooley area in County Louth, in south Armagh and across the island. I did not know Adrian Donohoe personally, but I know many people who did and I have spoken to them in recent days. He was a valued and widely respected member of our local community and An Cumann Lúthcleas Gael and was involved in all aspects of life in that beautiful area where there is a deep sense of loss and shock in every family.

29 January 2013

The death of Garda Donohoe has also provoked memories of the killing of Garda Jerry McCabe and the wounding of Garda Ben O'Sullivan in June 1996. I apologise to Mrs. McCabe and the McCabe family, Garda Ben O'Sullivan and the families of other members of the State forces who were killed by republicans in the course of the conflict. I am very sorry for the pain and loss inflicted on these families. No words of mine can remove that hurt and dreadful deeds cannot be undone. However, I restate that the resolve of Sinn Féin and the majority of Irish people is to ensure there will never, ever be a recurrence of conflict. Members of An Garda Síochána do a dangerous job and take risks for all of us. Adrian Donohoe showed great courage when he confronted armed criminals at Lordship. He died in defence of other citizens. Once again, I appeal to everyone and anyone with any information on this crime to co-operate with the Garda or the PSNI. I hope those responsible are speedily brought to justice. My thoughts and prayers are with Adrian's family and colleagues at this very difficult time. Ar dheis Dé go raibh a anam.

Deputy Mattie McGrath: I, too, express my sympathy and that of the Independent Deputies to Caroline, his wife, and the family and Garda colleagues of Detective Garda Adrian Donohoe whose loss is an unspeakable tragedy. It is a very sad day for the country. The news broke last Friday night that the life of one of those charged with serving and protecting citizens - with his Garda colleague, Garda Joe Ryan - was taken violently in the course of his duty. The callous taking of the life of a member of An Garda Síochána is a most serious attack on the institutions of the State. The reaction of all right-thinking people and An Garda Síochána since last Friday night has displayed that revulsion. People by the thousand are signing books of condolence. I call on all right-thinking people in every community in the country, North and South, who have the interests of our democracy and the State at heart to reflect on what happened. This event may be the catalyst which will instill in the minds of the people that An Garda Síochána, in the main an unarmed force and which wishes to remain that way, cannot survive and do its job without the support of the public. It is a two-way street. I encourage every right-thinking citizen to get involved in his or her community, whether in Neighbourhood Watch or Community Alert, and banish the word "informer" from our vocabulary forever. We should give all possible assistance to An Garda Síochána.

We have seen that the community has lost a special man. Not only did he serve An Garda Síochána, but he was also an exemplary community man who epitomised the best ideals of An Garda Síochána. He served his country, community and family. Above all, he shared his skills and talents with others, young and old. He was a keen listener and sportsman. He was an excellent member of An Garda Síochána who could get results and was of the community, worked in the community and supported the community. I hope the loss to his family can be overcome. I hope also that this House will ensure his sacrifice will not have been in vain by providing An Garda Síochána with the resources and support it deserves and expects. Ar dheis Dé go raibh a anam dílis.

Minister for Justice and Equality (Deputy Alan Shatter): Just after 9.30 p.m. last Friday night I was shocked and horrified when I received a call to inform me that a brave young Garda, Detective Garda Adrian Donohoe, had been brutally murdered while protecting the community. When the news spread, the reaction of people across the country was the same - a mixture of shock and revulsion. The people rightly have great respect and admiration for members of An Garda Síochána and the work they do in protecting the community. They regard an attack on a member of the force for what it is - an attack on the community itself and on the State and its institutions. There are no words strong enough to condemn the evil people who carried out such

a brutal and despicable act.

I join the party leaders in again expressing my deep condolences to those who have been most directly affected by this great tragedy: Adrian's wife, Caroline; his children, Amy and Niall; his parents, Hugh and Peggy; his siblings and extended family; and his friends and colleagues. Their grief will endure but I hope, in time, they will find some fortitude in the great outpouring of support from so many decent people right across the country. We have seen people queuing to sign books of condolence in various locations, including Dundalk Garda station and the Mansion House in Dublin.

The men and women of An Garda Síochána are called on frequently to place their lives on the line in order that the entire community can be safe, but it is still a great shock for them when they lose a colleague. It is a shock for them, for Members of this House and for everybody. Therefore, it is important that we say to members of An Garda Síochána today, on behalf of the people we represent, that we stand by them at this very difficult time and that they have our full support in the important work they are doing, particularly in bringing to justice those responsible for the despicable event that took place on Friday night.

As the House would expect, I have been in regular contact with the Garda Commissioner, Martin Callinan, since this dreadful event. Yesterday, I visited Dundalk Garda station where I met many of Adrian's colleagues. I was briefed on the progress being made in the investigation. I also spoke to Detective Garda Joe Ryan, who was with Adrian on the fateful night. His dedication to duty was such that he was providing every help and assistance to his colleagues conducting the investigation. He was deeply engaged in it while clearly grief-stricken by what had occurred. I can tell the House that the depth of the grief I experienced in the Garda station is matched only by the resolute determination that those who carried out this evil act will be brought to the justice they deserve.

The Garda is devoting considerable resources to this investigation. As the Garda Commissioner has said, there is no question of there not being sufficient resources to carry out an investigation of this kind. The Garda has a great range of legal powers available to it, and this House, rightly, has in its laws provided that anyone convicted of the murder of a Garda must face a minimum mandatory sentence of 40 years. I emphasise that this is the minimum sentence.

I assure the House that the Garda is receiving every possible assistance from the Police Service of Northern Ireland. The Northern Ireland Minister of Justice, Mr. David Ford, telephoned me early on Saturday morning to offer his condolences and assure me that the PSNI will do everything it can to help. Ms Theresa Villiers, the Secretary of State for Northern Ireland, also gave such assurance. I never had any doubt that the PNSI would offer its full support given the excellent relations and ongoing everyday co-operation between the two police forces. Having said that, I am still very grateful to both Ministers for making contact with me.

There has, understandably, been speculation about who was responsible for this brutal act. I do not believe it is appropriate for me to speculate publicly about that, but I can say one thing with certainty: whatever its background, it was a cold-blooded gang whose members deliberately took the life of a member of An Garda Síochána. The Garda Commissioner has emphasised publicly that there are people who have information about what happened and they should come forward. We should all add our voice to that appeal, which I know is supported by all Members of this House. Those who have information that might help track down these despicable, cowardly murderers but choose to stay silent should consider carefully how they

would feel if it were their husband, father, son or brother who had been murdered in cold blood.

I will, of course, pass on to the Garda Commissioner the messages of sympathy and support expressed here today. I know they will be communicated to the family. It is important that this House has united, not just in expressing its heartfelt sympathy but also in making clear its determination that the evil cowards who committed such an unspeakable act will not prevail and that they will be brought to justice before our courts, which will make appropriate decisions.

Deputy Niall Collins: I, too, express my deepest sympathy to the family of deceased Garda Adrian Donohoe, including his wife, Caroline, and his children, Niall and Amy. As previous speakers have said, we were all absolutely repulsed and disgusted when we learned late on Friday evening of the act that took place in Lordship. In the intervening days, we have all read and heard about the extreme dedication of the late Detective Garda Donohoe to his job and community in Lordship and the wider County Louth area. We are all suffering as a result of his loss.

The loss of Adrian reminds us of the death of the late Detective Garda Jerry McCabe and other members of the Garda who have been killed during the years. Our thoughts and prayers are with their families also, because this recent event reminds them of the awful events that were visited upon them.

Many tributes have been paid to Detective Garda Donohoe but the biggest tribute that can now be paid to him is to bring his killers to justice. I join all the other speakers who have called on those who have information relevant to the crime. Anybody with information has an onus to pass it on to An Garda Síochána in order that the killers may be brought to justice. No justice will be done until such time as the killers are put behind bars, with a minimum mandatory sentence of 40 years.

I express my sympathy to the wider Garda Síochána community and thank its members for their sterling work in our communities in facing up to those forces who seek to work against the State and its citizens. Every single day, gardaí seek to uphold law and order and stand up to the criminals who are working against us. The role of gardaí in our public service is completely different from that of many others, as has been said. When gardaí go out daily to do their jobs, they face risks that are different from those faced by anybody else when doing his or hers. It behoves all of us to support and stand behind An Garda Síochána in doing its duty. This is why we must unite, as we are doing today, to express our solidarity with and support for members of An Garda Síochána and their families. We must work with the force in every way we can to support it in doing its job for us. Ar dheis Dé go raibh a anam.

Deputy Pádraig Mac Lochlainn: I extend my deepest condolences to the family, friends and colleagues of Detective Garda Adrian Donohoe. It is hard to imagine the agony and grief that his wife and children are going through. There are no words that could even begin to ease their suffering. It truly is a tragedy and an unfathomable loss.

The community of Lordship in County Louth, the people of Ireland, my Dáil colleagues and I were shocked by the callous murder of Detective Garda Donohoe. If any person has information that might bring his killers to justice, he or she should go to the Garda or the PSNI with it immediately.

Gardaí deal with high-risk, dangerous circumstances day in, day out, and that takes nerve. Gardaí take these risks in order that the rest of us do not have to. It takes courage and bravery at a level that is difficult for the rest of us to understand. The men and women who serve our

communities should not have to put on their uniforms in the morning, wave goodbye to their families and wonder whether they will make it home that night. It is important at this time to acknowledge the work they undertake in very difficult circumstances. Adrian Donohoe died while trying to protect his community. I am sure I speak for everyone when I say our thoughts are with his family, his friends, his colleagues and An Garda Síochána at this very sad time. Ar dheis de go raibh a anam.

An Leas-Cheann Comhairle: I call Deputy Finian McGrath, spokesperson for the Technical Group.

Deputy Finian McGrath: I thank the Leas-Ceann Comhairle for the opportunity to speak about the sad and horrific murder of Detective Garda Adrian Donohoe. That was a sad day for his wife, his children, his family and his Garda colleagues. It is difficult enough in life to lose a wife, husband or partner through illness or natural causes but it is a nightmare to lose a husband, father and colleague through the deliberate ending of life and gunning down of an innocent man like this. My heartfelt and deepest sympathy goes out to all his family.

All human life is special and this grave act of slaying a man while doing his duty is not acceptable in any society. Whether it is a young garda with a young family or a young plumber it is not on - it is not acceptable.

Today at Kevin Heffernan's funeral in Marino, another great GAA man and community man, I expressed my sympathy on the death of Adrian to some of the gardaí on duty. They were devastated. The gardaí in my constituency were still shocked but they told me that they were greatly lifted by the number of people who did what I did in expressing sympathy and support to them. We should never lose sight of that in these difficult and sad times.

Adrian Donohoe's family are in huge pain now. There is a huge loss which they will never get over, and they will never get over the horrific way he was killed last Friday night. Some will blame drugs while some will blame a dysfunctional and violent character. I cannot understand the way Detective Garda Adrian Donohoe was shot down without even a chance. It was a violent and needless act. It was an injustice to Adrian and, above all, it took a husband from his wife and a father from his children. Again, I express my deepest sympathy to all his family and his Garda colleagues.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd): Ba mhaith liom comhbhron ó chroí ar shon mhuintir Chontae Lú a ghabháil do chlann Adrian. Dúnmharú uafásach é seo a tharla i gContae Lú agus is méala mór a bhás dá chlann go léir agus don tír ar fad. Beidh cuimhne go deo air.

On behalf of all the people of County Louth I would like to offer my sympathy as a representative of that county to the family and particularly the wife and children of the late Detective Garda Donohoe. He has made the supreme sacrifice. He has lost his life in defence of democracy. He has died for us to protect our democracy and we will never forget him and the sacrifice he, and men before him in the Garda Síochána, has made. I think also of Sergeant Patrick Morrissey who was murdered in my county by murderous criminals.

Detective Garda Donohoe will never be forgotten and the hearts of all those in our community go out to him. To paraphrase Yeats, Detective Garda Donohoe was a great man in his prime, confronting murderous men. It is time for all this to end and hopefully it will end it because I am certain, as the Taoiseach and the Minister said, that there will be sentences of a

29 January 2013

minimum of 40 years for those who have perpetrated this evil and awful crime on this wonderful family and on the Irish people.

Deputy Seamus Kirk: Today we have an opportunity to contribute on what has been a brutal and callous murder in the north east and particularly in County Louth. A detective garda was protecting his local community finances in the credit unions on the Cooley peninsula. As more details emerge, the planning and the ruthlessness of the gang involved becomes clear.

Detective Garda Adrian Donohoe was a much-loved member of the Garda force in north Louth and particularly in the Lordship-Bellurgan area where he lived. His work for the local GAA club, St. Patrick's, was legendary. Coaching, mentoring and fuelling the spirit of the community was par for the course with him. He really was a true Corinthian. His spirit and presence will live forever in the near end of the Cooley peninsula and north Louth. To his wife Caroline and family, his father and mother in Cavan and extended family, and his colleagues in the Garda Síochána we send our sincerest sympathy. Ar dheis láimh Dé go raibh a anam dílis.

Deputy Peter Fitzpatrick: I am not speaking on behalf of the Government or Fine Gael or for myself in my role as a Louth Deputy. I just happen to be a Deputy for County Louth, but what I am about to say comes from me personally. I am a proud Louth man and a proud Irish man. I am proud not only to have known Adrian Donohoe but to have considered him a friend.

The recent cold-blooded murder of Adrian transcends politics, sport and even communities. This atrocity has robbed two beautiful children, Amy and Niall, of a father. It has left Caroline without a devoted husband, a community without a selfless member, and a nation in deep shock.

This brutal slaying of a brave Irish citizen has galvanised the nation. In my memory I cannot recall a greater outpouring of grief. The Irish people have responded with dignity and decency - nothing more than I would have expected. My office in Dundalk has fielded calls and e-mails from all corners of Ireland and from as far away as the United States, England and Australia. Every message has been similar with three main themes - condolences to the family; brave Irish men; and, cowards. I wish to say no more on that.

There are certain moments in life when one can remember exactly where one was when one heard of a particular event. Recent examples we can recall include the attacks on the Twin Towers in New York or the tsunami in Asia. These events shocked the world. I will always remember where I was when I heard about Adrian. What happened last Friday shocked this nation. As I look around the House I am sure my colleagues can also recall where they were last Friday. I am sure they can recall the hollow feeling in the pit of their stomachs. It is a feeling that is hard to describe. One feels almost still, empty and more than just stunned. One is more than gutted and shocked. One is empty and in an almost bizarre feeling of irrelevance. Nothing else really matters. That is the way I felt.

The people of Lordship and County Louth and the citizens of Ireland lost someone special last Friday. Adrian was a beacon, a tower of strength, a bastion of goodness. Adrian was a true Gael, a true Irishman. He may have left us but he will never be forgotten. Adrian, I pray we meet again some time. Rest in peace.

Deputy Gerald Nash: Like all my colleagues, I was shocked and saddened by the cold-blooded murder of Detective Garda Adrian Donohoe. Every day and night the members of An Garda Síochána selflessly serve the country, sometimes at great risk to themselves. They serve us and protect us, not just as individual citizens. They protect the very fabric of our society and

the foundations of our democracy. During the darkest days of the Troubles when some sought to undermine the State the members of An Garda Síochána stood firm. We stood in solidarity with our protectors then. We stand in solidarity and in sadness with all of them now.

We can never repay the debt we owe to Detective Garda Adrian Donohoe, his family and his colleagues. We can only humbly acknowledge his bravery and his service. The fatal shooting of Detective Garda Donohoe is an horrific crime and a tragic loss to his family. On my behalf and on behalf of the people who I am proud to represent, may he rest in peace.

Members rose.

Order of Business

The Taoiseach: It is proposed to take No. 3, National Lottery Bill 2012 - Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that the Dáil on its rising today, shall adjourn until 9.30 a.m. tomorrow and the arrangements for the sitting tomorrow to allow attendance at the funeral of Detective Garda Adrian Donohoe shall be as follows: the sitting shall be suspended immediately after the Order of Business and shall resume at 4 p.m.; oral questions shall be taken at 4 p.m., followed by Topical Issue Debate; Private Members' business, No. 87, motion re an Garda Síochána, shall be taken at 9.30 p.m. and shall be brought to a conclusion after 90 minutes; and the Dáil shall adjourn on the conclusion of Private Members' business.

An Leas-Cheann Comhairle: Are these proposals agreed to? Agreed.

Deputy Willie O'Dea: The Garda Síochána (compensation for malicious injuries) Bill has been on the list for some time. Out of respect for the Garda Síochána and in recognition of the sterling service its members provide in protecting our communities, this Bill should be published at the earliest opportunity.

In view of the resurgence of organised crime, the Taoiseach is aware the Criminal Assets Bureau, CAB, has proved to be a powerful weapon in the war against gangland crime. To assist the State in its fight against gangland crime, will the Taoiseach use his influence to ensure the criminal justice (proceeds of crime) Bill is published at the earliest opportunity?

The Taoiseach: The heads of the Garda Síochána (compensation for malicious injuries) Bill were approved last July. It will be later this year before it is published. Regarding the criminal justice (proceeds of crime) Bill, discussions are still ongoing with CAB and, accordingly, I do not have a date for its publication.

Deputy Mary Lou McDonald: Last week I raised the matter of the interdepartmental report on the Magdalene laundries with the Taoiseach but he did not have any specifics for the date of the receipt of the report or its publication. Will he confirm now that this report will go to Cabinet on 5 February? Will he inform us whether his colleague, the Minister for Justice and Equality, Deputy Shatter, has received any part or parts of this report? When does he imagine it will be given to him in full and will it go before the next Cabinet meeting? When will it be published? Following on from that, we will need to move speedily on to a full apology for the women affected and the full redress for their real suffering for which the State is culpable.

The Taoiseach: The report has been completed. I expect it will come to Cabinet next

29 January 2013

Tuesday and, accordingly, it will be published next week. That is if it comes to the Cabinet on Tuesday.

Deputy Mary Lou McDonald: Is the Taoiseach expecting it to come to the Cabinet on Tuesday?

The Taoiseach: Yes, I am.

An Leas-Cheann Comhairle: I call Deputy Healy-Rae.

Deputy Michael Healy-Rae: I thank-----

An Leas-Cheann Comhairle: Gabh mo leithscéal. I meant to call Deputy Mattie McGrath for the Technical Group.

Deputy Finian McGrath: He is the leader.

Deputy Michael Healy-Rae: I thought I had been promoted.

Deputy Mattie McGrath: When will we fully debate the local government reform Bill? Its proposals will impact on County Tipperary as well as on many town and borough councils across the country.

I also wish to raise the greyhound amendment Bill. I invite all Members to come to our annual coursing meeting in Clonmel next Saturday, Sunday and Monday. The Minister for Agriculture, Food and the Marine has given a commitment to come to it. The meet has changed this year to a weekend event with significant efforts put into it to ensure its success. I even invite the anti-coursing people to come-----

An Leas-Cheann Comhairle: This is not relevant to the Order of Business. We will take the first point on local government reform.

Deputy Mattie McGrath: ----to see the merits of how we run our coursing festival.

Deputy Michael Healy-Rae: Are we all invited?

Deputy Mattie McGrath: Yes.

The Taoiseach: The local government reform Bill is major legislation and I do not have a date for its publication. The greyhounds are still running and I do not know when that legislation will be published either.

Deputy Michael Healy-Rae: I thank the Leas-Cheann Comhairle for the promotion earlier.

On Wednesday, 6 February, we will reach a milestone of 1,000 days since the Construction Contracts Bill 2010 was introduced in the Seanad by Senator Feargal Quinn. It has still not been put into law despite having all-party agreement as well as it being tried and tested legislation for many years in other countries.

The Government seems intent on persecuting, petrifying and prosecuting people who are unable to pay some of the myriad new household charges. Revenue will now be brought on board to collect these charges.

An Leas-Cheann Comhairle: Is legislation promised on this issue, Deputy?

