



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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## DÁIL ÉIREANN

*Dé Céadaoin, 30 Eanáir 2013*

*Wednesday, 30 January 2013*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 09.30 a.m.

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*Paidir.*  
*Prayer.*

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### Leaders' Questions

**Deputy Charlie McConalogue:** Yesterday the Government launched its first action report on bullying. It was launched with great fanfare and with a commitment to allocate €500,000 in dedicated funding this year. This report is to be welcomed and all the recommendations should be fully implemented. One recommendation is to spend time training parents to counter cyber-bullying. Following the cuts to the guidance counselling services, however, secondary schools across the country are now expected to prevent bullying with one hand tied behind their backs.

These actions do not add up. They send the wrong message completely. The service provided by guidance counsellors in our schools was rightly built up over the past 20 years. In budget 2012 the Minister for Education and Skills, Deputy Quinn, removed the specific allocation for the country's 700 guidance teachers from second level schools. He told them that guidance counselling and provision should now be provided out of the general teacher allocations to schools. This was effectively a €35 million cut in guidance counselling services. That is matched with the allocation this year of €500,000 to the action report on bullying. It totally undermines any genuine attempt to tackle bullying in our schools. Cutting guidance counsellors cuts those who provide a firefighting service at second level.

Every Deputy is aware of the worrying surge in mental health problems among our young people. Ireland unfortunately has one of the highest suicide rates among youth in Europe. Does the Taoiseach accept that the Minister for Education and Skills made a serious mistake in cutting the guidance counsellor allocation in last year's budget? If this Government is serious about addressing the growing problem of bullying and youth mental health problems will it consider reinstating the guidance counsellors in second level schools?

**The Taoiseach:** This is not a matter for any individual teacher in any school.

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

**The Taoiseach:** The Minister devolved greater responsibility to each school in respect of

career guidance and the opportunities for schools to restructure their teaching staff. The report to which the Deputy refers is very welcome. I hope that its guidelines will be implemented. It is part of an overall approach to dealing with this problem which causes a great deal of stress for young people and which has ended in tragic consequences in several cases. Young people are becoming more and more aware of the extent, range and content of bullying and as education and information becomes available about the dangers of this they respond to it. The Minister will not reverse his decision in respect of the treatment of schools generally. The decision to change the structure for career guidance is part of an overall school approach. The Minister is adamant that mental health is the responsibility of the teaching staff in general-----

**Deputy John Browne:** Blame the teachers.

**Deputy Dara Calleary:** Unbelievable.

**The Taoiseach:** -----and the whole school community is involved in this depending on the numbers involved, or the individuals who might be vulnerable. The Minister is also confident that the guidelines will assist schools in providing the guidance and support that is needed. It is a matter of great concern and interest to everybody. The Minister has tried, given the constraints on him, to have a whole school approach to this. He made a decision in respect of career guidance to devolve greater responsibility for decision making to the schools, which they have taken on. We hope that the money allocated to this report, announced yesterday will aid teachers and the general community in dealing with the many problems that young people face.

**Deputy John Browne:** The Taoiseach is blaming the teachers.

**Deputy Charlie McConalogue:** The €500,000 allocated to implementing this report comes against the background of the €35 million that the Minister for Education and Skills has taken away from the guidance counselling service. This does not empower schools. Schools used the €35 million that has been cut specifically for providing guidance counselling services. The Minister told the schools that they need to continue to provide that service but instead find the money from their other resources. That is the background against which the Government is introducing the anti-bullying guidelines launched yesterday. In no way has it empowered schools.

The Minister's and the Taoiseach's use of the term "whole school approach" is totally wrong. I agree absolutely that we need a "whole school approach" to mental health and to addressing bullying. What happens when an ordinary member of the teaching staff is engaging with a student and refers him or her down the line to a qualified guidance counsellor, 700 of whom were available until this year, and that student knocks on the door but there is nobody behind the door? That is not a whole school approach to dealing with this issue. We need to tackle a growing epidemic of mental health problems among our young people in recent times. The only way to do so is to examine the damage that cut has caused and reverse it. I ask the Taoiseach to give up the 'oul rhetoric that we have heard from him and from the Minister on this issue, rhetoric of "empowerment" of "giving more responsibility to schools". They have in fact cut a front-line service and if we are serious about this issue, as we all need to be, he needs to reverse the cut and provide the resources at school level that can ensure we give the protection, advice and support necessary to our young people who need it now more than ever.

**The Taoiseach:** The Deputy is aware that guidance provision is now managed from schools within their standard teacher allocation rather than separately, as had been the case. Schools

continue to make provision for guidance and counselling and such decisions are made by principals in the best interest of their students. They know them, their environment and their interests and will have the best regard to using the resources available to them. As the Deputy is well aware, this is not the responsibility of any single individual; all teachers have an important role, including the year heads selected by students. That is often an important element to consider when bringing the difficulties that arise to the attention of school principals and leaders. The changes announced last year give greater autonomy to school principals in how they allocate resources to best meet the needs of their students. It is also worth pointing out that as part of the budgetary measures the Department helped to shelter the impact of this change, particularly for DEIS post-primary schools, by improving their standard staffing allocations.

The anti-bullying action plan announced by the Minister for Education and Skills, Deputy Ruairí Quinn, the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald, and the Minister of State at the Department of Health, Deputy Kathleen Lynch, set out 12 actions designed to help prevent and tackle bullying in schools. This is a 24-7 operation. Many young people are either the subject of bullying on a regular basis or are intent on bullying. I have talked to many young people who are well aware of fellow students and peers who become subject to this practice. Unfortunately it has ended in tragic consequences in a number of cases and we want to do everything we can to prevent that kind of outcome.

**Deputy Pearse Doherty:** Inniu, beidh Eagraíocht Naomh Uinseann de Pól ag foilsíú tuairisc s'acu a inseoidh, don chéad uair, go bhfuil breis agus 100,000 duine ag tiontú chuig an eagraíocht sin fá choinne tacaíocht fá choinne ghnáth chaiteachas cosúil le ola fá choinne teach a théthú nó bia a chur ar an tábla nó fa choinne chomhneartú don Chéad Chomaoineach nó don Nollaig. Taispeánann seo an deacracht agus na himpleachtaí atá ag polasaithe lochtacha an Rialtais le dhá bhliain anuas.

Last year the number of people who turned to the Society of St. Vincent de Paul exceeded 100,000 for the first time, a figure that has doubled in the past three years. Their stories paint a picture of the real impact of austerity and the policies implemented by the Taoiseach and his Government in recent years. If the Taoiseach reads these stories he will hear of an elderly couple, aged 85 and 82 years, with a life's work behind them, who turned to the Society of St. Vincent de Paul for the first time, simply to be able to heat their home. They were donors to the society in the past but now they have nowhere else to turn. The Taoiseach will hear of the middle-class family with four children living in a comfortable area in Dublin, in which the husband is employed but there is nothing to eat. The reason they have nothing to eat is that they prioritised their mortgage payments in order to keep a roof over their heads. Eventually, when their savings had gone, they hit breaking point and turned to the St. Vincent de Paul. This family would not even register among the 180,000 families who are in mortgage distress, as shown in the latest report, because the family has not yet slipped into arrears. Their situation reflects that of many other thousands of people throughout this State. People are going without food and cutting back on heating and other essentials just to meet their mortgage repayments. One in four mortgages are in arrears, a shocking and alarming figure.

The Taoiseach needs to realise that this is a crisis situation that is out of control. His Government promised to prioritise those in mortgage arrears, but yesterday, two years after that commitment, the Central Bank's chief economist stated that Irish banks are still dragging their heels in regard to mortgage distress. What these families need are real solutions, not more vetoes for banks or platitudes. The Taoiseach needs to understand this. When is the penny going to drop? The banks will not do this on their own; they will not solve the problem, because they

are part of the problem. What is needed is proactive implementation of a policy of targeted restructuring of distressed mortgages and, where sustainable, write-downs of those mortgages in order that people can stay in their homes. Will the Taoiseach ensure the banks follow such an approach and will the Government use all the means at its disposal, including the weight of the Central Bank, to ensure such a policy is implemented for many of these people who unfortunately have had to turn to the Society of St. Vincent de Paul and others?

**The Taoiseach:** I read the story in today's newspaper about the couple aged 82 and 85 years. From its different chapters throughout the country I am well aware of the work of the Society of St. Vincent de Paul, which does an enormously important job in difficult circumstances. It is true that in these straitened economic times more people have turned to the society; the figures do not lie. However, Deputy Doherty will realise that 40% of our spending is in the area of social protection, the old age pension is €230 per week and the free electricity and fuel allocations are an important contributory factor to the well-being of our senior citizens. There is a great deal of advice available from other agencies such as MABS, where people can discover how they can better budget their resources.

The Deputy also referred to the mortgage situation. We are acutely aware of this; it is the reason it was necessary for the Minister for Finance to make changes in the restructuring of banks and engage with them in a fashion that requires them to get down to business and deal with mortgage arrears, distressed mortgages and the various other schemes. It is clear the Government has set out its own stall in this regard. We do not want to see anybody losing his or her house unless it is absolutely necessary. Comprehensive advice must be provided to people and assistance given to those in mortgage difficulties. I am not satisfied that the banks have moved rapidly enough to deal with this. I am not happy that there was a complete hiatus in having trained personnel to deal with families in mortgage distress, but am happy to note that the banks have now responded and trained people to engage in this area. We have extended the remit of the Cabinet committee dealing with mortgages to deal with banking measures. All of these measures are what the Government can do, working with the banks to ensure they deal conclusively with mortgage distress where applicable.

It is very stressful for families who find that at the end of the week there is very little or nothing left because they cannot restructure their mortgages and meet their requirements. I refer also to the introduction of new measures to deal with debt beyond formal judicial bankruptcy; the insolvency agency will take this up in the coming months. There is the rebalancing of the personal insolvency legislation measures, which will enable the striking of a fairer deal between debtor and creditor, as the Deputy will be aware. There is the introduction of measures to assist families in staying in their homes if at all possible, thereby challenging the banks to live up to their responsibilities in this crisis and to offer a much more expeditious rolling out of their own forbearance programmes.

There are no quick fixes and there is no one-size-fits-all measure that will help in every individual case, but Government is engaging in a proactive and constructive way with the banks to ensure that they sit down and deal with clients who have mortgage distress problems. I am glad to note that the number of cases being concluded is clearly rising, but do not wish to see a situation whereby people are all put on interest-only payments. There needs to be much greater involvement, and the banks were recapitalised to deal with that situation in the first instance.

As the Deputy is aware, as the Government continues to make decisions in the interests of improving the structure of our public finances, the country will become more attractive for con-

tinued inward investment. The Government is particularly focused on small and medium-sized enterprises to create job opportunities. As the Deputy will be aware, we continue to negotiate with the European Central Bank, the Council of Europe and ECOFIN in respect of the decision made on 29 June last year in order that we might change the overall capacity of our economy to grow and prosper and allow people to deal with these problems in a far more realistic fashion.

**Deputy Joan Collins:** And now the Government is intent on introducing a vampire tax.

**Deputy Pearse Doherty:** Next month marks the second anniversary of the Government's entry into office.

**Deputy Mattie McGrath:** The first 100 days.

**Deputy Pearse Doherty:** This Administration has been in office for almost two years and the Taoiseach has indicated that he is glad the figures are not rising. Each day 115 people fall into mortgage distress. This is an absolute crisis. As already stated, the Government has been in power for almost two years and it continues to refer to the Personal Insolvency Act, the provisions of which have yet to be implemented. Perhaps the Taoiseach will enlighten us as to when people will be able to access the services for which provision was made under that Act.

The Governor of the Central Bank has indicated that banks do not have the necessary processes in place in respect of this matter. Yesterday, the chief economist of the Central Bank stated that the banks are dragging their heels and that they are actually incentivised not to restructure debts. The Minister for Finance, who is sitting next to the Taoiseach, is the owner of one of those banks - namely, Allied Irish Banks, AIB, plc. Deputy Enda Kenny is the Taoiseach of this State, which owns AIB and which is a major shareholder in Bank of Ireland. Has he sat down with the chief executive of either of those banks and stated that he wants a targeted restructuring of unsustainable mortgages? That is a simple question. Some 180,000 people - one in four of the entire population - have mortgages that are in distress. Each day the mortgages of a further 115 people fall into distress.

What is the Taoiseach doing about this matter? What is he doing to live up to the commitment he gave the people before the general election and that which is contained in the programme for Government in respect of prioritising the issue of mortgage distress? There has been a great deal of talk, but many - such as the members of the family of four to whom I referred, who have nothing to eat and who turned to the Society of St. Vincent de Paul because they wanted to pay their mortgage - want the Taoiseach and the Government to provide solutions.

**The Taoiseach:** Deputy Pearse Doherty is welcome to the House as a properly elected Member from Donegal. He will realise that in the almost two years since the Government took office a sea change has occurred in respect of this country's reputation-----

**Deputy Willie O'Dea:** Yes - a change for the worse.

*(Interruptions).*

**The Taoiseach:** -----and its economic position. He will also be aware of the actions taken by the Government in the context of restructuring the banks and making decisions that have improved the capacity of the economy to grow. The Deputy has often made mention of the fact that we lost 250,000 jobs in the private sector, many of them in his own county and the sur-



rounding region, in the three years prior to the Government's entry into office. In the past 12 months, 20,000 jobs have been created in the private sector.

**Deputy Dara Calleary:** How many were lost?

**Deputy Pearse Doherty:** The Taoiseach should answer the question.

**Deputy Richard Boyd Barrett:** There has been a net increase of 0%.

*(Interruptions).*

**The Taoiseach:** The reputation of this country internationally has been restored to a level of credibility which has not obtained for many years. This is evident in the consistent stream of foreign direct investment into Ireland-----

**Deputy Aengus Ó Snodaigh:** There are fewer people in employment now than there were when the Government came to power.

**Deputy Willie O'Dea:** A hundred people are emigrating each day.

**The Taoiseach:** -----in the reduction in our bond yields from 14% to below 4%-----

**Deputy Brendan Howlin:** Those opposite are willing the country to fail.

**The Taoiseach:** -----in the interest of the European Investment Bank in our plight and in the stimulus package which was announced and which is now under way in many schools throughout the country.

**Deputy Pearse Doherty:** Will the Taoiseach please answer the question I asked, particularly for the 180,000 people whose mortgages are distressed?

**The Taoiseach:** These developments arise on foot of decisions taken by the Government to improve the disastrous situation in which it found the country when it came into office.

**Deputy Aengus Ó Snodaigh:** Did the Taoiseach meet representatives from the Central Bank?

**The Taoiseach:** The Economic Management Council met the banks on a number of occasions-----

**Deputy Aengus Ó Snodaigh:** Has the Taoiseach met them?

**The Taoiseach:** -----and mortgages, lending and access to credit were central issues in the discussions that took place.

**Deputy Willie O'Dea:** I suppose the Taoiseach believes that.

**The Taoiseach:** The Minister for Finance also met the chief executives of the banks this month to discuss this very issue.

As Deputy Pearse Doherty is aware, we put through the Houses a most complicated item of legislation to deal with personal insolvency. The agency established under that legislation will take up office and begin working with people in the very near future.

**Deputy Willie O'Dea:** When?

**The Taoiseach:** This is a further incentive for the banks and their trained personnel to get down to business, make decisions and arrive at conclusions in respect of the many mortgages that are in distress. This matter is coming to a head because the Government made the decisions to which I refer and forced the banks into a position in which they are obliged to have personnel in place to deal with clients whose mortgages are in distress. I hope we will be able to arrive at solutions for the vast majority of the latter in the shortest possible timeframe.

**Deputy Willie O'Dea:** Does the Taoiseach really believe that?

**Deputy John Halligan:** One of the starkest comments made at the conference of the Irish Primary Principals' Network last week related to the fact that teachers are encountering an increasing number of children who are coming to school hungry. One in five principals surveyed indicated that children are arriving at school without having eaten breakfast. This will come as no surprise to anyone in the House. There is an alarming rate of poverty among children. What is frightening is the figure contained in statistics released by the CSO last week which indicates that a further 35,000 children have fallen into the poverty trap. The increase in poverty has brought the problem of hungry schoolchildren to critical levels. These are not my words; they are the words of many school principals who discussed this problem on the radio last week. Teachers are reporting an increase in the number of children who are unable to concentrate and an exceptional rise in recent years in the number of pupils who have difficulties with literacy and numeracy.

While the school meals programme operated by the Department of Social Protection is doing some good, it addresses only a fraction of the problem. When I was elected, I made a promise to speak out and represent the many people who cannot speak for themselves. There are now 270,000 children in Ireland who suffer some degree of poverty and it is on their behalf that I speak today. Why am I doing so, particularly as I used my first appearance on Leaders' Questions also to raise the issue of poverty? Anyone who listened to a radio interview with Ms Maria Doyle, a school principal from Waterford, last week could not but be shocked by what she said about her experiences. I met Ms Doyle on Monday. I do not become distressed very easily, but having spoken to her for an hour I did become distressed.

Former Ministers and taoisigh - one of whom has abandoned Ireland and is living in Florida - are in receipt of huge pensions. Is this, which illustrates the inequality in our society, not reprehensible, offensive and shocking? In light of what principals and teachers, particularly those in primary schools, have stated, will the Taoiseach consider providing additional supports, including a further roll-out of the breakfast club scheme? Will he also consider the possibility of providing food to after-school homework clubs? This is what the principals and teachers to whom I refer are seeking. Would the Taoiseach consider establishing a national programme of emergency food aid to deal with the rapidly increasing numbers of children who are going to school hungry?

**The Taoiseach:** This is an issue that must be addressed. No child in this country should be hungry. I have visited schools and spoken to principals and I am aware that a child is unable to concentrate, study or learn properly if he or she is hungry. A couple of years ago, the principal of a school located not too far from these Houses took the unorthodox decision to involve the parents from surrounding housing estates whose children attended the school. Instead of sending their children to school with a fizzy drink and a couple of sweets, the mothers involved



were encouraged to cook breakfast for them. For a very small charge, those mothers provided a decent breakfast for every child in the school. The result was an improvement in the students' concentration levels and their ability to study.

**Deputy Richard Boyd Barrett:** Perhaps we should get Starbucks involved.

**The Taoiseach:** Some €37 million will be spent on the school meals programme this year. A total of 192,000 children will receive meals under the programme. A further €2 million has been allocated in respect of the programme, which is an important consideration. However, I have been visited by parents who have made me aware that some of the wholesome sandwiches and meals delivered to certain schools each day are dumped because they are not used. There is an immorality to that. We must examine what is happening in respect of this matter. In the context of those who really might be hungry-----

**Deputy Richard Boyd Barrett:** It is everybody's fault but yours.

**The Taoiseach:** -----we must educate parents in respect of better methods of cooking. We must also seek to discover whether major food brands might become involved.

**Deputy Mattie McGrath:** Feed them horse meat.

**The Taoiseach:** In addition, we must consider an extension of the breakfast club scheme. As already stated, however, it is not in the best interests of children that some of the food that is provided each day is being dumped.

**Deputy Richard Boyd Barrett:** Perhaps the Taoiseach should ask Ronald McDonald to deal with this problem.

*10 o'clock*

**The Taoiseach:** There is a need for restructuring, in which the Ministers are very interested. The fact that €37 million is being spent on it this year - an increase of more than €2 million - and it will deal with almost 200,000 children shows that it is an issue of obvious concern to the Government and the Department. It is one that requires constant monitoring and discussion with principals and the Department. We will ensure that will happen.

**Deputy John Halligan:** It does not require constant monitoring; rather, it requires immediate action. I do not believe for one moment that the Taoiseach would accept that children should go to school hungry. I do not think he is that type of person and know that he knows that this is the case. We are maintaining levels of support for schools, but the problem is that there are more and more children going to school every year and more and more children falling into poverty. I am appealing to the Taoiseach to meet and sit down with primary school principals to listen to what they are saying. Is he aware that principals across the country are bringing in food for children? Is he aware that there are people presenting at soup kitchens? Deputy Thomas Pringle tells me that one is to be opened in Donegal and also in Sligo. People are going to them to get food to give to their children. I have a very simple request. If what school principals are saying is correct and I do not doubt them, will the Taoiseach and his Department meet them? We are not speaking about adults but about the most vulnerable people in our society - young children aged five, six and seven years who are going to school without breakfast and hungry. This cannot be tolerated by any of us in the House, irrespective of our political differences and views on what has happened to the economy or who created the problems in it. The immedi-

ate problem is that children are going to school at 8 a.m. before school starts at 9 a.m. in order that they might get something to eat, as was said on the airwaves last week. I am making an appeal to the Taoiseach; I am not arguing with him. I do not want to get into a big row with him on this matter. I appeal to him to meet principals to hear what they have to say. Deputy Finian McGrath is a former school principal and has met principals in recent weeks. They tell him that this is happening. We cannot tolerate it and must bring it to an end. I, therefore, ask the Taoiseach to at least meet principals to listen to what they have to say and do something for the young children concerned.

**The Taoiseach:** I am not interested in having a row with the Deputy. The point he has raised is very serious. School principals know the background and circumstances which cause such problems which are many and evident across a number of issues. It is a case of being able to have a flexible scheme. The Deputy is aware of the need for sensitive treatment of children in school, as no one wants to see social barriers erected. It is a case of a principal having an understanding of the background to individual problems. That children are well fed and nourished is very important for their concentration levels and educational attainment. No child in an Irish school in 2013 should be hungry. It is a case of using the resources being expended where they will be most beneficial. It is not a case of meeting principals to hear from them what the Deputy is telling me.; rather, it is a case of being able to use the resources available to best effect. I will discuss the issue with the Minister for Education and Skills following the meeting with principals from the association to which the Deputy referred.

### **Order of Business**

**The Taoiseach:** It is proposed to take No. 1, Health Service Executive (Governance) Bill 2012 [*Seanad*] - Second Stage. Private Members' business shall be No. 87, motion re An Garda Síochána (resumed), to be taken at 9.30 p.m. and conclude after 90 minutes, if not previously concluded.

**An Leas-Cheann Comhairle:** There are no proposals to be put to the House.

**Deputy Charlie McConalogue:** The Minister for Education and Skills, Deputy Ruairí Quinn, and the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald, published an anti-bullying strategy yesterday which focuses on the issue of homophobic bullying. At the same time as the strategy is being published a person could lose his or her job in a religious-run school or hospital because of his or her sexual orientation. The programme for Government committed to amending section 37 of the Employment Equality Act 1998. When will this be done? My colleague in the Seanad, Senator Averil Power, introduced a Bill over a year ago which was not accepted by the Government. It is hypocritical to introduce guidelines to deal with the issue of homophobic bullying when the Government is not taking action which is within its power to amend employment legislation. When is it intended to do so and to do so promptly?

**The Taoiseach:** I do not have a date for publication of that legislation to amend section 37 of the Employment Equality Act 1998. The output and throughput of legislation in the House have been extensive. Much of that legislation has been introduced to meet a requirement because the country is in a programme which has a timeline and is governed by the troika memo-

random of understanding. I discussed yesterday with Deputies the extensive list of legislation to be brought before the House in the context of how we draft and prepare legislation. It is suggested we should perhaps focus on a set number of Bills in any one session, the ones we wish to prioritise during the year. We may need to begin dealing earlier with the preparation of legislation at departmental level and taking advice from the Attorney General. I will advise the Deputy of the current stage of preparations to deal with the particular amendment mentioned.

**Deputy Pearse Doherty:** The Taoiseach referred to the troika. Does the Government plan to bring forward legislation to amend the Land and Conveyancing Law Reform Act 2009 to remove the legal impediment to repossession based on the troika's advice to it? Will such legislation contain provisions to protect homeowners against repossession?

In the past 24 hours we have been subjected to a number of well known and well regarded economists speaking on RTE radio and television. All three stated it was unlikely that the State would achieve a deal on the promissory note. I hope they will be proved wrong and that we will have a sustainable and substantial deal. I ask the Taoiseach to facilitate statements on the ECB's rejection of the preferred option. This is against the background of a technical paper which has taken 18 months to prepare and the first formal proposal has been rejected by the ECB. The amount of money involved is substantial and significant and will have an impact on every person. The House should not be kept in the dark any longer on the Government's strategy in the talks.

**An Leas-Cheann Comhairle:** The Deputy will be aware that the holding of debates is a matter for the Whips.

**The Taoiseach:** The Bill to amend the Land and Conveyancing Law Reform Act is expected this session.

As I advised the House yesterday, the discussions and negotiations with the European Central Bank are ongoing; they have not been concluded. We expect the matter to be brought to a conclusion before the end of March, the next payment date.