Deputy Michael Healy-Rae: Yes, I am coming to it. When will the fines (amendment) Bill be introduced so that the people will know the persecution will continue and get more severe?

The Taoiseach: I thought the Deputy was on about the Spanish Inquisition when he was talking about persecution. The fines (amendment) Bill will be published in the middle of the year and the heads were approved in October. The Revenue Commissioners are conducting the mechanics of the collection of the property tax. The dates and timelines for that have been set out. Half of the charge level will be payable in 2013 and the full charge in 2014, following the assessment procedure.

The Construction Contracts Bill 2010 has been around for a while and we are waiting to get it on Committee Stage. Several amendments are being considered which will give it greater effect and impact. One issue raised by subcontractors is that when materials are put in the ground - be they blocks or steel - they then cannot be taken away in lieu of payment which is one of the reasons for this legislation in the first place. I hope the discussions around the amendments can be concluded quickly to get it back on Committee Stage.

An Leas-Cheann Comhairle: Deputy Mattie McGrath asked about the greyhound Bill. Is a Bill promised?

The Taoiseach: I said they were still running and I do not have a message from them yet.

Deputy Michael McNamara: In view of the announced reforms to the American immigration system, which will be welcomed by many Irish citizens there and Deputies here, and more importantly a very strident criticism by the Supreme Court of the Department of Justice and Equality in deciding citizenship cases where Mr. Justice Hardiman referred to the “unembarrassed casuistry” in the decision making process, when will our Immigration, Residence and Protection Bill move to Committee Stage?

The Taoiseach: There is a body of work being conducted on this legislation in the Attorney General’s office. Until that is completed, I cannot give a date on its progress but we will send the Deputy an up-to-date report on it.

Deputy Pádraig Mac Lochlainn: The forestry Bill aims to enshrine in law the principles of sustainable forestry management. Yesterday, a report from the economist Peter Bacon found the proposed sale of Coillte’s harvesting rights cannot be justified and the Government’s rationale for the sale no longer stands up. We have consistently called on the Government not to sell off Coillte’s lands. Does the Taoiseach propose to address this issue in the forestry Bill?

The Taoiseach: The economist the Deputy referred to has produced several reports during the years in which certain proposals were outlined but it was not possible to follow through on them. I expect this Bill will be produced in a matter of weeks and we will have plenty of opportunity to debate it here.

Deputy Pearse Doherty: There has been a good deal of debate and questions in the past year and a half on bankers’ remuneration. The Taoiseach is perfectly aware that some bankers are working for banks owned completely by the State and are being paid hundreds of thousands of euro and pensions that are greater again. Will the Taoiseach indicate to the House when the Mercer review, commissioned more than a year ago, will be finalised? Will it be laid before the House and will the Taoiseach allow for a debate on the report?

29 January 2013

The Taoiseach: I do not have a date for that but I will send the Deputy a note on the current position.

Deputy Finian McGrath: The Taoiseach will be aware that Howth is a beautiful village in Dublin Bay north with a great maritime tradition. I call on him under the legislation to raise my concerns about the potential loss of 300 pier jobs in the Howth area due to a proposal to introduce paid parking. The Minister for Jobs, Enterprise and Innovation, Deputy Bruton, was at a meeting on the matter last night, along with me. We gave a commitment that we would raise it in the Dáil and lobby the Minister for Agriculture, Food and the Marine, Deputy Coveney, on the proposal. We are concerned-----

An Leas-Cheann Comhairle: That should be tabled as a Topical Issue.

Deputy Finian McGrath: The legislation is the sea fisheries and maritime jurisdiction (amendment) Bill. Will the Taoiseach ensure that these 300 jobs on the pier in Howth are given priority in the coming weeks?

The Taoiseach: I am unsure of the details discussed at the meeting last night, but the Deputy has raised the matter with me as he said he would - as has the Minister, Deputy Bruton - and has completed his commitment to the group. Seriously, the Government is concerned about every job and is interested in the opportunity to create as many jobs as possible. The views expressed at the meeting will be taken into account. The Minister, Deputy Coveney, and the Minister of State, Deputy McGinley, are considering the situation.

Deputy Martin Ferris: Currently, there is a Spanish fishing boat tied up in Dingle. It is registered under a British flag. Seven crew members of Indonesian origin are currently being kept in Tralee and have not been paid for over one month.

An Leas-Cheann Comhairle: I believe that is another Topical Issue.

Deputy Martin Ferris: I am coming to the point, if you will allow me. Will the Taoiseach give an assurance that these fishermen will not be deported until such time as their outstanding wages have been paid? Is there any proposal at the talks on the Common Fisheries Policy to introduce legislation to protect the rights of foreign people, including these seven Indonesian fishermen, involved in the fishing industry, who in many cases are being exploited by boats with flags of convenience?

The Taoiseach: I do not know who owns the boat. This is the first I have heard of it.

Deputy Martin Ferris: It is under a British flag. A British flag is flying.

The Taoiseach: I do not know the situation that has arisen whereby the men are being kept in Tralee. Clearly, if they are due legitimate wages, they should be paid. I am unsure of the situation with regard to deportation, but I will ensure there is some communication with Deputy Ferris in this regard.

Deputy Ray Butler: When is the proposed legislation on gambling control, which will update and consolidate the law on betting and gambling, due? I ask this in the light of the documentary last night which highlighted online gambling. It is possible to have a casino sent to one's telephone. It is highly addictive. There is no legislation in this regard, and these websites are open all the time online. It is a serious problem. I am keen for the gambling control Bill to be brought to the House to tackle this problem.

The Taoiseach: The heads of the Bill were approved in July last year, but it has not come back from Government for approval yet. I assume that work is being undertaken. Clearly there is an issue arising with regard to the type of case that Deputy Butler mentioned.

Reform of Judicial Appointments Procedures Bill 2013: First Stage

Deputy Pádraig Mac Lochlainn: I move:

That leave be granted to introduce a Bill entitled an Act to reform the way in which individuals are selected for appointments to the Judiciary by the Judicial Appointments Board.

An Leas-Cheann Comhairle: Is the Bill being opposed?

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): No.

Question put and agreed to.

An Leas-Cheann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Pádraig Mac Lochlainn: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Topical Issue Debate

Hospitals Capital Programme

Deputy Billy Kelleher: I welcome the opportunity to speak on this serious issue, which has highlighted the interference of the Minister for Health in the delivery of health care in the country. We all accept that a Minister should take a hands-on approach in the delivery of health care, but this was a deeply cynical political exercise. There are no two ways of explaining the issue. The fact is that the Minister for Health sacked the HSE board on taking office in April 2011. A short time afterwards, representations were made to the board on the delivery of the hospital in Wexford and St. Luke's General Hospital in Kilkenny. We all accept that people make representations on a continual basis to the Government for the delivery of health care, but on this occasion the Minister interfered with the independence of the HSE to expedite a capital project in Wexford and another capital project in Kilkenny. The HSE had an interim board appointed. The board acts independently, but it was completely unaware of the decision of the Minister to bring the hospitals in Wexford and Kilkenny to the top of the list.

I do not begrudge the people of Wexford or Kilkenny their hospital facilities. The difficulty I have is that on every other occasion when the Minister was rowing back on promises he made previously, he blamed someone else or the independence of the HSE and suggested that a given hospital had to be closed or downgraded because either the HSE or HIQA had directed it. However, on this occasion the Minister had no difficulty acting for two Cabinet colleagues and

interfering in the capital projects. This is taxpayers' money. It is not a slush fund to be used by the Minister or his Cabinet colleagues in advancing themselves in their constituencies. We saw another deeply cynical exercise previously with the primary care centres. Unfortunately, the Minister has form in this regard.

The Minister for Public Expenditure and Reform had a role and has questions to answer in this case because he signed off on the original primary care list. I want to know whether there was a *quid pro quo* involving his scratching the back of the Minister for Health and *vice versa* in terms of looking after constituency needs above the Minister's responsibility to all people in the country in the provision of health care.

Deputy Richard Boyd Barrett: Let us set aside the red herrings that the Taoiseach and the Minister for Health might try to throw at us in raising these points. Everyone is delighted to see any hospitals or health care facilities upgraded for the people of Wexford, Kilkenny or anywhere else in the country. The point is that this has occurred against a background in which the Minister has closed 24-hour accident and emergency services in Roscommon, hospitals such as Loughlinstown hospital are threatened with downgrading, ambulance services are being hit in areas such as west Cork and accident and emergency services are being hit in Cork city and other parts of the country. Against that background, it is altogether unacceptable that the Minister should interfere to prioritise certain areas for the political advantage of the Government. Given the imposition of brutal cuts of hundreds of millions of euro in health care services, there should be absolute transparency and fairness in the allocation of the inadequate resources available. This is an indication that, contrary to the Government's promises to end the era of cronyism and stroke-pulling, cute-hour politics are alive and well. We see it in this instance and we saw it in the selection of locations for primary care centres. It is clear that questions of political advantage and the need to shore up political bases for particular Deputies have taken precedence over fairness in the allocation of scarce resources for health services. It is shameful. As with the location of the primary care centres, we need to see the criteria that lead the Minister to select some sites over others and to interfere, as he has, in the allocation of scarce health resources.

Deputy Denis Naughten: As the Minister for Health was justifying the closure of their accident and emergency facility to the people of Roscommon, he was pushing through proposals for the upgrading of two further accident and emergency units in Wexford and Kilkenny. While I do not begrudge the people of Wexford and Kilkenny, the argument has now been made that the issues in Roscommon were different and that the closure was a matter of safety. The Minister articulated this case in the House in July 2011 when he stated that patients attending University Hospital Galway had a 5.8% mortality rate compared to a 21.3% mortality rate in Roscommon, which was four times greater. These allegations were immediately contested by a consultant at the hospital as well as by Senator John Crown, who had reviewed the actual figures. The mortality rate in Roscommon at the time was 4.92%. According to the Minister's own argument, Roscommon County Hospital was safer than University Hospital Galway, where patients of the former are now being treated. Subsequently, Dr. Jennifer Martin of the Department of Health informed us that those figures were based on a report compiled to examine the quality of data and not the care provided in acute hospitals. Notwithstanding the fact that the Minister's evidence was based on faulty figures and not faulty care, he has failed to correct the record in the House, apologise to the staff at Roscommon County Hospital whose professionalism was undermined or publish the report which has been imminent for the last 18 months. It raises the question: why?

Another key question is what capital projects were delayed by the decision to fast-track the

upgrading of Kilkenny's and Wexford's accident and emergency departments. Reports are being circulated that the delay in delivering the new endoscopy suite at Roscommon County Hospital, the Government's replacement for the closure of the accident and emergency department, is due to the need for funding to deliver the new accident and emergency services in Kilkenny and Wexford. In July 2011, the Minister was committed to putting Roscommon's temporary endoscopy suite in place by September of that year and to instituting a permanent facility by early 2012. Some 18 months later, we are at the stage of seeking planning permission for the permanent facility and have been told the temporary endoscopy suite is too expensive.

Deputy Caoimhghín Ó Caoláin: It is clear that the upgrading of emergency departments in Wexford and Kilkenny is necessary and welcome. The issue is that they were fast-tracked ahead of other necessary projects by the Minister, Deputy James Reilly, at the behest of his Cabinet colleagues Deputy Brendan Howlin and Deputy Phil Hogan. That is the information with which we have been provided through a freedom of information request by RTE. In early June 2011, both Deputies announced the capital projects for the upgrading of Wexford General Hospital and St. Luke's General Hospital in Kilkenny. This was prior to the HSE board meeting of 9 June 2011, the minutes of which report the reaction of Mr. Brian Gilroy, which I place on the record of the House as follows:

In view of the announcements by the Minister for Public Expenditure and the Minister for the Environment in relation to capital projects in St. Luke's Hospital Kilkenny and Wexford General Hospital, revisions to the capital plan may be required. B. Gilroy will consult the Department of Health and Children and report on this matter at the next meeting.

Mr. Gilroy then had to write to the Department of Health to confirm the situation as announced by two Ministers with no connection to Deputy James Reilly's portfolio responsibilities. On 14 July 2011, the Department of Health confirmed that the Minister, Deputy James Reilly, had requested that the projects "be accelerated in the HSE's capital programme". This is not the language of Opposition Deputies; it is what the record shows. It is most regrettable because it exposes Cabinet cronyism. It is not wrong to use the phrase. Other hospital sites which are equally deserving are not getting this treatment. We must ask if the future of acute hospital care in a particular location is determined on the basis of whether a constituency representative is a Minister.

Minister for Health (Deputy James Reilly): When I was in opposition, I stated that my absolute priority would be to reduce the number of patients on trolleys. When the Government came into power, I reiterated that position. Patients deserve world-class health facilities in which they are not left suffering on waiting lists or on trolleys in overcrowded hospitals. I cannot deliver the type of health system patients deserve in sub-standard accident and emergency facilities operating from converted pharmacies or where medical assessment units are operating out of reconverted laundries and portakabins. That is the situation in Kilkenny and Wexford. I cannot continue to make the progress required in health if I tolerate such poor standards. I am taking a hands-on approach, as I promised in Opposition and on taking office, and delivering results for patients, which include 20,352 fewer patients on trolleys in 2012 than in 2011, a reduction of almost 24%. By the end of December 2012, the number of adults having to wait more than nine months for inpatient and day-case surgery was down to 86 from a total of 3,706 in December 2011, a reduction of 98%. The number of children waiting more than 20 weeks for inpatient or day-case surgery was down to 89 from 1,759 in December 2011, a 95% reduction. The number of patients waiting more than 13 weeks for routine endoscopy procedures went down from 4,590 in December 2011 to 36 at the end of 2012, a 99% reduction.

29 January 2013

For the first time in the history of the State, we have counted the true number of people waiting on outpatient lists, of whom there are in the region of 380,000, a daunting figure. Many people have been waiting for years. We have undertaken that by the end of this year, no one will wait longer than 12 months for an outpatient appointment. Some 16,000 people have been waiting longer than four years. For the first time, we will have real facts and figures which are verifiable. We do not dispute the morning trolley count with the INMO; we have a joint figure. These figures can be checked and are worth repeating. There has been a reduction of 24% in the number of people on trolleys, of 98% in the number of people waiting nine months or longer for inpatient treatment and of 95% in the number of children waiting more than 20 weeks.

I visited Wexford's emergency department, as I visited nearly every such department in the State, and I was taken aback by what I saw. There were overcrowded, cramped conditions with five cubicles and patients on full display on trolleys in the central area of what was a converted pharmacy. The new Wexford project will address these issues by providing 17 treatment bays and a separate treatment area for children. Approximately 40,000 attendances take place at that emergency department per annum. The new Kilkenny project comprises an emergency department, a medical assessment unit and a day services unit, including endoscopy, construction of which has started. This is the first medical assessment unit in the country introducing a new way to treat patients in a more civilised fashion, which also takes a great deal of pressure off the emergency department. The real point is that both projects were approved for inclusion in the HSE capital programme in 2006 and have been included in all of the HSE's multi-annual capital plans ever since.

6 o'clock

As the House will be aware, one of the issues for many years concerns capacity issues in accident and emergency departments. Since 2006, capital funding has been made available for an accident and emergency department initiative to provide admission managers and a series of medical assessment units to relieve the pressure on accident and emergency departments. Continuing to address these capacity issues has always been a fundamental aspect of the HSE's capital plans. The 2008 capital plan contained funding to complete developments under way, deliver new accident and emergency departments and upgrade and extend existing departments. The Wexford and Kilkenny projects were part of this initiative.

Acting Chairman (Deputy Olivia Mitchell): The Minister's is up, but if there is a particular point he wants to make, he could make it and come back in later.

Deputy James Reilly: The key point is that both projects have been on the list for a long time. I was delighted to be able to receive an extra €12 million for the capital fund from the Department of Public Expenditure and Reform in order to expedite the sorely needed facility in Wexford General Hospital. I will address the issues raised by some of the Deputies, in particular the disingenuousness shown by Deputy Denis Naughten when he suggested the provision of capital funding for this project had delayed the provision of the endoscopy unit in Roscommon. It has not. The level of new services provided in that hospital and the increased footfall to which I can refer in my final response prove the point that this hospital been well capitalised, including the money spent by a previous Government on the accident and emergency department. It was well known that the service provided was not safe, as adjudicated on by HIQA. Deputies Denis Naughten and Luke 'Ming' Flanagan were at the meeting with Deputy Frank Feighan and me when Tracey Cooper of HIQA made it very clear that the service was not and could not be made safe. I gave an undertaking to support the hospital and we have done so.

There is much greater footfall than before. I can go through the data later.

Acting Chairman (Deputy Olivia Mitchell): The Deputies have one minute in which to respond.

Deputy Billy Kelleher: The Minister toured many hospitals when in opposition and has toured a few more in government. It is welcome that he is visiting accident and emergency departments in hospitals throughout the country. The point is, however, that he personally interfered in the selection process for priority capital projects. He says the hospitals concerned deserve it. Of course, they do and we do not dispute this for one moment, but the fact is that the HSE which was established independently of this House was not even aware of the decision made by the Minister on foot of representations made by two of his Cabinet colleagues. Clearly, he could ask himself whether the hospitals in Roscommon, Navan and Monaghan would receive priority if Ministers from these areas made representations, while others would lose out. That is the key question. Resources are scarce and the capital budget is always under pressure, but there was interference in the selection process on foot of representations made by the two Ministers. The Minister acceded and rode roughshod over the independence of the HSE in delivering capital projects.

Deputy Richard Boyd Barrett: None of this would be happening were it not for the fact that the Government is committed to imposing unsustainable cuts on the health service under the troika agreement. Given that this is the decision made by the Government, it is vitally important that there is fairness, complete transparency and accountability when it comes to the allocation of scarce resources. What we discovered in the primary care scandal, for that is what it was, and now in the prioritisation and acceleration of projects in Wexford and Kilkenny is not fairness and transparency but political interference in order to shore up political bases. It is the cronyism and cute hoor politics which the Minister decried during the term of office of the last Government and which was a corrosive cancer in the body politic that helped to get the country into the mess it is in. The Minister is perpetuating that kind of politics by interfering in this way instead of decisions on the allocation of scarce resources being made purely on the basis of need and fairness.

Acting Chairman (Deputy Olivia Mitchell): The Deputy is taking up the time of others.

Deputy Richard Boyd Barrett: That is the allegation being made which the Minister has not addressed yet again.

Deputy Denis Naughten: The Minister is correct in saying the number of trolleys has gone down, for which he is to be commended. He might, however, explain why up to 12 months ago there was no problem with trolleys in Portiuncula Hospital, while there has been a significant problem for the past 12 months because of the closure of the accident and emergency department at Roscommon.

On the accusation that I am being disingenuous, I again ask the Minister to correct the Dáil record. He has been asked to do this on numerous occasions. He said Roscommon County Hospital was four times more dangerous than Galway University Hospital. His officials have contradicted this in his presence, but he has yet to correct the Dáil record. Will he clarify that it was a faulty figure in the statistics presented about Roscommon County Hospital 18 months ago? Will he take the opportunity to once and for all correct the Dáil record? He might explain why the mortality report has not been published, even though it was said to be imminent 18

months ago. Will he tell us when it will be published?

Deputy Caoimhghín Ó Caoláin: What engagement did the Ministers for the Environment, Community and Local Government and Public Expenditure and Reform have with the Minister prior to making their announcements in early June 2011, prior to HSE board meeting on 9 June? Did the Minister indicate to them that he would ensure the projects would be fast-tracked or that he would see to it or was it just a case of “wink and say nothing”? The Minister seeks to give the impression that there is nothing irregular. The Taoiseach also attempted to give the same impression during Leaders’ Questions. Perhaps it is not irregular, but the key point is that there is certainly something rotten at the core of the decision-making process. It seems to be a case of “hear no evil, see no evil, speak no evil” for the Ministers concerned. It is high time the Cabinet chimps came here and told the truth.