**Deputy Richard Boyd Barrett:** In the past week, the economist Peter Bacon has joined the chorus of voices who are, in polite language, saying the Government's plan to sell the harvesting rights to Coillte represents economic and financial madness. The plan is to give away a vital resource that could generate many jobs and considerable revenue for the State. It could be given away for a song. Incredibly, at a meeting of the Joint Committee on Finance and Public Expenditure last week, NTMA representatives could not tell me about their valuation of Coillte lands. They said they would revert to us but they still have not done so. There are rumours that they are grossly undervaluing the harvesting rights associated with Coillte lands.

**An Leas-Cheann Comhairle:** Is this on promised legislation?

**Deputy Richard Boyd Barrett:** Will the forestry Bill come before this House before the Taoiseach concludes any deal to sell off our forestry, or will he allow for some debate in this House on the merits, or otherwise, of the sale of our national forestry to, say, Swiss wealth asset managers or the Chinese Government?

**The Taoiseach:** We have made it clear that, in the Government decision on this matter, it is the timber and not the land that is being sold.

**Deputy Richard Boyd Barrett:** We all know that.

**The Taoiseach:** The land is retained in State ownership for the people. The forestry Bill is expected in the coming weeks. The Deputy will have ample time to ventilate his views on this. The gentleman to whom the Deputy referred, Mr. Bacon, has been involved in producing reports for the country over the years and the results have not always been as he expected.

**Deputy Richard Boyd Barrett:** There is no doubt about the madness of giving away our trees.

**An Leas-Cheann Comhairle:** Order, please.

**Deputy Mattie McGrath:** I want to ask the Taoiseach about a matter arising in my county which is relevant to the legislation to amend the Public Service Management (Recruitment and Appointments) Act 2004. Twenty-four clerical staff in the DVO are at their wits' end over their treatment and the threats that their office will be closed down, resulting in their transfer "to hell or to Connacht", as used to be said in the time of Cromwell. With regard to the next Croke Park agreement or Croke Park nua, will the service that has been given by these staff be respected? Will the staff just be banished to Van Diemen's Land? These public officials expect better than this.

**An Leas-Cheann Comhairle:** That could be a matter for a parliamentary question.

**Deputy Mattie McGrath:** I am asking when the Public Service Management (Recruitment and Appointments) Act 2004 will be amended.

**The Taoiseach:** This session.

**Deputy Ciara Conway:** When will the family leave Bill be before the House given that recent reports have shown that women are now the highest earners? It is time that we considered introducing paternity leave and, more important, maternity leave for the Members of this House.

**The Taoiseach:** The family leave Bill is expected to be published this session.

**Deputy Michael Healy-Rae:** My question is in recognition of the excellent work being carried out under the rural transport programme throughout the country and its excellent value last year, at a cost of €10 million. There was a threat to this vital service in the past. I thank the Government for saving rural transport. I want an assurance that, under the road transport legislation, the rural transport network that has been built up will be retained. It is necessary for elderly people, in particular, who want to go to mass, shops or the doctor, for example. It is their link with their local communities.

Let me refer to the shocking announcement that €24 million in legal and consultancy fees was incurred by the NTMA and the Department of Finance. Surely these bodies should have enough internal advisers. Could there be an assurance included in the National Treasury Management Agency (amendment) Bill that we can cut out the hiring of external expertise? Surely the Departments have enough internal expertise and suitably qualified staff such that they would not have to spend enormous sums, at the taxpayers' expense, on consultancy and legal fees.

**The Taoiseach:** I thank the Deputy. The rural transport network is an important element of the fabric of society. I was going to say that the Deputy's belief that the network was in danger

might have been why somebody in his county wanted permits for people who might not use the road transport network to allow them to get home.

**Deputy Michael Healy-Rae:** That is a different issue.

**The Taoiseach:** It would have an impact on road safety and lives. I assure the Deputy that this is an important matter. The rural transport network has proven to be of great social benefit to many who would otherwise not be able to get to their local town, for example.

We are conscious of the hiring of advisers by Departments. In the case the Deputy mentioned, the fees were for specialist legal advice that would not be available inside a Department. I assure the Deputy that, in so far as the Government is concerned, it tries to use the resources of all Departments to the greatest extent possible. It is only in cases where that expertise is not available that consideration is given to the hiring of specialist legal advisers.

**Deputy Brendan Griffin:** The Taoiseach may be aware of the 19 recommendations that the Law Reform Commission has made regarding people who are missing and the provision of legal clarity to the families affected. Will the recommendations be considered by the Government in the context of forthcoming legislation? The implementation of the recommendations would give clarity to the families of the missing. It could allow them to move on with their lives, gain access to the finances of the missing and allow for clarification on wills and other legal matters.

**The Taoiseach:** I am aware that the report was published this morning and that it contains the recommendations to which the Deputy refers. The matter will be considered by the Government in due course. We will publish our decisions following consideration of the report.

**Deputy Michael Colreavy:** I understand that the Government is currently introducing regulations to ensure that people with specified long-term illnesses will have free general practitioner care. Could the list of designated illnesses be expanded to include lifelong and often terminal illnesses that are currently excluded from the list?

**The Taoiseach:** I invite the Deputy to send a list of the ailments he has in mind to the Minister of State at the Department of Health, Deputy Alex White, who is now dealing with this matter. He is preparing the necessary legislation and I am sure he is willing to receive the information from the Deputy.

**Deputy Michelle Mulherin:** Is the Government, including the Minister for Finance, prepared to insert in the forthcoming finance Bill a provision that would accommodate first-time buyers who have been precluded from availing of enhanced mortgage interest relief, the deadline pertaining to which was 31 December last? The holiday arrangements of the banks basically precluded them from issuing loan cheques after mid-December, resulting in a two-week period, approximately, in which the first-time buyers were precluded from drawing down their loan checks in time to avail of the relief. I understand a significant number of people are affected. They should be accommodated because what has occurred has happened through no fault of their own.

**The Taoiseach:** The matter can be considered. The Minister would like to be fair to everybody. It may well be that there could be legal implications associated with the setting of the date. The Minister will consider the question raised during the preparation of the finance Bill.



**Deputy Finian McGrath:** With regard to the maritime conventions Bill and on the importance of fishing and tourism in the Howth area, does the Taoiseach share my concern about the proposal that people should pay for parking in the Howth pier area which could potentially damage the fishing and tourism industries in the area? Will he raise the issue with the Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, because it is a very serious one for the people of Howth, given the 300 jobs provided along the pier? I urge the Taoiseach to intervene in this urgent matter.

**The Taoiseach:** Two days in a row - the Deputy is doing well. The Government is seriously interested in expanding tourism facilities and tourist numbers because of the industry's economic potential. Without knowing all of the details, I suggest the Deputy should raise the matter with the Minister for Agriculture, Food and the Marine in the form of a Topical Issue, provided that the Ceann Comhairle gives him the authorisation to do so. The Government does not want to reduce the capacity of the tourism industry in any way.

**An Leas-Cheann Comhairle:** In accordance with the order of the Dáil of yesterday, the sitting is being suspended until 4 p.m.

*Sitting suspended at 10.20 a.m. and resumed at 4 p.m.*

*4 o'clock*

### **Topical Issue Matters**

**Acting Chairman (Deputy Thomas P. Broughan):** 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 Arthur Spring - the murder of Detective Garda Adrian Donohoe; (2) Deputy Tom Hayes - the need to allow applicants who were self-employed to be permitted enter the Momentum programme; (3) Deputies Michael McNamara and Thomas P. Broughan - proposals for the alignment of local government and local development; (4) Deputy Pearse Doherty - the restructuring of the Anglo Irish Bank promissory notes; (5) Deputy Regina Doherty - the need for cash-for-gold outlets to specify that customers bringing in second-hand gold items be requested to provide evidence of photo ID and other forms of ownership; (6) Deputy Catherine Murphy - the delays in completing school accommodation works at St. Anne's national school, Ardclough, County Kildare; (7) Deputy John Paul Phelan - the need for the Health Service Executive to alter its recruitment policy in respect of psychologists to allow for the recruitment of both educational and counselling psychologists; (8) Deputy Joe McHugh - deployment issues that are arising because of high mileage on Garda cars including Garda cars in County Donegal; (9) Deputy Brian Stanley - the Department of the Environment, Community and Local Government report issued on the threat posed by Sellafield; (10) Deputy Ciara Conway - the need to continue funding and support for childminder advisory officers within city and county child care committees; (11) Deputy Thomas Pringle - the need to develop a national wind energy policy recognising all stakeholders and the need to retain the value of the resource at local and national level; (12) Deputy Mick Wallace - the need for more direct action to combat obesity; (13) Deputy Billy Kelleher - the need to ensure the HSE is



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enforcing the EU working time directive for non-consultant hospital doctors; and (14) Deputy Caoimhghín Ó Caoláin - the need to discuss the case of a person (details supplied in County Monaghan) diagnosed with autism.

The matters raised by Deputies Tom Hayes, Pearse Doherty, Ciara Conway, Michael McNamara and Thomas P. Broughan have been selected for discussion.

## **Ceisteanna - Questions**

### **Priority Questions**

#### **Commemorative Events**

1. **Deputy Seán Ó Fearghaíl** asked the Minister for Arts, Heritage and the Gaeltacht the meetings he has held with the British ambassador and the Secretary of State for Northern Ireland in relation to the decade of commemorations in view of the outbreak of violence over the flying of the Union flag over Belfast City Hall; and if he will make a statement on the matter. [4589/13]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley) (Deputy Dinny McGinley):** Meetings with the ministerial team at the Northern Ireland Office, NIO, and the British ambassador in Dublin occur regularly in the context of the centenary commemorative programme and other areas of common and shared interest.

Most recently, the Minister for Arts, Heritage and the Gaeltacht, Deputy Deenihan, visited the Houses of Parliament at Westminster on 16 January for a commemoration co-hosted with the Northern Ireland Office Minister, Mike Penning, MP, on the centenary of the second reading in the House of Commons of the Third Home Rule Bill. The Minister welcomed this opportunity to discuss the continuing development of the commemorative programme with the Minister and, subsequently, with several British and Irish current and former Members of Parliament.

That afternoon, at the Embassy of Ireland, the Minister met the Minister for International Security Strategy, Dr. Andrew Morrison, MP, and several of the organisations and institutions involved in the preparation of the British commemorative programme for the centenary of the First World War.

During 2012, the Minister was pleased, on behalf of the Government, to lead on and participate in a very significant decade of centenaries programme. Some of the highlights included the NIO exhibition panels on the Third Home Rule Bill, displayed at Westminster in February and thereafter in the Oireachtas and the National Library of Ireland; a conference on the Ulster Covenant organised by the Presbyterian Church in Ireland at Belfast City Hall, which the Minister addressed; memorial lectures on the work of John Redmond and the Irish Parliamentary Party presented in association with Waterford City Council; the Carson memorial lecture in Dublin by

the Northern Ireland First Minister, Peter Robinson, on reflections on Irish Unionism; a major exhibition at the Hugh Lane Gallery related to the Third Home Rule Bill, which the Minister opened; supplements in *The Irish Times*, supported by my Department and circulated to all primary and post-primary schools; and the display of exhibition panels at Waterford Museum of Treasures on Redmond and the Home Rule movement.

There was also ongoing engagement with the all-party Oireachtas group on commemorations, as well as continued engagement with the Manning committee. In addition, preparations for the decade of commemorations website are advancing and the Minister will launch this formally in the coming weeks.

The Minister appreciates very much the support and association of the British Ministers and the ambassador with our commemorative programme for the decade of centenaries. The events of the years 1912 to 1922 are the shared heritage of both the British and the Irish. The contribution of each is very valuable as we seek to achieve a comprehensive and inclusive commemorative framework that will enhance the understanding of these tumultuous years.

The issues relating to the flying of the flag at Belfast City Hall have not featured directly in the Minister's formal discussions and exchanges with Ministers, public representatives and others in recent times. However, the Tánaiste and Minister for Foreign Affairs and Trade discussed the recent flag protests on 17 January with the Secretary of State for Northern Ireland, the First Minister and Deputy First Minister and reviewed developments towards calming the situation. The two Governments reaffirmed their commitment to support the efforts of the First Minister and Deputy First Minister to resolve the current crisis and work closely together to identify ways to address not just the current crisis but its underlying causes.

**Deputy Seán Ó Fearghaíl:** Ba mhaith liom buíochas a ghabháil leis an Aire Stáit as teacht isteach chun an cheist seo a fhreagairt. We are looking beyond what we hope will be the very successful events of The Gathering in 2013 to the next series of events of the decade of commemorations that will register with the public and the international community in a positive way. However, the past two months of unrest in Belfast and across the North have been a depressing and a timely reminder of the need for the Irish and British Governments to continue to engage actively in developing the peace process. The problem in the North is a wider failure of politics. For the public, if normal democratic politics is not about the economy and improving people's standards of life, it becomes about issues such as flags, parades and divisions. Accordingly, the commemorations ahead have the potential to stir up violent reactions. There is a need for constant engagement between the Secretary of State for Northern Ireland, Ms Theresa Villiers, and the Minister to ensure a positive outcome for this commemoration process, one to which we are strongly committed. It also requires cross-parliamentary engagement between North and South. Will the Minister assure us that this will be the sort of serious level of engagement we will see between now and the launch of the decade of commemorations?

**Deputy Dinny McGinley:** I am honoured to be vice chairman of the commemorations committee. It is encouraging to see it is so inclusive and that it has respect for every aspect of Irish political thinking which will be commemorated in the coming decade. The Minister has been very busy attending events in Northern Ireland and the UK, as I have myself and Deputy Ó Cuív, when he was on this side of the House. His name is still a byword in places in Northern Ireland which would surprise many. I am a regular visitor to the North and attended commemorations of the Battle of the Somme over the past several years. It is all about bringing people together. The peace process is a continuing process and all of these matters contribute to it.

**Deputy Seán Ó Fearghail:** Our concern is to ensure nothing happens that develops as a lightning rod to further conflict. Will the Minister establish a cross-Border commemorative body to ensure there is ongoing dialogue at a level that is necessary to avoid conflict? What specific plans has the Minister in place to support and create bridge-building between the communities both North and South and in the North?

**Deputy Dinny McGinley:** Many different shades of political opinion from Northern Ireland have already attended the Oireachtas commemoration committee. I am a regular visitor there. Last Saturday I was in Derry commemorating Burns Night. I have been to Belfast City Hall to commemorate the Battle of the Somme. In Donegal we have the Monreagh centre which celebrates Scottish-Irish culture. We intend to continue this cross-Border association for the coming year and for the decade of commemorations.

### Air Services

2. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht if he will clarify the position in relation to funding the air service to the Aran Islands in County Galway; and if he will make a statement on the matter. [4671/13]

**Deputy Dinny McGinley:** The four year public service obligation contract for the Aran Islands air service will end on 31 August 2013. In addition, the related aerodrome management service contract will end on the same date. These contracts cost in the region of €2 million per annum and this equates to approximately one third of my Department's overall budget for island transport services.

My Department is examining various options with regard to these services. One option is to extend the existing contracts. I hope that I will be in a position to announce the decision on the matter by the end of February at the latest.

Ultimately, any decision on the future of the air service will be made in the context of the overall budget available for island transport services. I announced in the House in December last that there would be an allocation of €5.9 million for current expenditure on the islands for 2013. Naturally, this figure is subject to the Revised Estimates being published and approved in due course.

**Deputy Sandra McLellan:** This is an important issue and one of substantial concern for the people of the Aran Islands, as the Minister of State is aware. Clearly any decision to diminish the funding available for this service would be damaging. The failure to sustain this service at its current levels would be threatening to the future of the island. If the service is stopped it will put significant pressure on business, employment and tourism. The air service provides 40 jobs to a rural economy without many job opportunities. If these jobs were to go, people would leave the islands because they could not provide for their families.

The 40,000 tourists or thereabouts who travel with Aer Arann also provide money to the local economy, thus providing more jobs. The air service also provides essential services such as those offered by An Post and Bank of Ireland. Local companies use the air service as well. Any diminution would have an effect on the availability of health and education services and could increase isolation and put many people into difficult circumstances. The Minister of State will appreciate that it is difficult for the elderly or infirm to travel by sea when the weather is poor.

What dealings has the Minister of State undertaken with the Minister for Public Expenditure and Reform in this regard? Has he met the Minister recently and, if so, what was the outcome? Will the Minister of State confirm that there will continue to be an Aer Arann service?

**Deputy Dinny McGinley:** I am conscious of the importance of the services we provide for the Aran Islands, whether it is for the air, cargo or passenger, as I am aware of the importance of these services to all our islands. More than 20 islands avail of these services, which are being subsidised by my Department. The question relates specifically to the Aran Islands and the air services there. I have been there on several occasions. I met several Aran islanders and as recently as last Friday senior officials from my Department held a meeting with the Aran islanders during which they held further discussions on these matters. We are absolutely aware of the importance and this is one of the reasons we have endeavoured to maintain current expenditure for the current year at last year's level and to provide these services to the islands in the amount of €5.9 million. That is an indication of how seriously we take this responsibility.

Options are being considered at the moment. We are operating under a public service obligation and European regulations must be adhered to as well. We are not martyrs about it but there are European regulations and parameters within which we must work. Anyway, we are considering extending the current arrangement. Negotiations are ongoing between the various parties. As I noted in my answer, I hope to be in a position to come up with a suitable solution by the end of February.

**Deputy Sandra McLellan:** The service should continue in the long term and the Minister of State should seek to remove any doubts or fears about its future. It is crucial that the service continues long term. The Minister of State should seek to remove any doubts or fears about the future of the services at this point.

**Deputy Dinny McGinley:** I agree absolutely that these services have been in operation in the Aran Islands for more than 20 years. My objective is to keep as many of these services going as possible. I put it to the Deputy that with regard to air services all the options are being examined at the moment and I hope to be in a position to make a definitive decision by the end of next month. I understand the issues having been to the islands and discussed them with the islanders and having seen the reports from my senior officials. The issue is discussed almost on a weekly basis with the concerned parties. We will bear all of this in mind. My real objective is to look after the welfare of the islanders. We are in difficult economic times. We have €5.9 million as we had last year and we will see what we can do. I agree with the sentiment behind the remarks of Deputy McLellan.

### **National Raised Bog Management Plan**

3. **Deputy Finian McGrath** asked the Minister for Arts, Heritage and the Gaeltacht further to Parliamentary Question No. 145 of 28 November 2012, the cost of each of the various turf compensation schemes from 2000 to 2010 in tabular form. [4592/13]

**Minister for Arts, Heritage and the Gaeltacht(Deputy Jimmy Deenihan):** I apologise to my colleagues for my absence. I have just returned from Dundalk.

Compensation has been paid under several measures by my Department and its predecessors in respect of the protection of raised bog habitat designated as special areas of conservation

under the EU habitats directive and as natural heritage areas under the Wildlife Acts.

In 1999, the then Minister confirmed that commercial turf cutting on these protected sites had to cease immediately. Commercial operators compelled to cease turf extraction activities within the designated sites could apply for compensation for the losses they suffered. Compensation was paid in respect of 11 such claims totalling €4.04 million between 2000 and 2010.

It was announced subsequently that domestic cutting could continue under a derogation for a further ten years. This announcement was accompanied by the introduction of a voluntary bog purchase scheme under which domestic turf cutters could sell their plots at agreed rates. Those rates were subsequently increased in 2004 following agreement with the farming organisations under the partnership talks. A total of €23.4 million was paid to 814 applicants under the scheme between 2000 and 2010. In May 2010, the then Government announced the closure of the voluntary bog purchase scheme to new applicants. However, my Department is continuing to process applications in respect of special areas of conservation received before that date.

When the end of the derogation for domestic turf cutters was confirmed in May 2010 an interim compensation scheme was established. This provided interim funding to those who had been cutting turf on raised bog special areas of conservation nominated for designation between 1997 and 1999. A total of €171,000 was paid to 171 applicants under the scheme in 2010. The scheme has since been replaced by a 15-year annuity payment of €1,500 per annum, index linked, for those who have been required to cease cutting on special area of conservation raised bogs. As requested by the Deputy, these details are set out in tabular form in the reply.

Compensation Scheme	Number of approved applications	Expenditure 2000-2010
Voluntary Bog Purchase Scheme	814	€23,439,811
Commercial Turf Cutters Compensation	11	€4,044,512
Interim Compensation Scheme	171	€171,000

**Acting Chairman (Deputy Thomas P. Broughan):** Unfortunately, since Deputy Finian McGrath is not here, under the rules of the House I am obliged to move on to the next question. Deputy Flanagan, do you wish to comment briefly?

**Deputy Luke ‘Ming’ Flanagan:** Yes.

**Acting Chairman (Deputy Thomas P. Broughan):** Is it agreed that Deputy Flanagan can intervene briefly? Agreed.

**Deputy Luke ‘Ming’ Flanagan:** There has been some confusion on this question. I believe I was meant to get the priority question, but so be it. It is on the same theme.

The Minister used the term “derogation” and said that the derogation was over, but something cannot be over if it had never started. There was no derogation. The former EU Commission representative, Julian Bruno, said there was none. Who is telling the truth? Was there a derogation or not? As far as we know there was not. The Minister read out the figures for all the compensation paid out. That is fine, but who has received the compensation? Has it been



given to active turf cutters?

I am somewhat baffled. I will use an example with which the Minister is familiar. On Moanveanlagh bog in Kerry more people cut turf last year than in the previous year. The Minister appears to have sanctioned compensation for people. Who is getting it? Is it turf cutters or lapsed turf cutters? I am not complaining about lapsed turf cutters receiving the compensation to which they are entitled. It is their land. It is a bad deal, but it is a personal decision for them. I want to know, however, who is taking up the compensation. My information on the success of the scheme is that no bog has yet been sorted out notwithstanding that we are 15 years along. This is not going as well as the propaganda suggests.

Of the 29 bogs which were cut two years ago, 26 were cut last year. A further three would have been cut were it not for the poor weather conditions. The only way the scheme will work is if people are listened to and trust is established. We will be vindicating our rights again this year. We have no choice.

**Deputy Jimmy Deenihan:** I was assigned this responsibility two years ago and it has been acknowledged that a great deal of progress has been made in that time. It is a difficult issue. The derogation was announced in 1999 by the then Minister. I did not announce it. It was an initiative of the previous Government, a member of which is in attendance. It is in the past. Any derogation had expired in 33 of the bogs by the time I took over. I must deal with the 53 raised bogs in respect of which there is now no derogation. The national raised bogs plan will commence shortly. It would have commenced last year if people had co-operated with my staff who were out trying to implement the law. Hopefully, the plan will be complete by November, at which time I will present it to the Commissioner. It may be that certain difficult cases can be addressed under the plan. We will not know until matters are concluded.

Of the plots cut last year, 70% were not cut this year. That has been verified by our people on the ground. There were 2,568 applications for compensation received and acknowledged by the Department with 2,142 payments issuing. There were 194 turf deliveries. I note even though it is not directly raised in the question that €3.4 million was paid in compensation in 2012.

### **Seirbhísí Eitilte**

4. D'fhiafraigh **Deputy Éamon Ó Cuív** den an Aire Ealaíon, Oidhreacht agus Gaeltachta cén dul chun cinn atá déanta maidir leis an aersheirbhís go dtí Oileáin Árann; agus an ndéanfaidh sé ráiteas ina thaobh. [4590/13]

**Deputy Dinny McGinley:** Beidh an conradh reatha ceithre bliana chun seirbhís aeir a chur ar fáil d'Oileáin Árann faoi Oibleagáid Seirbhíse Poiblí ag teacht chun deiridh ar 31 Lúnasa 2013. In a theannta sin, tá conradh eile ag mo Roinn chun bainistiú a dhéanamh ar na haeradróim ar na hoileáin agus tiocfaidh deireadh leis an gconradh sin ar an dáta céanna. Cosnaíonn na seirbhísí sin beagnach €2 million ar mo Roinn in aghaidh na bliana. Is ionann é sin agus timpeall an tríú cuid de bhuiséad reatha mo Roinne do na hoileáin ábhartha go léir.

Faoi láthair, tá mo Roinn ag scrúdú na roghanna éagsúla a fheictear di a bheith aici i ndáil leis na seirbhísí seo. I measc na roghanna seo, tá rogha chun síneadh a chur leis na conarthaí atá i bhfeidhm faoi láthair. Táim ag súil go mbeidh mé in ann an cinneadh maidir leis seo a fhógairt



faoi dheireadh mhí Feabhra ar a dhéanaí.

Ag deireadh an lae, beidh an cinneadh i leith na seirbhíse seo le tógáil i gcomhthéacs an tsoláthair atá ar fáil do mo Roinn le fóirdheontais a thabhairt do sheirbhísí éagsúla iompair do na hoileáin ábhartha go léir. D'fhógair mé sa Teach seo i mí na Nollag 2012 go raibh allúntas de €5.9 milliún i maoiniú reatha ar fáil do na hoileáin in 2013. Ar ndóigh, ní miste a nótáil go bhfuil an figiúr seo faoi réir na Meastachán Athbhreithnithe a bheith foilsithe agus faofa i dtráth cuí.