Deputy James Reilly: In response to the last contribution, it would be nice if Deputy Caoimhghín Ó Caoláin’s party came in here and told the truth sometimes.

I will address the issues raised by Deputy Denis Naughten. We have made it very clear that the situation in Roscommon was unsafe, as dictated by HIQA. The Deputy was at that meeting. Since Mr. Bill Maher took over the Galway-Roscommon Hospital Group, the Galway figures have been an exemplar for what can be achieved in terms of the number of trolleys at Galway University Hospital which had the largest problem, where 40 to 50 patients were regularly on trolleys and the average figure was 27. It is now down to seven. There would have been 9,901 people waiting for nine months or longer for inpatient treatment and as day cases by the end of September before Mr. Maher took over in January 2011. That figure was nil by the end of September. He has increased footfall at Roscommon County Hospital which is busier than ever. It provides urology services, while there is plastic and reconstructive surgery and a sleep apnoea clinic that had not been available before. There has also been a radiology service upgrade. The development of the endoscopy suite continues apace and planning permission has been applied for. The existing endoscopy unit has JAG accreditation. There are new dental services and nursing initiatives centred on nurse prescribing, including X-rays, as well as nurse-led clinics. There is also a colo-rectal clinical nurse specialist. We hope it will be successful in being one of the endoscopy centres used for the screening programme.

Deputy Denis Naughten: What if one has a stroke or heart attack?

Deputy James Reilly: I did not interrupt the Deputy. In respect of outpatient and day cases, the figures show a major increase in the number of patients being treated, which is what people want. They want safe treatment to be provided as near to home as possible. They do not want to be misled into believing they have access to an accident and emergency department that can deal with complex fractures, bleeding and vascular problems when there is nobody available to deal with them. There cannot be because we cannot have vascular surgeons in every hospital in the country, as the Deputy knows.

Acting Chairman (Deputy Olivia Mitchell): We are not having a debate now. Time is up.

Deputy James Reilly: I saw in the media that the first issue out of Deputy Billy Kelleher’s mouth was that of a slush fund for political gain. It is not surprising that he came out with this because that is exactly what Fianna Fáil did for 12 years, but that is not the case in this instance. I have in my hand Special Report No. 70 of the Comptroller and Auditor General. It states on page 42 that a new department at the Mercy Hospital was completed and opened, that a new de-

partment was completed at Drogheda and that a new extension was completed and operational at the Mater Hospital.

Deputy Caoimhghín Ó Caoláin: I ask the Minister to answer the questions put to him.

Deputy James Reilly: In Letterkenny a new emergency department is under construction. Construction work is ongoing at Sligo General Hospital.

Deputy Caoimhghín Ó Caoláin: Please answer the question.

Acting Chairman (Deputy Olivia Mitchell): The Minister has the floor.

Deputy James Reilly: The unit in Cavan is under construction. The hospital in Wexford was stuck at design stage since the previous Government was in office. Was that a political decision? When I took office as a new Minister, why would I continue to engage in Fianna Fáil's policies if I had offered something different to the people?

Deputy Caoimhghín Ó Caoláin: I ask the Minister to outline to the House the points of contact he had with the Ministers for Public Expenditure and Reform and the Environment, Community and Local Government prior to their announcements.

Acting Chairman (Deputy Olivia Mitchell): The Minister should conclude.

Deputy James Reilly: That was done for the first time, even though there was less money and fewer staff available.

Deputy Caoimhghín Ó Caoláin: Please answer the question.

Deputy James Reilly: Despite the Deputy's shroud waving last February, we have reduced the number who have to wait for services at all levels.

Acting Chairman (Deputy Olivia Mitchell): I ask the Minister to conclude as he has greatly exceeded his time.

Deputy James Reilly: We have not only maintained a safe service but also improved it.

Acting Chairman (Deputy Olivia Mitchell): It is not fair to keep other Deputies waiting.

Deputy James Reilly: I am determined to continue the reform agenda. In the coming weeks we will issue the new hospital groups document, the small hospitals framework document, the money follows the patient document and the universal health insurance paper. Reform continues apace and none of these distractions will deter me from the course.

Acting Chairman (Deputy Olivia Mitchell): The Minister will have other opportunities to make his case.

Deputy Caoimhghín Ó Caoláin: How many other hospitals have been allocated specific funding by the Minister for Public Expenditure and Reform?

Hospital Services

Deputy Michael Moynihan: According to newspaper reports, a recruitment ban means

29 January 2013

epilepsy units remain closed, even though 200 patients are on waiting lists. As epilepsy can be a life threatening illness, some of these individuals' lives are at risk. The two specialised units in question are crucial to assessing the appropriateness of epilepsy patients for surgery. They were closed, in spite of the fact that they were an intrinsic part of the HSE's draft national epilepsy care programme which was published in the spring of last year. The two units are located in Cork University Hospital and Beaumont Hospital in Dublin. Among their functions is identifying patients who may be suitable for surgery, diagnosis, observation, education and counselling. I have been contacted by a number of individuals on the waiting list and know some of them personally. They suffer from a debilitating illness.

I gather that the cost of upgrading the units is in the region of €900,000. I have to agree with Brainwave, the Irish epilepsy association, that it seems entirely illogical for the HSE to sanction the redevelopment of the monitoring units and then to decline to fund the staff required to make them operational. Beaumont Hospital was also to be the national epilepsy centre under the HSE's plans, but this development cannot proceed because the emergency monitoring unit is closed. It is expected that the facility in Cork University Hospital will open at some stage this year. However, we need more than an expectation because waiting lists continue to grow. We need a definite commitment on when the units will be staffed. This morning Professor Norman Delanty from Beaumont Hospital warned that he could not look after his patients properly and would be compelled to send them abroad for treatment unless the two units needed to monitor seizures were opened. He rightly pointed out that this would have obvious cost implications for the State.

It appears that the unit in Cork has not been informed that the unit in Beaumont Hospital is closed because it continues to refer patients to Dublin. I have been contacted by numerous people with epilepsy, including the parents of young children. They were repeatedly told that new units were about to come on stream to monitor their condition. I ask the Minister the reason the HSE is not taking a more proactive approach to providing staff in the light of the money already invested in these units.

Deputy James Reilly: I thank the Deputy for raising this important issue. I am aware of the challenges people with epilepsy face in managing their conditions and fully acknowledge the need for the provision of a dedicated service for all epilepsy patients. The epilepsy monitoring units in Cork and Beaumont Hospital are being developed under the HSE's national epilepsy clinical programme. I understand epilepsy monitoring is only required for the most vulnerable patients who suffer the worst effects of epilepsy. The majority of patients will have their care needs met through other epilepsy services, including the newly established rapid access clinics in four centres, Cork and Beaumont Hospital among them. The epilepsy monitoring units will increase pre-surgical evaluation capacity for those patients who may benefit from complex but potentially curative surgery. This development is, therefore, a clear priority for the programme. Patients at these units will require 24-7 care. The staffing needs to enable the units to be safely opened have been identified.

It is important to point out that there is no ban on recruitment. The Government decided that the numbers employed across the public service must be reduced in order to meet its fiscal and budgetary targets. The health sector must make its contribution to that reduction, but the HSE can make staff appointments once it remains within its overall employment ceiling and has the financial resources to do so. The normal processes will apply to the HSE's decisions on the recruitment of the required staff in Cork and Beaumont Hospital.

In regard to the staffing of the epilepsy monitoring units, the HSE has advised that Beaumont Hospital and the HSE are working jointly to fill the posts necessary to support this service development. With regard to the position in Cork, the HSE has advised that the service plan for 2013 for Cork University Hospital will be finalised in the coming weeks and that the provision of additional staff for the epilepsy monitoring unit is being considered as part of that process.

Cork and Beaumont Hospital are two of the six regional centres identified by the epilepsy clinical care programme for the provision of specialist epilepsy services. It is the intention that services will be provided by a team of nurses and consultant neurologists working as a virtual national network supporting all acute and primary care locations. Rapid access clinics providing care for the broad cohort of patients with epilepsy have been developed at Beaumont Hospital, St James's Hospital, in Galway and Limerick. As 10.5 whole-time equivalent advanced nurse practitioners, ANPs, have been recruited to lead these clinics, a total of 12 ANPs are now in place across the four centres delivering services both on site and on an outreach basis. The outreach model is facilitated by the epilepsy electronic patient record system developed by the programme which allows the ANPs to access the necessary patient information at the outreach locations. For patients, the rapid access clinic model means faster access closer to home and improved continuity of care. It is delivering tangible improvements in patient access and experience. I am committed to providing the best possible health service and will continue to work with the HSE to ensure the best outcomes for these patients.

Deputy Michael Moynihan: The Minister has stated the HSE is finalising its plans for the centres. I ask him to apply the same urgency to this matter as he did to the issues discussed earlier in regard to Kilkenny and Wexford hospitals. He will need to take a hands-on approach because people are suffering from epilepsy and young children are unable to access the full spectrum of services they need. I ask him to ensure the units are fully funded and operational because they are necessary for those who suffer from or have been diagnosed with epilepsy.

Deputy James Reilly: I respect the Deputy's interest in this area, one in which I have considerable experience as a GP. I was attached to St. Ita's Hospital where many of the patients in the intellectual disability service had this problem. I realise how much it limits people's lives and interferes with their ability to work and understand that, above all else, good control of the condition can lead to quality of life, while poor control can destroy the quality of somebody's life. I will endeavour in every way I can to expedite the provision of this important service. However, I know this has been an issue for some time. I also know that the Deputy was part of the last Government at a time of plenty and the issue was not addressed then. While I will do everything I can with the limited resources I have available, it is only right to remind Members that when Fianna Fáil was in power, the issue was not addressed.

Book Rental Scheme

Deputy Eamonn Maloney: All Members will be familiar with the annual debate in May or June on the cost of school books and no doubt the coming summer it will be no different. This issue has been covered on the airwaves and in the press year after year, but there has been no resolution. Last June I received a telephone call from a parent who argued that we had the most expensive school books in Europe. I am not sure whether that is true and cannot make a judgment, as it is difficult to establish the truth.

There have been many Ministers for Education during the years, but none of them has ever

dealt with this issue. However, yesterday, for the first time since the foundation of the State, the Minister for Education and Skills dealt with the fact that this was one of the few countries in Europe that did not have a school book rental scheme. He and the Department indicated that we would have the foundations for a universal school book rental scheme.

The cost of school books is a problem that does not affect people with plenty of money, but it presents a difficulty for families who do not have large incomes and parents on low or modest pay. I congratulate the Department, the Minister and the Minister of State on the introduction of this initiative yesterday. I congratulate them also on the fact that - this has gone practically unnoticed - they have managed to ringfence a sum of €15 million this year for the scheme.

With regard to the perception, true or otherwise, that we have the most expensive books, this is difficult to establish. I engaged in an exercise with the publishers and printers to establish the figures. However, it seems we have what one would call a cartel because the main publishers and printers are not limited by guarantee. Therefore, we have no access to the amount of money they make annually. The opposite is the case in our neighbouring jurisdiction and on mainland Europe. We are in a different position and companies have made significant moneys from the school book business. However, the Department has now made a start on introducing a proper universal book rental system.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):

I am taking this debate on behalf of my colleague, the Minister for Education and Skills, Deputy Ruairí Quinn. I am pleased to have the opportunity to discuss school book rental schemes. As the Deputy mentioned, yesterday the Minister launched the guidelines for developing textbook rental schemes in schools. The guidelines provide practical advice for primary and post-primary schools on how rental schemes can be established and operated. The aim of the guidelines is to help as many schools as possible to start such book rental programmes.

The publication of the guidelines follows a survey of schools by the Department's inspectorate last year. It had a 99% response rate at primary level and showed that 76% of primary schools operated a book rental scheme. At second level, the response rate was lower, at 44%. Of the 44% which responded, 88% of those in the VEC sector and 73% of those in the community and comprehensive sector operated a book rental scheme. These results show that we have a good foundation on which to build a scheme across the country. I hope schools not yet operating book rental schemes will be encouraged to use the guidelines introduced yesterday. If they do, this will result in substantial savings for parents. Schools which already have rental schemes can save parents up to 80% of the cost of buying new books.

A special guide for parents is also being published to inform them how the schemes operate and how they can help schools to establish and run them. The Minister has been very clear in his ongoing support for book rental schemes. All of us who are parents know how expensive textbooks can be and what a burden the cost places on already hard-pressed families at the start of every school year.

A key priority for the Minister is to continue to take steps to tackle the costs associated with school attendance. The publication of the guidelines builds on other steps taken in an attempt to reduce the burden on families such as protecting the budget for school book grants at €15 million in the past two years, despite economic pressures. The Minister has consulted widely on the guidelines, including working closely with the National Parents Council at primary and post-primary level, the Society of St. Vincent De Paul and Barnardos, to discuss ways of reduc-

ing costs for parents. These consultations resulted in a commitment from the Irish Educational Publishers Association to limit the publication of new editions and maintain editions of books in print unchanged for at least six years. The publishers also gave assurances that they would sell books for rental schemes to schools at substantial discounts.

Acting Chairman (Deputy Olivia Mitchell): I take the opportunity to express my admiration for the Minister of State's impressive book.

Deputy Eamonn Maloney: I am encouraged by the remarks made by the Minister of State on the progress being made in this area. I am in favour of the reforms being made in the education sector, particularly in this area. While the change will not affect everyone, it will benefit those on low incomes, the kind of people who elected me to this House. It is important that there is fairness and equality, particularly at primary level, and no child should be denied access to school books.

The Minister of State mentioned the Irish Educational Publishers Association. I read its statement on this issue. We have not heard much from it in the past, although it has been in existence for some time. If it had not been hauled in by the Department, it would have been quite content to continue making money from the sale of school books and keeping the *status quo*. Its attitude bears out the point made by the parent who telephoned me last June to say the sale of school books was a lucrative business. It may be a lucrative business for the publishers and printers, but it is not lucrative for working-class families who cannot afford to cope with the burden of buying additional new books each year. It is good that we are making progress in that regard. Perhaps the day will come when we will have access to the sort of money that these book publishers have made during the years and figures for the volume of books printed outside the jurisdiction for Irish schools.

Deputy Ciarán Cannon: As the Deputy has pointed out, the school book publishers have signed up to a code of practice, in effect. They have agreed to limit substantially the number of reprints, by comparison with what happened in the past. The Minister is adamant that their performance under the voluntary code of practice will be closely monitored. I argue that there will be further consequences, in terms of the relationship between the Department and the publishers, if it transpires that the code of practice is not being honoured. It is more than coincidental that I am delivering this response with the assistance of an iPad.

Deputy Eamonn Maloney: I hope the Minister of State paid for it himself.

Deputy Ciarán Cannon: I did. There is a strange anomaly in this regard. Many schools are moving onto the digital platform. First year students at a number of schools in my area of County Galway do not have heavy satchels or bags because they have been equipped with tablets. One pays 0% VAT when one buys a school book in a local bookstore, which is more than appropriate. That is the way it should be. However, one has to pay 23% VAT when one buys an electronic copy of the same book to download it onto one of these devices. Ultimately, we should encourage young people to move onto a completely digital platform. This is an anomaly in EU taxation law. The European Union dictates that the higher tax or VAT rate that applies in each jurisdiction must be imposed on digitally-traded services. I think the application of this country's 23% VAT rate to school books on the digital platform is an unintended anomaly of that regulation. I hope to take up that matter with my colleagues in the European Parliament in Brussels to see whether it can be resolved.

29 January 2013

School Accommodation

Deputy Simon Harris: I am delighted to have an opportunity to raise with the Minister of State, Deputy Ciarán Cannon, the need to plan for the provision of more primary school places in the Greystones, Kilcoole and Delgany areas. The population of the town of Greystones has increased significantly in recent years. According to the CSO, the most recent census found that more than 10,000 people lived in the town. The local electoral area which encompasses Greystones, Delgany, Kilcoole and Newcastle now has a population closer to 25,000. The population of the area was approximately one fifth smaller when the previous census was taken in 2006. The locality has, therefore, seen a sizeable increase in population. Approximately 17% of the people of Greystones are aged 12 years or less, according to the census. That figure increases to approximately 20% in the case of the local electoral area. Clearly, this highlights the extent of the pressure being placed on parents and schools in the greater Greystones area.

It is regrettable that this problem has developed, given that it must have been known that a population bulge would result from the construction of a new housing area - Charlesland - just outside Greystones. Land in the Charlesland area was specifically zoned for a school. To this day, it baffles me that the school was not developed as a condition of the planning permission. It continues to be badly needed and the failure to develop it is putting huge pressure on the existing schools in the town. I have been inundated with calls and e-mails from concerned parents and teachers in the wider Greystones area who are very concerned about this difficulty. Their views were summed up by a parent who told me "the problem seems to be bigger than I can tackle and I am at a loss as to what to do." The parent in question is getting "little or no constructive advice to secure a place or a solution to this problem in Greystones." There are solutions within the existing school infrastructure and there are also longer term solutions.

I would like to ask the Minister of State two questions, the first of which relates to the short term and the second of which relates to the medium term. What are we going to do to make sure we can meet the demands of every local child of schoolgoing age in Greystones, Delgany and Kilcoole this coming September? What are we going to do in the medium and longer terms? The schools in Greystones, Kilcoole and Delgany cannot be run on a September to September basis. That would not be fair on principals, schools, boards of management or parents and their young children as they wait for school places. We have a number of options, some of which involve extensions, land acquisitions and new schools. I hope this evening we can begin the dialogue on how to address these problems.

Deputy Ciarán Cannon: I am responding on behalf of my colleague, the Minister for Education and Skills, Deputy Ruairí Quinn.

It is more than coincidental that Deputy Simon Harris has tabled this issue for debate once again. He has been in communication with me on the matter on a number of occasions in the past 12 months. As he will be aware, the Minister announced in June 2011 that 20 new primary and 20 new post-primary schools were to be established up to 2016 in a number of locations to cater for increased pupil numbers. Greystones and Kilcoole were not identified among the areas that required new schools in that period. However, it should be noted that two new schools - Gaelscoil na Clocha Liatha and Greystones Educate Together - opened on the same campus in Greystones in September 2008. Accommodation is being provided under my Department's rapid delivery programme for 2013. A new 16-classroom school is being provided for Greystones Educate Together. It is at the tender and planning permission stage. Subject to

statutory approvals and no issues arising, the indicative date for delivery of these classrooms is September 2013. Gaelscoil na Clocha Liatha which has an eight-classroom building will take over the eight-classroom building currently occupied by Greystones Educate Together, thereby providing it with overall accommodation of 16 classrooms. The overall additionally to be provided on the campus is 15 classrooms.

The project at Kilcoole primary school represents the amalgamation of the former St. Anthony's boys school and the former St. Brigid's girls school. It is currently a 16-classroom facility. The junior classes are accommodated in the St. Brigid's building, while the senior classes are located in the St. Anthony's boys' school building. The project is included in the 2015-16 programme to proceed to tender and construction. The proposal is to extend each building by providing four additional classrooms with associated ancillary accommodation in each case. There will be an increase from eight to 12 classrooms in each building. The process of appointing a design team for the project recently commenced with invitation to tender letters being issued to the consultants in the Department of Education and Skills large schools framework.

In relation to the Greystones and Kilcoole area, officials in my Department met a delegation of principals from Greystones last month in an effort to ensure any additional needs from September 2013 would be fully catered for. The Department has sanctioned funding to provide four additional classrooms in neighbouring schools in Greystones to meet accommodation needs from September. It is continuing to liaise with patron bodies on increased provision as the need arises. In addition, the management of Kilcoole national school has applied to the Department for additional temporary accommodation. The Department will be in contact with the school in this regard shortly. The forward planning section of my Department will continue to analyse all areas of the country on an ongoing basis to establish where needs are beginning to emerge.

Deputy Simon Harris: I thank the Minister of State for his comprehensive response which will provide a great deal of detail and clarity for many parents in the Greystones, Kilcoole and Delgany areas. I particularly welcome the progress being made with regard to the Greystones Educate Together school and the additional classroom space that will be made available to Gaelscoil na Clocha Liatha. I ask the Minister of State to take back to the officials in the Department of Education and Skills a number of options that need to be considered on a more ongoing basis. A number of well established schools in Greystones are having to turn students away each year. It is obvious that there is an element of parental choice in this regard. We need to make sure places are provided in locations that match the needs and choices of parents. The decision to sanction an extension at Kilcoole primary school is great news for the village. As it will not proceed until 2015, however, there is significant concern in Kilcoole that the waiting time is too long. I welcome the Department's decision to consider the provision of temporary accommodation at the school. I suggest the Department's forward planning section look at the project's date of delivery and consider whether there is room to move it forward. That is important. I would like the Minister of State to ask his officials to look at the catchment areas of existing schools. The boundaries of the town of Greystones have expanded significantly in recent years, but the enrolment policies of the schools of the town continue to reflect parish boundaries. The Department needs to have a conversation with the patron bodies on this matter. If we are to examine the expansion of some existing schools, the Department should initiate a conversation with them about the prospect of land acquisition, where that possibility arises into the future.

Deputy Ciarán Cannon: I will take on board all of the recommendations and suggestions

29 January 2013

made by the Deputy. As he is aware, it is envisaged that the number of children in the school system will increase by approximately 75,000 between now and 2017. When the Department is determining where exactly the demographic challenges will arise, it is able to avail of excellent data from the CSO and the children's allowance records of the Department of Social Protection. Very scientific and ongoing research is taking place to ensure these demographic challenges will be met in a timely manner in the future.

National Lottery Bill 2012: Order for Second Stage

Minister for Public Expenditure and Reform(Deputy Brendan Howlin): I move: "That Second Stage be taken now."

Question put and agreed to.

National Lottery Bill 2012: Second Stage

Minister for Public Expenditure and Reform(Deputy Brendan Howlin): I move: "That the Bill be now read a Second Time."

The National Lottery Bill is intended to replace the National Lottery Act 1986. The Bill has a number of purposes, in particular, the following: to continue to provide a legislative framework for the operation of a national lottery in Ireland; to continue to safeguard the integrity of the national lottery, for example, through the continued safeguarding of cash generated by lottery sales; to provide for a new national lottery regulator who shall be funded by the national lottery operator and independent of the Minister for Public Expenditure and Reform; and to set out certain principles regarding the regulation of the national lottery, for example, the circumstances in which a licence may be amended or revoked.

The national lottery, an crannchur náisiúnta, has been one of Ireland's success stories of the past quarter of a century. The framework for the lottery is set out in the National Lottery Act which was passed by the Houses in 1986. As those of us who were around at the time remember, the national lottery commenced operations in 1987 and has since been operated under a number of licences by An Post National Lottery Company. In accordance with the legislation, 80% of the shares of the national lottery company are held by An Post and the remaining 20% are held by me, as Minister for Public Expenditure and Reform. The present licence held by An Post National Lottery Company is due to expire later this year.

During the past quarter of a century the Irish national lottery has come to be regarded as very innovative and successful. Since 1987, it has raised close to €4 billion for good causes. Throughout this time the national lottery has maintained the support of the general public, which is crucial to the success of any state lottery. It is fair to say concerns have never been raised about the integrity, probity or ethos of our lottery. This achievement is something of which to be proud and should never be taken for granted.

Like so many other businesses in Ireland, the national lottery has been affected by the economic climate of recent years. Both overall lottery sales and the level of funding raised for good causes have declined since 2008. However, this decline has been from an exceptionally strong performance in 2008. Sales in 2011 were only 2% lower than in 2007. The lottery con-

tinues to generate a very significant surplus that is used to fund a range of good causes across the State. For example, in 2011 a surplus of just under €232 million was generated by the lottery. Indications are that both national lottery sales and funding for good causes achieved in 2012 will be somewhat less than in 2011.

The decision to establish a national lottery was taken at a time of economic difficulty for Ireland in the 1980s. We are again seeking to address very serious financial and economic challenges. In view of these challenges, the Government decided in November 2011 to explore the opportunities presented by the expiry of the current lottery licence. Following the examination of the various options by my Department, the Government agreed in April 2012 that the following arrangements will apply to the next national lottery licence: there will be a competitive process for the award of the licence which will be for a period of 20 years; the terms of the next licence will include an up-front payment to the State - the intention is that part of this up-front payment will be used to help fund the building of the proposed new national children's hospital; and the next licence will involve the ongoing provision of a significant level of funding for good causes each year, as is the practice.

I do not have discretion regarding whether to hold a competition for the next national lottery licence - I stress this point because some are of the view I can simply award the licence. There must be competitive tendering and, under EU law, the State is obliged to hold a competition for the next licence. However, the State may set the terms of both the competition and the licence, for example, the duration of the licence and the financial arrangements that underpin it. Deputies may recall that a competition for the current licence was held between 1999 and 2001 and attracted interest from three interested parties. Following the withdrawal of the other two parties during the course of the competition, the licence was finally awarded to the incumbent, An Post National Lottery Company.

I do not need to remind Deputies of the difficult economic circumstances in the country. Given the current budgetary position, the Government needs to be innovative and creative where opportunities arise to generate additional resources for the State. Failure to think creatively about how we might find additional resources has a cost and that cost will be reflected in an inability to provide vital elements of social infrastructure for the people. Therefore, the Government has decided to take advantage of the opportunity presented by the expiry of the current licence to provide for new arrangements for the next lottery.

Recent years have seen a number of states and regions across the globe make new arrangements for their lotteries. For example, two Australian states, Queensland and New South Wales, have in recent years successfully put arrangements in place that involved up-front payments to these states, as we now propose. A number of jurisdictions are examining how best their state or regional lotteries can be used to help alleviate fiscal pressures. It would be remiss of Ireland not to take a similar approach in the case of our lottery at this time.

The Government's announcement has created considerable interest and my Department has met a number of potential bidders. At the same time, I am conscious of the complexity of the project and the number of interests and stakeholders involved. I am committed to achieving an outcome that will take into consideration the concerns of all the stakeholders concerned.

The National Lottery Act 1986 enshrined a model which involved the lottery being operated by a State company, of which the Minister was a shareholder. This model has served us well. However, given the need to generate resources for the State in the context of the current bud-

getary situation, the new Bill envisages an updated model. The holder of the current national lottery licence, An Post, may, of course, bid for the next licence, either on its own or as part of a consortium. The next licence will also attract bids from private sector firms or from consortia of firms. The Bill provides that the Minister will no longer hold shares in the company that operates the national lottery and that he will no longer appoint its directors. However, it does provide for robust regulation of the national lottery by an independent regulator within a statutory regulatory framework - this is the modern way of doing things and what is being followed in other jurisdictions. The regulator shall be responsible, for example, for approving national lottery games, approving the operator's memorandum and articles of association and managing and controlling the national lottery fund. We will set the criteria in these matters.

The competition for the next licence will be undertaken by my Department. Some time ago I approved and published on my Department's website a protocol which sets out the procedures to be followed in contact with potential bidders. It is envisaged that the competition for the next licence will commence during the second quarter of this year. The necessary preparatory work is being carried out by my Department as a priority. My Department is being assisted in the financial and commercial aspects of the process by Davy Corporate Finance. The most important element of the preparatory work for the competition is the introduction of this new legislation to update and replace the National Lottery Act 1986. The National Lottery Bill was published in December 2012 and much of its content simply mirrors the 1986 Act. For example, the Bill does not provide for changes to the categories of good causes which receive funding raised by the national lottery. However, it also contains important new provisions, for example, in the area of regulation.

As well as dealing with the national lottery, the Bill also provides for a number of amendments to the Gaming and Lotteries Act 1956. Section 3 of the Bill provides for the repeal of the 1986 Act. Notwithstanding this, however, section 6(2) provides that the terms of the 1986 Act will continue to apply to the current licence until that licence expires.

I would now like to outline the provisions of the Bill in the light of what I have said about the Government's approach to the future of the national lottery.

Part 1 of the Bill sets out a number of provisions that are preliminary and general in nature. Section 1 is a standard provision and relates to collective citation and commencement of the new legislation by ministerial order. It also deals with the repeal of the 1986 Act by ministerial order. Section 2 sets out definitions of terms contained in the Bill. Section 3 provides for the repeal of the 1986 Act. Section 4 deals with orders made by the Minister under the Act. Section 5 is a standard provision which deals with the expenses of the Minister in the execution of the Act.

Part 2 of the Bill contains just one section, section 6. Subsection 6(1) provides that there shall be a national lottery held on behalf of the Minister in accordance with the provisions of the Act; subsection 6(2) states that notwithstanding the repeal of the 1986 Act, the terms of that Act will continue to apply to the current licence held by An Post National Lottery Company.

One of the main features of the Bill is that it provides for a new national lottery regulator who shall be independent of the Minister. I would stress that the ongoing costs of the new regulator's office will not be borne by the Exchequer but will be covered by an annual levy which shall be paid by the operator of the next national lottery licence. The provisions regarding the regulator are set out in Part 3. Section 7 provides for the establishment of the regulator's office

and for the appointment of the regulator by the Minister. Section 8 provides that until a regulator has been appointed or when the position is vacant, the Minister shall perform the functions of the regulator.

The functions of the regulator are set out in Section 9. Section 9 provides that the regulator's functions shall be to ensure that the national lottery is run with all due propriety and that the interests of participants are protected. Section 10 enables the regulator to hold or procure the holding of the national lottery on behalf of the Minister. Section 11 provides that the regulator's term of office shall not exceed seven years and that he or she may be reappointed for one additional term. Sections 12 to 22, inclusive, are general provisions relating to the regulator and his or her staff. They deal with issues such as the performance of the regulator's functions by members of his staff, disclosure of interests, and the regulator's accounts and annual report. Sections 23 and 24 deal with the arrangements for funding the regulator's office. Section 24 provides that the licence shall provide for the payment of an annual levy by the national lottery operator to meet the expenses of the regulator and his or her office, including expenses relating to staff. Section 25 provides for the issuing of a direction by the Minister to the regulator not later than two years before a licence is due to expire setting out the terms and conditions of the next licence, including its duration.

Part 4 deals with a licence to hold the national lottery. Section 26 provides that following a competition, the regulator may grant a licence authorising a person to hold the national lottery on behalf of the Minister. It also sets out a number of provisions regarding the licence. It provides, for example, that the regulator may grant a licence only to a company and that he or she must be satisfied as to the suitability and competence of the persons concerned to operate the national lottery. It also provides that a licence shall contain a code of practice regarding the operation of the national lottery which must be complied with by the operator. Section 27 deals with the circumstances in which a licence may be amended. Section 28 deals with the publication of details of the licence.

Part 5 deals with the national lottery operator. Section 29 contains a number of provisions regarding the company which a licence holder shall form to hold the national lottery and which is referred to in the Bill as "the operator". For example, it provides, where a licence expires or is revoked, that the regulator may issue a direction in writing to the licence holder providing that the company be wound up. Section 30 provides for the winding up by ministerial order of An Post National Lottery Company, which holds the current licence. Of course, An Post is still free to bid for the next licence either on its own or within any consortia it chooses. Section 31 provides that the regulator shall be required to approve the memorandum and articles of association of the operator.

Part 6 sets out the regulator's powers of enforcement. Section 32 provides for the holding of an investigation into the affairs of the operator by an investigator appointed by the regulator. Section 33 provides that the regulator may issue a direction to the operator or apply to the High Court for an order restraining the operator from breaching the Act or the licence or compelling it to co-operate with an investigation. Sections 34 and 35 deal with the imposition on the operator of financial sanctions, either by the High Court on the application of the regulator or by the regulator directly where the operator requests that the matter be dealt with by the regulator. Section 36 sets out the circumstances in which the licence may be revoked by the regulator. For example, the regulator may revoke the licence if he or she considers the licence holder to have damaged materially the national lottery or the State or the reputation of the lottery or that of the State, or if the licence holder is not taking necessary steps to prevent fraud at the national lot-

tery. Section 37 prohibits the transfer or alienation of the licence or its use as a form of security without the prior consent of the regulator. Section 38 provides for the independent scrutiny of the national lottery by a person or persons appointed by the regulator. Section 39 provides for the appointment by the regulator, following the revocation of the licence, of a manager to take over the management of the national lottery operator and to carry on the business of the operator as a going concern.

Part 7 deals with the operation of the national lottery and the use of funds raised by the lottery. Section 40 increases the minimum level of lottery sales which must be returned to players in the form of prizes from 40% to 50%. I have given some consideration to this and the practice is that more than the existing 40% threshold is given in prizes and I want to make that minimum a matter of law. Section 41 deals with the disbursement of funds. This section sets out the good causes which benefit from national lottery funding which are - sport and recreation, national culture and heritage, including the Irish language, the arts, health of the community, youth, welfare and amenities. Other good causes may be added should the Government so decide. The Bill provides that the existing categories of good causes will remain in place. Section 42 deals with the sale of national lottery tickets. This section provides for the continued sale of tickets by authorised retailers. It also provides for the sale of lottery tickets via interactive channels, which is important as more and more business is done in that medium. It is considered appropriate, in view of the potential for developing lottery sales on the Internet, to provide for the sale of tickets through interactive channels. I stress, however, that this will be done in a way that will protect minors and vulnerable adults. Section 43 prohibits certain persons from owning a lottery ticket, for example employees of the national lottery operator. Section 44 deals with the national lottery fund at the Central Bank of Ireland, into which proceeds of the national lottery shall be paid. Section 45 provides for the approval by the regulator of national lottery games, in other words, the games will have to be appropriate and meet the standards set by the regulator. Section 46 sets out provisions relating to the names “national lottery” and “Irish national lottery” and their equivalents in the Irish language.

Part 8 concerns the furnishing of reports and information by the operator. Section 47 provides for the presentation of an annual report and accounts by the operator to the regulator. Section 48 provides that the operator shall provide the regulator with such information as the regulator may require. Section 49 provides for the sharing of certain information by the operator with the Office of the Revenue Commissioners and the Department of Social Protection. This section provides that the national lottery may disclose information only in respect of a named individual where such information is sought by the Revenue Commissioners or the Department of Social Protection. It strikes a balance between safeguarding the confidentiality of winners of lottery prizes and the need to verify whether particular individuals are compliant with the law governing tax or social welfare entitlements.

The final part of the Bill, Part 9, deals with the Gaming and Lotteries Act 1956. Section 50 provides that the Gaming and Lotteries Act does not apply to the national lottery because it will have its own overarching legislative framework, this Act. Section 51 provides that section 22 of the Gaming and Lotteries Act, which deals with advertising of lotteries, does not apply to sections 27 and 28 of that Act.

For the information of Deputies, section 27 of the 1956 Act deals with lotteries which operate under a permit issued by An Garda Síochána. Section 28 of the same Act deals with lotteries which operate under a licence issued by the District Court. Section 52 of the Bill is a technical provision. It provides for the amendment of both sections 27 and 28 in order that increases to

the prizes limits set out in these sections shall in future be made by regulations made by the Minister for Justice and Equality under the Gaming and Lotteries Act 1956. Such regulations are made under the National Lottery Act. It is considered more appropriate for such regulations to be made under the 1956 Act. Obviously there are a lot of technicalities and I hope we will have time to go through them in some detail on Committee Stage. I wish to hear the views of Members in that regard.

The national lottery has been one of Ireland's success stories since its establishment 26 years ago. The Government is committed to safeguarding the national lottery and securing the continued provision of funding for good causes. It is also committed to availing of the opportunities provided by the issuing of a new lottery licence, which we must do, to raise a significant up-front payment for the State which will enable the Government to deliver a key health facility, the new national children's hospital. I am acutely aware of the value people place on the national lottery, but after 26 years we need to take stock to ensure what we propose is fit for purpose and in tune with the development of lotteries and practice after more than a quarter of a century. I commend the Bill to the House.

7 o'clock

Deputy Sean Fleming: I welcome the opportunity to speak on the National Lottery Bill 2012 as I had looked forward to doing, based on everything this Minister and other Ministers had stated and on what was contained in the programme for Government, namely, that part of the funding from the proceeds of the sale of the lottery licence would go towards funding the national children's hospital. This is what was stated:

The programme for Government pledges to protect health capital investment. This review delivers on that commitment and in particular includes funding for the development of the new National Children's Hospital. Reflecting the importance of this project, a large up-front payment arising from the new National Lottery licence will complement Exchequer funding.

This is a clear reference to linking the sale of the licence to the national children's hospital. On 4 April last year, after more than a year in government, the Minister, Deputy Howlin, stated in the House: "The longer-term licence offered an opportunity to generate funds that will benefit community and provide essential services through providing significant funds towards the construction of the national children's hospital". I commend that and agree with every word the Minister said in that statement. On 4 July he stated: "The new licence will also involve an up-front payment to the State with some of the payment being used to help fund the building of the proposed national children's hospital". I could not agree more with the Minister.

The Minister for Health, Deputy Reilly, who is responsible for the national children's hospital, stated the Government's intention was to seek a large up-front payment to the State as part of the arrangements for the new licence, with some of the payment to be used to help fund the building of the proposed new national children's hospital. Again, I could not agree more. During question time on 21 November the Minister, Deputy Howlin, and I discussed this matter. I asked what would happen the proceeds from this sale that would come through during 2013, given there was a new decision on the location of the hospital site and that it would be some time before most of the expenditure for building the hospital would be required. I asked whether the process would be ring-fenced to ensure the funds were available when building began. I also asked whether the fund would be managed by the NTMA or if it would be used to fund

other capital infrastructure projects, with the Minister reimbursing the money in 2018 when it would be required. I did not say whether I was for or against the latter case but if it happened the Minister would essentially be using the proceeds of the sale of the national lottery licence to fund capital investment over the coming years. However, in 2017-18, when the bulk of that money would be required for the building of the children's hospital, the Minister would have to fund such building from current expenditure. The Minister, Deputy Howlin, must clarify this point before the legislation is passed and state whether the link between the sale of the lottery licence and the hospital funding will be broken. I wish to ensure the maintenance of this link.

Although people may have a problem with the selling of the national lottery licence, if it is explained to them that the money obtained is intended for the national children's hospital most will be happy to accept that concept. I challenge those who are opposed to selling State assets to oppose the notion of raising money for the children's hospital. I am happy with it, as I stated in the Chamber on 21 November. In reply that day, the Minister, Deputy Howlin, noted that I was assuming the Government would receive a substantial fund the following year and stated that he was exploring whether to put it into an escrow account intended in particular for the national children's hospital or whether it would be more prudent to act as I had suggested. He observed that it was important to have a robust funding mechanism in place, stating:

I am minded to ringfence the money as Deputy Fleming has indicated I might do. I am minded to do that and have asked the Secretary General of my Department to explore options in this regard.

I completely commend that. It was the object of my question. I asked it again last week but the Minister was not present and we did not go into it in much detail.

Deputy Brendan Howlin: I was in Brussels last week.

Deputy Sean Fleming: I understand that and will not say more on last week's discussion.

In his statement today, the Minister reiterated it is the intention that part of the up-front payment will be used to help fund the building of the proposed new children's hospital. Two minutes ago, in his last sentence, the Minister stated he would issue the lottery licence to raise significant up-front payment for the State which will enable the Government to deliver a key health facility, the new national children's hospital.