**Deputy Éamon Ó Cuív:** Is cosúil go bhfuil an tAire Stáit ag cur an airgid ann i dtosach agus ag déanamh na gcinntí ina dhiaidh sin. Tá fíor-thábhacht ag baint leis na seirbhísí seo. An aontódh an tAire Stáit go mbraitheann an méid a chaithfidh sé a chaitheamh ar sheirbhísí ar oileáin ar dhaonra na n-oileán agus cé chomh fada amach san fharraige agus atá siad, agus go bhfuil na hoileáin Árann píosa fada amach san fharraige, go mor mhór an dá oileán, Inis Meáin agus Inis Oírr? An bhféadfadh an tAire Stáit a rá liom cén costas a bhaineann leis na conarthaí báid ar fad chuig na hoileáin sa bhliain 2013?

**Deputy Dinny McGinley:** Tuigim go bhfuil na hoileáin Árann i bhfad i bhfarraige agus tá a fhios agam go mbíonn an Teachta ann go minic. Bhí mé féin ansin cúpla uair sula gceapadh mar Aire Stáit mé agus is cinnte go raibh mé ar gach oileán acu ón am a ceapadh mé. Aontaím ar fad cé chomh tábhachtach agus atá sé go gcaithfidh na seirbhísí atá acu a choinneáil oiread agus is féidir. Tá deacrachtaí eacnamaíochta againn agus sin an fáth gur throid muid agus gur éirigh linn an €5.9 milliún céanna a fháil don bhliain reatha agus a bhí againn anuraidh, cé go raibh ciorruithe in go leor rannóga. D'éirigh linn é sin a choinneáil mar táimid ag tabhairt tosaíochta do na hoileáin.

Maidir le hoileáin atá i bhfad i bhfarraige, tá oileáin i mo dháilcheantar féin atá i bhfad i bhfarraige chomh maith, macasamhail Oileán Thoraí, a bhfuil daoine ina gcónaí iontu chomh maith.

Maidir leis an airgead, de ghnáth cosnaíonn an aer-sheirbhís agus na rudaí uilig a bhaineann leis sin thart faoi €2 milliún. Anuraidh chosain an chuid eile €1.6 milliún. I mbliana níl an íogar achomhair acmhainní againn (&).

Chuir an Teachta ceist faoi chostas farantóireachta chomh maith.

**Deputy Éamon Ó Cuív:** Cad é an costas a bhaineann leis na conarthaí bád atá ag an Roinn go dtí na hoileáin i mbliana?

**Deputy Dinny McGinley:** Thug mé costas don bhliain seo caite.

**Deputy Éamon Ó Cuív:** Bhí na conarthaí sínithe roimh-ré.

**Deputy Dinny McGinley:** Dúirt mé €1.6 milliún.

**Deputy Éamon Ó Cuív:** Bhí na conarthaí bád go dtí na hoileáin ar fad ag an Roinn agus caithfidh go bhfuil a fhios ag an Aire Stáit cé mhéad a chosnóidh sé sin sa bhliain 2013. Cé mhéad atá ann?

**Deputy Dinny McGinley:** Tá a fhios againn cé mhéad a chosain siad anuraidh - €1.6 milliún – agus i mbliana beidh athrú beag mar, agus mar atá a fhios ag an Teachta mar bhí seo sna meáin chumarsáide Gaeilge, cé gur tairgeadh conarthaí d'Inis Mór, an duine atá i bhfeighil na

seirbhíse sin, níor chuir sé tairscint chonartha isteach. Mar sin, tá athrú air chomh fada agus a bhaineann sé le hInis Mór.

**Acting Chairman (Deputy Thomas P. Broughan):** Ceist dheireanach.

**Deputy Éamon Ó Cuív:** Ní bhfuair mé freagra ar an gcéad cheist fós. Na conarthaí atá ag an Roinn le haghaidh bád farantóireachta chuig na hoileáin, cé mhéad a chosnóidh siad i mbliana? Caithfidh go bhfuil a fhios ag an Aire Stáit cé mhéad a chosnóidh sin. Mura bhfuil a fhios aige, an bhfuil sé in ann an t-eolas a chur chugam?

**Deputy Dinny McGinley:** Ní raibh sin sa fhreagra ach cuirfimid an t-eolas ar aghaidh chuig an Teachta chomh luath agus is féidir.

**Deputy Éamon Ó Cuív:** Gabhaim buíochas don Aire Stáit.

### **Plean Athchóirithe an Rialtais don tSeirbhí Phoiblí**

5. D'fhiafraigh **Deputy Peadar Tóibín** den an Aire Ealaíon, Oidhreacht agus Gaeltachta an ndéanfaidh sé ráiteas faoin gcónascadh atá beartaithe idir Oifig an Choimisinéara Teanga agus Oifig an Ombudsman; cad iad na himpleachtaí a bheidh ag an gcinneadh sin d'fhostaithe Oifig an Choimisinéara; agus an leagfaidh sé amach na hathruithe atá beartaithe sna míonna atá le teacht de bharr an chinnidh sin. [4821/13]

**Deputy Dinny McGinley:** Is mian liom aird an Teachta a dhíriú ar an bhfreagra a thug me ar Cheist Dála Uimhir 45 ar 28 Samhain 2012 faoin ábhar seo. Mar a thug mé le fios sa fhreagra sin, tógadh cinneadh Oifig an Choimisinéara Teanga a chónascadh le hOifig an Ombudsman mar chuid de réimse gníomhartha athchóirithe faoi Phlean Athchóirithe an Rialtais don tSeirbhís Phoiblí a foilsíodh i mí na Samhna 2011. Tar éis don Rialtas athbhreithniú a dhéanamh ar 31 Deireadh Fómhair 2012 ar an dul chun cinn faoin bplean, d'aontaigh an Rialtas réimse gníomhartha athchóirithe atá le cur i bhfeidhm. Is iad seo a leanas na gníomhartha atá i gceist maidir le hOifig an Choimisinéara Teanga. Déanfar Oifig an Choimisinéara Teanga a chónascadh le hOifig an Ombudsman. Aistreofar cumhachtaí agus feidhmeanna reachtúla an Choimisinéara Teanga faoi Acht na dTeangacha Oifigiúla 2003 chuig an Ombudsman agus tarmligfear iad chuig an gCoimisinéir Teanga faoin reachtaíocht leasaithe. Leanfaidh Coimisinéir Teanga, a bheidh ceaptha go reachtúil agus a bheidh lonnaithe sa Ghaeltacht, ag feidhmiú cumhachtaí reatha an Choimisinéara Teanga go neamhspleách faoi Acht na dTeangacha Oifigiúla 2003. Tá mo Roinnse i mbun plé leis an Roinn Caiteachais Phoiblí agus Athchóirithe maidir leis na chéad céimeanna eile chun an cónascadh seo a chur i bhfeidhm. Breathnófar ar cheisteanna a bhaireann le foireann Oifig an Choimisinéara Teanga i gcomhthéacs an phlé sin. Mar fhocal scoir, ní miste a rá gur cúis sásaimh domsa é go mbeidh Coimisinéir Teanga atá ceaptha go reachtúil lonnaithe sa Ghaeltacht i gcónaí mar thoradh ar chinneadh an Rialtais sa chás seo.

**Acting Chairman (Deputy Thomas P. Broughan):** Deputy Tóibín has been delayed. I, therefore, call Deputy Aengus Ó Snodaigh.

**Deputy Aengus Ó Snodaigh:** D'fhág an Teachta Tóibín roinnt ceisteanna a bhí sé ag iarraidh a chur ar an Aire Stáit. Tá roinnt acu freagraithe cheana féin, maidir leis an seasamh a bheidh ag an gCoimisinéir Teanga.

An mbeidh an Coimisinéir Teanga neamhspleách ina iomlán. Tá an t-Aire Stáit tar éis a rá

go mbeidh sé tofa go reachtúil ach go mbeidh na cumhachtaí ar fad ag an Ombudsman agus go dtabharfar iad don choimisinéir le hobair. An bhfuil an coimisinéir neamhspleách go hiomlán?

Bhí próiseas comhairleacháin le bheith i gceist maidir leis an cónascadh seo. Tá an t-Aire Stáit tar éis roinnt den toradh ar an bpróiseas sin a lua. Beidh ar an dá oifig obair le chéile amach anseo. An bhfuil sé leagtha amach go hiomlán cá bhfuil an fhoireann chun a bheith lonnaithe. Dúirt an t-Aire Stáit go mbeidh an Coimisinéir Teanga thiar sa Ghaeltacht. An mbeidh an fhoireann ar fad lonnaithe ann, nó an mbeidh roinnt acu curtha to Baile Átha Cliath?

Cén fáth nach raibh Emily O'Reilly, an Ombudsman, nó an coimisinéir féin gafa leis an bpróiseas comhairleacháin?

Ciallaíonn an méid adúirt an t-Aire Stáit go mbeidh cónascadh ag tarlú ach go mbeidh an dá oifig neamhspleách. Cad é an buntáiste don Stát nó don dá sheirbhís a thiocfaidh as an gcónascadh? Luaigh na hAirí go mbeidh buntáistí ann ó thaobh chaiteachas airgid de ach ní fheicim aon buntáiste ins an méid atá luaite ag an Aire Stáit go fóill maidir le sábháil airgid nó maidir leis na dualgais atá ann faoi láthair.

**Deputy Dinny McGinley:** Ní sábháil airgid amháin atá i gceist ar chor ar bith. Dúirt mé, i bhfreagra eile, nach bhfuil an oiread sin sábháil ó thaobh airgid de. Tá €615,000 a chur ar fáil do Oifig an Choimisinéara Teanga i mbliana, beagnach mar an gcéana agus a bhí ins na blianta a chuaigh romhainn. Mar is eol don Teachta, tá comhthacú á dhéanamh ar go leor eagraíochtaí. Maidir leis an gCoimisinéir Teanga agus Oifig an Ombudsman, córas riaracháin atá i gceist. Is é sin, go mbéadh sé níos foirfe agus, ag an am chéanna, go dtarmilgfeair cumhachtaí chuig an gCoimisinéir Teanga mar atá i láthair na huaire. Tá sé iontach tábhachtach go mbeadh an Coimisinéir Teanga lonnaithe ins an áit ina bhfuil sé anois, go mbeadh a fhoireann lonnaithe ansin chomh maith agus nach mbeadh aon athraithe ar mhódh imeachta nó ar mhódh oibre an Choimisinéara Teanga thar mar atá.

Tá go leor seirbhísí a bhéadh siad ábalta a chur ar fáil lena chéile, poiblíocht agus rudaí mar sin. Beidh córas níos éifeachtaí riaracháin ag an dá oifig de bharr an chónascaidh, ach níl sé ag dul a chur isteach ar obair nó ar imeacht laethúil an choimisinéara. Tá sé tábhachtach go dtuigfí é sin.

**Deputy Aengus Ó Snodaigh:** Ceann des na fadhbanna atá ann maidir le hoifigí Stáit, nach mbíonn Gaeilge ag an chéad duine a labhraíonn leat nuair a chuireann tú glaoch orthu. Má déantar an cónascadh seo, an cinnte go mbeidh Gaeilge ag na daoine a bhéas ag déileáil leis an bpobal sa dá oifig, seachas duine ag fanacht ar an nguthán go dtiocfaidh duine le Gaeilge chun labhairt leis, más féidir teacht air?

**Deputy Dinny McGinley:** Tá sé tábhachtach go mbéadh gach Rann Stáit ábalta freagra a thabhairt más i nGaeilge a chuireann duine den phobal glaoch air. Feicim féin feabhas, fiú amháin ag leibhéal na gcomhairlí contaetha i láthair na huaire. Nuair a chuirim glaoch bíonn an fháilte i nGaeilge agus i mBéarla go minic. Sílim gur dul chun cinn é sin. Nuair a chuireann gnáth shaoránach glaoch ar oifig an Choimisinéara Teanga bhéinn ag súil go mbíonn fáilte roimhe agus freagra aige i nGaeilge. Ní fheicim go mbeidh athrú ar bith air sin. Leanfaidh nós imeachta agus módh oibre an choimisinéara mar atá.

*Dáil Éireann*  
**Other Questions**

**Special Areas of Conservation**

6. **Deputy Paul J. Connaughton** asked the Minister for Arts, Heritage and the Gaeltacht in relation to the national raised bog special area of conservation management plan, the progress made to date on the formulation of the plan; when he expects it to be finalised; and the anticipated outcome of the plan; and if he will make a statement on the matter. [4493/13]

31. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht the progress that has been made in putting in place the national plan for special areas of conservation and turfcutters on the 53 bogs; if solutions have been found to all of these bogs at this point; and if he will make a statement on the matter. [4496/13]

46. **Deputy Martin Heydon** asked the Minister for Arts, Heritage and the Gaeltacht in relation to the national raised bog of special area of conservation management plan, the progress that has been made to date on formulation of the plan; when he expects it to be finalised; the anticipated outcome of the plan to be; and if he will make a statement on the matter. [4408/13]

52. **Deputy Frank Feighan** asked the Minister for Arts, Heritage and the Gaeltacht in relation to the national raised bog special areas of conservation management plan, the progress made to date on formulation of the plan; when he expects it to be finalised; the anticipated outcome of the plan to be; and if he will make a statement on the matter. [4520/13]

**(Deputy Jimmy Deenihan):** I propose to take Questions Nos. 6, 31, 46 and 52 together.

Last April, together with the Minister for the Environment, Community and Local Government, I met Commissioner Potočnik in Brussels where we secured his support for developing a national raised bog special area of conservation, SAC, management plan. This was in keeping with the recommendations of Justice Quirke following the Peatlands Forum and the motion agreed unanimously by Dáil Éireann on 7 March 2012.

The proposed approach to the development of the national plan is available on my Department's website. The plan will provide for the long-term protection of Ireland's raised bog SACs, address the needs of turf cutters and can unlock the flexibility available for dealing with the most difficult of bogs within the terms of the habitats directive.

Following a request for tenders, my Department is assessing proposals from prospective teams of consultants who will undertake the necessary scientific work to inform the future restoration and management of each of the SACs. Draft proposals for each of the sites will be discussed with affected landowners as part of this process.

The detailed exploration of relocation sites is a key element in progressing the national plan. In collaboration with the peatland council and with the assistance of Bord na Móna, my Department is actively engaging with turf cutting communities to consider how relocation can be progressed.

Some 766 applicants for compensation to my Department have indicated an interest in relocation. Arrangements for the relocation of turf cutters to non-designated bogs have been finalised or are close to finalisation for groups from four raised bog SACs. Out of the remaining

49 raised bog SACs, potential relocation sites have been identified for a further 31 SACs and work is ongoing on investigating these sites. Relocation is unlikely to be required or is likely to be on a small scale in respect of another 15 raised bog SACs owing, for example, to the small number of turf cutters who have been active on these sites. Options for the remaining sites are also being investigated. If, following an in-depth examination, there is a small number of SACs where there are genuinely no alternatives in terms of relocation, the national plan may, as I mentioned, be able to provide some flexibility in this regard. I am determined that, in collaboration with the peatland council and local turf cutting communities, substantial progress will be made on the plan in the coming months. My Department has stepped up contact with turf cutting groups to seek long-term solutions for their bogs, in compliance with EU and national law. I hope the national plan can be completed by November in time to submit an application to the European Commission under Article 6(4) of the habitats directive prior to the 2014 turf cutting season, if required. However, the engagement and agreement of turf cutting communities with the proposed approaches will be essential in meeting this timeline and unlocking the potential flexibility it offers.

**Deputy Paul J. Connaughton:** I am somewhat concerned that we may not get a decision on this time sensitive issue until November. How is the review proceeding with regard to national heritage areas, NHAs? A number of bogs in counties Galway and Roscommon have been designated as SACs or NHAs, but some of the issues arising in these areas will only be resolved through movement on the issue of NHA designation. Trust needs to be built among people on the ground who want to cut turf but are prepared to relocate. If the SAC management plan is to work, a management plan will also be needed for NHAs. I understand the Department is stretched for resources, but if we want to make progress in the next 12 to 24 months, it is important that the two reviews work together. On certain bogs in County Galway the only solution is a review of NHAs and a means of allowing turf cutters to move to these bogs. When can we expect movement on the review of NHAs? If the Minister wishes to consult people in these areas, they will want to have these issues addressed.

**Deputy Jimmy Deenihan:** I thank the Deputy and his father for the work they are doing to solve this problem in their own area around Mountbellew. Considerable progress has been made in that area because of their leadership, although I recognise that further difficulties lie ahead which will need to be resolved.

SACs were designated under European law which was transposed into Irish law, whereas NHAs were designated under Irish law. There is a difference and I hope there can be more flexibility in respect of NHAs. Furthermore, we gave a commitment in the programme for Government to investigate NHAs with a view towards putting in place a management plan for them. I agree that the issue of flexibility in SACs may be determined in some cases by adopting a different approach towards NHAs. These issues are subject to ongoing consideration. Officials of my Department and the National Parks and Wildlife Service are working with communities around the country. The scientific process will commence shortly, but the entire plan is being actively considered. NHAs are also being examined. The issue of NHAs will not arise this year, but it will be important in the resolution of the SAC issue.

**Deputy Sandra McLellan:** Will the Minister tell the House what he considers to be a realistic timeframe for the putting in place of a plan for the 53 bogs mentioned? Where relocation is an option, what does he regard as a realistic timeframe? In the event that relocation or compensation is not an option, does he believe compensatory habitats are an option? In the light of Article 6(4) of the directive, will his Department actively pursue the option of compensatory



habitats where no other is available?

**Deputy Jimmy Deenihan:** I acknowledge the responsible approach taken by the Deputy and her party on this issue. In my earlier reply I expressed the hope the national plan would be in place by November. That is a realistic goal. We were also dealing with this issue in 2012, but all of our resources were consumed in enforcing the law because otherwise the Commission would have taken us to court and Ireland would have faced huge fines, as we saw in the case of septic tanks. When the Commissioner visited Dublin - I know he also addressed the Oireachtas Joint Committee on the Environment, Culture and the Gaeltacht - he expressed satisfaction with the progress we had made and thought we were being serious about the issue. In the past we were obviously not serious, but we are now making progress. However, he warned us that if there was a reversal of the progress we had made, the position would be totally different and that he would have to take a different view. As he admitted, the issue of raised bogs and SACs was attracting more attention in the 27 members states than any other issue. Given that it is the most topical and hottest issue, it is important that we work together to resolve it. We have to find a solution because it will not go away. I have adopted an open approach for all parties and individuals from the turf cutters' and contractors' associations.

The question of compensatory habitats and relocation is being actively examined in conjunction with Bord na Móna. Of the 2,568 applicants for compensation received to date, 766 expressed an interest in relocation. A large number of those who received compensation and did not cut last year are anxious to continue cutting turf, as their fathers and grandfathers have done before them.

**Deputy Martin Heydon:** I thank the Minister for his response and concur with Deputy Paul Connaughton on the importance of having an overall plan for NHAs. I wish to raise my concern about the engagement at local level with my constituents in County Kildare and, in particular, the turf cutters associated with Mouds Bog which is an SAC. The level of dialogue is not what I hoped it would be ten months ago when we agreed a resolution in the Dáil. There is a considerable amount of local knowledge among turf cutters which can feed into this plan and I hope it will not be progressed in the absence of consultation. Perhaps, however, County Kildare has not yet been reached. Concerns have been expressed about potential flooding issues which have not yet been discussed with the turf cutters. One year ago reference was made to a potential relocation bog in Lattin, County Kildare, but there has been little dialogue on the issue since. There are concerns locally that it may not be a viable option, but turf cutters never received an opportunity to discuss the matter with officials. I ask that departmental officials engage in a proactive manner with Kildare turf cutters in order to tease out some of the issues arising.

**Deputy Jimmy Deenihan:** I recently visited several contentious bogs and I am willing to visit the bogs to which the Deputy referred in the near future if he can get the other people involved together, as well as any public representative who is interested in finding a solution. I am prepared to do this in the near future if he wishes to arrange such a meeting. We do not have as many people on the ground as we would like and it is a significant problem that we only have a small number of national park and wildlife rangers for the whole country. They have other work to do also with regard to compliance with other EU directives, such as the birds directive. Their resources are stretched, but I will convey the message that not enough dialogue is taking place in the case of Mouds bog so that dialogue will take place. My offer stands to meet the people who want to discuss the matter with me in the next few weeks.



**Deputy Frank Feighan:** I thank the Minister for the work he has done. He has been very generous with his time and has called to visit most of the various turf cutters around the country. With regard to a derogation, when Deputies Heydon and Connaughton and Conor Skehan, who has done Trojan work on this issue, went to Brussels, they informed officials there was a derogation in place from the last Government. However, while the last Government called it a derogation for ten years, Commissioner Potocnik was unaware of it. Will the Minister clarify whether a derogation was in place, whether it was an Irish solution to an Irish problem or whether it was sanctioned by Europe?

Much work has been done and I am delighted that many turf cutters have been paid. In my county, where the problem is serious, almost 800 turf cutters, from a population of 50,000, have been paid and will receive payments of €1,500 into their accounts for the next 15 years. This is tax free, index linked and they still own their bogs. Many of these turf cutters were considering relocation, but some have been given 15 tonnes of turf. We have gone a long way toward solving the problem. However, there are areas in other parts of my constituency, in County Leitrim, where they have NHAs rather than SACs. We need more consultation on the ground with regard to designating NHAs so that we can solve the issues within our grasp.

Another serious issue of which I am constantly made aware is the issue of commercial contractors. These feel very left out of what is happening. I realise times are difficult, but perhaps it is time to consider some formula for compensation to resolve their issues.

**Deputy Jimmy Deenihan:** On the question of the derogation, apparently it was never approved by Europe, but the Government of the time said there was a derogation. When I inherited this challenge, the derogation was finished in the case of 31 bogs and last year it finished for the other 22. Therefore, there are no more derogations. The derogation was provided at a national rather than at a European level, and I am surprised it was not noticed by Brussels over the ten-year period. If the problem had been addressed between 1997 and 2002, we would not be discussing it now. It should have been addressed in an incremental fashion and there should have been the kind of widespread consultation we are trying to do now with the Peatland's Council and forum. There should have been more dialogue to try to resolve the matter.

We signed up to the European habitats directive in 1992 and transposed it into Irish law in 1997. We designated 53 raised SAC bogs and told Europe we would protect these bogs and there would be no more cutting on them, but that did not happen. That is the reason Europe was going to take us to court and fine us heavily. The fine is €25,000 a day with a major upfront fine. We have avoided that up to now and hopefully we can continue to work together for a resolution and continue to avoid it and in the process we can accommodate those people who want to continue to cut turf. The derogation did not derive from Europe and was not approved it. It came from national Government.

I agree with the Deputy that NHAs are determined by Irish law, so we have more flexibility on those. In the programme for Government we committed to setting up the Peatlands Council and to looking at the NHAs with a view to putting a management plan in place. With regard to the commercial contractors, I referred to these in a response to Question No. 6, earlier, and explained how they were compensated initially. Over €4 million in compensation was provided to commercial contractors.

**Deputy Anthony Lawlor:** There is an NHA bog, Hodgestown bog, in my area. It is important that the Department's officials engage with the bog owners there, who are willing to put a

management plan in place. We come up against a stone wall at the end of 2013 and they would like to have something in place before that. They want to engage actively with the Department's officials and come to some agreement. They have a plan and perhaps some agreement could be made with regard to the management of that bog.

**Deputy Denis Naughten:** Does the Minister find it acceptable after 16 years of the Department and officials considering this situation, that out of 53 bogs they have only sourced four alternatives? The Minister has said it will be November before he has the plan in place. Will November also be the deadline with regard to turf-cutting on the NHAs? It appears it is a resource and manpower issue that is delaying a resolution of these issues. Is it not in the Minister's and the country's interest to acquire the additional resources from the Government to ensure these issues are resolved? For example, it only took a short time to make a decision on the children's hospital and surely the same could be done in this regard.

**Deputy Luke 'Ming' Flanagan:** I welcome the Minister's admission that the Turf Cutters and Contractors Association, TCCA, and I have been right all along with regard to the derogation. I also welcome Deputy Heydon's admission that things are not going quite as sweetly as was suggested.

The most pertinent question asked here today was asked by Deputy McLellan, but it has not been answered. She asked how long it will take for this to be resolved. My information is that after 16 years the issue has not been resolved for any of these bogs. How long will it take to resolve the issue? The Minister mentioned that 2,142 people have taken compensation. Is he aware of the number of turbary right holders for those bogs? It is 9,000. If someone came to the Minister in the morning and said they were going to take his house from him but had found him another one, but he would only be allowed to own that new house for 65 years before it reverted to the State, would the Minister take that deal? I am not taking it.

**Deputy Jimmy Deenihan:** In response to Deputy Lawlor, I would gladly meet the people he mentioned and would be happy to discuss their proposal. It is important that people be positive and co-operative towards finding a resolution to the issues. With regard to Deputy Flanagan's question as to how long it will take, I cannot predict that. I have been working on this issue for two years and we have made significant progress. I thank all those who have complied with the law and who made sacrifices to do so. I appeal to those who have not complied to realise they still have that opportunity. The last thing I want is to see them having to go through the courts on this matter. It has become a legal matter, which will bring challenges for people.

**Deputy Luke 'Ming' Flanagan:** It is time to act.

**Deputy Jimmy Deenihan:** I put it to the Deputy that there is more being done now than has been done in the past 16 years.

*5 o'clock*

No one can deny that a really serious effort is being made now. My approach is an all-inclusive one. All of the relevant parties are involved in it. This is a European issue, rather than just an Irish issue. Deputy Naughten made a point about the number of officials on the ground. I accept that there is a resource issue here. This is a major problem. We are addressing it now, when we should have been addressing it for 16 years. We are trying to do in a small space of time what we should have been doing for the last 16 years. There is a resource problem. Our officials on the ground are really stretched. It is not easy for them. They are trying to close bogs

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that belong to people they know. Many of them are going through a difficult period of time in their own neighbourhoods. It is not easy for them. That should be respected.

**Acting Chairman (Deputy Thomas P. Broughan):** I ask the Minister to wrap up as we need to move on to the next set of questions.

**Deputy Jimmy Deenihan:** I was asked how long it will take. That will depend on whether people co-operate with it. If everybody works together, it can be resolved. I was also asked about the number of bogs. There are four bogs. I accept that there should be more bogs. Progress has been made.

**Deputy Luke 'Ming' Flanagan:** What four bogs is the Minister talking about?

**Deputy Jimmy Deenihan:** There are the bogs in Deputy Connaughton's constituency-----

**Deputy Luke 'Ming' Flanagan:** That is not resolved. I have just come off the phone after speaking to somebody who told me that it has not been definitively resolved.

**Deputy Jimmy Deenihan:** There is Clara-----

**Deputy Luke 'Ming' Flanagan:** No deal on the land has been signed. It is important to state the truth.

**Acting Chairman (Deputy Thomas P. Broughan):** I realise that this is a critical subject for a large part of the country.

**Deputy Luke 'Ming' Flanagan:** The truth is vital.

**Deputy Frank Feighan:** The Deputy never told the truth in his life.

**Acting Chairman (Deputy Thomas P. Broughan):** We need to move on.

**Deputy Frank Feighan:** He is not used to the truth.

**Deputy Luke 'Ming' Flanagan:** No contracts have been signed.

**Deputy Paul J. Connaughton:** It is very close to being done.

**Deputy Luke 'Ming' Flanagan:** Deputy Connaughton has admitted that no contracts have been signed.

**Deputy Frank Feighan:** That sort of thing was around 80 years ago.

**Acting Chairman (Deputy Thomas P. Broughan):** I will allow the Minister to have the final word. We will debate this again.

**Deputy Jimmy Deenihan:** It may be in Deputy Flanagan's interest that no agreement would be reached.

**Deputy Luke 'Ming' Flanagan:** What I have said is the truth.

**Deputy Jimmy Deenihan:** Could I just mention that major progress has been made with regard to Clara bog in County Offaly?

**Acting Chairman (Deputy Thomas P. Broughan):** Okay. Go raibh maith agat, a Aire.

**Deputy Luke ‘Ming’ Flanagan:** Can I have the record corrected? No agreements have been signed.

**Deputy Jimmy Deenihan:** Deputy Flanagan did not even put down a question.

**Deputy Luke ‘Ming’ Flanagan:** That needs to be put on the record because it is important for the truth to be told in here.

**Acting Chairman (Deputy Thomas P. Broughan):** We need to move on to Question No. 7.

**Deputy Luke ‘Ming’ Flanagan:** No contracts have been signed. Put it on the record.

**Deputy Frank Feighan:** The Deputy is only happy when he is miserable.

**Deputy Luke ‘Ming’ Flanagan:** No, not really. I am quite happy when I am right. However, I thank the Deputy for pointing out that there was no derogation.

**Deputy Frank Feighan:** That was mentioned to me several times last night.

**Deputy Luke ‘Ming’ Flanagan:** The Deputy is a great help to his Minister.

**Deputy Mick Wallace:** Come on lads, try to pull together.

**Deputy Jimmy Deenihan:** This is a serious subject. I know some people would like to make a joke or a political issue of it.

### **Merger of Cultural Institutions**

7. **Deputy Micheál Martin** asked the Minister for Arts, Heritage and the Gaeltacht the progress he has made in achieving shared services and board structures with the National Library and National Museum; and if he will make a statement on the matter. [4489/13]

8. **Deputy Catherine Murphy** asked the Minister for Arts, Heritage and the Gaeltacht if the proposed National Museum and Library Advisory Council will have any specific remit to develop the existing genealogical resources which exist across cultural institutions under its authority and beyond into a shared, centralised genealogical facility which may enable citizens and tourists to access all such available resources; and if he will make a statement on the matter. [4258/13]

10. **Deputy Brendan Smith** asked the Minister for Arts, Heritage and the Gaeltacht the timeframe for his plans to merge the National Archives and the Irish Manuscripts Commission into the National Library; and if he will make a statement on the matter. [4488/13]

17. **Deputy Mick Wallace** asked the Minister for Arts, Heritage and the Gaeltacht the reasons for his decision to remove the autonomy and independence from the boards of the National Library and the National Museum by merging them into an advisory council operating within his Department; if the savings he has outlined will be achieved in view of the fact that the members of both boards are now working pro bono; and if he will make a statement on the matter. [4512/13]

22. **Deputy Catherine Murphy** asked the Minister for Arts, Heritage and the Gaeltacht the

way he intends that the National Museum and Library Advisory Council will adequately meet the needs of both the National Library and the National Museum in terms of fundraising, attracting philanthropic donations of works and day to day management of both institutions; the intended role of his Office in the functioning of the new council; and if he will make a statement on the matter. [4257/13]

44. **Deputy Kevin Humphreys** asked the Minister for Arts, Heritage and the Gaeltacht if there is a timetable for the public service reforms to the operation of the National Library and National Museum; if he will consider a separate advisory council for each body with a statutorily independent director, in view of the fact that each will operate *pro bono* as currently proposed for joint advisory council; and if he will make a statement on the matter. [4267/13]

45. **Deputy Thomas P. Broughan** asked the Minister for Arts, Heritage and the Gaeltacht his views on the report commissioned by IMPACT in relation to the proposed merger of the National Archives into the National Library; and if he will make a statement on the matter. [4264/13]

**Deputy Jimmy Deenihan:** I propose to take Questions Nos. 7, 8, 10, 17, 22, 44 and 45 together.

The Deputies will be aware that, as part of a range of reforms agreed by the Government under the public service reform plan, it was decided that the existing National Archives of Ireland, NAI, governance model will be applied to the National Library of Ireland, NLI, and the National Museum of Ireland, NMI. The National Archives Advisory Council will be retained, with a reduced membership operating *pro bono*. A single statutory NLI and NMI advisory council will operate *pro bono* in place of the existing boards. Overall board membership will be reduced by approximately 60%. It is anticipated that this model will achieve significant savings and increase efficiencies across the institutions. The NAI will operate, as it does at present, with a statutorily independent director and a similar statutory model will be put in place for the directors of the NLI and the NMI. The Irish Manuscripts Commission will be brought within the administrative ambit of the NLI.

The reform measures being undertaken by my Department with regard to the NLI and NMI will not remove the autonomy and independence of the two bodies. While it is proposed under the measures approved by the Government to replace the existing boards with an independent advisory council, the autonomy and independence of the directors of the institutions will be given a clear statutory underpinning. While there will be a pragmatic sharing of services, organisationally the NMI, the NLI and the proposed advisory council will not be within my Department. It is envisaged that the advisory council will have no role in relation to the day-to-day management of the two bodies but will specialise in fund-raising, fostering philanthropic relations and donations and providing advice to the Minister, including in relation to genealogy if considered appropriate. The advisory council will be appointed by me under statute. As I have said, the proposed model is similar to that already in place in the National Archives, the success of which has been widely recognised in this House and further afield.

I have already advised the House of the robust shared services model that will be deployed across the three institutions, through my Department in the case of corporate support services and by formal inter-institutional agreement in the case of operational services. Regular meetings have been taking place between my Department and the directors and staff of the relevant institutions in respect of these matters. Options relating to shared human resources, informa-



tion technology and financial services are being examined at present. It is proposed that a number of measures will be implemented on an administrative basis, pending the enactment of enabling legislation. The institutions are developing the requisite agreement with regard to shared operational services. Significant progress is being made on the draft legislation required to bring the new arrangements into being. I anticipate I will be in a position to seek Government approval for the heads of a Bill in the near future.

The Deputies will be aware that overall savings of €20 million in enhanced service efficiencies and value for money were targeted in the public service reform plan. In that context, it is expected that savings of approximately €1 million will be made initially across the institutions involved in the reform programme which are funded from my Department's Vote group, with further savings to be identified as the various cost-saving measures are implemented. However, the real benefit from the rationalisation of State agencies will be a less crowded administrative landscape. This will result in greater democratic accountability, less duplication of effort and clearer lines of responsibility for the citizen. Finally, I should clarify that the report commissioned by IMPACT related to an assessment of an earlier proposal to merge the National Archives of Ireland into the National Library of Ireland. Such a merger is no longer proposed.

**Deputy Seán Ó Fearghail:** I thank the Minister for his response. I am conscious that a number of Deputies want to speak about this matter. It is with considerable frustration that we are returning to this issue today. I am sure the Minister is frustrated that this issue is not going away. Fianna Fáil is committed to the principles set out in the Arts Act 2003, which established the arm's length principle in legislative form. We are concerned that the slash and burn approach, which has not generally been a characteristic of the Minister's political approach, may well lead to the achievement of false economies. There is a risk that these changes will save little financially while delivering a major cost to the State in terms of its cultural institutions.

It is clear that the abolition of the boards and of Culture Ireland, so that these areas can be brought under the direct control of the Minister, is a departure from the arm's length principle. The Minister, Deputy Deenihan, is respected and trusted by people in the arts and heritage sectors, and rightly so. He will not always be the Minister, however. We cannot be certain that the person at the helm in the medium and long terms can be trusted to ensure the arm's length principle is observed. In the event of a Cabinet reshuffle, the Minister's important brief might be taken by someone in respect of whom we could not be confident that an arm's length approach would be demonstrated.

I do not believe for a minute that the Minister, in his heart, is committed to this initiative. I commend him on what he is doing in the area of the development of shared services. We should be doing the same thing in many areas of the public service. What procedures has he put in place to ensure the integrity of the National Library of Ireland and the National Museum of Ireland, as two separate and distinct cultural entities, will be maintained? What steps has he taken to that end? The Minister mentioned a figure of €1 million in savings for the whole process. From listening to the Minister, it seems he is a bit tentative about this. In conclusion, I again make the point that when the possible savings are balanced against the very significant risk to these vital institutions, it is a risk that is not worth taking at this point.

**Deputy Jimmy Deenihan:** I remind the Deputy that although he was not part of that decision, his own party proposed to merge the National Gallery, IMMA and the Crawford Art Gallery into one institution.



**Deputy Seán Ó Fearghail:** We never agreed it.

**Deputy Jimmy Deenihan:** Heads of legislation were prepared. It also proposed to merge the National Archives with the National Library. I certainly did not go ahead with that proposal.

I listened to Members in the House and it came across strongly that people were very happy with the National Archives, the way it is governed and run and its independence. I listened to people and I adopted that same governance model for the National Library and the National Museum. In addition, I will ensure there is curatorial independence in the legislation I am bringing in, which we will all get a chance to discuss, and that this independence will be strengthened. At this time, the director of the National Archives would no doubt accept she has total independence in her job. All the director gets from my Department is co-operation and help. I certainly think this will work in the case of the National Library and the National Museum.

The Deputy referred to Culture Ireland. The new Culture Ireland has now been nominated and set up, and it actually had its first meeting yesterday. There is no change. It will still be at arm's length from me and the Department, and while it is chaired by an independent chairperson, it is more inclusive. For example, it includes the IDA, Tourism Ireland and other State agencies in order that we can maximise the opportunity to send people abroad to perform, supported by the taxpayer. I am convinced it will work.

I appeal to people to give this proposal a chance. We are looking for change. When this Government took office, we were going to be a Government for change. We have looked at many State institutions and we have proposed a lot of rationalisation, which will be applied. Apart from the National Library and the National Museum, the other cultural institutions were left as they were. They will be sharing resources, and I thank the Deputy for supporting that, but it was very much a minimalist approach.

**Deputy Catherine Murphy:** I too have concerns that what we do should have an eye to the medium and long term rather than the immediate environment in which we find ourselves. What concerns me greatly is that the major focus of attention here is on cost-cutting and efficiency. While I do not have a difficulty with looking to achieve a more efficient service for people who use our cultural institutions, I am very concerned that what is done should be compatible with each of the institutions concerned. Some of what each of the institutions does as a core function is not completely compatible with the other institutions. There are real opportunities here if we can look at the governance of these institutions in the first instance and how the philanthropic side can be given an advantage. I welcome the fact that the National Archives and the National Library are not being combined. As an example, the Public Record Office in Belfast was to move from the Lisburn Road to the Titanic Quarter and was due to close for eight months. In that case, however, it was planned to resource those who might want to check records while the buildings were closed and a huge effort was made to digitise records. Not only was a fantastic new building opened in the Titanic Quarter, but it has the advantage of having all of the material digitised so that the service is much better both for those using the building and for those who do not have to use it because they can get the records online.

I wonder whether the Minister shares my concerns that, by looking only at the issue of efficiency, we are losing an opportunity to plan for the medium and longer term with regard to investing in our institutions. While I realise money is tight, some of this brings a return even in the short term. I cannot understand why there is not a user-based approach to the institutions and why it is exclusively, or almost exclusively, looking at saving money and efficiencies.

**Deputy Mick Wallace:** I am sure the Minister is well aware of the fact there has been near-universal rejection of this proposal by stakeholders in both institutions. Surely the views of those working in this area should be taken into account. Professor Diarmaid Ferriter and Dr. Pat Wallace have said it is a mistake, and Dr. John O'Mahony, the chairman of the board of the National Museum, has called it cultural cannibalism. People are under the impression that it is a bit of a Civil Service coup to deprive these institutions of their independence and autonomy.

With regard to the notion that we will save €1 million in costs, as other Deputies have said, the Minister himself does not even seem convinced that it might save that amount. I see that one of the reasons given for the move was that the State might be better at securing philanthropic investment. I would suggest that if the State can tap into philanthropic money, we should do so and use loads of it to help the vulnerable. However, I believe we should leave the arts to those who are best qualified. It is very important that their independence and autonomy is retained.

I do not know if the Minister has sat down with these people. I plead with him to reconsider the matter and to sit down with all stakeholders. Surely their views matter.

**Deputy Jimmy Deenihan:** In response to Deputy Mick Wallace, there is general agreement within both institutions on this approach. The chairman of the National Museum obviously expressed his views. Professor Diarmaid Ferriter resigned from the board of the National Library but - this is something I welcome - he did not resign from the advisory council of the National Archives, so obviously that is an expression of support for that type of governance. That is the exact governance I am now putting in place for the National Library and the National Museum. I am convinced, in case anyone thought otherwise, that this will save money which we can then put into digitisation.

Deputy Catherine Murphy is well informed in this whole area and I value what she says. The point is that we have had to cut costs across all Departments. That is the position this Government was landed with, and we all know the country is challenged at present. However, what is happening here will, I believe, strengthen the cultural institutions. I notice that no one recognised the fact that last week I announced the biggest investment ever, as I understand it, in a national cultural institution in this country - that is, the National Gallery, which is 75% closed at present. This is a major investment that is good not only for culture but also for jobs, which are all specialist jobs. If people are insinuating that the Government is not supportive of culture, they should look at such examples.

With regard to digitisation, I agree with the Deputy.

**Acting Chairman (Deputy Thomas P. Broughan):** We must conclude.

**Deputy Jimmy Deenihan:** I will finish shortly. The National Archives, for example, digitised the 1901 and 1911 censuses. Through that, it has received over 700 million hits on its website, so there is real interest out there in archival material. The more we can digitise, the more we can reach out to our diaspora and others interested in Ireland throughout the world.

*Written Answers follow Adjournment.*

## Topical Issue Debate

### Labour Activation Projects

**Deputy Tom Hayes:** I thank the Ceann Comhairle for selecting this matter for discussion. The Momentum programme introduced by the Minister for Social Protection in December is an excellent initiative providing 6,500 free education and training places for jobseekers. The focus is on creating jobs and getting jobseekers back to work. There are more than 84,000 people taking part in a range of labour activation projects. The JobBridge scheme has delivered positive results, with over 50% of finishers securing paid employment.

I was delighted that a company based in my constituency secured the contract to deliver a software development programme and cloud computing training programme. Future People, based in Cashel, is an excellent example of a company that is retraining people. However, several of my constituents who are interested in the programme have contacted me raising concerns about the eligibility criteria. I appreciate that the programme is prioritising the long-term unemployed, but there are people who are determined and anxious to get involved in these schemes and get back to work who are excluded. There are young married women at home who probably have mortgages but, because they are not receiving social welfare payments, they are finding times extremely hard. They would like to retrain and get involved in the job market but cannot because of the eligibility criteria that require them to be on jobseeker's allowance. They are one example of the type of person who cannot join these programmes. There are wives and partners who have been working but are not allowed join the programme. People who ran businesses cannot join because the loose ends of their businesses may not have been tidied up. They are under extreme pressure and want to work. They are people who have worked all their lives but unfortunately, due to the recession, they cannot. We are living in extremely difficult times and these people are under huge pressure. I ask that for a short period such people be allowed to join these programmes. They are wonderful programmes and great thought went into them. I compliment the Minister and her Department on coming up with this project and on the thought that people from FÁS and the Department put into bringing it together, but I want to know whether we can do something about the eligibility criteria.

**Minister for Finance (Deputy Michael Noonan):** I thank Deputy Hayes for raising this issue. He has made many interesting points about the eligibility of self-employed persons to participate in certain schemes and I will certainly bring his views to the attention of my colleague, the Minister for Social Protection, Deputy Joan Burton. I will initially read the script provided by her Department to set the matter in context.

In the programme for Government an undertaking was given to introduce a more focused approach to how the State engages with and supports the unemployed in getting back into the workplace. Pathways to Work, the Government's policy statement on labour market activation, sets out how the Government intends to do this and is a key element of the Government's strategy to get Ireland working again. *Pathways to Work* has five strands: more regular and ongoing engagement with people who are unemployed, greater targeting of activation places and opportunities, incentivising the take-up of opportunities, incentivising employers to provide more jobs for people who are unemployed, and reforming institutions to deliver better services to people who are unemployed. The implementation of these five strands will ensure that people who are unemployed will be given the opportunity to acquire suitable skills and qualifications.

The second strand commits to a greater targeting of activation places and opportunities. Given the limited public resources, it is essential that activation measures are targeted. The long-term unemployed in particular must be a focus for interventions. The Momentum initiative provides free education and training projects for up to 6,500 long-term unemployed people. The programmes will include on-the-job training in the form of work experience modules as well as the development of workplace skills required to obtain and retain employment. The initiative is administered by FÁS and funded by the Department of Education and Skills through the national training fund, NTF, and co-financed by the European Social Fund, ESF.

In line with the commitments made in Pathways to Work, eligibility for the Momentum initiative is targeted towards the long-term unemployed. In particular, applicants must meet the following criteria: they must be unemployed and on the live register for 12 months, 312 days, or longer; they must be in receipt of jobseeker's allowance or benefit from the Department of Social Protection or have credited contributions for 12 months or longer; and they must be actively seeking work. A person who was unemployed for 12 of the previous 18 months may be considered eligible for the initiative; therefore, a person who was engaged in temporary self-employment but was otherwise on the live register for 12 months during that 18-month period may qualify. A person who was previously self-employed may apply for a means-tested jobseeker's allowance payment if he or she does not qualify for a jobseeker's benefit payment.

Access to Momentum courses is strictly through referral from the Department. Case officers must determine suitability and agree the most suitable course for a person to progress on the pathway to employment. The Momentum initiative represents only a small percentage of the 450,000 State-funded places provided in 2012 in further education, higher education and training: 75,000 FÁS training places in 2012; 180,000 further education places; 162,000 full-time higher education places through universities and institutes of technology across the country; more than 40,000 training places through Skillnets, including 8,000 for the unemployed in partnership with private employers; and more than 6,000 free part-time higher education places in 2012 under Springboard, with additional places to be announced this year. Eligibility for many of these interventions is not contingent on the receipt of a social welfare payment or on signing for credit contributions. In line with the commitments in Pathways to Work, the long-term unemployed associated with the live register are a particular focus of this initiative.

**Deputy Tom Hayes:** I thank the Minister for the information he has provided, which is quite helpful. There are many people who, if they were retrained, could set up their own companies. They have a background in working, having been self-employed, but are going through a difficult period. If the rules could be changed a little to allow some of them from each area to join these schemes on a trial basis it would make a great impact. I thank the Minister for saying that he will talk to the Minister for Social Protection about this.

**Deputy Michael Noonan:** I have a note which might help the Deputy. Self-employed workers are liable for PRSI at the Class S rate of 4%. Class S contributions provide cover for long-term benefits such as the State pension, contributory pension and widow's or widower's pension. In certain cases a self-employed person who had insurable employment in the relevant year, currently 2008, and has paid sufficient class A contributions may qualify for a jobseeker's benefit payment provided all the contributions of the scheme are satisfied. A self-employed person who has paid insufficient class A contributions may instead qualify for jobseeker's allowance. This is a means-tested payment, and in assessing a person's means for the purpose of this allowance, account is taken of all income. The Minister is saying that if one examines the particulars of individual cases one may find the people concerned are entitled to all or some of

a benefit or allowance and would as a consequence be eligible for some of the schemes. I understand the Deputy's general point that it is difficult for people who have been self-employed, whose companies have become insolvent and who are now unemployed to access the schemes. I will draw the Minister's attention to the points he makes and ask her to take his views into account if she is reassessing the criteria for eligibility.

### Promissory Notes

**Deputy Pearse Doherty:** I am glad this topic was selected. Reuters Canada broke the story of the promissory note last week, followed by Reuters London and a Bloomberg interview that quoted three different sources from the meeting of the ECB last week, but this is the first time we have had an opportunity to speak about the restructuring of the promissory note and the fall-out that occurred as a result of that meeting. In the past 24 hours three prominent economists have spoken on our radio and television stations, telling us it is unlikely that the Government will secure a deal on the promissory note. Although all of us in this House hope their words will be proven incorrect it seems the Minister's proposal is running into difficult waters.

It is almost a year and a half since we heard about the infamous technical paper that was to be agreed between the Government and the ECB on restructuring the promissory note. We were told to be patient, that work was ongoing with the troika, that officials were directly engaging, that the proposal was not an Irish one but had the direct involvement of the ECB. Everything seemed to be going grand. The Minister for Communications, Energy and Natural Resources, Deputy Pat Rabbitte, spoke on "The Week in Politics". I shared the studio with him that evening when he stated categorically that the promissory note would not be paid this March. After a year and a half of these so-called discussions we heard the first formal proposal was to be put by the Governor of the Central Bank to the ECB governing council. Then we learned that the proposal had either been rejected or was about to be rejected. In fairness, the governor, Professor Honohan, had the wisdom to withdraw it before it was formally rejected.

How did we - or the Government - get it so wrong? How come the mood music with the ECB governing council was wrong? How was it that this preferred option was rejected? How come we made a proposal in the first instance when we were not sure it would succeed at that meeting, given this was not something that happened only last month or last week but has been ongoing for a year and a half? Will the Minister explain to me how we misinterpreted the position of the ECB on this issue?

The Minister will be well aware that the next governing council meeting of the ECB will take place a week from tomorrow. Will the governor, Professor Honohan, have a proposal to put before the council at that meeting? Is the Minister satisfied there is an option to put before the council? He knows well my position and that of my party; it is also the position of many people who do not want to pay taxes to fill the black hole of Anglo Irish Bank. We want to see a write-down of the promissory note, not an extension of duration. Will the Minister explain, in black and white terms, what this will mean to me and my family and to next year's budget? That is how ordinary people judge this. Is it not the case that if we do not pay the promissory note next year some €1.8 billion of adjustments will not be required in order to meet the troika targets? The Minister might explain the target he would like to have, the type of deal. There has been much talk about a deal but one person's good deal could be another's bad deal. Many people will judge this by the effect it will have on the budget; others will judge it in more detail



because it will be complex. Perhaps the Minister might explain what the target is in terms of the impact he would like to achieve on next year's budget.