The Minister can imagine my shock during Christmas week when he published the National Lottery Bill in which, although it has 52 sections and 28 pages, we can find no reference to the national children's hospital or of ring-fencing the proceeds of the sale. The Minister may say these are different issues but there has been a whole debate on the issue and there has been public acceptance of the proposal. The Minister mentioned great support for the plan and stated it was held in high esteem. It is in the programme for Government. On several occasions both the Minister, Deputy Howlin - even today - and the Minister for Health, Deputy Reilly, spoke about using the proceeds of the sale of the national lottery licence for building the national children's hospital. However, there is diddlysquat in the 28 pages of legislation about that hospital.

Deputy Brendan Howlin: It is our intention.

Deputy Sean Fleming: It is not in the legislation where we wish to have it. My party will be happy to support the legislation if there is a mechanism to ring-fence the proceeds on that basis. The Minister will have to explain this to us. People have issues about selling State as-

sets but I believe most people would accept this sale without quibbling too much if the funding could be ring-fenced.

Deputy Brendan Howlin: It is about licensing. We have to tender for a licence.

Deputy Sean Fleming: I know that but the Government could have assuaged the views of the public. I have given several direct quotations from the programme for Government-----

Deputy Brendan Howlin: It is our firm intention.

Deputy Sean Fleming: Before the Minister concludes he might state whether he will address this point in some way on Committee Stage. I am not going to tie his hands in regard to how the fund is managed. We could have a debate on the nitty gritty of the funding and whether it is to be locked up in a certain account, or whatever. We will have constructive suggestions on that. We are just not sure about the legislation without such a commitment. That is all I have to say. In regard to public support it would not do the Minister any harm to have this commitment in the legislation. It would strengthen his position in getting the public to accept it.

I refer to the timescale. We realise there may still be planning issues because the site is in a city centre location. There was a report in the newspapers of a squabble between the HSE and St. James's Hospital, although I do not know what it was about. However, I am not surprised. Children come last when it comes to such issues. I believe there is an issue about the board of the national paediatric hospital project committee. I am not sure of its membership but hope the problem can be sorted out in the period ahead.

A suggestion comes to mind. If the Government gets the money up-front and was in a position to hold onto it there is another way of dealing with it. I have been thinking about it in recent days. Instead of getting all the money up-front in 2013, the Government may be able to get a greater amount if the operator chosen were to pay instalments over five years. The money would be received in 2015, 2016 and 2017, as required, but no other Minister could lay hands on it in the meantime to run off and build a hospital in some constituency or other. We will not go there. In that way, the Minister could ensure that the proceeds from the sale of this licence would come in closer to the time when they would be needed. Some more money might actually be collected because the operator of the national lottery would have the use of, for example, an extra €100 million per annum for a prescribed period and that could be factored into the tendering process. I appreciate the upfront nature of the Minister's approach. That would have been good if we were building the national children's hospital this year or next year. However, circumstances have changed and perhaps there is also a need to alter the timing in respect of the proceeds in order to more closely reflect the nature of those circumstances.

The Minister cannot put a figure on the amount that will accrue from the sale of the licence but there is nothing to prevent me from doing so. If €600 million is obtained, then I would like perhaps half or some other proportion of it to be made available for the building of the national children's hospital when the time comes. We are all aware of the tight economic situation in which we currently find ourselves. Setting aside a proportion of the proceeds for the national children's hospital would be a welcome development. I wish to give full credit to Senator Marie-Louise O'Donnell for a suggestion she has put forward to the effect that the proceeds of the Wednesday night draw could be specifically ring-fenced for this purpose. If such a proposal were to move forward, and it could be factored into the tendering process, everyone would be aware that the proceeds of the draw in question would go into a separate fund for the national

29 January 2013

children's hospital. For the next four to five years, for example, a portion of the gross or net proceeds of the Wednesday night draw could be put aside in respect of the project to build the national children's hospital. Senator O'Donnell's suggestion would be another way of attracting funds to match the required investment over a period of a few years.

I consider what is being done here to be the sale of a State asset. I accept that the licence is a piece of paper but it is also a State asset. The Minister has made great play of his achievement in ensuring, during negotiations with the troika, that 50% of the sale of State assets will be used for job creation purposes.

Deputy Brendan Howlin: It will be 100% in this instance.

Deputy Sean Fleming: If we ring-fence it for the children's hospital-----

Deputy Brendan Howlin: This is not part of the asset sale.

Deputy Sean Fleming: In the past week or so, the State received €1 billion in respect of Bank of Ireland. It obtained approximately €400 million from sale of the 4G licence in December. The sale of the national lottery licence could bring in up to €600 million. I can provide an estimate in this regard and be wrong but the Minister must be more careful. I might be correct, however, because no one can yet say what will be the outcome. It must also be noted that the sale of Irish Life is expected to realise €1.3 billion. All of these transactions involved or will involve the sale of State assets but none of that money can be used for job creation. It will only be the proceeds from the sale of Coillte lands and the part-privatisation of Bord Gáis to form Irish Water that can be used for that purpose. Therefore, only 50% of the proceeds from the sale of some State assets will be used for job creation. The Minister made a commitment which I and the public understood to be-----

Deputy Brendan Howlin: In the programme for Government, banking assets are specifically excluded.

Deputy Sean Fleming: The money obtained from the sale of the 4G licence last year went into the general pot relating to reducing the deficit.

I wish to deal with a few broader issues before commenting on the specifics of the legislation. On gambling protocols and online gaming, the Minister stated: "It is considered appropriate, in view of the potential for developing lottery sales on the Internet, to provide for the sale of tickets through interactive channels." Does this mean that there will be a television channel dedicated to bingo and gambling?

Deputy Brendan Howlin: It will be a website.

Deputy Sean Fleming: I understand it will be on the Internet but I want to know if it will be available on television. At present, for example, if I press a particular button on my Sky remote, I will be offered €20 free for a first bet if I start gambling on a certain channel. I am not a gambler and I do not know all the details. However, I do know that such channels are available on my Sky package. Will the Bill allow-----

Deputy Brendan Howlin: We will discuss that in some detail on Committee Stage.

Deputy Sean Fleming: This issue must be teased out. In the context of controls relating to those under 18 years of age, there are very few people under that age who, despite whatever

parental locks are in place, cannot navigate the various functions of a television remote control. In most cases, it is children who tell their parents how to operate such controls.

I am concerned with regard to gambling and, as a result, I visited the office of the National Lottery Company a year or two ago and met the chief executive. The National Lottery Company is already offering Internet gambling services with the permission of the Department of Finance. Customers are obliged to open accounts and provide a copy of their passports and proof of age. It will probably be a surprise to some people but Internet national lottery sales have been available for the past number of years. By the time I met the chief executive, the National Lottery Company had 7,000 online accounts. In fairness, it had great mechanisms in place. For example, there is a limit on the amount a person can obtain, he or she cannot open second or third accounts because of the need to provide his or her PPS number and he or she is limited with regard to the amount he or she can spend each month. The latter means that people cannot lose the run of themselves. I would like the relevant protocols to be put in place in respect of television gambling.

The Minister referred to prize funds, moneys for good causes and margins for retailers. We want all of these to be protected. A lottery is an attractive business for retailers, particularly as it attracts people into their shops. There is a particular example relating to the retail trade which I wish to offer in this regard. A few years ago, retailers used to obtain a margin of a few percent. However, all of the major mobile phone companies have really reduced that margin in the past year or two in order to squeeze more profits out of retailers. We must include in the Bill a mechanism to prevent the operator of the national lottery from - as is the case in the commercial market - squeezing retailers in the future. What is involved in this regard is a commercial transaction and there is no doubt that the operator will go down this route.

I wish to comment now on the specifics of the legislation. A new lottery regulator is to be established under section 7. In other words, we are setting up a new quango. I had thought we were moving away from doing this. The Minister will state that it is necessary, that there is no other way to proceed and that this is how we operate at present. There must be a way to deal with this matter without establishing a new quango.

Deputy Brendan Howlin: This regulator will be merged with the gambling regulator the Minister for Justice and Equality proposes to establish. A regulator is required in respect of all the matters to which the Deputy refers, including online gambling, people losing money gambling, etc.

Deputy Sean Fleming: I am happy with that.

An Leas-Cheann Comhairle: I apologise for intervening but this is somewhat similar to Committee Stage.

Deputy Brendan Howlin: I apologise.

An Leas-Cheann Comhairle: The debate is very interesting but-----

Deputy Richard Boyd Barrett: The Leas-Cheann Comhairle should let it flow.

An Leas-Cheann Comhairle: -----we are on Second Stage.

Deputy Sean Fleming: The good thing about our discussion is that it shows the Minister is listening and is prepared to engage with us. I welcome that positive aspect but I accept that it

might not be exact protocol to have a little chat on Second Stage.

I am concerned with the establishment of the proposed regulator. If it is the Minister's intention to proceed in this regard, then a provision should be introduced on Committee Stage whereby the regulator can be stood down and his powers transferred to somebody else. We will require details of the salary that will be paid to the regulator, the costs, overheads, etc., relating to the running of his office, etc. This is a case of here we go again and members of the public will not be happy when they discover that a new quango is being established.

Section 12 relates to the resignation of the regulator or his removal from office if he does something wrong, if he goes insane or whatever.

Deputy Richard Boyd Barrett: Develops a gambling habit.

Deputy Sean Fleming: Yes. He might become addicted but I am sure there is a provision in the Bill which will prevent him from buying a lottery ticket. Section 12 states:

(3) In removing the Regulator, the Minister shall give a statement of the reason or reasons for the removal to the Regulator and the statement of reasons shall be laid before each House of the Oireachtas.

I am of the opinion that the approval of the House should be required in this regard. If it came to it, the Government of the day would win the vote but this is a major issue and, therefore, the approval of the House should be required.

Section 15 deals with the prohibition on a former regulator from accepting office, etc., for a period of 12 months. I have a number of issue with this. For a period of 12 months, a former regulator will be prevented from taking up any other paid employment, consultancy or whatever. The Minister and I are both aware that what is proposed here is the equivalent of a golden handcuffs deal. When the regulator leaves the job, he might as well be handcuffed to the kitchen table or his golf bag because he will not be in a position to work. There will be a need, as part of his package, to compensate the person who takes on the job of regulator in respect of the income he will lose in the 12 months following the expiration of his term of office. That cost in this regard will have to be borne by someone and I am concerned about that. After all, the Minister cannot expect a person to have no income for 12 months. That individual will have to be provided with commensurate compensation.

It must be noted, however, that section 15(2)(a) and (b) both list exceptions in respect of the prohibition to which I refer. In that context, the provision contained in section 15(1) will not apply to someone acting as a consultant to a Minister of the Government. I honestly cannot understand why this exception has been included. In addition, a person who has held the office of regulator will not be precluded from "holding office or engagement in any employment in the Civil Service or any statutory regulatory body". The Minister can explain the rationale behind this on Committee Stage but I do not understand why the prohibition, and exceptions to it, have been included.

Section 16 states that the regulator shall not "hold any other office or employment in respect of which emoluments are payable during his or her term of office". Will the Minister clarify the position in this regard? If, for example, the regulator is a member of the governing body of EuroMillions, will there be a conflict between what is contained in the Bill and what is considered standard practice? I am sure the person will be well paid but I object to the principle of estab-

lishing a quango to regulate one particular contract. The Bill refers to the independent regulator but the regulator requires the consent of the Minister at every turn to determine the number of grades and remunerative conditions of staff and the use of open competitions for appointments.

Deputy Brendan Howlin: It gives the regulator an opportunity to pay his staff whatever he likes.

Deputy Sean Fleming: The regulator is not independent and I am happy with that. I like democratic control. I have a serious concern regarding section 24. I issued a press release today and I may have referred to this section. Section 24(2) states: “The amount of levy under this section shall be decided by the Regulator.” This gives the regulator a blank cheque for his own operation. The levy funds the regulator and he is the sole person deciding how much he will need for his costs. I would be happier for the Minister to set the levy or for the levy to be approved by the Minister. The regulator is being given a *carte blanche* to charge the operator for the funding of his office. The operator may regard this charge as excessive but I ask to whom can the operator appeal in this case.

The technical details of the Bill can be discussed on Committee Stage. However, I have earmarked a number of sections which I wish to discuss with the Minister.

Section 47 deals with the furnishing by the operator of an annual report and information to the regulator. The regulator will be required to appear before an Oireachtas committee and the regulator’s accounts will be audited by the Comptroller and Auditor General. The operator’s accounts shall be submitted to the regulator who, “shall cause copies of each of the documents aforesaid and of the directors’ report to the shareholders of the operator for the financial year concerned of the operator to be laid before each House of the Oireachtas”. I would like the operator to be required to appear before an Oireachtas committee. It is a bit like the banks. It is all well and good to talk to the Central Bank and the Financial Regulator but the Oireachtas needs to be able to talk to the banks directly who are the regulated bodies. The turnover in this case is €1 billion. The Oireachtas committee may decide to call them in once every year or every five years. An Oireachtas committee should have the right to call in the operator if so required. I ask the Minister to consider this point.

I refer to the protocols for electronic and digital gambling. It would be helpful for a committee to hear from the operator who is bringing forward proposals for new games. The regulator should be subject to freedom of information and this should be included in this Bill. It is the intention of the Minister to include all new bodies in freedom of information regulation.

Section 49 gives me the shivers. It provides for the sharing of certain information by the operator with the Office of the Revenue Commissioners and the Department of Social Protection. This could be the thin end of the wedge in an attempt to tax lottery winnings. I know this is not the Minister’s intention but when people see that the Revenue Commissioners have the right to obtain the name of the main prize winner, this will give them the shivers. The Revenue has other ways of finding out without requiring this power-----

Deputy Brendan Howlin: The Deputy will know that lotto winnings are tax free.

Deputy Sean Fleming: I understand that. However, the purpose of this legislation is to ensure the person is compliant with the requirements of the Taxes Consolidation Act. If a winner of the lotto owes the Revenue a tax bill of €50,000, the implication in this provision is that the winnings can be accessed by the Revenue-----

Deputy Brendan Howlin: Might that not be a good thing?

Deputy Sean Fleming: It would be a good thing. However, the Minister is opening a dangerous door. Before a prize cheque is handed out to the winner, the Revenue may require a winner to produce a tax clearance certificate. It is not the Minister's intention but it is amazing once such provisions are inserted in a Bill how they can be interpreted. The operator may not wish to hand out a cheque before the Revenue Commissioners have been in contact. This could be a possible result. The Revenue is very good at collecting tax. It is well able to collect any tax owing without the help of the operator. I make the same point with regard to the Department of Social Protection. If a person on a means-tested payment wins a lottery prize, the prize is not taxed but by definition he or she will lose the social welfare payment. We all understand that this is the law. I advise the Minister to be careful because some social welfare recipients win only modest prizes. The intentions are good but there is a touch of Big Brother about some of the provisions. Most prize winners have their pictures in the newspapers so the Department of Social Protection and the Revenue Commissioners have other ways of contacting those people without the need to use the offices of the operator. It is current protocol but it may need to be stitched into this Bill to provide for the Department of Social Protection that only specified staff from the Department or the Revenue Commissioners would have access to personal files of people winning lottery prizes.

My key issue is that I do not think it would damage the legislation to include some mechanism to ensure some funding would be directed to the national children's hospital. The whole country would applaud the Minister if he did so. The people would be very pleased if he closed the gap.

Deputy Sandra McLellan: This Bill deals with the new functions of the regulator. The Minister has failed to put into the legislation the necessary protections for the funding of good causes and for retailers who have been central to the success of the national lottery. No solid reason has been offered for the need to establish the office of a national lottery regulator. While the legislation does not deal with how the upfront payment is to be spent, the Minister has informed the House that it is to be used for the national children's hospital. We need this hospital; that is not in question. What is in question is this Government's commitment to children. Instead of making the children's hospital a capital expenditure priority, the Labour Party and Fine Gael have chosen to tie it up with the selling-off of the national lottery licence.

There is no official confirmation of what the upfront payment will be. Currently one third of the national lottery's sales provide funds for good causes. In 2011, the national lottery celebrated its 25th birthday, marking €12 billion in sales, with just under €4 billion going to good causes in the same period. This is an astonishing amount of money which has kept the doors open for community projects and sports facilities and has provided supports for the Irish language. Now more than ever, community organisations rely heavily on this funding stream. It is unacceptable for the Government to offer up a 20-year licence worth €12 billion without including a legislative clause to preserve the current 30% level of provision of funding for good causes.

Debate adjourned.

An Garda Síochána: Motion [Private Members]

Deputy Niall Collins: I move:

That Dáil Éireann:

- acknowledges the central role that An Garda Síochána has played in providing security to the State and people of Ireland since its foundation;
- recognises the vital need for a well-resourced, strong Garda force in tackling the evolving threat of criminality in Ireland;
- accepts the views of the Garda Commissioner that he would not like to see the strength of the force drop below 13,000 members;
- agrees that Garda stations play a pivotal role in the fabric of rural Ireland by upholding their central position in the life of the towns and villages they serve and their part in effective on-the-ground community policing;
- accepts with grave concern the disturbing rise in burglary levels across the country, particularly in commuter belt areas, and the impact this has had on the safety and security of the family home across the country;
- agrees that the increase in the disturbing number of illegal dissident actions in the past number of months and the growing threat of dissident terrorist activity is unacceptable;
- condemns the rise in gangland-related murders in 2012 and the ongoing threat of gangland violence across the country;
- strongly disagrees with the draconian closure of 140 Garda stations across the State, with over 100 stations due to close on 31 January 2013, particularly in vulnerable rural areas and in busy urban stations such as Stepside and Kill O' the Grange in Dublin;
- fully opposes the covert reduction in Garda numbers to dangerously low levels through the whittling away of the Garda payroll, which jeopardises the force;
- vehemently disagrees with the Government's failure to address the degradation of the Garda vehicle fleet, which has an integral part in tackling crime; and
- calls on the Minister for Justice and Equality to:
 - reopen Templemore to Garda recruitment to ensure the force does not fall to negligent strength; and
 - reverse his attack on the physical infrastructure of rural Ireland and stop the impending closure of Garda stations across the country.

I wish to share time with Deputies McGrath, Kelleher, Browne, Smith and Moynihan.

We have debated the issues in this motion on many occasions but it is worth reminding ourselves of the Minister's announcement that has provoked it. The manner in which the Minister announced to the people the closure of an additional 100 Garda stations on budget day was very regrettable. I described it as cowardly. An e-mail announcing the Minister's adoption of the Garda policing plan was sneaked out on budget day in the middle of the news upload.

At the start of this debate, we must note that the Minister has not taken political responsibil-

ity for his decisions. He is responsible for removing Garda stations from communities right across the State against the will of the people and the advice being given to him, including by many of his Fine Gael colleagues throughout the country. Many Fine Gael members expressed to me privately their disgust and dismay over his actions. It ill behoves the Minister to say at any opportunity that these are merely decisions of the Garda Commissioner. The draft policing plan is given to the Minister and it is within his gift to accept, reject or amend it in any way he sees fit.

The Government views Garda stations merely as unnecessary bricks and mortar, or as a kind of nuisance within communities across Dublin and in many other parts of the country, including very rural areas. The Minister is seeking to resile from his responsibilities and from acknowledging the benefit the presence of Garda stations brings to many communities right across the country. He must be put on notice that many in his party are against his proposal. He need only turn on any local or national radio station to confirm this. Fine Gael chairmen of joint policing committees and Fine Gael cathaoirligh of county councils are confirming it. Fine Gael councillor Mr. Michael Ryan, Mayor of Templemore, was on the telephone to me almost 15 minutes ago and he was completely beside himself over the direction in which the Minister is taking the policing service and An Garda Síochána.

The Minister fails to recognise that the presence of An Garda Síochána in every community is a significant deterrent. He tries to explain his decision away by asking us to note that there are fewer police stations in Scotland and Northern Ireland, suggesting that we should emulate them. There is no recognition of the fact that our population is dispersed completely differently from those in Northern Ireland and Scotland.