**Deputy Michael Noonan:** As the Deputy is aware, the Government has been working extremely hard to secure a deal on the Irish bank debt with our European partners. Detailed work will continue in order to maximise the benefit of any deal to the Irish taxpayer. Negotiations are continuing and I advise the Deputy that conclusions on their outcome are premature at this point. I have stated previously that I am working to try to achieve a solution before the next scheduled instalment on the promissory note in March. It would be very difficult for Ireland to make a payment on the promissory notes and so we continue to work on a deal with our European partners to resolve this issue.

The focus of the on-going detailed discussions has progressed to consideration of all options in regard to the promissory notes, such as the source of funding, the duration of the notes, the interest rate applicable etc., as well as potential avenues for the wider bank debt deal and the impact of these options on the IBRC. This work is one of the Government's key priorities and will remain a key focus during the EU Presidency.

As previously advised to the House, the terms sought by the Government are those which will achieve the best possible outcome for the Irish taxpayer. It is not possible to give guidance on the timing or potential outcome of the discussions as to do so could impede our ability to achieve the best possible results but every effort is being made to expedite the ongoing process. I am satisfied that every available and appropriate opportunity to advance Ireland's position with our European partners in regard to legacy bank debt is being availed of and that every effort to maintain the issue of the Irish bank debt at the top of the European agenda is being made. I remain confident that an agreement can be reached.

The numerous references made in Europe to Ireland's special status in regard to discussions on these matters gives comfort, and the Irish Presidency will build on this. The recent comments of the European Council President, Herman Van Rompuy, following his meeting with the Taoiseach and Tánaiste, about his support for a positive outcome in our negotiations is to be welcomed. I have always stated that our problems are part of a wider European dilemma and any solution to address the Irish situation must be as part of an overall eurozone and global solution. The shift in European policy in terms of breaking the vicious circle between the banks and the sovereign is to be welcomed and represents a major step forward.

I am glad to say we meet with strong appreciation of our situation and are able to have very constructive dialogue on our approach to this question. While these negotiations are ongoing we will consider all viable solutions which will achieve an improvement in the position of the Irish State with respect to the promissory notes.

As the Governor of the Central Bank stated recently to the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, there has been a very intensive process of discussion and negotiation on this matter, which is one of the main thrusts of the Government's policy in Europe. It is not easy to find a generally acceptable solution and an initiative of this type must take into account both the statutory position and the wider policy stance of the ECB. We have been working carefully to build understanding and confidence around a set of proposed transactions designed to deliver for Ireland, and that work is ongoing.

**Deputy Pearse Doherty:** The Minister did not enlighten us at all because he gave no ad-

ditional information. I appreciate he will not give us the detail and intricacies of discussions at ECB governing council meetings but can he tell the Parliament whether a proposal, agreed by him, was put forward by Governor Honohan, and if so whether it met with resistance? Is the preferred option off the table and are we looking at Plan B? Is the Government looking at a rehash or a different type of option to present to the next governing council of the European Central Bank? Is the Minister satisfied that an option will be prepared in time to be presented to the next board meeting? I understand there will only be four others before the date in question.

How come, after a year and a half of direct discussions with the ECB, it all went so wrong, with the mood music being completely misinterpreted? What does the Minister believe will be the impact on the budget next year? Will we see €1 billion worth of savings next year? Does the Minister agree with the Minister, Deputy Rabbitte? We might take any of those questions about the payment not being made in March. The Minister said it was difficult but I see a Minister for Finance who is standing, willing and able, to pump €3.1 billion of our taxpayers' money into Anglo Irish Bank if he does not achieve the outcome he has set himself with the ECB. That is the wrong stance, as I have stated from day one. Ireland should take a much tougher stance and declare the country is broke. We should look at all the statistics. I referred today to the 100,000 people who have contacted the Society of St. Vincent de Paul, the one in four in mortgage distress, the 15% who are unemployed, the 85,000 or 87,000 who emigrate every year. To pick any one of those figures would give a rationale for the Minister for Finance to stand up and state that not only would it be uncomfortable for this State to pay the promissory note but it is not in a position to make a payment on 31 March 2013. The ECB must understand that. We do not need the type of pussyfooting that has been taking place between the Government and the ECB. Has the technical paper been completed? Does that paper actually exist? I have asked many questions and I would appreciate it if the Minister could reply to at least one or two of them.

**Deputy Michael Noonan:** The Deputy asked at least a dozen questions. The underlying position is that Sinn Féin's political strategy is to build a political movement based on the hope that the Government will fail, that the economy will decline into a worse state than it was in when we inherited it and that the people will suddenly turn to Sinn Féin to rescue them from their misery. All of the questions posed by those in Sinn Féin are geared towards positioning themselves so that any deal, good, bad or indifferent - I am of the view that we will obtain a good deal - can be rejected by them. Sinn Féin's alternative position is default. I have informed the Deputy on several occasions that the Irish Government is not going to default. If he wants to know why that is the case, then he should consider what happened in Argentina just last week and what has previously occurred since it defaulted on two occasions. If he does so, he will discover why default is not an option. While it may be Sinn Féin policy, we are not going to default.

We are negotiating a deal and there is no reluctance to discuss that deal in the House. Just two weeks ago I dealt with a series of questions on this matter in the House, one of which was tabled by the Deputy. In reply to a question from Deputy Sean Fleming, who was substituting for Deputy Michael McGrath, I stated that I believed a deal was likely. I have never varied my position by saying that the end date is 31 March. I have never given any date but that one. We will have a deal before this year's payment on the promissory note is due. We are negotiating against the date to which I refer. I am of the view that a satisfactory arrangement will be arrived at. If that does not prove to be the case, the Deputy can come into the Chamber and take a couple of shots at me. The negotiations are ongoing. The normal course of negotiations is

that the easy issues are dealt with early on and the difficult matters are agreed at the end. We have been systematically obtaining agreement on issues and we will continue to do so until a complete deal is arrived at.

The Deputy spoke about eminent economists making predictions. I do not believe such economists have any particular inside knowledge of what is happening. It is a matter of opinion. Many eminent economists have been offering their opinions for the past two years and most of them have been wrong in their predictions. When I refer to eminent economists, I am not referring to those who commented this week or last week. It must be noted that many individual economic predictions made since the Government came to office have been wrong. We hope we can obtain a deal and we will continue to negotiate. We would love if we had the support of all parties in the House in respect of what we are doing, which is in the national interest. However, we know we do not have the support of the Deputy's party.

### **Local Government Reform**

**Deputy Michael McNamara:** As the Minister, Deputy Hogan, will be aware, in October 2012 his Department published the final report of the local government-local development alignment steering group. The conclusions contained in that report have far-reaching implications for the future of local development across the State. Clare Local Development Company currently employs 182 people on a wide range of programmes and schemes, including the Leader programme, the local community development programme, local training initiatives, a rural social scheme, a community employment scheme, the Tús scheme and a rural recreation project. In the coming months some 100 people will be employed on the Tús scheme. This is one of the highest levels of employment on the scheme across all local authority areas.

The main recommendation made by the alignment steering group relates to the establishment of a socioeconomic committee in each local authority area. In Clare and all other counties, these committees would effectively replace the local development companies. I can appreciate that the socioeconomic committees are being set up to address a perceived democratic deficit in the decision-making process and to give democratic legitimacy to the decisions that are made and to the dispersal of what are very large pots of money. The creation of new quangos will not automatically achieve this aim. It is not at all clear from the recommendations of the steering group who will be responsible for appointing the members of the socioeconomic committees. Neither is it stated whether the membership of the committees will entirely consist of local representatives. If it is solely the latter who will be involved, then difficulties will arise as a result of the fact that at least 51% of the membership of a body which administers Leader funding must come from social groups rather than local government. If the percentage is less than 50%, who will appoint the non-elected representatives?

People are concerned that local development as it currently exists will be emasculated and brought under the control of county managers. While that might be advisable and even beneficial in certain areas, it certainly would not be beneficial in every instance. What is proposed will certainly serve to emasculate local government. I look forward to the Minister's views on this matter.

**Deputy Thomas P. Broughan:** Last week the 50 integrated local development companies held a briefing for Deputies, an exercise which proved very valuable. I was briefed on Wednesday by Mr. Willie Hamilton, chairman, and Ms Marian Vickers, CEO, of the Northside Partner-

ship - of which I was a director for many years - and Ms Jeanne Deegan, CEO, and Ms Pauline McNamee of the Fingal Leader Partnership. It is fair to say that at the briefing in question there was a palpable fear that the entire ethos of local government which has been built up across the country in the past 25 years may well be swept away by the Minister's proposal to transfer core funding away from the local development companies to the new socioeconomic committees.

As the Minister is aware, the Northside Partnership was one of the first 12 partnership companies in the country. It has a remarkable track record of developing innovative programmes such as the Challenger programme in the area of education. The latter has had a profound impact on north-side communities by assisting young people in remaining in education at second level and in proceeding to third level. The Northside Partnership also pioneered the mediation system that is used to engage with unemployed people and encourage them to enter training and return to work. It has achieved astonishing success in this regard.

The Fingal Leader Partnership, which is led by Ms Deegan and Ms McNamee, also has a remarkable track record. The most recent survey shows that in 2011 it supported 630 people in getting into employment and 255 into positions on labour market programmes. In addition, it gave self-employment support to 299 people, assisted 144 people in becoming self-employed and supported 182 people in moving into further education and training.

We have a track record in this regard. The Acting Chairman, Deputy Terence Flanagan, will recall my using the old adage "If it ain't broke, don't fix it," at a public meeting on Monday evening last. That adage really applies in this instance. I have been involved in local development all my life and I campaigned on behalf of Leader and in support of allowing partnership organisations to build on what they were already doing in local parishes and communities. It would be a pity if this were now to be lost in a morass of bureaucratic dead-hand development. This is the challenge for the Minister because this has happened in the past in local government. I urge him to listen to the local government development network and ensure that direct funding continues.

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I thank Deputies McNamara and Broughan for raising this matter as it gives me an opportunity to deal with some of their concerns. I know the Deputies have read the documentation about the alignment of local government and community and this should have allayed some of their fears.

Putting People First: An Action Programme for Effective Local Government sets out a range of reforms that will place local government at the heart of local economic, social and community development. The programme includes proposals for enhancing alignment between local government and local and community development programmes and functions. Greater alignment is primarily about developing a partnership approach between the local government sector and the local development sector in the area of local and community development programming in order to bring about more effective delivery of these services to our communities and citizens.

I established an alignment steering group to study this area. The group's report outlined a number of recommendations for bringing a more coherent approach to local service provision with a more central role for local government in planning, decision-making and oversight of local development programmes. The Deputies will know from some of the problems which have arisen around the country such as Meitheal Forbartha na Gaeltachta and Mayo North East

Leader programme that there is a strong requirement for greater oversight, in view of the fact that irregularities have been discovered in these companies. The steering group acknowledged the key strengths of the local development sector, including the local knowledge and expertise in local service planning and delivery developed by the sector.

It also recognised that there are certain limitations to the current local development model. For example, there can be a considerable administrative burden. Some companies spend 15% of the total funding on administration and others spend 30%. There is a potential for duplication and overlap because of the complexity of the local development landscape; the many different funding and reporting arrangements; the demands and hidden costs associated with the requirement on various stakeholders to participate in multiple boards and structures at local level.

Local development companies will be key players in the new structures. They will be a key partner on the socioeconomic committees. They will also continue to implement the programmes on the ground using the bottom-up approach. None of us should expect autonomy. Our citizens want to know where their hard-earned money goes and they want a say in how it is spent.

The alignment process presents us with an opportunity to provide more meaningful impacts for our communities, especially when resources are scarce and likely to be more scarce, particularly in the rural development programme. I am confident that both sectors can work in partnership - in a way that builds trust and respect between them - to deliver efficient, sustainable, joined-up and easy to access services for our communities.

**Deputy Michael McNamara:** I thank the Minister for his reply. He mentioned a number of local development companies which are in trouble. It is important to point out that County Clare was not among them as it is one of the more successful ones. However, I appreciate that there are companies throughout Ireland and we have to legislate for the entire State and not just one county.

On the other hand, the European Commission and the European Court of Auditors have shown that local development programmes run by local authorities in other member states have performed poorly. The Irish model of local development companies has been favoured by the European Commission. With that in mind I am very glad to hear that the Minister proposes to give the local development companies an important role in implementation and on the boards of the new committees which will be established. There is a fear that these will have just a token representation of perhaps one member on the board. What is needed is a greater range of information on the proposed role of the board and, more important, who will comprise that board. The question is whether it will effectively be in the power of the county managers. The entire thrust of Putting People First is to give powers back to elected representatives and to restore the county manager to a chief executive position rather than being effectively the power behind the throne which is the case very much at the moment with the power of elected representatives very much emasculated. I thank the Minister for the clarifications he has provided.

**Deputy Thomas P. Broughan:** The Minister referred to a number of companies where irregularities have been discovered. I represent companies and I served with one company in particular for many years. That company had an outstanding pioneering role in local development. The Northside Partnership came from the community. Local development organisations before the Northside Partnership in the 1980s paved the way for the programmes carried on by the Northside Partnership. They are the really successful companies. There is a real fear of



the effect of the dead hand of local bureaucracy. In that era I remember some excellent local authority officials but also some officials who acted as a road block to any kind of innovative development and social entrepreneurial development. Social entrepreneurship is a key aspect.

Contracts for funding of the rural Leader social inclusion programme are due to expire at the end of this year. There has been no word about the renewal of contracts and how funding may be handled. I ask the Minister for his views. Does the Minister envisage that all the staff of these companies will be transferred to the local authority to be directly managed by the county manager? As my colleague, Deputy McNamara stated, there is a fear that this spark of initiative in all the really good companies could be extinguished by the Minister's hand.

**Deputy Phil Hogan:** We can always rely on Deputy Broughan for the easy way out.

**Deputy Thomas P. Broughan:** I take the hard way; the Minister takes the easy way.

**Deputy Phil Hogan:** I have no intention of transferring a total of 1,968 staff to local authorities. I have no intention of doing that. I do not think the taxpayer has any intention of doing it either.

**Deputy Thomas P. Broughan:** I am glad to hear it.

**Deputy Phil Hogan:** The document on local government which I published some time ago will position local government with the overall responsibility - not the dead hand as referred to by Deputy Broughan. Perhaps he had a bad experience with local authorities. The powers we envisage giving local authorities and the level of accountability we expect of them means we will not see any dead hand flourishing in the local government structure of the future. I want to see the same happening on the community side. Local authorities will have a central role in the oversight and planning of local and community development programming. We will have a democratic input for the first time on decisions on how money is expended in our community. The alignment steering group recommended clearly that the bottom-up approach should be embedded as an integral part of this planning and decision-making. I support that view.

I met the Irish Local Development Network in recent days to discuss the issues in advance of its lobbying session with Oireachtas Members. We agreed eight out of nine items on the agenda so we have made a lot of progress even at that meeting. We have agreed to meet again at the end of February. Unnecessary fears or misunderstanding may be about which are sometimes motivated by others. I want to assure the Deputies that I will be taking a proactive approach to ensure we have a good partnership between local government and the community.

Our approach has the support of the European Commission, contrary to what the Deputy may have been told. The Irish model of a community-led approach is unique. We are the only country in the European Union to have this approach so it is bound to be unique. The European Court of Auditors did not single us out for any special mention, contrary to what Deputy McNamara may have been told. Ours is the only model of the private company approach. Other European countries have a structure in place which is a partnership between local government and the community.

I inform Deputy Broughan that we do not know what money we will have in the next round because the European budget has not been agreed yet. It is hoped this will be disclosed in the next few weeks. We will know then what will be the level of funding. All the indications are that it will be lower. I assure Deputy Broughan that any moneys for this new structure will be

ring-fenced for community-led development, whether in rural or urban areas. The community-led approach is alive and well. It will continue to be alive and well but there will be a democratic input into any new programmes from 2014 to 2020.

### **Child Care Services**

**Deputy Ciara Conway:** I thank the Minister for her attendance. The two key themes in childminding are the recognition of the service provided by the childminder and the regulation required. It is estimated that 50,000 young children in Ireland are cared for every day by childminders.

*6 o'clock*

However, only 1% of paid childminders are currently subjected to inspection. This is a quite stark figure.

Childminding is the number-one choice of parents who wish to return to education, training or work. As the Minister will know, children's services data are often scarce. Unfortunately, they are scarce in respect of this issue. Approximately 19,000 paid non-relative childminders care for young children every day. In the past ten years, the role of the childminder advisory officers who have been employed by various child care committees at both city and county levels throughout the country has been about trying to regulate and engage with the 19,000 paid non-relative childminders. They have been helping them to implement the national childminding guidelines set by the Department of Children and Youth Affairs. Officers have been providing childminders - who are predominantly women and who have been providing an excellent and flexible service of the kind required - with access to supports and training in regard to health and safety, child protection, fire safety, diet, healthy living and even escape plans, all of which give assurance to parents when they drop their children to a childminder's home.

In the past, childminding constituted a large proportion of what was called the informal economy. After the recommendations of the expert group were implemented in 2000, a tax exemption was put in place for childminders who earn less than €15,000 per year. Bearing in mind the removal of the role in question from the city and county child care committees, childminders are concerned over who will take on the administrative role and oversee the system to allow childminders to continue to provide a vital service for young children. I refer in particular to a constituency such as mine, Waterford, where there is not a proliferation of purpose-built child care facilities. Childminders offer the assurance that parents want. It is beneficial for very young children, some as young as six months, to be cared for as part of a one-on-one arrangement in a home. Often sibling groups are part of the equation. This is reassuring to the parents who are going to work, education or training and good for the development of the child.

There is considerable concern. I had a public meeting with a number of childminders on Monday in Dungarvan, County Waterford. I noted in particular the passion and commitment to service of the group, whose members were all women but for one. They felt they had been on a journey in recent years in terms of professionalising themselves and improving their standards and the kind of care they provide to children. They now feel the rug has been pulled from under them.

**Minister for Children and Youth Affairs(Deputy Frances Fitzgerald):** I thank the Depu-

ty for raising this matter for debate. I am aware of her interest in it and share her views. I, too, believe childminders have an important role to play in the continuum of child care provision. I have always believed this. Childminding is certainly the form of care of choice among parents, particularly for very young children.

It is fair to pay tribute to childminders throughout the country. Under the Child Care (Pre-School Services) (No. 2) Regulations 2006, childminders taking care of more than three pre-school children from different families in the childminder's home are required to notify their service to the pre-school inspectorate of the HSE, and they are subject to inspection and report by the inspectorate on a regular basis. This regime does not apply where there are fewer than three children. Some believe it should apply and the Deputy hinted at this.

Measures have been put in place to support childminders who are exempt from the regulation to notify voluntarily. This has not been taken up to a large degree, despite the presence of some specialist help for those in the childminding sector. I want to examine this further to determine the reason and what can be done to encourage more childminders to notify the HSE voluntarily so they will receive the kinds of supports availed of by those in the group the Deputy met some nights ago. The majority of childminders have not notified the relevant authorities.

The measures include the introduction of a system for voluntary notification of childminders, and the introduction of a child care services relief that allows a voluntarily notified childminder to mind up to three children without paying tax on the earnings, and to make a PRSI contribution. These measures are formally recognised in national guidelines for childminders published in 2007.

In 2002, the Health Service Executive agreed to fund a number of posts for childminding advisory officers who, in many cases, but not all, work with city and county child care committees. We are lucky to have so many city and county child care committees. Over the past decade in particular, they have done considerable work in supporting the child care sector. My Department is bringing the committees together such that we now have a national approach and perspective. We receive the benefit of the committees' experience and learn precisely what is happening in the sector. We learn policy lessons and inform decision-making on the basis of their experiences.

Despite the advisory and additional supports, including training, a small capital grant scheme and the introduction of a tax relief for childminding in 2006, the increase in the number of voluntarily notified childminders since 2004, from 500 to 1,250, has been relatively small.

In recent years, HSE funding for the childminding advisory officer posts has gradually decreased and is no longer in place in some areas. While any reduction in funding or posts is regrettable, it is important to note that supports for the childminding sector continue to form an integral part of the work of city and county child care committees. I want to and will ensure this continues to be the case. The committees are now well-established and effective bodies at local level.

In 2012, my Department provided €11.3 million in annual funding to city and county child care committees to enable them to carry out their functions. In addition in 2012, my Department provided €220,000 to the committees for childminding development grants. This shows that despite the change in arrangements pertaining to those dealing with childminding in the child care committees, development remains an integral part of the work the committees do. I

intend that this continue.

Childminders will continue to have access to support, training and advice at a local level. The support forms a mainstreamed element of the work of the committees. This work includes notifying childminders of training opportunities, providing important networking opportunities and supporting the voluntary notification system. However, noting the Deputy's point that the loss of a CMAO post may lead to local uncertainty among childminders, I have asked my Department to engage with all city and county child care committees to ensure these supports are communicated, known and easily available to local childminders. In addition, the HSE has advised it will continue to provide support to city and county child care committees with respect to support for childminders. Tomorrow, I am to meet all local HSE managers, with whom I will take up this point.

We are working on the first-ever national early-years strategy. I have asked the expert group chaired by Dr. Eilis Hennessy to examine the role of the childminder. I want this strategy to be a dynamic, integrated and innovative blueprint for the future of the early-years childminding sector. Decisions on how best to support and regulate the sector will be addressed in the strategy.

**Deputy Ciara Conway:** I thank the Minister for her response. I acknowledge her commitment to the area of childminding and child care. We are at a very interesting stage in regard to the early-years sector. The Minister is correct that childminding must be valued and regarded as an integral part of the strategy as we proceed. In the past, people have dismissed childminding out of hand as baby-sitting, but it is a lot more than that. It requires due recognition and regulation, which childminders are seeking. Scotland has a registration system, not a notification system, for all early years services, including childminders. In Australia it is called home-based day care. It is about language also and the way we regulate that. No childminder in Scotland is exempt. Anybody who looks after one or more children under 16 for reward must register if they do so for more than two hours a day on six or more days of the year. People are required to do that because that is another loophole in that a person must voluntarily notify if they are looking after preschool children but if they are providing after-school care there is no onus on them to register or be Garda vetted. As we move forward on the protection of children that is something that must be examined. In terms of after-school policy, childminders are perfectly set to help us in looking for the places we so badly need. They are flexible and they have the transport often required to bring children to and from school, and they can facilitate looking after sibling groups.

The registration requirements in Scotland include personal references, police checks on the potential childminder and every other adult in the home, inspection of the home to ensure it is safe and suitable, and public liability insurance. There are a number of other initiatives that have worked very well in Scotland for a number of years.

Above all what we want to ensure for children, particularly young children in this critical stage of their development, is they are cared for in an appropriately supportive environment where they will be able to reach their milestones but also where the childminder feels they have the security and safety in terms of Garda vetting and access to the support and training they so badly want and in which they have eagerly engaged in recent years.

**Deputy Frances Fitzgerald:** If the group the Deputy met would like to make a submission to me I can ensure their views are submitted to the Early Years Strategy Group also. That would

be worthwhile.

Traditionally the State has taken the view that if parents make a private decision to have another person look after their child it should be exempt from over-regulation as long as only three children are being looked after by that person. As the Deputy pointed out, other countries have not taken that approach and it may be that attitudes here are changing given safety concerns and questions the Deputy rightly raises about proper standards and ensuring that children are in a setting where their development is being supported in the best possible way. That is the reason it would be interesting to get the experience from other countries, which the Early Years Strategy Group will do, examine the position here and make some decisions about the best way to support the sector. Registration rather than a heavy inspection regime may be the way forward because it is clear that voluntary registration has not appealed to the vast majority of childminders. As the Deputy is aware, it has been a very informal sector and in terms of moving it on to a more formal sector, we will have to examine how best to do that and its impact. That will form part of the early years strategy because it is what many parents choose and therefore it is where many young children are cared for and it behoves us to examine this issue and make the very best decisions with regard to it.

### **Health Service Executive (Governance) Bill 2012 [Seanad]: Second Stage**

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

I note there is no member of the Opposition present but so be it. I welcome the opportunity to bring the Health Service Executive (Governance) Bill 2012 before this House. There was a good debate on the Bill in the Seanad and I am sure it will be similarly debated in this House.