Throughout the country, people are suffering from the effects of cuts across a spectrum of services. These cuts are now having an impact on Garda stations. The Government has cut the number of community welfare officers and it is seeking to cut the number of small schools. It is considering banks and credit unions.

Deputy Alan Shatter: It is the Deputy's party that destroyed the banks.

Deputy Niall Collins: It now wants to remove the presence of An Garda Síochána. The Minister is saying to communities, the elderly and the vulnerable that they should contact the Garda on Facebook and Twitter, and that clinics will be held. There is no policing or financial argument to back up what the Minister is doing in removing the deterrent that a Garda station represents in every community.

With regard to Garda strength, I have asked the Minister on many occasions to nail his colours to the mast. He says he will reduce the number of members of the force to 13,000. We heard two weeks ago that he has not given the Garda enough to fund its payroll costs this year, with 13,400 members. We were told the payroll budget would only fund a force of 12,000. What is the strength that the Minister has in mind? Is it 13,500, 13,000 or 12,000? Will he not tell us the truth? The Minister is being put on notice by senior Garda management in the Phoenix Park that it does not have the necessary budget. The Department could not confirm or deny that the Garda Commissioner has an adequate payroll budget to meet the demand this year. Despite this, the Minister will boast openly about changed rosters. Any garda on the street will tell the Minister that if the force drops below 13,000, the new roster will be completely unworkable and will not function coherently.

When will the Minister be fair to communities and gardaí? Since he is also Minister for Defence, will he explain why he recruited 600 new members to the Defence Forces while refusing point blank to recommence recruitment to An Garda Síochána and open up Templemore for training? There are members of the force who can retire at any point. What will be the position if the strength of the force drops below 13,000 or approaches 12,000 because of an insufficient payroll budget? How low will the Minister allow the strength to drop when communities are vulnerable? He is removing gardaí from communities and asking that we take away their local knowledge and face-to-face contact. He is asking that we allow gardaí to operate on some kind of satellite basis. What he is effectively doing is reducing An Garda Síochána to a glorified Neighbourhood Watch scheme in many rural areas and urban parts of Dublin. Despite this, he sits opposite us in complete denial.

The Minister is completely detached from the reality of people who are feeling vulnerable in their homes throughout the country. The numbers of burglaries, gangland crimes, crimes against the person and cash-in-transit robberies have increased. In spite of this, the Minister likes to quote statistics which I am thankful indicate a trend in the right direction, but all of these crimes are affecting people significantly throughout communities.

The Minister may not want to listen to me or my party colleagues, but he should note that there are no members of his party present tonight to lend him moral support. When we listened to what his party's members are saying to us right across the country, we concluded that he is pretty much on his own. He is probably the only man in the Fine Gael Party who believes in his agenda. Any cursory examination of returns to society would indicate to the Minister that he should be investing in An Garda Síochána. Retail Ireland tells us that €850 million per annum is the cost of crime to the country. This is not my figure or that of my party. If the Minister invested in tackling and eradicating crime, he would achieve a positive rate of return, yet he refuses to do so.

There is a crisis of confidence in the Minister. The people are not confident that he can lead the Department of Justice and Equality and lead An Garda Síochána in the direction it needs to go to deal with crime. The Minister is in denial about the withdrawal of the face-to-face interaction members of the Garda Síochána bring when they work and live in the communities across this country. He is oblivious to the positive effects of that engagement. He appears to think that withdrawing the services from all these rural communities will accrue some kind of financial saving and lead to a modern police service. Smarter policing is not about taking away face-to-face engagement and dealing with people in a manner that allows on the ground intelligence to be gathered and the police know what is going on in their communities.

The Minister has to listen to me, his own people, the Garda Representative Association and the Association of Garda Sergeants and Inspectors whose members are telling him exactly what I am articulating. He has to listen to what the Garda Representative Association is saying about the direction in which he is leading the force.

It is not too late for the Minister to resile from his decision to close community Garda stations. Public meetings are taking place throughout the country. Public meetings are taking place tonight in Gorey, County Wexford.

Deputy Finian McGrath: And one on Sunday.

Deputy Niall Collins: They are taking place throughout the country in opposition to the

29 January 2013

direction in which the Minister is bringing the Garda Síochána. The Minister should listen to his own people on the ground and resile from this decision.

Acting Chairman (Deputy Tom Hayes): I call Deputy Michael McGrath. Deputy Collins has taken some of Deputy McGrath's time. I ask Members to adhere to the time allocated to them.

Deputy Michael McGrath: I begin by expressing my sympathies to the wife and family of Detective Garda Adrian Donohoe who was so callously killed last Friday night in County Louth. Like those who gunned down Detective Garda Jerry McCabe in Adare in 1996, those responsible for this murder are nothing other than ruthless criminals, cowards and callous killers. I know that everybody in this House joins with the Minister in wishing the gardaí every success in tracking them down and bringing them to justice.

I compliment our justice spokesperson, Deputy Niall Collins, on bringing forward this motion. I want to be clear that we fully accept that there is no connection whatsoever between the horrific events of last Friday night and the contents of this motion.

I refer to the issue of the closure of Garda stations and what I regard as the downgrading of the Garda force. I read the Fine Gael manifesto today to see if the Minister had told people two years ago in the general election that that is what he intended to do but I was surprised to find in the manifesto that two years ago Fine Gael stated that it will put an increased emphasis on community gardaí and encourage members to live in the communities they serve. It went on to state: "We do not believe that the closure of rural Garda stations will deliver any significant savings to the State." That is all the Minister had to say to the people two years ago on the future of Garda stations. He left them with the clear impression that Garda stations throughout the country, particularly in rural areas, were safe under Fine Gael yet we now know that the truth, as in so many other areas, is altogether different from the promises he made to the people.

Cork county will be very seriously affected by the closures this week and no doubt by future changes the Minister and the Garda Commissioner are planning. In Cork alone the following stations are closing - Barrack Street, McCurtain Street, Mallow Road, Rathduff, Ballinspittle, Adrigole and Meelin. A number of other stations will have their opening hours substantially reduced including the Bridewell, Mayfield, Watercourse Road, Glanmire, Gurrabrathar and Togher.

The net effect of that in Cork city is that the second largest city in the country will now have one 24 hour station serving the entire population. The Minister is leaving the Garda force in Cork city in a threadbare state. He is giving encouragement to the criminal world, the people who seek any excuse to engage in criminality. They will now be given greater opportunity by virtue of the cutbacks that he and the Garda Commissioner are implementing. That will be the effect of it.

We all know that this is not the end of the Minister's agenda and that there will be more cuts and more Garda stations closed as a result of his initiatives. I live in a substantially urban constituency but people in Crosshaven and Passage West, in County Cork are deeply concerned that they will be next on the Minister's target list. I want the Minister to give a reassurance to the people tonight that this is the end of what he is proposing in regard to the downgrading of the physical infrastructure, the Garda stations and the opening hours in Garda stations throughout the country.

What the Minister does not appear to grasp is that the Garda station is the focal point in a community, particularly in a rural community. Somebody living in that community will be far more inclined to walk into the local Garda station. They might have built up a relationship with the local garda and will be more inclined to pass on information and intelligence to that garda than if that garda and a colleague are driving through their community at 50 or 60 km/h in a Garda car. That is the reality and that is the consequence of what the Minister is doing. That type of Garda model which has been so successful in recent decades and which is based on trust and building up relationships in the community is centred on the local Garda station. That is now being systematically dismantled with 95 stations closing on Thursday and further stations closing throughout the course of this year and perhaps beyond that.

I plead with the Minister at the very least to give people information as to his plans for the future. He should let them know what his plans are for future consolidation of stations throughout the country because this will have an impact and it will give succour to criminals who are looking for any opportunity to carry out their trade.

Deputy Billy Kelleher: I, too, wish to express my deepest sympathies to the family of Detective Garda Adrian Donohoe and to the members of the Garda Síochána throughout the country.

It is hard to believe that we are standing here discussing this issue in view of what the Minister said on this side of the House over many years about Garda recruitment, the need to have gardaí living in communities and the need to expand Garda stations as opposed to what we are now seeing, which is the systematic dismantling of Garda stations.

My concern is that it is now obvious that the Minister does not understand what policing is about because when he was on this side of the House he was very forceful in the idea of having integration and community-based policing whereby the community and the Garda Síochána worked as one. He said on many occasions that rural stations and small sub-stations throughout the country were an integral part of that. We now find that under the policing plan announced by the Minister he is systematically dismantling and undermining all that has been achieved in recent years in trying to develop a cohesive Garda Síochána that is represented in every community.

There is a very strong attachment between the people and the uniform that has served this country so well for many years. We now have a situation where the Minister is absolving himself and pointing the finger at Garda management. The fact is that the Minister is ultimately responsible. He is the one who signs off the policing plan and he is the one who argues either effectively, or in this case ineffectively, at Cabinet to deliver resources for policing in this country. It is clear that the decisions he has made are completely opposite to what he espoused for many years when he was on this side of the House and in the Fine Gael manifesto with regard to Garda numbers, police stations and community policing. That has now been stripped bare by the decisions the Minister is making.

I attended a meeting last week in Rathduff about the station closure there and there is huge concern about that. The people of Rathduff and Grenagh are rational. They listened to the members of the Garda Síochána management who outlined what would be in their area but people need reassurance and the greatest reassurance they can have is knowing there is a Garda station and a uniformed presence in their community. That is the critically important factor. These stations have served communities for many years and they have become an embodiment

of those communities.

We saw statistics with regard to Grenagh and Rathduff being one of the safest areas in which to live in terms of the number of burglaries, aggravated assaults and all the other crimes. Those show emphatically that a Garda station located in a community acts as a deterrent but, more important, it gives comfort and peace of mind to the many people living in that community that in the event of something happening there can be a rapid response. More important, it acts as a deterrent in the first place. The evidence the Minister presents that these closures will not have an impact on response times, community policing and the correlation between a Garda presence and crime prevention does not stack up. When he was on this side of the House, he argued the exact opposite. At this stage, the Minister should rescind his decision and start a consultation process. In fact, he should start a consultation process with his own backbenchers, first because, to a man and to a woman, they are lining up at public meetings condemning the closure of Garda stations.

Deputy Finian McGrath: That is true. Deputy Connaughton is very upset.

Deputy Billy Kelleher: His backbenchers are pointing out the mistakes the Minister is making in stripping away the positive resource of a station in a community and serving that community. The idea the Minister can single-handedly decide these closures are good for An Garda Síochána simply does not stack up.

Another issue the Minister raised continually when he was on this side of the House – it was almost an obsession with him – was the investigation into Anglo Irish Bank. It is clear he has stripped resources from that investigation as well as we are almost two years into the Minister's tenure but there has been no result. He once hailed himself as the saviour of this investigation. I do not expect him to comment too much on it as it is before the courts. However, when he was on this side of the House he suggested there was in some way political interference or cover-ups by the previous Government into the Anglo Irish Bank investigations. This was one of the most distasteful suggestions made by any Deputy in this House. Now the Minister is on the Government side of the House, will he clarify for the record as to what obstructions were put in place by the previous Government in the investigation of potentially criminal acts in Anglo Irish Bank? He promised he was going to lock up the whole lot of them but two years into his tenure, we are still waiting.

Deputy Finian McGrath: We are still waiting.

Deputy Billy Kelleher: The Minister is sitting on his hands, completely oblivious to what he said when he was on this side of the House. The Minister should be honest enough to admit his policy on Garda station closures is flawed and that highlighting the investigation into Anglo Irish Bank was deeply cynical.

Deputy John Browne: I join the expressions of sympathy to Caroline Donohoe on the death of her husband, Detective Garda Adrian Donohoe. This cowardly killing was an attack on our democratic institutions, as well as our country, and certainly cannot be tolerated.

I compliment Deputy Niall Collins on moving this motion. In 2012, the Garda Commissioner, Mr. Martin Callinan, stated the closure of rural Garda stations would impact on communities. This directly refutes the statement from the Minister for Justice and Equality, Deputy Shatter, that the closures would lead to the more efficient deployment of personnel and the more effective delivery of policing services to the public, including those in remote areas. Has the

Garda Commissioner changed his mind or has the Minister ensured he was forced to change his mind? The Minister continually refuses to confirm the number at which the force should remain in the coming years. Reductions in Garda numbers jeopardise the Garda management's plans for the force and will force it to redraw its strategy. Will the Minister clarify his position on what the force's full complement should be?

Garda stations are very much part and parcel of rural communities. Last year the Minister closed stations throughout the country, with 100 more to close by the end of this month. There are concerns and fears in rural areas that people living there will no longer see a Garda presence in their communities. The Minister spoke about smart policing.

Deputy Finian McGrath: We could do with a smart Minister.

Deputy John Browne: Is this policing by e-mail or the one hour a week a garda will be allocated to a local community centre? More often than not, that garda will have no contact or built up any relationship with the local people. Under the old Garda station arrangement, the local garda built up a knowledge of and a camaraderie with locals who in turn would have a strong faith in him or her.

When the Minister was in Opposition, he claimed a complement of more than 14,000 gardaí was required to provide an adequate policing service. Obviously, he has changed his mind on this. If the slash and burn of the moneys he has proposed for 2013 are effected, the force will probably be down to 12,000 gardaí, a complement that will decimate Garda effectiveness.

The Garda Commissioner needs to stand up to the Minister and tell him how short of staff the force is and the shortage of Garda vehicles, many of which are old with high mileage. This morning on a radio programme it was pointed out that most Garda cars would not pass the NCT. Courtesy cars are provided by car manufacturers to sports stars and visiting dignitaries. I am sure if the Minister had the wherewithal, he could negotiate with car manufacturers to provide vehicles for the Garda at a reduced rate.

In County Wexford, the Garda stations at Glynn, Kiltealy, Ballywilliam and Baldwinstown were all closed last year. Every garda in a rural area is being pushed into urban Garda stations. They are now trying to provide a service from the urban centres to rural areas with no facilities provided to them to achieve this. There is too much red tape and bureaucracy meaning gardaí are spending too much time filling out forms and policing by e-mail. Many gardaí tell me they get an e-mail from their superintendent on a matter to which they then have to respond. There is no more taking up the telephone and sorting the problem out through a conversation. Instead, three or four days are spent with e-mails going back and forth about a problem when it used to take one telephone call to solve it.

Last week in the Enniscorthy district, five patrol cars were broken down at the same time. The Minister talks about providing a satellite policing service from the towns into rural areas with the closure of some rural stations. How can the Garda do that from Enniscorthy when five out of its six patrol cars are not operational? Enniscorthy has lost seven gardaí in the past 18 months with only two replacements provided. Accordingly, the district has the lowest number of gardaí per head of population. Enniscorthy is also the first town on the main Wexford-Dublin road criminals from Dublin hit as all others before it – Arklow and Gorey – are bypassed. The town and its surrounding areas have seen a significant increase in robberies and attacks. This cannot be allowed to continue. However, the reduced numbers of gardaí deployed in the town

cannot deal with this development.

The local knowledge from being based in a local Garda station is a must for gardaí to carry out their work. With the stroke of a pen, the Minister will now do away with this, claiming rural Garda stations are not needed and leaving their communities with no proper policing service but a satellite one.

Tonight, there will be a public meeting in Gorey, County Wexford, on the downgrading of its Garda station.

8 o'clock

The population of Gorey doubled during the Celtic tiger era, while Courtown became almost as big as Gorey had been previously. Some 5,000 people are living in the Courtown area at the moment. They will lose their gardaí. The Gorey Garda station will be downgraded and my home town will be the major Garda centre. It is totally wrong. The population of Gorey and Courtown warrant a proper Garda presence and service. I call on the Minister for Justice and Equality to seriously consider reviewing the downgrading of the Gorey Garda station. Significant numbers of people have come from other areas to live in Gorey in recent years. Significant numbers have come to live in Courtown as well. There are drugs, crime, vandalism and all the other things that happen when a population becomes too big and where there are massive housing estates but few services being provided. I call on the Minister to seriously consider reviewing the downgrading of the Gorey Garda station, to ensure it is given the status it has had up to now and to allow it to continue in its present format.

The Minister should come clean on the future closure of Garda stations. It is an open secret in Wexford and the gardaí there have informed me that the stations at Ferns, Oulart, Oilgate, Rosslare, Carrigbyrne, Clonroche, Ballycullane and Campile will all close in the coming year or 18 months. There are two Garda stations in Rosslare, one in the harbour and another in the port, which is one of the biggest ports in Europe, but the Minister is considering closing one of the Garda stations there. It is not good enough. The Minister has reneged on all the commitments he gave when he was on this side of the House. Now he expects the Garda to provide a service with 12,000 gardaí in future, although he stated only two years ago that operating numbers should be 14,500.

Deputy Finian McGrath: The Minister might also comment on the closure of Whitehall Garda station.

Deputy Brendan Smith: I wish to convey my deepest sympathies to the family of Detective Garda Adrian Donohoe. I offer my sincere condolences to Adrian's wife and children, to his parents, Hugh and Peggy, and to his brothers, sisters and extended family. Adrian is from a highly respected and much admired family in Kilnaleck in my county of Cavan.

The callous and deplorable murder of a garda on duty has shocked the country. It is a tragic loss to his family, An Garda Síochána and communities in Louth and Cavan. I sincerely hope the criminals responsible for this evil deed are brought to justice quickly. As our party leader, Deputy Micheál Martin, said earlier today, last Friday night was indeed a bleak moment for the entire country. As Deputy Michael McGrath noted, that evil deed of last Friday night is not connected to the motion under discussion this evening.

Over many decades An Garda Síochána has provided an excellent service to our State and

its citizens, and it continues to do so. The service has been provided in every village, parish, town and city. Like any good service, it may sometimes be taken for granted by us, as citizens. A good proposal advocated by Fine Gael before the general election was to put an increased emphasis on community gardaí and encourage members of the force to live in the communities they served. Naturally, like so many other promises, that proposal has been totally abandoned with the savage assault on the Garda station network throughout the country, especially in the north west of the country.

In my constituency, three Garda stations have already been closed - namely, those in Tullyvin, Clontibret and Smithborough. They were closed by the Minister for Justice and Equality, Deputy Alan Shatter. Now, he proposes to close six more stations, at Bawnboy, which is in my home village, Redhills, Stradone, Shantonagh, Corrinshigo and Newbliss. The Ballyconnell district is being merged into Cavan district. Unfortunately, those communities will lose their local stations. This move represents a shocking level of cuts to our local Garda resources.

This slash-and-burn decision was sneakily announced by the Minister on budget day. It makes absolutely no sense to remove the Garda presence from our communities on such a large scale at a time when the rate of burglaries has increased. The presence of a local Garda station, however small, acts as a deterrent to criminals who target vulnerable households. The concerns of local communities are well articulated not only by public representatives of every party but by many organisations, including farming organisations such as the IFA and Muintir na Tíre.

As Deputy Niall Collins stated earlier, social media will never replace the local knowledge and intelligence that is gathered by a garda who is really local to his community. The value of a visible Garda presence should never be underestimated. Our local radio stations are constantly airing interviews with people in isolated communities throughout rural Ireland who feel increasingly vulnerable in their homes. The Garda Representative Association, whose members are at the front line of policing, has described the closures as a serious blow to community policing. One of the most important resources available to gardaí is the support of the local community. That support is cultivated and nurtured through strong relationships between locals and gardaí on the beat, and the local Garda station is an integral part of that infrastructure.

I come from the Border region. The parish I grew up in borders County Fermanagh. I know from when I was a youngster of the value of local knowledge to the Garda during the difficult era when paramilitaries were creating havoc in the province of Ulster. Many gardaí worked beyond the call of duty to ensure that vulnerable young people who were not getting the necessary support at home were kept out of the clutches of paramilitaries. This came about through local knowledge and through the network of Garda stations. That is the type of preventative action that we should never underestimate.