The programme for Government commits to the most radical reform of our health services in the history of the State with the goal of a single-tier health system, supported by universal health insurance. That reform programme requires significant change across the entire spectrum of our health system not only in structures but also in attitudes and cultures. A core element of the process overall is to identify the building blocks that are necessary to bring us from where we are now to where we want to be in terms of our vision for a new health system. The vision which springs from the programme for Government is set out in *Future Health: A Strategic Framework for Reform of the Health Service 2012-15*. It charts the Health Service Executive (Governance) Bill as one of those building blocks.

I am taking a hands-on approach to transforming the health service and that is delivering real results such as 3,706 adults who were waiting more than nine months for inpatient and day case surgery at the end of 2011 now having that list reduced to just 89 adults. That is a reduction of 98% in a single year at a time when we were told by Deputy Caoimhghín Ó Caoláin that we would not be able to maintain a safe service because of the reductions in numbers of staff and in the budget. There were 1,759 children waiting over 20 weeks for an inpatient or day case surgery at the end of 2011. Within a year that list has been reduced to 89 children, which is a 95% reduction in a single year. There were 4,590 patients waiting over 13 weeks for a routine



endoscopy procedure at the end of 2011. Within a year that waiting list was reduced to 36 patients. That waiting list has been cut by 99% in a single year. These are real and measurable results, and we reduced the number of people lying on trolleys by over 20,000 but more needs to be done, and it will be done. This Bill is an integral part of that.

Deputies will be aware that the programme for Government envisages that the Health Service Executive, HSE, will eventually no longer exist as its functions move elsewhere under the health reform programme. The HSE is a large, complex organisation providing services that are of fundamental importance to the individuals who receive them. Accordingly, its abolition as an entity will take careful planning, sequencing and complex further legislation. It must be done right and at each step it will be crucial to ensure that there are robust governance, management and accountability arrangements in place to drive, manage and monitor implementation of the reform programme.

It is important to remember that the HSE was formed under Deputy Micheál Martin's stewardship of the Ministry of health. It certainly was not formed in a manner that was remotely ideal. The welding together of 11 different health boards and a shared services unit, ensuring that everybody not alone kept their job but stayed in the same job as part of the conditions, was always destined for failure because no attempt was made at real reform. No opportunity was taken in those years, when the country had money, to reorganise the health service, reorganise the administration and grow the necessary management.

This Bill is intended as a transitional measure. It does not abolish the HSE or change its legal status under the Health Act 2004 which established the executive. Its main objective is to bring greater focus on service delivery and ensure more accountability during the time the HSE continues in existence. While it is a transitional measure, it is nonetheless fundamental as a key step in the reform process. To correct any misapprehension, the board of the HSE has not been abolished but this legislation will abolish it. Under the Health Act 2004, the HSE board is the governing body of the HSE. In 2011, I made changes to the composition of the board designed to facilitate greater co-ordination and integration between the senior management teams in my Department and the HSE. I believe this has facilitated a greater unity of purpose. That unity of purpose between the HSE and my Department will continue. However, when making changes to the board, I signalled I would be introducing legislation to abolish the board structure and establish new governance arrangements for the HSE, pending its eventual dissolution. These changes are in the Bill now before the House.

The Bill abolishes the board structure of the HSE under the Health Act 2004 and provides for a directorate, headed by a director general, to be the new governing body in place of the board. This new structure is designed to help prepare service delivery for the next phase of the health reform programme. The Bill's other purpose is to provide for further accountability arrangements for the HSE. In line with health reform policy, the Bill is intended to make the HSE more directly accountable to the Minister for Health, who in turn is accountable to the people through the Oireachtas.

Several necessary technical amendments are also being made to the Health Act 2004 to take account of the replacement of the board structure by the directorate structure. The HSE has legislative responsibility for the organisation and delivery of health services. Under the Bill, as the governing body, the directorate has authority to perform the HSE's functions. The directorate will consist of a director general and other directors. A director is appointed to the directorate by the Minister and is known in the Bill as an appointed director to distinguish him or her from

the director general. To offer flexibility and allow the size of the governing structure to adapt to changing circumstances, the Bill does not specify a fixed number of members for the directorate but instead provides for a maximum of seven and a minimum of three members, including the director general, who is automatically a member and the chairperson of the directorate.

The Bill provides that other members of the directorate - the appointed directors - must be HSE employees in the senior grade of national director. To clarify, this means that appointed directors may be drawn from among any HSE employees holding the position of national director, irrespective of when they took up that grade. My officials and the director general designate are exploring whether the membership of the directorate might be widened to include other members of senior management, such as the chief financial officer. Such a proposal, if adopted, would have no financial implications.

Separately from the Bill but in support of the new directorate structure and new administrative structure, the HSE has already initiated the process of putting in place the new HSE directorate management and leadership team. The recruitment process for five new national directors has now commenced through a competitive process to be run by the Public Appointments Commission. The five new national directors will be responsible at national level for the delivery of services in the relevant service domain for hospitals, primary care, mental health, social care and health and well-being. They will lead the development of national service plans associated with their sector, manage performance and, in time, develop strategic commissioning frameworks for their areas as appropriate. In addition, arrangements are being made to establish three other key senior positions: chief operations officer, chief finance officer and director of shared services.

The HSE will continue to have operational responsibility for running the health service, but accountability is strengthened. The Bill provides that the directorate is accountable to the Minister for the performance of the HSE's functions and its own functions as the governing authority of the HSE. The process will be that the director general accounts on behalf of the directorate to the Minister through the Secretary General of the Department. In this way, the HSE will be required to account for its actions and decisions. This adds to existing accountability arrangements under the Health Act 2004 for service plans, annual reports, codes of governance and the provision of information to the Minister.

The Bill also strengthens accountability arrangements in the 2004 Act by providing that the Minister may issue directions to the HSE on the implementation of ministerial and Government policies and objectives relating to HSE functions where the Minister believes the HSE is not having sufficient regard to such objectives or policies in performing its functions. In addition, the Minister will be able to specify priorities for the HSE to which the HSE must have regard in preparing its service plan. The Minister may establish performance targets for the HSE in regard to these priorities. However, directions, priorities and targets may not be specified with regard to individual patients or service users.

As is the case currently for the chief executive officer, the Bill provides that the director general will be the accounting officer for the HSE. This is a temporary arrangement, as my intention is to return the Vote to the Department of Health from 1 January 2014. At that point, the director general will no longer be the accounting officer. This will require further legislation to disestablish the HSE Vote and fund the HSE through the Vote of the office of the Minister for Health. In the meantime, the Bill has new provisions for a statutory audit committee, which will report in writing to the director general and provide a copy of that report to the Minister.

Part 1 contains the standard provisions dealing with the Short Title, commencement and definitions. It also provides for the repeal of those parts of the Health Act 2004 providing for the board and chief executive officer structure. Part 2, sections 4 to 22, inclusive, contains provisions to amend the Health Act 2004 to reflect the new directorate structure and accountability arrangements. Some of the key elements are sections 5 to 7, inclusive, 12, 14 and 17. Section 5 amends section 10 of the Health Act 2004, dealing with directions from Minister. The section in question currently allows the Minister to give general written directions to the HSE regarding the Act. The Minister can give specific directions in regard to the submission of reports and the submission of information on the performance by the HSE of its functions. That section is amended to provide that the Minister may also give general written instructions to the executive concerning the implementation of any policy or objective of the Minister or the Government which relates to a function of the HSE, where the Minister is of the opinion that the HSE is not having sufficient regard to such policy or objective in the performance of its functions.

This new power in section 10(1)(c) balances the Minister's responsibility for policy with the HSE's responsibility for operational matters. The HSE has responsibility under the Health Act 2004 for the provision of health and personal social services. However, the HSE also has a statutory obligation to have regard to ministerial and government policies and objectives when performing its functions. Directions under section 10 may not be made for individual patients or service users.

Section 6 inserts two new sections, section 10A, setting of priorities by Minister, and section 10B, limitations on the exercise of power under section 10 and 10A, into the Health Act 2004. Under section 10A, the Minister will be empowered to determine priorities to which the HSE must have regard in preparing its service plan and also to establish performance targets for the HSE. Before specifying priorities or performance targets under this section, the Minister must have regard to best practice for the service that is the subject of the priority or performance target, outcomes for patients and recipients of services likely to be affected by the priority or performance target, and the effect that specifying the priority or performance target would be likely to have on other services provided by or on behalf of the executive. Again, priorities and targets will not apply to individual patients.

Section 7 inserts a new Part 3A into the 2004 Act to provide for the establishment of the new governing authority for the HSE, the directorate. This new Part will form sections 16A to 16M, inclusive, of the Health Act 2004. Section 16A provides that the directorate will consist of a director general and other persons referred to in the Bill as appointed directors. Section 16B sets out the detail relating to the term of office of an appointed director. The term of office for a member appointed to the directorate is three years and he or she may be reappointed by the Minister for a second or subsequent term. I have outlined that appointed directors will be drawn from employees in the grade of national director in the HSE. An appointed director will cease to be a member of the directorate if he or she ceases to be a national director in the HSE.

Section 16L makes arrangements for the appointment of a director to the directorate on a temporary basis to cover the extended absence of an appointed director, because of illness, for example. As the Bill stands, if the national director for hospitals was an appointed director and he or she was on extended absence owing to illness, the Minister would not have the flexibility to appoint that national director's second-in-command to act as a temporary member of the directorate under section 16L, even where it made sense to do so for the duration of the absence. I will table an amendment on Committee Stage to address this issue.

Section 16C sets out the role of the directorate which will have collective responsibility as the governing authority for the HSE and the authority to perform the HSE's functions. Subject to directions of the Minister, the directorate may delegate HSE functions to the director general. The section also sets out the accountability arrangements to the Minister, to which I referred.

Section 16D sets out eligibility requirements for appointment and reasons for removal from office of persons appointed to the directorate. These are similar to the provisions in other legislation on board appointments and removals.

Section 16E provides for the appointment by the Minister of the director general. Under section 16E(4), the first director general is appointed by the Minister and subsequent directors general will be appointed by the Minister following a recruitment process under the Public Service Management (Recruitment and Appointments) Act 2004. Section 16F sets out the eligibility requirements for appointment as director general and the circumstances whereby the director general may be removed from office.

Section 16G provides for the general functions and role of director general. These include managing and controlling the business of the HSE. In the operational aspects of his or her role, the director general is answerable to the directorate as the governing authority of the HSE. On a day-to-day basis, national directors, even if appointed as members of the directorate, will be accountable to the director general for the performance of their functions as employees of the HSE.

Section 16H sets out the arrangements for the delegation of functions by the director general. This will be subject to directions from the directorate. A key objective of the new HSE governance arrangements is to facilitate a system whereby authority to make operational decisions is delegated as close as possible to the point of service delivery. To that end, delegated functions may be sub-delegated, as set out in section 16H.

Section 16I provides for the attendance by the director general before Oireachtas committees. Other aspects of section 7 deal with procedural and related matters for the directorate.

Section 12 amends provisions in the 2004 Act with regard to service planning. Currently, the HSE prepares a service plan in line with certain requirements, adopts the plan and submits it to the Minister for approval. The Minister must either approve the service plan or issue a direction to amend it if requirements are not met. The 2004 Act is being amended to provide for the HSE to prepare a plan in line with current criteria and take account of priorities determined and targets set by the Minister. While the Minister may direct the HSE to amend the plan if requirements are not met, the Minister may now amend the plan following consultation with the HSE also. Section 14 provides for the 2004 Act to be amended in order that the Minister may direct the HSE to take specified measures on implementation of the plan.

I have referred to section 17 which provides for the director general to be the accounting officer and sets out provisions for a new statutory audit committee. Other sections in Part 2 deal with technical amendments to the Health Act 2004 consequential on the establishment of the directorate.

Part 3 has the standard provision for savers following the repeal of sections relating to the board and chief executive. There is express provision in the Bill for the Minister for Health to consult the Minister for Children and Youth Affairs before specifying priorities or performance targets in respect of functions of the executive that relate to the functions of the Minister for

Children and Youth Affairs. There is also reference to the Minister for Children and Youth Affairs in the provisions dealing with service planning. These are transitional provisions pending the establishment of the Child and Family Support Agency and the transfer of certain HSE functions to that agency.

At the beginning I spoke about building blocks. The Bill is only one element of a major legislative and administrative reform process under way aimed at ensuring a better health service for everyone. Ultimately, the reform programme is about the patient and a health service that delivers quickly and effectively for that patient according to his or her needs. As long as the Oireachtas keeps the focus on the outcome for patients, we will not go too far wrong in our aspirations to realise the health service to which we all aspire, one in which every service user can feel safe and of which every worker can be proud. I commend the Bill to the House.

**Deputy Billy Kelleher:** I welcome the opportunity to speak on the Bill. Discussion has taken place in the Seanad where we did not oppose the Bill on Second Stage. However, having read it and given what has occurred in the intervening period since the Seanad debate and the position in terms of the provision of health care, I have some concerns. There was an issue with budgets last year involving a failure to address a budget deficit early in the year. This allowed an escalation to occur to the point where there were cuts to the numbers of home help hours and personal needs assistants. There was then a reversal of some of these cuts. However, everything that flowed from this leads me to being concerned about bringing responsibility for the delivery of health care services back into the Department under the Minister. I have grave concerns for several reasons.

I accept that any Minister of Health and the Government have an obligation, a duty and a right to set policy and the broad framework for health care provision. However, I am concerned that there could be politicisation of the delivery of health care services. This is an issue of concern for several reasons. Every Member in the Chamber will advocate for his or her constituents and those in surrounding areas; that is his or her duty as a representative. However, let us consider cancer care services and the national cancer strategy. It received political support, but it was not political in its implementation. Strategic decisions were based on best advice, best practice and best clinical outcomes. There was strong opposition in the Chamber and among the Government parties that supported the policy. Ministers held strong views on the matter. However, responsibility for implementation of the policy was taken from the hands of politicians, something about which I have major concerns. Now, it appears we will politicise the delivery of health care services rather than the policy, something which could have a detrimental impact on health care provision. What will happen? On several occasions the Minister has stated it is his right and entitlement and he can argue the case, but whoever is sitting opposite will have extensive powers in deciding on health care provision, where services should be located and the funding of same. This is an issue of concern in the context of the Bill.

The Minister has stated this is a transitional arrangement, which I accept. He has referred to the abolition of the HSE in 2014 and subsuming the service into the Department and to a system of universal health insurance flowing from this. He has spoken about hospital trusts to be established, to be underpinned by the small hospital framework and universal primary care access. However, we are two years into the life of the Government. The basic foundation block is funding, which we have yet to put in place. There are many legislative changes being made to subsume the HSE into the Department of Health, but we are no clearer on how the process will be funded. After two years, we have still not seen the White Paper on universal health insurance. The Minister made commitments on the Dutch model, which was in his view the



ideal arrangement to fund health care. A cursory look at the Dutch model reveals that it is under significant stress with significant funding issues beginning to emerge. We have seen a drop in the number of health insurers and a concomitant reduction in competition. Insurers are finding it difficult to fund and provide primary care. We are deciding to go headlong into the stacking of building blocks without having laid the foundation of funding. It is to put the cart before the horse. If we were to support the legislation, it would have to be on faith in respect of many of its provisions.

The Minister alludes always to his mandate. He has had a mandate for many things. He had a mandate to introduce universal health insurance and, equally, free universal primary care. He had a mandate to maintain Roscommon County Hospital and Our Lady's Hospital, Navan. He had a mandate to abolish the prescription charge. While the Minister has decided to row back on certain of his mandates, he is rushing headlong in respect of others without outlining how they are to be funded. Funding is clearly the issue in respect of which I have significant concerns.

The legislation gives the Minister sweeping powers. The director general will be subservient to him. While it is right and democratic that the director general should be accountable to the House, the Minister will have sweeping powers over the implementation of policy, which will be politicised. Many people are concerned about that. If we had politicised the cancer care strategy, parts of which the Minister opposed in Opposition and parts of which he welcomed, it would not have been brought to fruition. While people in Letterkenny and Sligo have concerns about it, it was implemented with political support and without political interference. The Bill is in direct contrast. Not only does it provide sweeping powers to the Minister to decide policy, it empowers him to dictate the implementation and delivery of health services.

**Deputy James Reilly:** That is not true.

**Deputy Billy Kelleher:** It is true. Section 16 provides for powers of appointment and for setting policy and makes the director general accountable and answerable to the Minister in all cases except in respect of individual service providers and patient outcomes. The Minister will have absolute power to decide the location and funding of services. It was only last September that the House had a debate which saw a Minister of State resign because the Minister decided, as he said was his right, to put two primary care centres in his own constituency. The Minister had no credible reason to do so other than that it was his constituency. If Deputy James Reilly was the Minister for Transport, all trains would go to Balbriggan and all buses to Swords as a result of his parochial thinking.

**Deputy James Reilly:** They were already in the plan, as the Deputy well knows.

**Deputy Billy Kelleher:** That is the issue about which I have a concern, as do many other people. We have also seen what happened in respect of St. Luke's Hospital and Wexford Hospital. I highlight these cases to show that as matters stand, politicisation takes place. The Bill creates circumstances in which the provision and location of services will be fundamentally in the gift of the Minister. Such decisions will not always be based on best clinical outcomes or strategy, but on political reasoning. We are creatures of politics who think about votes when we make decisions in the House. The national cancer strategy would have been torn to shreds had it been left to the House to decide where services should be provided. Notwithstanding that there are concerns among people in Letterkenny and Sligo, most people will accept that the national cancer strategy under Professor Tom Keane was very successful. It has delivered positive

clinical outcomes and used resources effectively and efficiently because it was not politicised. In his short time in office, the Minister has politicised the delivery, funding and location of health care services. It is there for all to see.

The legislation represents a transitional arrangement following which the HSE will be subsumed into the Department in its entirety. We continue to await the White Paper on universal health insurance. I hope the Minister will indicate when it will be published. It is of critical importance. While the Minister claims to have a mandate to provide for universal health insurance, we still do not know how much it will cost. We have no idea what measures the Minister will propose. The structures being put in place are based on something about which the Minister does not yet know anything. It is something about which no one knows anything and regarding which we will have to have a very long think. The Minister is talking about not only a restructuring but a fundamental shift in the way we fund health care services.

Only today, the VHI announced it will increase the cost of private health insurance cover by 6%, which may cost the average two-parent, two-children family up to €300. The Minister may talk about universal health insurance, but his policies to date have acted as a counterweight to its introduction. The Minister should seek to make private health insurance more affordable to encourage people to take it up. We made the point in the context of debate last year on the Health Insurance (Amendment) Bill that no policy is emanating from Government to negate the massive inflation in the cost of private health insurance to make it affordable. Families are being put under enormous pressure to sustain private health insurance and in some cases are dropping out. The figures demonstrate this trend. It will put further pressure on the public health system as those people will have to be treated in any event. An income stream is being diminished and further pressure is being put on the public health system.

If the White Paper were published, it would be a starting point to stimulate a debate on how health provision will be funded in the years ahead. We have seen officials travel to Germany, Holland, Canada and the United States of America. They have been all over the place seeking to find a universal health model which fits the Minister's view and is suitable for implementation in Ireland. We are two years down the road and making legislative changes to fit the model without having put in place the foundations on which can be placed the building blocks of the Minister's reform projects.

The small hospitals framework is another key component. Hospital trusts must be compatible with that framework. Trusts and small hospitals must be interlinked to serve, benefit and complement each other. I have asked previously if there would be a correlation between the two and the Minister indicated there would. Again, we await the publication of detail on these frameworks, which are also of fundamental importance. In the meantime, while we are waiting for those reports to be published and the Minister's ideas to come to fruition in terms of the hospital trusts, funding to hospitals is provided on representation from one Minister to another. In light of the scarce resources that are there, it does not make sense for the Minister not to fund hospitals that may need funding in terms of the framework for development of smaller hospitals and to complement the establishment of the Minister's proposed hospital trusts.

While we wait with bated breath for these reports, this legislation gives the Minister sweeping powers to intervene or, in many cases, interfere. This is something about which I have grave concerns. The reason I say this is because when the Minister first arrived in Hawkins House, one of his first acts was to sack the board of the HSE. It was his prerogative and he did it with gusto.

**Deputy James Reilly:** I did not sack them. They stood down.

**Deputy Billy Kelleher:** As I said before, the Minister was like Wyatt Earp heading to the OK Corral. He was going to shoot them down anyway so they said they would flee before he got rid of them. That is the point. He had the cameras waiting as well for it so there is no point in us pretending otherwise. They were going to be dismissed. He then appointed another board. As early as March or April of 2012, the then CEO of the HSE told the Minister that the budget he presented to the Dáil was no longer valid. This was only after a few months. We saw political spin again this time last year where the Minister was reviewing the health service plan and asked for amendments to it. The unfortunate thing was we did not know what Minister was asking for in respect of the amendments and what they decided to change on foot of his request. However, we know for sure that last December, the Minister needed a Supplementary Estimate to keep the show on the road even though he had been warned about it months in advance and nothing was done. We heard this last year from the former Minister of State, Deputy Shortall, when she was corresponding with the Minister on a regular basis and pleading with him to bring forward the legislative proposals required to bring about savings and income streams to ensure the budget would be sustainable. We then had the unfortunate decisions relating to cutbacks in home help hours and personal needs assistants and other measures.

Tony O'Brien, the director general designate of the HSE, was the Accounting Officer but it seems it was the Minister who decided to do the U-turn. He then said it was not his decision in the first place. That is where we have clear problems with governance. There is no distinct provision in respect of the Accounting Officer, Tony O'Brien, and the Department of Health and Children. We have this very opaque place where there are many questions to be answered in terms of who makes the decisions and who does the U-turns. We still have not found this out six months after those decisions were made last September. Those issues were also highlighted by Deputy Shortall when she was Minister of State. She questioned the idea of the interference and the lack of direction and political will to keep the health service plan of 2012 on track.

In respect of the health service plan of 2013, we could go back to the original part of the Minister's speech where he said "the vision which springs from the programme for Government is set out in Future Health: A Strategic Framework for Reform of the Health Service 2012-15". The programme for Government is in rag order because the Minister has done complete U-turns on many of its provisions. They include medical card eligibility-----

**Deputy James Reilly:** They were processed.

**Deputy Billy Kelleher:** And prescription charges.

**Deputy James Reilly:** That was not in the programme for Government. Deputy Kelleher should correct the record.

**Deputy Billy Kelleher:** Along with sacking the board of the HSE, one of the Minister's first acts on entering Hawkins House was announcing the abolition of the prescription charge.

**Deputy James Reilly:** I did not announce that. I announced that it would be my intention to do so. Deputy Kelleher wants to say that it was part of a programme for Government, which it was not, and that I announced it was going, which I did not do.

**Deputy Billy Kelleher:** The unfortunate thing is that the Minister is beginning to believe his spin if that is the case. He said he would abolish prescription charges. Why did he announce

he was going to abolish them when he now states that he had no intention of abolishing them and increased them threefold in the last budget? At the time, he said that prescription charges were a barrier to people accessing very important medication.

**Deputy James Reilly:** They could be.

**Deputy Billy Kelleher:** He now increases the charge threefold.

In respect of medical card eligibility, when one looks at the service plan, one sees the difficulty is that there have been changes to eligibility and I will tell the Minister where they are. Previously, when a person with cancer applied for a medical card, he or she almost always received it on medical grounds. We now have a very distasteful problem where people facing life-threatening illnesses and receiving life-saving treatment are being denied medical cards. I raised this issue before and will raise it again. I was contacted by the husband of a woman who had a double mastectomy but who still cannot get a medical card. I raised this issue in this House and put down parliamentary questions on it. At the Taoiseach's request, I sent details of the matter to him. That is what is happening in our health service.

I accept that the Minister has addressed some issues with waiting lists but he created the lists in the first place. A total of 4,590 patients were waiting over 13 weeks for a routine endoscopy procedure at the end of 2011. We never benchmarked 13 weeks. No 13-week list ever existed. It is the first time I ever-----

**Deputy James Reilly:** So they were not there and I created them?

**Deputy Billy Kelleher:** It was the first time I ever heard about a benchmark position whereby the Minister decided 13 weeks would be the benchmark.

**Acting Chairman (Deputy Terence Flanagan):** The Minister can respond later.

**Deputy Billy Kelleher:** Talk about inventing lists he knew he could easily get rid of. A period of 13 weeks was never the benchmark in the first place in respect of waiting for that procedure.

**Deputy Jerry Buttimer:** We will set up a committee like Deputy Martin did.

**Deputy Billy Kelleher:** I am trying to point out that in terms of the delivery of health care in this country, a lot has been said but, unfortunately, a lot of things said are now being unravelled completely. Eligibility for medical cards must be addressed urgently.

**Deputy James Reilly:** There are more medical card holders now than ever before in the history of the State.

**Acting Chairman (Deputy Terence Flanagan):** We will allow the Minister to respond.

**Deputy Billy Kelleher:** The service plan for this year is very light where last year's plan was far more detailed. The reason more people have medical cards is because more people qualify on the basis of financial need. It is not because the Minister or the HSE are more generous in granting medical cards. These people are getting them by right based on a means test. What is happening in the meantime is that people who need medical cards for life-saving treatments are being denied them.

**Deputy James Reilly:** They should not be. There is a discretionary medical card group

staffed by doctors to ensure people get discretionary medical cards on the grounds of medical condition.

**Deputy Billy Kelleher:** They are being denied them. That is the point I am making. That is a key area that needs to be addressed because it is not working. Another man who came to me recently is on chemotherapy and had undergone surgery for bowel cancer. He cannot get a medical card. I know well that he is not a very wealthy man. He is on little more than a social welfare payment and an occupational pension but he cannot get a medical card. Means tests are carried out but there are many refusals on the grounds that the applicants have financial means.

*7 o'clock*

Regardless of what may be said about our time in government, at least people who were receiving treatment for or recovering from cancer were granted medical cards on medical grounds. That is something the Minister has to address. He speaks about universal access to free GP care. That is fine, but in the meantime we cannot give medical cards to people. That is distasteful, to say the least.

**Deputy Jerry Buttimer:** We pumped €28 million into the medical card scheme.

**Deputy Billy Kelleher:** I do not want to argue with the Deputy across the floor, but, as Chairman of the Joint Committee on Health and Children, he should know

the reason for the increase in the number of medical cards. It has increased because applicants are qualifying for them on financial grounds. However, they are being denied on medical grounds. That is the key issue I am trying to raise. I have raised it repeatedly in the past year, but the position is certainly not improving for the people who attend my clinics and I am quite sure, Deputy Buttimer, the same can be said for those who attend your clinics.

**An Leas-Cheann Comhairle:** I ask the Deputy to speak through the Chair.

**Deputy James Reilly:** He was speaking through a different Chair.

**Deputy Billy Kelleher:** I am getting confused by all the Chairs around here. We will, of course, examine the Bill in finer detail on Committee Stage. It provides for the abolition of the board and the CEO structure which will be replaced by a system of directorates headed by a director general. The Minister has outlined his decision, although he has not necessarily outlined the logic behind it. This directorate structure will be an interim measure until further legislation is introduced in 2014 to underpin the move to universal health insurance and the establishment of hospital trusts. We are still awaiting a clear position on universal health insurance and the funding for such a system.

In announcing the changes the Minister described the HSE as a self-serving system rather than a patient-centred service. That was a cracking phrase which reminds me of my earlier comment about his stewardship and decision-making. The primary care centres were self-serving.

**Deputy James Reilly:** Rubbish.

**Deputy Billy Kelleher:** The Minister claimed that logistical logarithmic progression had been used to determine the location of primary care centres in Balbriggan and Swords. I have yet to see that logistical logarithmic theory in writing. We have submitted Dáil questions and freedom of information requests on the matter, but we are no closer to finding out the theorem



according to the Minister. Accountability lies at the heart of these matters, but there has been little accountability thus far in terms of the Minister answering questions on this sordid affair. I remind him that a Minister of State resigned over it.

St. Luke's Hospital and the hospital in Wexford are as entitled to funding as any other hospital, but who was denied funding because of the Minister's decision to accelerate one project over another?

**Deputy James Reilly:** Nobody.

**Deputy Jerry Buttimer:** I wonder what happened in Cork.

**Deputy Billy Kelleher:** It is clear that the HSE and those who were statutorily responsible for the decision-making process were unsure about where the funding would come from. In fact, they were unaware of the decisions made until they read the press releases from the Ministers for the Environment, Community and Local Government and Public Expenditure and Reform in local newspapers one month in advance of the board's meeting. That was a complete breach of the concept of accountability.

**Deputy James Reilly:** They were sitting on their capital plans since 2006 and the Deputy claims they were unaware of them.

**Deputy Billy Kelleher:** The record is clear. The documents released in response to the freedom of information request made by RTE clearly state the Minister insisted on the projects being accelerated.

**Deputy James Reilly:** That is absolutely true because they had been sitting there since 2006. They were mentioned in a report by the Comptroller and Auditor General.

**Deputy Billy Kelleher:** The Minister has not yet explained why he decided they should be accelerated over and above any other project.

**Deputy James Reilly:** I did so last night, but if the Deputy did not want to listen, that is fine.

**Deputy Billy Kelleher:** The Minister made a complete change in regard to his commitments to Roscommon, Navan and many other hospitals. Why were they prioritised over others and why did he do a complete *volte-face* with regard to hospitals on which he had given clear funding commitments?

**Deputy James Reilly:** With respect, the Deputy's comments have nothing to do with the Bill.

**Deputy Billy Kelleher:** They are very relevant because we will be giving the Minister sweeping powers to interfere on a daily basis not only with policy but also its implementation. He will have control over the director general and the HSE and will be deciding where funding will be provided, on the location of primary care centres and the provision of services. I have considerable concerns about the politicisation of the delivery of health care services. The Minister has been damn good thus far at politicising the decision-making process for political gain rather than the delivery of health care services for the people who need them.

**Deputy Caoimhghín Ó Caoláin:** This Bill is supposedly another step in the Government's health reform programme. The people have grown wary of the word "reform" in the mouth of

the Government and, especially, the Minister for Health, Deputy James Reilly. We are hearing the rhetoric about reform, but the reality is that there is regression and retrenchment. When the HSE was established, Sinn Féin argued that it represented bureaucratic change rather than real reform. That has proved to be the case. It did not involve the replacement of the inequitable and inefficient two-tier system with a truly equitable and efficient universal system based on need alone, for which we have all declared our support at various times. Like the legislation establishing the HSE, this Bill represents further bureaucratic change. It may deliver a more streamlined bureaucracy, but it will do little more. It may increase accountability and the powers and responsibilities of the Minister, but, with respect, is this particular Minister worthy of such responsibility? Will it make him more accountable to the Dáil and the people? I regret that the answer to both questions is “No.” We cannot expect progressive reform from a Minister who tells young graduate nurses that they should accept his yellow pack contracts or else emigrate or work in fast food outlets.

**Deputy James Reilly:** I never said that. I do not know where the Deputy got that idea.

**Deputy Caoimhghín Ó Caoláin:** I must have dreamt it. The Minister has not withdrawn the remark, unless he is in the process of doing so now.

**Deputy James Reilly:** I never made the remark to withdraw it.

**Deputy Caoimhghín Ó Caoláin:** Will the Minister clarify how this was recounted -----

**Deputy James Reilly:** Very happily.

**Deputy Caoimhghín Ó Caoláin:** -----following an interview he gave to a credible Sunday newspaper?

**Deputy James Reilly:** I was not referring to nurse graduates. I was referring to physiotherapists who had no jobs after four years of hard work and having earned 550 points in their leaving certificate examination. All that was available to them was either working in a fast food restaurant or emigrating.

**An Leas-Cheann Comhairle:** I do not know who said what, but I am sure the Minister will reply in due course.

**Deputy James Reilly:** I am always happy to correct the Deputy.

**Deputy Caoimhghín Ó Caoláin:** Whatever the position is, I have not heard the Minister repudiate that report.

**Deputy James Reilly:** I hope the Deputy does not believe all that he reads in the newspapers.

**Deputy Caoimhghín Ó Caoláin:** There is certainly a significant currency in relation to those comments and the report I read. I take it that the Minister is withdrawing his remark.

**Deputy James Reilly:** I never made the remark.

**Deputy Caoimhghín Ó Caoláin:** Has the Minister contacted the reporter or newspaper concerned?

**Deputy James Reilly:** Which newspaper was supposed to have reported it?

**Deputy Caoimhghín Ó Caoláin:** Has the Minister tried to correct the record?

**Deputy James Reilly:** Where is the record of that? Where is the paperwork in regard to it?

**Deputy Caoimhghín Ó Caoláin:** That is what we have all read and heard. I understand the paper in question was *The Sunday Business Post*. Is that correct? I think it was.

**Deputy James Reilly:** No, it was not. I know it was not *The Sunday Business Post*, for which I did an interview.

**Deputy Caoimhghín Ó Caoláin:** So it was a different paper, was it? Whatever is the case, the Minister agrees that it concerns some newspaper.

**Deputy James Reilly:** I do not. I am telling the Deputy that was not the paper.

**An Leas-Cheann Comhairle:** Deputy Ó Caoláin to proceed.

**Deputy James Reilly:** The Deputy is making an insinuation.

**Deputy Caoimhghín Ó Caoláin:** I am not making any insinuations. I am citing from reports I have read. I have not in the intervening period heard the Minister either denounce or decry the reported statements, which were hugely offensive to the nursing profession. Here we are once again-----

**Deputy James Reilly:** The Deputy should produce the reports he has read.

**Deputy Caoimhghín Ó Caoláin:** The Minister has interrupted me sufficiently and he has had a couple of weeks to correct the record.

**Deputy James Reilly:** On a point of order, if it is in order for the Deputy to make allegations around utterances I have made, would he please be kind enough to bring to the House the relevant document to which he refers?

**An Leas-Cheann Comhairle:** Thank you. We will continue the debate.

**Deputy Caoimhghín Ó Caoláin:** I would expect that the Minister's press attaché, who has strong roots in the media profession, would be able to scour the newspapers for the Minister. Perhaps, between them, they could drum up the loose change. It is not my responsibility to provide the Sunday papers to the Minister. He is well able to afford to buy the damn things himself.

**Deputy James Reilly:** What the Deputy is saying is that he can make any allegations he likes and I must run around to find out where it was said.

**An Leas-Cheann Comhairle:** That is not in order. Let us proceed with the Bill.

**Deputy Caoimhghín Ó Caoláin:** On the issue of accountability, we had a taste of so-called accountability here yesterday in the course of the Topical Issue debate. This is very relevant to the Bill before us, because it is about the relationship between the HSE and the Minister. This Minister, like his predecessor Mary Harney, hides behind the HSE when it suits and pushes the HSE aside when it suits. He hid behind the HSE when it made the announcement last August of a further €130 million in health spending cuts, cuts for which he and his Government colleagues were directly responsible. These cuts included the cuts to personal assistant services for people with disabilities, which the Government was embarrassed into reversing by disabled

people camped outside Government Buildings. Well done to them.

The Minister pushed the HSE aside when he fast-tracked hospital capital projects at the behest of his Cabinet colleagues Deputies Howlin and Hogan. The explanatory memorandum for this Bill claims it is essential that the HSE be properly accountable to the Minister for its performance. We are all for more accountability from the HSE, but what about the accountability of the Minister to the people and to the Oireachtas? Yesterday, the Minister was asked repeatedly by me about how the decision was made on the capital projects in Wexford and Kilkenny, but he doggedly refused to reply to the questions I posed. He refused to account for the fact that the Ministers in these constituencies, Deputies Phil Hogan and Brendan Howlin, announced the commencement of the hospital projects before the HSE board met or before the board was even aware that these projects were going to leapfrog others. The Minister simply ignored my question about what contact he had with his two Cabinet cronies before they so confidently made their announcements. It may be a case of "If there is no written record, it did not happen." However, I believe accountability requires that the Minister respect the words he put on the record of the House this evening when introducing this Bill, when he spoke about accountability to the people through the Oireachtas. Those are the words he used. He said the Minister was accountable to the people through the Oireachtas. However, we have no evidence of any acceptance, let alone adherence, to the spirit - never mind the letter - of the words he uttered here this evening.

I hold no brief for the HSE and its current structures - quite the opposite. It is top-heavy and over-bureaucratic. The passing of the HSE board under this legislation will be lamented by few and I will not oppose its abolition. However, the hospitals controversy raises an important question. It came to light because journalists were able to obtain minutes of board meetings under the Freedom of Information Act. Will the new directorate appointed by the Minister have the same transparency and accountability?

Section 12 of the Bill gives the Minister increased powers to amend HSE service plans. In principle that is not objectionable but, based on all the evidence over the past two years, we have no confidence in how it will be used in the hands of the Minister. The issue is not the procedure for formulating the plan; what is important is its content, the strategy and the policy that guide it. In the case of the Government, it is the fundamentally wrong economic strategy of austerity and the fatally flawed health policy of Fine Gael which clearly hold the whip hand as far as health is concerned in the coalition.

On 10 January the Minister approved the HSE's national service plan, which I have described as a plan for slashing services. The plan implements the savage cuts to public health services imposed by the Fine Gael-Labour coalition in budget 2013. Of the total of €721 million in cuts in this plan, a massive €323 million is cut from primary care. This makes a mockery of the Government's so-called reform programme, which allegedly has primary care at its centre. The Minister has signed off on a plan that will deprive a further 40,000 people of medical cards in 2013, and many more thereafter as the income criteria for receiving a medical card are changed. This is a further attack on people on low incomes. It is scandalous that the plan imposes a cut to disability services of 1.2%, which is four times what was expected by the sector. There should have been no cuts to this sector, but it was expected that cuts of the order of 0.3% would be made. There was a shock when the real figures were revealed. These cuts will severely affect disability services, which are already reeling from cuts in previous years.

The plan also implements the increase in medical card prescription charges and the re-

duction in the monthly subsidy for medicines under the drugs payment scheme. I have put a parliamentary question to the Minister on this issue. I now have evidence of double-charging for prescription items. Patients are not just being charged €1.50 for prescription items but in many instances are being charged €3. This is happening because the prescribed items are not available in the milligram amounts prescribed by the general practitioner, so two tablets must be prescribed to meet the prescription. Hence, people must pay twice. This is absurd. These are people on medical cards and very low incomes. The Minister must address and correct this issue if he is not prepared to abolish the prescription charge entirely. The plan also implements the reduction in the monthly subsidy for medicines under the drugs payment scheme. This plan will deepen the staffing crisis in public health services. The HSE admits in the plan that in the light of the staff reductions of recent years and given that a further 4,000 staff are due to be cut this year, the planning of services is “particularly difficult in 2013”. That must be the understatement of the year. The staffing crisis will be compounded by the Government’s decision to attempt to introduce a cheap labour scheme for nurses which has been rejected by the nursing unions and the overwhelming body of newly qualified nurses. I emphasise that the nurses in question are qualified. It almost beggars belief that the Minister is proposing to extend this yellow pack scheme to other professions in public health services, even though it is so grossly unfair. Given that the boycott by the nursing unions is being widely adhered to and has broad public support, it is clear that the scheme is a hopeless failure from the Minister’s point of view. I call on him, once again, to withdraw this totally unacceptable scheme and sit down at the table with the nursing unions which have proposed alternative ideas for savings which would respect the existing salary scales of nurses and midwives.

I invite the House to compare the slashed salaries the Minister expects graduate nurses to work for with the salaries at the top of the HSE. The Bill will not address the issue of excessive salaries in the top-heavy upper and middle management layers of the HSE. Some 129 managers and administrators receive salaries of over €100,000 per annum. That is obscene at a time when older citizens’ home help hours and home care packages which were already inadequate have been cut again this winter. Bureaucratic change of the kind set out in the legislation is meaningless in the absence of real policy change and a change in the culture of privilege at the top. The resignations of the former chief executive of the HSE, Mr. Cathal Magee, whose departure I greatly regret, and the former Minister of State, Deputy Róisín Shortall, exposed the deep dysfunction at the top of public health services. There are three aspects to this problem - the unsuitability of the Minister for the office he holds; the fundamentally flawed policy approach of the Government, as evidenced every day on the floor of the Dáil; and the unreformed structure of the HSE and the health service.

Nothing the Government is doing in the Bill equates to reform. Last year marked the centenary of the tragic sinking of *Titanic*. The Bill represents no more than a rearranging of the deck chairs in the context of the crisis in public health services which are struggling from day to day. Even before cuts of €721 million were announced in budget 2013, public health services were reeling from the cuts of €130 million announced last August, the €750 million cut announced in budget 2012 and the €1 billion cut imposed in 2011. Last week the Joint Committee on Health and Children heard from nurses - front-line service providers - who described the reality of reduced services and increased risks in hospitals as a result of short-staffing. The recruitment ban, the further restrictions on overtime and the hiring of agency staff are having a dire effect. The increased flexibility and potential productivity from hospital consultants achieved in last year’s talks were welcome, but all of this could be scuppered by these other cuts. If an insufficient number of nurses and other staff are on duty, insufficient theatre time is available



and insufficient inpatient beds are open, many consultants will not be able to provide the extra treatments and perform the extra operations and procedures required of them.

The Minister's lack of transparency and accountability is central to the issue of governance addressed in the Bill. I raised his failure to fill 64 vacancies on nine boards within his remit, including the Food Safety Authority, during a Topical Issue debate last week. Twenty-five people applied under the new open procedures for a position on the board of that authority. The Minister continues to hold off on these appointments, even though, according to reliable information we have received, an overwhelming number of the applicants are suitably qualified and eminent to take on any position of responsibility required by the board. All of this raises questions about the future of the various authorities and boards and undermines public access to the appointments system. People can hardly have much faith in this so-called new approach. It is clear that the Minister is refusing to address their concerns. When I raised this matter last week, the Minister of State, Deputy Kathleen Lynch, was sent in to reply in the absence of the Minister and it was clear that she was embarrassed. The Minister can take a look at the tape if he does not believe me. The Minister of State admitted her view was that the reply she had been given to read did not shine "any light on the question raised." So much for accountability.

I want to mention an important issue that has been raised by Mental Health Reform regarding the Bill. The organisation in question has welcomed the Government's intention to improve the accountability of the HSE through the Bill, but it has expressed concern that the current draft does not ensure a director of mental health with the competence to drive implementation of the Government's mental health policy will be appointed. I ask the Minister to note this most seriously. Mental Health Reform is concerned that the Bill limits the recruitment of the new directors of the HSE to those who already hold the position of national director within it. It believes the appointment of the best person for the job, whether that person is internal or external to the HSE, is vital. The new director for mental health must have a proven track record of leading change in mental health services and competency in the recovery ethos that underpins A Vision for Change. This is extremely important. I urge the Minister and the Government to introduce appropriate amendments to rectify this matter, or to support amendments that may be tabled by me or other Opposition voices to achieve that end.

I look forward to having an opportunity to address improvements to this legislation that might be possible on Committee and Report Stages. I accept that the Bill will make its way through the Houses. While it falls far short of what we really need in terms of reform, it is all we have to work with, at least for now.

**Deputy Seamus Healy:** I would like to share time with Deputies John Halligan and Maureen O'Sullivan.

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

**Deputy Seamus Healy:** A number of key criteria must underpin the provision of a proper health care service for the people. A quality service must be delivered on the basis of medical need. We must have a service that is democratically accountable and controlled. The delivery of the service must be transparent. The service must be delivered in a fair manner devoid of political interference. There must be real and meaningful consultation with stakeholders and local communities. The Bill does not fulfil these criteria. In fact, if it goes through as it is, we will lose the opportunity to reform the system and, in particular, a situation where there is no democratic accountability and no democratic control of the health service. As we all know, the

HSE was established by Fianna Fáil to specifically avoid accountability - accountability to this House, stakeholders, local communities and those interested in the delivery of health services. What we got was a bureaucratic monolith which was operated from an ivory tower, with absolutely no contact with stakeholders and local communities, and intent on avoiding such contact and consultation.

The old health boards were certainly not perfect. However, from the point of view of democratic input, they were far ahead of the undemocratic HSE we have today. At least, elected public representatives were represented on them, as well as staff representatives and ministerial nominees. Meetings were held regularly and they were transparent, open and public, and could be accessed by both stakeholders and local communities. We also had local health committees at which local councillors in every county could make their views known to the health boards and ensure their voices and those of their communities were heard. We now have a situation where even parliamentary questions on health matters cannot be responded to in the House and are referred to the HSE, from which we receive no satisfaction. While we have this opportunity, we should ensure there is proper reform, democratic control and accountability, not just to the Minister, the House or stakeholders but also to local communities.

There is a further problem in that there is no meaningful consultation or negotiations between the HSE, stakeholders and local communities in furthering any of its initiatives or plans. I have been through a number of such plans, including the so-called reconfiguration of hospital services in the south east and the closure of the acute psychiatric unit at St. Michael's Hospital in Clonmel. The fact is that the HSE has absolutely no interest in consultation or negotiations. It decides what it wants to do and drives a coach and four through everybody - stakeholders, staff and local communities. It does not want to listen and has no intention of listening to stakeholders. That simply has to change. We should even go so far as to ensure there will be a legal obligation on the health service to consult stakeholders, local communities and staff.

In regard to the situation on the ground, staffing levels have been decimated by cuts in numbers and funding; there is a moratorium on the employment of staff; some 2,500 additional staff reductions are proposed in the next year to 18 months; and there is the proposed reduction in the budget by a further €2 billion in the next two years. All of this puts huge pressure on staff who are already working above and beyond the call of duty and each of whom is now doing the work of two or three individuals. In these circumstances, there is no doubt that, despite their very best efforts, things will go wrong. I have huge sympathy for staff who are unfairly placed in this position. Last weekend, for example, in my local hospital, South Tipperary General Hospital, there were 26 patients on trolleys in the accident and emergency department, side rooms of the accident and emergency department and the corridors of the hospital. Six of the patients were left beside the vending machines in the atrium of the hospital. As I said, this was despite the best efforts of staff who were working above and beyond the call of duty. It is a disgrace. The reductions in staff numbers and the moratorium have to be reversed because they are totally unacceptable. The service the public is getting is not and cannot be described as a quality service while these cuts are taking place.

It is a pity the Minister has left the Chamber. I call on him specifically to fulfil the commitment he made to the committee of the Community Hospital of the Assumption in Thurles which met him in November 2011 and again in April 2012. He gave a commitment that he would reopen the 22 beds which had been closed in the hospital. His Fine Gael colleague from north Tipperary gave a similar commitment just before Christmas. I ask the Minister to immediately reopen these beds and ensure provision is made for this in the HSE West service plan.

I refer to the question of medical cards. As I have said in the House previously, the centralisation of the medical card system was a complete shambles and remains so. In particular, the issuing of medical cards to applicants on medical grounds is at an unacceptable level. By way of parliamentary question, I brought to the attention of the Minister a situation where an applicant had been awaiting a medical decision since last September. It is not unusual to find such cases every day. It is taking too much time for medical applications to be dealt with.

I concur with Deputy Billy Kelleher who indicated, correctly, that, in respect of medical applications in cases involving persons suffering from a very serious illness such as cancer, whereas medical cards had been granted automatically in the past, this was no longer the case. Moreover, the most insensitive of letters are being sent to applicants and their representatives. This must change. The Minister must intervene to ensure this happens.

We must take the opportunity in this Bill to ensure we will have a democratically accountable and controlled health service which will operate through consultation and agreement.

**Deputy John Halligan:** My first question to the Minister is whether the Bill will prevent a Minister for Health from accelerating projects in specific areas without due consideration for due process. If many of us received copperfastened guarantees that this would be the case, it might be worthy, but somehow I doubt this will be the case.

I was a city councillor in Waterford when the HSE's predecessors, the health boards, were in place. For years I witnessed the most disgraceful waste within the health boards. However, the single agency established to replace them, if it did anything, very quickly created more senior roles in the health sector than ever before. The HSE's inadequate financial management infrastructure was born of a legacy system from the old health boards. We are all brutally aware of the financial mess the health sector is in as it inefficiently grapples with the €750 million taken out of the health budget in 2012 and the €1 billion taken out in 2011. Many would say with hindsight that the abolition of the health boards and the creation of the HSE was counter-productive. The structure of the HSE is a shambles. Many people have little belief in it; many even have contempt for it, despite their respect for the health professionals working within the HSE, including the nurses and doctors coping day to day with the recruitment ban, restrictions on overtime and cuts in services.

The so-called regional health forums operating throughout the country should be abolished.

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

**Deputy John Halligan:** They are a waste of space. I was on one and the Deputy served very well on them. Was he not chairperson at one stage?

**Deputy Jerry Buttimer:** No.

**Deputy John Halligan:** Maybe he should have been.

**Deputy Jerry Buttimer:** The Deputy was a good member himself.

**Deputy John Halligan:** I thank the Deputy. I recall the times when maybe 50 or 60 councillors would turn up, and the staff from the HSE. The councillors got their travelling expenses. Everything was crammed into a two-hour meeting during which nothing could be achieved. If ever there was a waste of money, time and procedures, it is the health forums. The Minister should really examine them. If they were abolished we would save millions of euro.