Deputy Michael Moynihan: I wish to sympathise with the wife and extended family of Detective Garda Donohoe and with the Garda Síochána and, by extension, the State, following his horrific murder last Friday evening. Almost everyone in the House has spoken of it today.

This motion is about the staffing of Garda stations in the future, and every Member has spoken. I compliment Deputy Niall Collins on tabling the motion to discuss the future of the Garda Síochána and the drive within the system and within the Department of Justice and Equality to close down rural Garda stations.

I come from a rural part of County Cork. Elderly people in rural communities, and indeed

entire rural communities, feel very vulnerable at the moment. Not one day or week goes by without people hearing stories about robberies or attempted robberies in rural communities. This brings to the fore the issue of further rural isolation, especially for the elderly. A highly respected member of the community I come from, who had given years of service to his community as a successful footballer in his prime and who went on to become a carpenter for many years, was subjected to a robbery between Christmas and the New Year. He was 91 years of age. This brings home the vulnerability of these people. The entire community gathered together to support him.

When criminals come in from large urban areas to rural communities it highlights the issue of the closure of Garda stations. One station in Meelin is closing this week. This adds further to the isolation. Despite all the statistics on policing and so on, the most important part of policing, already referred to in the debate this evening, is intelligence gathering and the belief among rural communities that An Garda Síochána is in touch with what is happening.

It is proposed that in the coming months there will be an alteration of the Garda district in Kanturk, some of which will be taken into Mallow and some into Macroom. It leaves the entire Duhallow region without a 24-hour Garda station. It is a rural barony and a huge part of County Cork. The gardaí who have served the area through the generations have developed a great deal of expertise working from the barracks in Kanturk. It is not acceptable to the people of Duhallow in particular and the Cork region in general.

We have had Topical Issues and Private Members' debates on these matters which have shown that the savings which have been generated from cutting service hours in community Garda stations or closing or streamlining them are minuscule. The closure of Garda stations represents an attack on small, rural communities which feel more and more isolated as time goes by. There must be an acceptance by Government and Garda management that people feel vulnerable. We have seen the statistics on crime in rural communities. People are living in fear in their own communities which is deplorable.

Minister for Justice and Equality (Deputy Alan Shatter): I move amendment No. 1:

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

“acknowledges:

— the vital role of An Garda Síochána in providing security to the State and protection to the public; and

— the investment of €4 million in the Garda fleet in 2012 which provided for the purchase of a total of 213 vehicles and the additional allocation of a dedicated €5 million for the purchase of new Garda vehicles in 2013;

recognises:

— the importance of ensuring the continued capacity of An Garda Síochána to combat crime effectively and welcomes the Government's commitment to maintain resources at the highest possible level;

— in particular, the value of the recent significant reforms in An Garda Síochána in making more efficient use of resources and delivering a more effective policing service; and

— the continued success of An Garda Síochána in tackling crime, reflected in the downward trend in most categories of crime;

supports, in particular, the measures being taken by An Garda Síochána to tackle organised and gangland crime, including extensive drug seizures and associated arrests, as well as on-going operations to disrupt and prosecute criminal terrorists; welcomes the continued impact ‘Operation Fiacla’ is having in tackling burglary around the country, with the arrest of 3,538 persons and 1,924 persons charged between April and December 2012; and resolves to continue to support An Garda Síochána in the prevention and detection of crime and the bringing of criminals to justice.”

I wish to share time with Deputies Paul Connaughton and Eamonn Maloney and ask that the Chair indicate when I have reached 20 minutes. I may go over that time, which the Deputies know.

Many tributes have been paid in the House to Detective Garda Adrian Donohoe following his dreadful murder on Friday night. It was a repulsive and cowardly act which was rightly condemned throughout the country. Adrian’s funeral is taking place tomorrow. It is a time of national mourning at the loss of a fine member of An Garda Síochána. Bearing this in mind, we suggested to Fianna Fáil that the debate should be postponed as a mark of respect until after the funeral had taken place. We wished to avoid creating the appearance by engaging in political controversy that the House is insensitive to the great grief people are suffering. We wanted nothing to happen in the House which would detract from the sending by the House of a united message of condemnation of the brutal killers who are solely responsible for the death of Detective Garda Donohoe and complete support for the efforts of An Garda Síochána. Following approaches to Fianna Fáil on Sunday, we learned yesterday morning that Deputy Micheál Martin was unwilling to postpone the debate for even the few days required. There will be general disappointment that when leadership was required, Deputy Micheál Martin allowed a situation develop where all that was forthcoming was ill-timed opportunism and politics as usual. While I accept that nothing in Fianna Fáil’s motion dealing with the adequacy of resources relates to the dreadful events of last Friday night, it is regrettable that agreement could not be reached. It only required some insight and involved basic decency and common humanity.

As the debate is taking place, I am bound to deal as fully as I can with the terms of the motion before the House. It is notable that some Fianna Fáil speakers ignored important aspects of their own motion. Nevertheless, let there be no doubt that Fianna Fáil’s debate is, in the circumstances, inappropriate, deeply cynical and completely dishonest. The motion is based on an assumption that the general public suffers from amnesia and that Fianna Fáil-led Governments were not in office for a continuous period of 14 years up to and including 8 March 2011. Any attempt by Fianna Fáil to criticise me as Minister for Justice and Equality or the current Government as to the allocation of resources to An Garda Síochána is demonstrative of a level of breathtaking hypocrisy it would be hard to beat. Such criticisms airbrush conveniently from public debate the last Fianna Fáil-led Government’s National Recovery Plan 2011-14 which was published on 24 November 2010 on the eve of the agreement with the Troika of 3 December 2010.

Among the many headaches I inherited when I was appointed Minister for Justice and Equality in March 2011 was the need to unravel the expenditure ceilings for the justice sector contained in the Fianna Fáil-led Government’s national recovery plan which, if applied, would have resulted in devastating cuts in Garda services which I would not and could not stand over.

The budgetary resources proposed in Fianna Fáil's national recovery plan were unacceptable and would have put the Garda Commissioner in an impossible position. Fortunately, I was able to secure additional funding for the three-year period 2012 to 2014 to ensure that sufficient funding was available to the Commissioner to allow the Garda to continue to deliver an effective policing service. I secured €2.243 billion for 2012, which was €118 million more than had been allocated by Fianna Fáil. For 2013, I secured funding of €2.2 billion, which was €191 million more than the Fianna Fáil allocation. For 2014, I secured €2.065 billion, which was €105 million more than the original Fianna Fáil allocation as set out in its own plan. Notwithstanding the foregoing, Fianna Fáil has the brass neck to stand in the House and tell me I am not giving the Garda Commissioner sufficient resources to enable his force to police and engage with local communities, counter criminal gangs who are intent on terrorising communities across the State and provide for a sufficient Garda fleet. I ask the proposers of the motion to consider their own national recovery plan and to reflect on where the Garda Síochána would have stood with an average of €90 million less each year for 2012, 2013 and 2014. This was the legacy Fianna Fáil was happy to bequeath to the Government. Members will understand why it is difficult to listen to the hypocritical guff spouted by Fianna Fáil. It is a bit like having someone trash your house and then criticise you as you struggle to clear up the mess.

The Fianna Fáil motion is critical of the reduction in Garda numbers. Once again, the party appears to have forgotten that its national recovery plan covered in detail the reductions in public service numbers to be effected in the period 2010-14. It is their document which details the reduction in Garda numbers from 14,500 on 31 December 2010 to 13,500 on 31 December 2011 with a further reduction to 13,350 to have been effected by 31 December 2012. The plan sets out a further requirement to reduce numbers to 13,150 by 31 December 2013 and to 13,000 by the end of December 2014. The number of members of the Garda exceeds today the reduced number Fianna Fáil intended to secure by way of its own plan by the end of last year. By implementing crucial reforms such as the new Garda rostering system and effecting efficiencies within my Department, we have succeeded, with the assistance of the Garda Commissioner, in maintaining essential frontline policing services and purchasing additional vehicles for the Garda fleet, for which no provision was made in the 2010 arrangements. In that context, talk of the degradation of the Garda fleet is an absolute nonsense. Instead of the reduction in numbers foreseen for the end of 2010 to 13,350 members, we have maintained 13,430 members while staying within budget, which is some 80 members more than Fianna Fáil envisaged. By freeing members of the force from unnecessary desk jobs by the closure of stations which the Commissioner advised had no operational significance, approximately 160 additional gardaí have been made available for frontline policing.

Even more astonishing is the reference in Fianna Fáil's motion to the reopening of Templemore College to Garda recruitment to ensure the force does not fall to what Fianna Fáil describes as "negligent strength". Deputy Niall Collins and his colleagues have failed to refer to the fact that recruitment to the Garda was ended by my predecessor Dermot Ahern and to note that the last recruits entered Templemore in 2009. The last substantial cohort graduated in June 2011. No reference is made in the national recovery plan Fianna Fáil published in November 2010 to the recommencement of Garda recruitment. It may interest Members to know that the question of recruitment is under active consideration with a view to maintaining the force at an appropriate strength. It is an issue which I will address with my Cabinet colleagues during the course of the year. In short, people should treat with scepticism and disbelief the criticisms contained in the Fianna Fáil motion and voiced in the House and the shopping list the party prescribes. It is clear from the motion that its proposers fail to recognise the reforms implemented which are

improving the effectiveness of An Garda Síochána. Their reaction is to oppose everything and their objective is to reform nothing while predicting dire consequences resulting from beneficial change. Fianna Fáil's objective is to generate substantial and unnecessary public alarm and concern for self-serving perceived party political gain.

It goes without saying that no Minister would choose to have to operate in this appalling financial position. Notwithstanding this, I have done everything possible to maintain the resources available to An Garda Síochána at the highest possible level. There is a budget of more than €1.4 billion available for the force in 2013 and, by any standards, this is a substantial amount. It is also worth noting that despite the cuts in last year's budget, I managed to make available some €4 million that enabled the purchase of 213 new Garda vehicles in 2012, something of which Deputy Browne seemed to be blissfully unaware. I have also secured dedicated funding of €5 million for the purchase of a significant number of new vehicles in 2013.

I am also very pleased that the provision of three new Garda divisional headquarters for Kevin Street in Dublin, Galway and Wexford was included in the special Government stimulus package announced last July. I believe that the provision of these facilities will significantly enhance Garda capacity to carry out its functions more effectively. The projects are to be delivered by means of a public private partnership and discussions are currently taking place between the relevant agencies in the light of the Government announcement.

I will address the question of the closure of some Garda stations. In 2012, 39 stations were closed, eight of which had not been opened for a number of years. Their closure was a paper exercise which simply recognised a reality concealed by my immediate predecessors. Many more were only one or two-member stations. This year, following a comprehensive assessment by the Garda Commissioner of the Garda station network, a further 100 are listed for closure in the Commissioner's policing plan for 2013. This recommendation is based on an operational assessment by the Garda Commissioner. It seems Deputy Niall Collins wants me to second-guess the operational expertise of the Garda Commissioner, which I will not do. Prior to the closures which took place last year, the Garda station network was essentially the same as the Royal Irish Constabulary network in 1922. It seems that Fianna Fáil favours the King's network of police stations as in 1922 rather than what is needed in the Ireland of 2013.

Deputy Niall Collins: The Minister favours none.

Deputy Alan Shatter: Such a large-scale static deployment of resources is no longer appropriate in the present day where the transport and communications infrastructure have been transformed beyond recognition. The Garda Síochána have a class-leading police computer system, a state-of-the-art digital radio system and a transport fleet which is currently receiving significant investment. The new Garda roster currently being piloted provides a better match between Garda availability and policing demand. All of these developments enable the Garda Síochána to be more mobile and flexible and to deliver a more effective policing service.

We also need to be honest about the level of policing service that was capable of being provided from the stations that were and are to be closed. Of the 100 stations to be closed in 2013, 98% are open part-time, 94% are open for three hours a day or less, 88% are served by one Garda and only 5% are served by three or more Garda personnel. I find it extraordinary that any Member of this House should think that a station open for three hours in the morning is a deterrent to criminal activity. Some critics have complained that the station closures will save only small amounts of money and, of course, in doing so, they completely miss the point.

29 January 2013

The objective is to maximise the time our well-trained and highly skilled gardaí spend on operational duties. This is about smart policing and the most efficient and effective deployment of Garda resources. It is the Garda Commissioner's view that a country the size of Ireland with a population of 4.5 million does not in the 21st century need 700 Garda stations. It is nothing less than scaremongering to suggest that reducing that network to 564 stations is a cause for fear and anxiety. The Garda Commissioner has concluded that in his professional opinion, a more effective and efficient policing service can be provided by releasing gardaí for front-line service in the communities concerned. By way of comparison, there are 83 police stations in Northern Ireland for its population of 1.4 million, with plans to reduce the number, and 340 stations in Scotland for its population of 5.2 million. In the London metropolitan area, 66 police stations are due to close, leaving 73 police stations open to the public. Are the naysayers seriously suggesting that with the advances we have seen in modern policing, transport and technology, we should act as if time has stood still since 1922?

Commissioner Callinan has stated that the revised structures will continue to support the Garda community philosophy through the clustering of services at policing hubs. This centralisation of services will facilitate the introduction of enhanced patrolling arrangements which, in turn, will provide increased Garda visibility as well as maintaining existing Garda links with communities throughout the country. The objective will be to ensure that the best possible policing service will continue to be provided to our communities.

In addition, the Garda has recently acquired a number of vehicles which are being converted into mobile Garda offices and it is planned that they will be assigned to areas where Garda stations have been closed to ensure members of the public can continue to conduct ordinary business and interact with members of An Garda Síochána. I am entirely confident that following the Garda station network consolidation process which is taking place, An Garda Síochána will continue to provide a professional, efficient and effective policing service to all communities.

Stations are owned by the Office of Public Works, OPW, and the Minister of State with responsibility for public service reform and the OPW has confirmed that if an appropriate community management structure is put in place, the closed stations can be utilised for local community purposes and this can be of considerable benefit to a variety of local voluntary organisations which currently lack appropriate facilities. It is important to reiterate that the planned closure of Garda stations will not diminish community policing which is at the heart of policing in Ireland. This has been consistently emphasised by the Garda Commissioner, and his annual policing plan for 2013 highlights the importance of An Garda Síochána working with communities to tackle behaviour that affects the quality of life of people in our cities and towns.

In addition to the role that all gardaí have to play in community policing, there are more than 1,000 gardaí dedicated to community policing countrywide. Gardaí continue to work closely with all communities to enhance community safety through a wide range of local fora such as community alert and neighbourhood watch. My Department, along with the HSE, has for many years supported the work of the community alert programme, which was set up in 1985 by Muintir na Tíre in association with the Garda authorities. This programme has since developed into a national movement comprising more than 1,300 local groups which work with the Garda to promote crime prevention and improve the security of older and vulnerable persons in the community.

Without doubt, the single biggest transformation project in the Garda Síochána and arguably in the public service has been the development and implementation of a new roster system

in the force. Not only does the new roster provide a more effective policing service, it also protects the health and welfare of the members of the Garda Síochána. The new roster system ensures that resources are optimally deployed when and where they are required to every part of the community, both rural and urban. Evidence of the new roster is immediately apparent on our streets as more gardaí are on duty at times of peak demand and fewer during quieter periods. This is essentially what this reform is about - doing things differently but doing them more effectively. I am firmly committed to ensuring resources remain at the highest level possible that will enable the Garda Commissioner, his senior management team and all members of An Garda Síochána to continue to deliver an outstanding policing service to the people.

In response to allegations about increased crime levels in the country, the crime statistics for the 12 months ending on 30 September 2012, which the Deputies opposite choose to ignore, show reductions in 12 of the 14 crime groups. Crimes against the person are down, including homicide offences, which are down by 17.9%, sexual offences, which are down by 0.7%, and assault and related offences, which are down by 9.5%. Public order and damage to property offences are also down by 12% and 9.3%, respectively, as are drug offences, which are down by 7.1%, and weapons and explosives offences, which are down by 17.4%. It is worth saying in the context of drugs that the success of the Garda has resulted in the seizure of drugs in 2012 to a value of €100 million. Burglaries, however, increased by 10.3% during the period. They increased during that period in the context of the 100 Garda stations that are to be closed still being open, thereby proving without any doubt that the existence of those stations acted as no deterrent of any kind in respect of the upsurge in burglaries that occurred.

I am acutely aware of the concerns which exist about the incidence of burglaries and also the corrosive effect which the fear of crime can have on community morale. In particular, I am concerned about the impact on elderly and more vulnerable people. In response to the increase in the number of burglaries, Operation Fiacla was set up by the Garda Commissioner and is particularly focused on identifying and targeting mobile gangs involved in burglaries throughout the country. Operation Fiacla has been and continues to be extremely effective. In the period from April 2012 to the end of December 2012, it resulted in 3,538 persons being arrested and 1,924 persons being charged. In addition, the latest quarterly figures for burglary suggest that Operation Fiacla is having an impact, when compared with the quarterly figures prior to its introduction. These figures, taken together with the robust response of the Garda in tackling gangland crime and the activities of paramilitary organisations, are clear evidence that while the Garda cannot avoid the economic realities, it has been more than able to continue to respond effectively to crime. With regard to aggravated burglaries, I assure the House that the Garda is taking all available measures to respond to this type of crime, especially the shocking incidents which we have seen recently and which have resulted in arrests. While statistical improvements are clearly no consolation to those who have endured dreadful experiences at the hands of burglars, it is nonetheless important to mention that the most recent crime figures show the number of aggravated burglaries is down when compared with the previous 12 months.

I share the widespread outrage at gang related criminal activity and fully appreciate the concerns of communities on whose streets this violence takes place. The brutal nature of these crimes is a stark reminder to us of the mentality of those involved in organised criminality and the danger which they pose to our society. I am in ongoing contact with the Garda Commissioner about all aspects of serious crime and the Garda will continue to bear down heavily on the activities of those involved in gangland crime. The only effective way to combat organised crime is by disrupting and prosecuting those involved in its operations and especially the drugs

trade, which is at the heart of much of its profits. We should not underestimate the difficulties the Garda faces in trying to prevent gangland killings and related crimes and in bringing the perpetrators to justice. These crimes are carefully planned and carried out by people who are familiar with criminal and forensic investigation techniques. Despite the clear risk to themselves, members of gangs will not generally co-operate with Garda investigations. Despite these difficulties the Garda has been able to bring a number of individuals before the courts, particularly in a number of high profile killings in the past couple of years, although it will be some time before those cases are disposed of.

I want to be categorical in stating this is not a budgetary matter. In this context, the Commissioner has made it clear that where resources are needed to combat serious and organised crime, they will be made available. The number of gangland murders was, in fact, higher when Garda numbers were higher than they are today. It is also unrealistic to expect that the Commissioner would devote his entire resources to protecting individuals who are routinely trying to avoid the Garda in order to continue to engage in criminal activity. Such an approach could only come at the expense of ordinary Garda activity to protect the community generally.

I will now briefly discuss the issue of criminal terrorism. Despite the many positive developments over recent years in Northern Ireland, the Garda never let up in its efforts to counteract those criminal terrorist groups whose only objective is to drag our island back to a dark past. The force has a proud record of standing in defence of the State. The Garda will continue to be fully supported and resourced in its efforts to counter the activities of these subversive criminals. The fight against terrorism has been an absolute priority for the Garda authorities. That will not change. I assure the House that gardaí continue to co-operate seamlessly with their police and security counterparts in Northern Ireland in bearing down on these groups to stop their activities. The shared objective of the Government and the authorities in Northern Ireland is to enhance community safety on the whole of this island. We will continue, in co-operation with the authorities in Northern Ireland, to spare no effort to ensure that those criminal terrorists who seek to subvert the democratic will of the people will face the full rigours of the law.

Members of the Garda Síochána are more than members of a police service. They are called into an enormous variety of situations on a daily basis which, as we saw last Friday, can result in enormous tragedy. These calls bring with them attendant risks which they must assess and deal with regularly. We must fully appreciate the work they are doing on our behalf for they are, in the words of Robert Peel, members of the public who are paid to give full-time attention to duties which are incumbent upon every citizen in the interests of community welfare and existence. In this respect, a safe society is the responsibility of every member of that society and not just the Garda. The interconnection between gardaí and the community is a vital one in the successful delivery of a policing service in Ireland. Neither I as Minister nor this Government will shirk in our responsibility to do everything we can to ensure the connection is not broken and that the best possible resources are made available to An Garda Síochána. On a day when we should all stand united in our support for An Garda Síochána, it is regrettable that Fianna Fáil insisted in debating this divisive, disingenuous and dishonest motion.

Deputy Paul J. Connaughton: I join other Members in expressing sympathy to the family of the late Garda Adrian Donohoe, as well as his colleagues in the Garda Síochána. I know that the members of the force are determined to bring those responsible for this heinous crime to justice. This was a very serious crime, as an attack on a Member of the Garda is very much an attack on the country. Many details of this case remain sketchy but the fact that Garda Donohoe was shot in such brutal circumstances makes clear that criminal gangs in this country now

have no respect for life or the price for taking one. This Government recognises the central role that the Garda plays in ensuring the security of the State and the need for a properly resourced police force. As a representative of East Galway, I am only too aware that a number of Garda stations in the region are to close. However, while I understand the fears of local communities, the interaction with local people rather than the location in which that interaction takes place is crucial and, to that end, the size and mobility of the force must be maintained at all costs.

Galway has seen its fair share of burglaries over the past number of months and this has resulted in unease at the decision to close some of these Garda stations. In recent days, I have been contacted by members of the community alert group in Kilconly, County Galway, who made a very valid suggestion. Kilconly Garda station is among the stations in east Galway that is due to close and the members suggested that the married quarters attached to the station be advertised among gardaí. The garda who resided there would work in Tuam and would give an undertaking to reside there for three to five years or until moving jobs. A nominal rent could be paid to the OPW. The benefit for the community is that it would have a garda residing locally. Such arrangements could be worked out throughout the country to the benefit of both the garda involved and the local community. Most rural communities want to retain the link with members of the force, even if they work in a divisional station outside the immediate area. It would also have the benefit in that a significant number of gardaí would still be living in rural areas and interacting with local clubs and schools. One concern about closing rural stations is that, increasingly, gardaí and their families will live in the larger towns where divisional stations are located and large swathes of the countryside will not be home to gardaí. The suggestion of Kilconly community alert group deserves serious consideration in the coming weeks.

The Garda must be properly resourced in terms of equipment, technology and, particularly in a rural context, mobility and transport. Having spoken on this topic to numerous concerned rural residents, I believe that greater investment is needed in the Garda transport fleet if the force is to be able to respond properly to current crime levels in rural areas. I welcome what the Minister, Deputy Shatter, had to say about the €4 million provided last year and €5 million this year to bring the fleet up to date. A number of gardaí have pointed out to me that while they understand the concerns about the closure of Garda stations, their biggest concern is the availability of squad cars.

Community alert schemes are particularly important in a rural context. While they can never replace local gardaí, they offer an important complement to the work of gardaí in rural areas. However, many areas, including many local areas in County Galway, remain without a community alert scheme, or else the local scheme has been allowed to lapse. Some new schemes have been initiated in recent times but usually only in response to a particular spate of burglaries. The Garda should work with local community activists to set up community alert schemes in a proper way. The goodwill and local knowledge of groups such as the GAA and IFA can be put to good effect in bringing people together to raise awareness and ensure that they are cognisant of the need to maintain good security measures in their homes and vigilance for suspicious activity in their locality. The funds spent to date on community alert have been fruitful and these schemes could, with further investment, become an important asset for the Garda in fighting rural crime. I urge the Ministers for Justice and Equality and the Environment, Community and Local Government to draw up a plan and funding model for community alert projects.

In terms of Garda recruitment, I understand that many members of the Garda Reserve would love the opportunity to join the force. These people, who have shown such dedication to policing, should be given an opportunity to join the force when the next recruitment campaign gets

under way. I welcome the announcement by the Minister that a discussion might take place on this issue.

Deputy Eamonn Maloney: I extend my sympathies to the family of Adrian Donohoe and his colleagues in An Garda Síochána. I welcome any debate on policing in Ireland. Since the start of this Dáil, we have certainly not debated policing in any great depth and a debate is long overdue. There is an attitude among the public that policing as applied here over the past 50, 80 or 90 years remains applicable in today's world. It is not, but like with everything else here, policing and politics included, we are slow to change. However, in many respects, An Garda Síochána as a force has moved and embraced technology and changes, far more than politicians. Elected politicians seem to be afraid to move an issue like policing into the modern age and no better example of this than the confines of this discussion on Garda stations.

Most of the population does not care too much about the concrete buildings that are Garda stations or whether there are two or three stations in the neighbourhood. People are more concerned with the nature of policing. Just because a police station closes does not mean there will be no policing. Some opportunists connect the two, but I believe that is dishonest. Reference was made earlier to the position in Scotland. Like Ireland, Scotland has both large urban and rural areas and while its system has its shortcomings, some of the changes that have taken place in policing there have been dramatic and have proved very beneficial. I refer in particular to community policing.

I live in the third largest centre of population in this country, after Dublin and Cork. In Tallaght, there are over 100,000 people, putting us ahead of Galway and Limerick, and we do not have five stations or 25 stations. We have just one Garda station. As the Minister would be proud to boast, last year crimes in certain areas there declined. I believe that is due to the way in which the area has embraced community policing. We must do the same as politicians. We cannot keep telling people we must have a Garda station on every corner so that everyone will feel safe. We must get away from that.

What is forcing us to change is technology. People have a sentimental attachment to Garda stations, which is understandable, but that was all very well when policing was done from push bikes. That has all changed. We will miss our opportunity to change if we believe for a second that the criminals in society have not embraced technology. That would be fooling ourselves. As legislators and in conjunction with the Garda, we must embrace technology. That is how we control and diminish crime.

Deputy Pádraig Mac Lochlainn: I will share time with Deputy Michael Colreavy.

Fianna Fáil has a hard neck to speak about cutbacks to Garda stations. In November 2008, my party colleague, Deputy Pearse Doherty, who was then a Senator, published a document entitled *Awakening the West*, which documented how rural communities were being hammered by the Government. The Government at that time was a Fianna Fáil and Green Party coalition. By November 2008, almost half of all the Garda stations in Cork, Kerry, Clare, Galway and Roscommon had been reduced to one garda operating on a part-time basis. In many of those cases, Garda stations were closed on Sundays and opening hours during the week were limited to 10 a.m. to 1 p.m. Even at that time, the limited opening hours and lack of Garda strength in rural stations gave rise to the perception that Garda services were ceasing to exist in many rural areas. There were towns where there was no Garda service for miles around. This all took place under the watch of Fianna Fáil.

At the 2009 annual conference of the Garda Representative Association, GRA, the then president, Michael O'Boyce, warned that the government was driving experience out of An Garda Síochána and that a rising number of members of all ranks, who could and who wanted to continue to serve the country, were considering retirement. A year later, at the 2010 annual conference, he confirmed that, sadly, his warning proved correct. In one Garda division alone, numbers were down by 20 in the recent months. He also pointed out at that conference that, disgracefully, there were no students in the Garda college for the first time in its history and that due to government policy, there would be no students in the college for a long time to come. He went on to say that An Garda Síochána was contracting due to the direct action of the government, that experience was being driven out and no new blood was coming in and that this was pushing the force to the brink of disaster.

What was the Fianna Fáil response to this? Its current justice spokesperson, Deputy Niall Collins, called for the outgoing president of the GRA, Michael O'Boyce, to be removed from the force by the then Garda Commissioner, Fachtna Murphy. The current Government is implementing Fianna Fáil's 2010 national recovery plan when it comes to Garda cuts, the deal Fianna Fáil negotiated with the troika. Fianna Fáil agreed with the troika to cut Garda numbers from 14,500 that year to 13,500 the following year and to 13,000 in 2014, a total drop of 10%. Its plan also stated that there would be €25 million in savings from unspecified Garda management efficiencies and €140 million savings in overtime, allowances and transport costs, much of it within the force. Is the public expected to believe that Fianna Fáil has now seen the error of its ways? Increasing Garda strength could have been achieved by continuing the process of civilianising Garda administrative services to international standards. This would also have created valuable local employment for civilians.

In a 2007 report, *Policing in Ireland - Looking Forward*, the Garda inspectorate found that in many instances small rural stations were serviced by one officer, answering to a district headquarters, but mostly operating alone without ready access to supervisors, an official car or Garda IT systems. The inspectorate recommended the implementation of a consistent rural policing model that enhances visibility and makes best use of Garda resources in serving local communities. A centralised Garda service will increase rural isolation and undermine the people's sense of security in their homes. There is increasing evidence that police station closures can lead to an increase in crime. In England, where rural services have seen similar cutbacks in police services, crime figures have surged. Violent crime rose by 119% in country areas between 1988 and 1989 and 2006 and 2007 compared with a national increase of 108% that year.

I met the Assistant Garda Commissioner, Kieran Kenny, in Donegal last week, after the Association of Garda Sergeants and Inspectors, AGSI, withdrew from talks on the extension of the Croke Park agreement, saying it would not tolerate further cuts in pay. The reason I, along with my colleague, Deputy Pearse Doherty, asked to meet the Assistant Commissioner, was to discuss policing in Donegal, where attacks on old people in their homes have caused devastation to their lives and worry and stress to their families. In some cases, such attacks have forced older people to leave the homes they have lived in all their lives.

I received assurances An Garda Síochána has taken steps to combat these attacks in Donegal. A specific operation, operation LEAH, has been put in place, providing extra personnel and resources to the area. The Assistant Commissioner reported that 11 arrests have been made on both sides of the Border and some stolen property has been recovered. This kind of Garda operation should be the norm, rather than the exception, all over the State. It should not take a crisis, like that which happened in County Donegal, for the force to be properly resourced. I

commend the gardaí in County Donegal on their actions. They should not have had to wait for 11 aggravated burglaries to happen before the Government gave them the resources to address these crimes. If one speaks to gardaí in any part of the State, they will tell one that they fear they can no longer provide a service to the public. Both representative organisations recognise the seriousness of the situation.

The news that another 100 Garda stations are to close is a serious blow to rural Ireland as well as to some urban communities which have already suffered disproportionately under the cuts regime imposed by this Government and its predecessor. This savage attack will also see certain rural Garda districts being amalgamated into 14 districts as part of an effort to centralise in urban areas the policing of huge swathes of rural Ireland. Perhaps this aspect of the Government's plans has been overlooked because of the focus on Garda station closures. The amalgamation and centralisation of rural policing in more urban areas is also a big challenge.

The Irish Farmers Association, which represents rural Ireland, and the Garda Representative Association, which represents the vast majority of gardaí, have repeatedly rejected these ongoing station closures. Unlike those who were in charge of drafting the Government's proposals, those involved with the two associations know rural communities and appreciate the value of community policing. According to an IFA survey, more than 10% of farmers have been victims of crime. The challenge of trying to square police statistics for reported crime with surveys showing that many people do not report more minor crimes is being faced internationally. It should not be the case that people are not willing to report crime, but sadly it is. It means that official statistics do not give us an accurate reflection of the true levels of crime. That is an international phenomenon and an issue in Ireland.

The Government has been attempting to spin its reform of policing structures, but we all know that the austerity agenda is at work under the mask of reform. This work was commenced under Fianna Fáil and it is being continued. Fianna Fáil has a brass neck to have tabled this motion tonight. Deputy Niall Collins has been around politics a while. He knows it very well. Nobody has been fooled by this motion. The facts speak for themselves. We recall what happened when the then president of the Garda Representative Association, Michael O'Boyce, spoke the truth. When the then Minister for Justice and Law Reform, Dermot Ahern, was presented with a draft of the speech by Mr. O'Boyce he decided not to bother showing up at the association's annual event. He was unwilling to take the heat and deal with the implications of the decisions his Government had taken over the previous two years.

Just two years have passed since Mr. O'Boyce delivered his speech. I do not believe the people of this country are suffering from some kind of collective amnesia, they have a clear memory. Fianna Fáil has shown that it is determined to go ahead with the debate on this motion over the next two days, despite the Minister and the Government calling on it not to do so. I agree with them on this occasion. This motion will fool nobody and will achieve nothing for Fianna Fáil. The debate on the important issue of Garda resources will be diminished as a result of Fianna Fáil's decision to force this motion to a vote tomorrow evening.

Deputy Michael Colreavy: In view of the night that is in it, I do not propose to dwell on the motivation of the party that has tabled this motion, other than to say that it proposed major Garda Síochána cutbacks to the troika when it was in power. Leaving such hypocrisy aside, this motion merits the support of the House despite its provenance. Every Member of this House recognises the important role that gardaí play at the forefront of our communities, in dealing with everyday issues such as traffic management and more serious concerns of crime. For that

reason, an attack on local Garda stations is an attack on our communities.

I do not need to remind people about the high-profile burglaries that have taken place throughout the north west recently. These burglaries have caused panic and alarm among many residents, especially elderly people. Many rural areas of my constituency, Sligo-North Leitrim, are sparsely populated. Many of my constituents are frightened about what the closure of local garda stations will mean for them. Every person in this country has a right to enjoy the comfort of safety, protected by the knowledge that a member of the Garda Síochána in the local area can be contacted in case of an emergency. The closure of these Garda stations has removed that vital sense of security. In addition, the invaluable local knowledge gained by gardaí living in small towns and villages will be lost forever. In my constituency, the Garda stations in Aclare, Ballyfarnon, Easkey, Cloone, Dromod, Keshcarrigan, Dromahair, Glenfarne and Cliffoney are to be closed. All of these stations are vital parts of their respective communities. The environment for the residents of the areas in question has been changed for the worse.

The Minister has claimed that the Garda station network was established at a time when gardaí travelled on bicycles. As I have pointed out to him previously, criminals are no longer using bicycles for transport. A gang can carry out a spate of burglaries in an area before moving quickly to another area, or another jurisdiction, with little chance of detection. A criminal gang that carries out robberies in County Sligo or County Leitrim could come from County Galway or County Tyrone, or *vice versa*. Gardaí must be equipped in a way that allows them to respond to crimes swiftly. Their visual presence in an area, especially a rural area, must be seen as form of deterrent for criminal gangs.

There has been a reduction in the manpower available to the force. The training college in Templemore has been closed for a number of years. Older gardaí who have retired have not been replaced. There is a risk that the number of active gardaí in our communities could fall to a dangerously low level. Cuts in allowances and overtime payments to gardaí have also hindered the manpower of the force. An adequate number of gardaí should be on duty at all times to ensure the needs of people are catered for. The criminals responsible for the recent attacks on communities and on gardaí are not ignorant. It would be dangerous to disregard them as fools. They are serious and clinical in their actions. They are capable of the most heinous crimes. It is likely that they are monitoring this debate. They are probably looking at the areas where stations are being closed and planning their actions accordingly. The Minister is putting communities at risk by ordering these closures.

Deputy Seamus Healy: I wish to share time with Deputy Halligan.

Acting Chairman (Deputy Tom Hayes): Is that agreed? Agreed.

Deputy Seamus Healy: I would like to begin by expressing my sympathy to the wife, family and Garda colleagues of the late Detective Garda Adrian Donohoe. While I will support this motion, it needs to be said that it is a case of the kettle calling the pot black. We have to remember that Fianna Fáil initiated the closure of Garda stations, started the reduction in Garda numbers and stopped the recruitment of trainees at Templemore training college. During the 2011 election campaign, the parties that comprise the current Government said they would overturn all of that. They gave commitments to support the Garda, ensure the Garda college reopened, begin a proper recruitment campaign and ensure the force was fully resourced. They have reneged on all of those commitments. They have taken over the policies that were pursued by Fianna Fáil and the Green Party in the last Government.

29 January 2013

We have lost 1,200 gardaí in the last couple of years. The number of personnel in the force has been reduced from 14,500 to 13,300. I call on the Minister to reopen the Garda training college in Templemore immediately. We have had no new recruits since 2009. No new gardaí have passed out since June 2011. Recruits need to be trained in Templemore if we are to fill the vacancies that are arising.

9 o'clock

The numbers are becoming dangerously low and I call on the Minister again to open the college immediately.

The Minister should come clean with regard to his plans for the Garda. We know that 39 Garda stations closed last year and that 100 will be closed before 31 January, which is this Thursday. In Tipperary, five stations are involved - the station at Grangemockler has already been closed, and those at New Inn, Dundrum, Terryglass and Rearcross are to be closed. During his speech, the Minister gave a clue when he spoke about the centralisation of Garda services, which is the nub of everything that is happening. We centralised medical cards and made a complete mess of it, then we centralised student grants and made a complete mess of that too. Such services, particularly Garda services, should be local and available to local communities.

Deputy John Halligan: I too have some difficulty with the motion and, under the circumstances, I consider that perhaps it should have been withdrawn. However, it is here, and I want to say a few words on it.

Although this is not a criticism of him, when the Minister puts forward proposals, I often wonder what consultation takes place. I know he consults his advisers and they consult him and advise him on how best to present this to the public and so on. The Minister would have consulted the Garda Commissioner, although I am not sure whether he consulted gardaí on the ground; many of them to whom I have spoken said he did not. I also wonder about the communities affected by the closure of rural stations. Were they consulted and what are their views, having lived with a local station over a period of time?

Given the serious crime problem we have, people need to have confidence instilled in them. They need people in authority to tell them "We are there for you and we can help you." I accept there would still be a certain amount of crime in rural areas if we had rural stations; there is no question about that. Criminals have become cute and sophisticated, and they watch, listen and learn. However, where the damage has been done is in the many rural areas where people are under an onslaught of burglaries and crime. For the Minister to announce at this time that he intends to close rural stations and get rid of the local gardaí in those stations has distressed many people and put them under pressure.

I can give only small examples. In my own constituency, a very serious crime was committed in an outlying area in which an elderly couple living near the seaside were viciously assaulted and tied up. A garda said there was no doubt the place was cased and that the criminals drove out there and looked at it carefully. They would have had to drive along very bad rural roads and then drive away from the crime. The nearest Garda station was some 15 miles away, so they knew that with no rural station in the area, they had a better than even chance of carrying out this crime and getting away without being caught. This is what people are thinking when they see a rural station closing down. They feel the station in itself is a form of security and a deterrent to criminals who might want to case the area. Again, I am not saying it is the

be-all and end-all of solving crime in rural areas, and I am pragmatic about that. However, I come back to the point about consultation with residents' groups representing those living in rural areas, who are under immense pressure at present with the local garda gone. The PR has been pretty bad because we consult everybody else from the top of the Garda Síochána organisation to Members of the Dáil, but we do not go out to the communities and tell them what to do and what we offer in return. Instead, they must hear it on a radio programme or in a debate in which one of us will debate against another as to what is best for them. That is where the failing was. The Government has Deputies in most areas in cities and counties, and those in rural areas should have been instructed to tell people what alternatives were available. If that had been done, perhaps the criticism would not have been as bad.

I am not an expert so I do not know whether the Minister's plans will work. They may well work, and we will perhaps come back in a year or two and say we were wrong, that the crime rate has gone down and that there are more gardaí in patrol cars. I tend not to believe that, based on the geographical positions of roads in rural areas and the fact that more and more criminal gangs are beginning to go into burglary because there is safe and easy passage for them in those areas.

My main criticism is not so much of the Minister but of the fact that the Government failed to consult and failed to do a good PR job with the people in those areas to explain to them what the alternative might be if this happened.

Debate adjourned.

The Dáil adjourned at 9.05 p.m. until 9.30 a.m. on Wednesday, 30 January 2013.