When it was set up less than 14 years ago, the HSE was intended to move the health service away from the control of local vested interests that dominated under the regional health board system, but, as the cases of Wexford General Hospital and St. Luke's General Hospital revealed last weekend, this was not achieved. I welcome the principle behind these reforms. Without question, the HSE, its structures and its governance need to be changed now. We need far greater clarity in tracking the health budget, but I have serious concerns about how the proposed system will work in practice. As I read the Bill - I may be wrong - it proposes that we give responsibility for the health budget of €14 billion or more to the Department of Health, thus giving the Minister of the day the authority to specify priorities which must be followed in preparing service plans. Every one of us would have difficulty with that because my reading of the Bill suggests that this is a very general power and there is little information on the type of direction the Minister may make. This needs to be clarified in the Bill. For instance, people will ask whether we are giving the Minister and his Cabinet colleagues *carte blanche* to accelerate projects in their own constituencies to the detriment of other areas. That is a reasonable question. We need clarification on the specific authority the Minister would have. The legislation needs to state how and where a Minister may make directions. That is a reasonable request. If such an amendment is tabled, the Minister should consider it carefully. What we set in statute here may remain for another four, five or eight years. The present Minister may not be in government then and may well tell the next Minister for Health that he has too much power. We need to state specifically how and where the Minister will make directions because we need accountability in all aspects of the health service.

The Minister has also indicated that the new directors will be appointed following a competition from within the health service, which leads me to wonder whether the Minister will merely be shuffling deckchairs in making these appointments, because this happens when we reappoint within a working system. Giving each director the power to establish his or her own committee for assistance and to advise the Minister is creating another bureaucratic layer of outside advisers. Do we need this? We have enough of them already. I do not understand why are we going down that road, which adds another cost. There is also a general lack of clarity about how the new integrated care agency, which is a separate purchaser and provider of arrangements for health care, would operate in practice. That is a big issue for many people. I have gone through the Bill in detail and it appears to me that a great deal is left unclear.

I do not know what advisers put the Bill together, but my few points are reasonable recommendations. We need clarity. It is not always the case that those of us in Opposition want to oppose everything. Sometimes if simple amendments were tabled we would find it easy to support Bills. I would appreciate if the amendments that I am sure various Members will table are accepted.

When will the Minister introduce free GP care for those with long-term illnesses? He advocated this strongly when he was in Opposition. I do not see his White Paper on universal health insurance being delivered as promised. I do not see the free doctor scheme going anywhere. I have spoken to many doctors and they say they have not even been contacted. No discussions have taken place. The Minister has had two years in government. That was one of the big promises he made to many people. I spoke about this during Leaders' Questions last week. The cost of going to a doctor is huge, and if one subsequently goes to a chemist one can pay a total of €100, a third of the earnings of some people who do not qualify for a medical card.

The Minister should consider the amendments to this Bill carefully and be generous in assessing them. I listened to Deputy Ó Caoláin's excellent delivery. We have all put much

thought and effort into this Bill to see how it would best serve the people. When we consider the amendments we might be able to support it.

**Deputy Maureen O’Sullivan:** When I was thinking about the health service, I tried to work out what word would best summarise it and I came up with “fraught”. This is a service that has a massive budget yet it still has significant problems. It seems to totter from one crisis to another. I receive a considerable number of calls every day to do with health matters. This is not to take from the excellent care and service that health service staff provide to those who do get into the system. I am thinking particularly of the areas of cancer, heart, post- and neonatal care, and gerontology, all at a time when health service staff salaries are being cut and staff are not being replaced. Workloads are increasing and budgets are being reduced.

I can remember the old health boards, which came from the belief local authorities, which had been overseeing most health services, were not suited to the task owing to the much wider trends in health care development and increasing costs. As the health boards had elected representatives and representatives from the health care professions, they had a democratic element, as Deputy Healy mentioned. Then the view emerged that the health boards had to go and the HSE was born to manage the services as a single national entity. Now we are on the move again.

Health care is the largest spending programme after social protection, accounting for 27% of total Government expenditure. In 2011 the cost was over €13 billion, with 37% spent on hospitals and 34% on community services. When one takes that into account, with our relatively small population, it is incredible that we do not have a state-of-the-art health system with easy access for those in need of services, regardless of their personal circumstances and ability to pay. I was struck by one statistic in the 2011 annual report and financial statements that over 75% of the population availed of services through 425 primary care teams. This seems to suggest ours is a very unhealthy population. Without being too simplistic about it, we are not paying enough attention to prevention measures. I will give two examples. We know the medical and health issues associated with obesity, two being diabetes and heart problems, yet when a suggestion was made that there be a tax on sugar which might have gone some way towards addressing the problem, we took it no further. We know all about the health problems associated with addiction, particularly alcoholism, yet when there was mention of and support for minimum pricing of alcohol, with related advertising measures, it went no further.

I refer to an article in the health supplement of *The Irish Times* yesterday which confirms what we already know, namely, the effect of poverty and unemployment on health. The article quotes Professor Kennedy who spoke on the Irish Cancer Society’s strategy statement, 2013 to 2017 - Towards a Future Without Cancer. The point is made that people living in disadvantaged communities have a far greater risk of having cancer and dying young because they are twice as likely to smoke, eat too much poor quality food and be physically unfit. Professor Kennedy mentions particular cancers that are much more common in areas of high unemployment and deprivation. These health inequalities have been evident for far too long, as confirmed by one report after another, and in different parts of the world. The point is made that social injustice is killing people on a grand scale. People living in areas of high unemployment and deprivation engage in unhealthy behaviours because of the feelings of powerlessness they experience, exacerbated by the lack of educational attainment. These massive inequalities are not being addressed and the problem continues.

There has been much criticism of the HSE, some of which is justified, some not. The



criticism which is justified relates to the general lack of integration and cohesion across the organisation, insufficient openness and transparency and the specifics of the relationship with the Departments of Health and Children and Youth Affairs. We are now moving to a transitional structure, with another to follow in two years time. Is anybody convinced, however, that this will address the health needs of the nation? The programme for Government contains a grand plan for a health reform programme to bring about a universal, single-tier health service based on universal health insurance. It would be great to think the Bill would contribute to this. There are serious issues, some of which relate to recent decisions, that could be aided by the Bill and give more authority to the Minister. However, we know what happened in the case of the primary care centres. One area I represent, Summerhill in the north inner city, one of the most disadvantaged areas in Ireland, is still waiting for a primary care centre, although there is a move in the right direction. If transparency is an issue, is giving more oversight powers to the Minister and the Government the answer? I remember what Mr. Cathal Magee stated to the health committee, namely, that the financial system environment in the HSE was not fit for purpose. Another statement was made to the Committee of Public Accounts concerning a financial deficit of €500 million at the end of last year. It is good that the Bill provides for an audit committee and sets out various functions, including reporting.

I refer to the position of director general. The Bill provides for the putting in place of between two and six directors. Media reports have considered seven directorates - primary care, mental health, hospitals, social care, child and family services, health and well-being and corporate services. However, the Bill does not provide details on the administrative structure and how the particular service areas will be assigned among the directorate. I make a special plea for a directorate for addiction services. During the years we went from having no one in government having responsibility for this area to on a number of occasions having a full Minister, then no one, followed by a Minister of State on a number of occasions but only with it forming part of a much wider brief. We need a directorate with responsibility for this area because addiction encompasses so many aspects. The Technical Group introduced a Private Members' Bill last October. We asked the Minister to prioritise addiction services as a health rather than a criminal issue. It is positive that the issue of drug addiction comes within the responsibility of the Department of Health, but then one looks at the wide range of addictions and the associated mental, physical and emotional problems and illnesses, including suicide, homelessness, imprisonment, sexual violence and rape, as well as the socio-economic aspects. If I take the first six directorates, primary care, mental health, hospitals, social care, child and family services, health and well-being, addiction is related and relevant to each of them. The importance of addiction services will be further disjointed if they are covered by six bodies. There is a need for us to take this issue on board and address it.

I turn to the area of mental health and there is no doubting the need for a directorate. It is welcome that this job was advertised earlier this month. I presume that the position of mental health director will be prioritised if the Minister opts to have only two. The Bill should state as much. There are questions to be asked. What will be the relationship between the new director of mental health and the regional directors? It appears these have not been mentioned before but are now being mentioned in the booklet which outlines the job description of director of mental health. There are also questions about budgetary control. The new director is crucial in this regard. It is recognised by everybody, especially those working in mental health services, that this function is needed to implement mental health policy.

In July 2012 the Technical Group made a submission on the Bill to the Minister. The first

point we made was on the need for a strong framework for the sustained improvement of mental health services, with increased transparency and accountability in mental health service expenditure. We know what to do and have known this for a long time; it is all more or less contained in A Vision for Change, particularly the need to shift the balance of care from long-stay to community services.

To date, there has been poor accountability in the case of the budget. In 2008 almost half of the €51.2 million in government funding intended to support implementation of A Vision for Change was diverted to meet deficits in other areas. The 2009 report highlighted the absence of timely and detailed data and information. There was no real assessment of progress in capital investment or current expenditure. The 2010 report showed gaps which prevented financial accountability for the allocation of funding to support delivery of recommendations made in A Vision for Change. One reason is that the HSE does not track expenditure by care group, including mental health services. As a consequence, the HSE cannot state accurately how much is spent on mental health services. The 2011 report found that there was no system of performance indicators in place to enable monitoring of progress on the policy. That report, from Trinity College Dublin, stated establishing a national mental health service directorate was urgently needed, a body that would have the authority to control both existing and new resources. In budget 2012 €35 million was not spent, while in budget 2013 there is an additional €35 million. It is like Lannigan's Ball - one steps in and out with this figure of €35 million. Some 477 new posts were included for mental health services, as well as the 414 promised in 2012. Of this figure of 414, 58 had taken up positions by 31 December. In 2006 the programme under A Vision for Change estimated the need for an approximate 1,800 new professionals to implement reforms in mental health service provision. There is a caveat in the 2013 service plan, namely, that actions will be carried out "subject to affordability", which, of course, rings alarm bells.

I support the mental health reform coalition which identified two urgently needed measures to ensure accountability for delivering policy, one being the appointment of an empowered competent director of mental health with a statutory duty to implement A Vision for Change. The functions of that director should be outlined in the Bill, as well as the provision that he or she consult users of mental health services, their families and other stakeholders.

**An Leas-Cheann Comhairle:** We now move to the 20-minute speaking slots. Deputy Jerry Buttimer will be followed by Deputies Regina Doherty and Paul Connaughton.

**Deputy Jerry Buttimer:** The Minister for Health, Deputy James Reilly, has left the Chamber, but I will respond to Deputy Billy Kelleher's remarks. There are 1.8 million people with medical cards, the highest ever figure. As chairperson of the Oireachtas Joint Committee on Health and Children, I give the Deputy an assurance that we will invite HSE personnel with responsibility for medical cards to attend. We will discuss the issues of discretionary medical cards and doctor groups and examine how these personnel administer the scheme to provide medical cards for those who require them. I share the Deputy's views and concerns, in particular that patients with cancer should not have to endure hardship, suffering and pain of being told by the HSE they cannot have a medical card. As the Deputy knows, committee members have been to Finglas and will return there. We will bring in the relevant personnel to discuss the issue with them.

*8 o'clock*

People must be at the heart of our system. In this regard, I refer to patients and service users.

I highlight the fact that the Minister for Health is delivering reform. There has been a massive outcry on the part of his predecessors, those who served in previous Governments and those on the Opposition benches about what he is doing on the issue of reform. I ask those to whom I refer to reflect on what they did and achieved when in government. If a Minister cannot make decisions or prioritise projects, he or she should not be in office. Certain Members opposite sat in Departments and, as Ministers or Ministers of State, made decisions about prioritising and fast-tracking projects. That is the way it should be.

We endured 14 years of procrastination and obfuscation under successive Fianna Fáil Governments. Reports were compiled; committees were established, and there was “mockya” reform. Money was thrown into the black hole that was the health system. We are spending €13.4 billion on the health system. Ireland is not the state of California, the continent of Africa or the continent of Europe. It is only part of the continent of Europe, but it is spending €13.4 billion on the health system. Is Deputy John McGuinness unhappy that the hospital in Kilkenny has been prioritised by the Minister? Was I unhappy that one of the Minister’s predecessors, Deputy Micheál Martin, invested in Cork University Hospital? The answer is no. I did not criticise that investment.

**Deputy Billy Kelleher:** No one said the Deputy did.

**Deputy Jerry Buttimer:** However, Deputy Micheál Martin and others are protesting about what the Minister is doing in carrying out his functions.

Let us get real and consider what is happening in the health system. What we are about is ensuring services will be delivered, despite the fact that there is no additional money available. Those who operate the system do not have the luxury of being able to inform people that they can be replaced or take on extra staff. There are tremendous people within the Health Service Executive who work tirelessly on behalf of patients and citizens. I express my appreciation of the work they do.

I am very much aware that the time for procrastination and indecision is at an end. We can no longer afford these luxuries. We cannot endure pontificating and posturing from people who should know better. If we are to play the political game, we should all submit freedom of information requests and table parliamentary questions on what previous Ministers for Health achieved.

**Deputy Billy Kelleher:** There is no need for the Deputy to do that because a member of his party is Minister for Health. He should be able to get the information for him.

**Deputy Jerry Buttimer:** By God, we would have some laugh if we were to do so. The era of boom and bloom was brilliant, but even when things were good, Fianna Fáil refused the chalice that was the Department of Health. Deputy Micheál Martin could not wait to get out of the place. As Bertie Ahern could not get one of his own gang to become Minister, he appointed Mary Harney who lay prostrate before the sacrificial altar of Fianna Fáil and said, “I obey and will take responsibility for the Department of Health.” Consider what happened to her. Brian Cowen referred to the Department as Angola. We now have a Minister who wanted the job and is prepared to make difficult decisions on reforming the HSE, but those to whom I refer are all saying he is not the right man, that he should not be there and that it is not his job to make decisions on projects. Deputy James Reilly is the Minister and the buck stops with him. People must get real.

The Minister has clearly indicated that the patient must be at the centre of everything we do in the health system. Fundamental change is coming, but it takes time to achieve. This is the beginning of another process of change initiated by the Government, the Minister and his Ministers of State, Deputies Kathleen Lynch and White. There are vested interests in every area of society. In the context of health, these vested interests must consider the bigger picture rather than seeing matters through the prism of their own perspective. Patients who require medical cards or need to access services or care or who need to have procedures carried out must be placed at the centre of all we say and do.

Deputy Billy Kelleher, as is his right, quoted a number of figures, but I wish to focus on what the Minister said. First, 3,500 adults were waiting for inpatient and day case surgery at the end of 2011, but within one year that number had been reduced to 89. In other words, the waiting list was cut by 98% in a single year. The Minister also indicated that 1,759 children had been waiting for over 20 weeks for inpatient or day case surgery at the end of 2011. Within one year the number of children on the waiting list had been reduced to 89, which represents a cut of 95% in a single year. The Minister further stated 4,590 patients had been waiting over 13 weeks for a routine endoscopy procedure at the end of 2011. Within one year the number on this waiting list had been reduced to 36, a cut of 99%. To borrow the Fianna Fáil slogan of old, it is a case of “A lot done, more to do”. We are aware that everything is not perfect in the health service. However, people must consider the position from which we began and the mess we inherited.

The Members opposite are fair-minded individuals and will give credit to the Minister for the job he is doing and what he is trying to achieve. We do not have available to us the same amount of money that was available to our predecessors, but we are still spending €13.4 billion on health services. There are challenges to be addressed. Let us consider what happened in 2012. The Chairman of the Committee of Public Accounts, Deputy John McGuinness, will, I hope, agree with me that in the context of public service renewal, there has been a buy-in by staff in respect of how business is done in the health sector. It is a credit to health care professionals, nurses, doctors and those who work within the health care system that the numbers of admissions, day case and other procedures carried out and services provided have increased. This could not have happened without a buy-in and agreement on the part of staff who have demonstrated great flexibility. We must ensure such flexibility is spread across the health care system.

One of the biggest gripes we had during the 14 years when Fianna Fáil, the Progressive Democrats and the Green Party were in government was related to the lack of accountability within the health care system in the delivery of services. Deputy John Halligan is right, the regional health fora, on one of which the Acting Chairman, Deputy Michael McCarthy, and I, served, were the greatest waste of time in the history of democracy. These fora which were mere talking shops ensured people’s democratic right to be represented was blunted. People from the health service were brought before the regional health fora to make presentations and answer questions. However, the fora had no powers. In addition, there was no accountability. Accountability is a must in the health care system.

**Deputy Billy Kelleher:** There were a good few press releases.

**Deputy Jerry Buttimer:** Absolutely. The Deputy is good at issuing his own.

**Acting Chairman (Deputy Michael McCarthy):** Deputy Jerry Buttimer to continue, with-

out interruption. I must inform the Deputy that his time is almost exhausted.

**Deputy Jerry Buttimer:** I have a great deal more to say.

**Acting Chairman (Deputy Michael McCarthy):** The Deputy has 50 seconds in which to say it.

**Deputy Jerry Buttimer:** We must ensure we get matters right in the context of the creation of the new child and family support agency. I hope the Minister and his Department will, in conjunction with the Joint Committee on Health and Children, consider how we should proceed in that regard. The proposed new directorate of mental health is most welcome.

The Minister is in charge of his brief and wants reform to be achieved. People should join him in that task, rather than criticising him.

**Deputy Regina Doherty:** I would hate to see how Deputy Jerry Buttimer would react if he was really upset by our colleagues across the floor.

I welcome the opportunity to contribute to the debate on the Bill. It is no secret that the Government inherited a health care system in crisis. The health care system is engaged in an ongoing process of change and transformation at every level. The key focus is to ensure all our resources are directed towards better services for the population. This programme of transformation of health services calls for a change in not only what we do, but also in how we do things and work together to deliver integrated patient-centred services. As we continue to make progress, guiding and leading change across the entire system is a key challenge for everyone in the health service. The Government is committed to meeting this challenge and continually seeking ways to improve the way things are done.

The magnitude of what lies ahead requires a robust infrastructure for deliberation and decision-making. Establishing that infrastructure is the purpose of the legislation before the House. The new structures within the Health Service Executive (Governance) Bill 2012 will allow us to redesign the system to place the needs of the patient at the front and the centre. In order to achieve a new degree of transparency, accountability and efficiency prior to its abolition, the HSE will be reorganised along service lines. The new directorate structure involves the identification of clear areas of priority and the establishment of responsible directors for these service lines. This programme of reform replaces the HSE with six new directorates to be overseen by a director general. It will also allow the reorganisation of services to prepare the way for the wider introduction of the money follows the patient principle and the ultimate introduction of universal health insurance.

The purpose of the new directorate team will be twofold. It will run the health services as they operate and prepare for the transformation required in the move to universal health insurance. The clear identification of the seven directorates or service lines will provide considerable clarity in the delivery of the relevant services under the responsibility of the directors and for greater financial transparency and accountability in assessing these services. It is proposed that the persons who will take up the directorates will be a combination of existing HSE directors and persons to be identified by internal competition. The new directorate system will give us clear sight of budgets and where the money is being spent. The Minister for Health, Deputy James Reilly stated, "For too long the treatment of patients in health services has had to conform to the needs of the system, whereas this new directorate structure in the HSE will allow us to redesign the system to put the needs of the patient at the front and centre." The patient is



the key stakeholder.

Change has become an ever-present feature of our work environment and the management of the continuing changes is a key challenge for all managers in service delivery. The policy of administrative control within the health service has changed little in the past decade, despite the advent of a national strategy, planning legislation and structural reform. The Bill alters all of this, with the key to the change being governance. Governance needs to be at the heart of health sector reform. It is vitally important that as we move towards new operating models, there is due diligence in the way we make the transition in order that patient safety is maintained. Governance is an essential element for success in improving quality and safety performance, reducing costs or collaborating with the medical profession to participate in new forms of care provision. Governance requires a unique set of policies which must be supported by structures and mechanisms that facilitate collaboration. The engagement of people is a defining factor.

Together with governance, accountability has become a major issue in the health care system. The Bill will bring about a health care system which will be accountable on roll-out, delivery and maintenance. It will build internal capacity to conduct organisational assessments, communicate effectively, motivate and lead change and create an open environment that will allow people to reflect on and learn from their mistakes and failures. These initiatives add value for the community and other stakeholders. From now on there will be clear and unambiguous section by section delivery, with transparent outputs and outcomes. We have learned a lot of lessons from our predecessors on how to do things in the wrong way; we are going to learn how to do it in the right manner.

**Deputy Paul J. Connaughton:** The abolition of the current board structure of the HSE and its replacement with a system of directorates, with a provision for the Minister to give policy directions to the HSE, is most welcome. I acknowledge that the directorate structure is an interim measure pending dissolution of the HSE, a policy to which the Government committed as part of the move to universal health insurance.

Under the provisions of the Bill, the director general will be accountable to the Minister through the Secretary General of the Department of Health. The Minister may issue written directions to the HSE on policy implementation if he or she believes insufficient regard is being paid to a policy or objective. It also allows the Minister to give specific priorities to the HSE which must be taken into account in the service plan. An audit committee will advise the director general on financial matters and this report must be provided for the directorate and the Minister.

In many respects, the HSE, established in January 2005, has proved to be a runaway train. It is hoped the Bill will provide welcome direction for the executive in terms of priorities and make the HSE more accountable. In too many instances, important decisions are being taken by middle management within the HSE, without proper recognition being given to the long-term impact on the service. When the HSE was established, it was hoped a centralised service would prove more competent than the individual health boards which it replaced. The Brennan and Prospectus reports in 2003 criticised regional decision-making and called for the health service to be managed by a single entity. The setting up of the HSE in January 2005, on foot of legislation passed in 2004, reflected the recommendations made.

Much criticism had been levelled at the holding of health board meetings which took place around the country. However, these meetings provided an opportunity for public representa-

tives to hold health service personnel to account for decisions. The regional health fora which replaced the old health boards were given representative rather than executive functions. They became toothless bodies and thus an important element of regional accountability was lost.

The *per capita* spend of the HSE has been reduced by 11% in the past two years, a very significant sum. It is increasingly important that every cent spent in the health service is spent wisely for the benefit of patients, be they in hospital or the community.

A key mistake made at the time of the creation of the HSE concerned the lack of action in amalgamating management positions. This resulted in hugely increased management numbers and a bloated and costly bureaucratic set-up which hoovered up millions in budgets, without providing real benefits where they were needed most, at the coalface. Successive Governments have failed to grasp this nettle and until such time as the numbers of administrators in the system are reduced, we will continue to have an overly bureaucratic system in which too much of the salary cost is associated with administrators as opposed to doctors, nurses and other front-line health care staff.

Issues also arose in the context of transparency. Politicians of all hues have found it very frustrating in their efforts to obtain answers from the HSE. Unlike all other State bodies, the HSE has proved virtually opaque in getting answers to even the most simple of questions. I hope the regime to be ushered in with this legislation will allow public representatives to have questions on health matters answered in a more timely and constructive fashion.

The issue of the money following the patient is also an important part of Government policy which will be implemented through the new governance structures, an important element of which is the measure that HSE hospitals will become autonomous providers of care.

I acknowledge the changes in County Galway where four hospitals have been merged - Merlin hospital, Portiuncula hospital, UCHG and Roscommon County Hospital. This change was implemented by the Minister and the Government. The four hospitals are now more cost-effective and working more efficiently, with more patients. I commend the staff of the hospitals and Mr. Bill Maher, the chief executive officer of the hospital network. It is a case of allowing hospitals to do what they do best. UCHG is a status four hospital; Portiuncula hospital is a status three hospital; while Roscommon County Hospital and Merlin hospital are status two hospitals. This reform has been implemented in the past two years and is very welcome. The hospitals are working better together and this process needs to be replicated in other areas.

I sincerely hope the regime ushered in through this legislation will result in a more coherent and cohesive health service, where important elements of Government policy will be acted upon and the service plan will reflect the priorities of those appointed by the people to steer the country on a particular course.

**Deputy John McGuinness:** I wish to refer to Deputy Jerry Buttimer's contribution-----

**Acting Chairman (Deputy Michael McCarthy):** The Deputy must speak to the Bill.

**Deputy John McGuinness:** -----and his reference to St. Luke's Hospital in Kilkenny. For many years Oireachtas Members on all sides worked with Garry Courtney and the leading staff members in the hospital. They determined what was needed and we pursued it politically. We had many achievements because we all worked together. The hospital serves not only Kilkenny but also Carlow and the region beyond. I commend Garry Courtney's imaginative work in the

health service which is noted all over the country. There was a collective input into what happened at the hospital, but that is not the question which was raised by Deputies Billy Kelleher and Micheál Martin. They questioned how it was fast-tracked and dealt with, which is a different issue. We welcome the development at St. Luke's Hospital, as I am sure, the people of Wexford do. The other issue raised concerned governance.

Deputy Paul Connaughton raised another issue of concern to me which also relates to the Bill. I wish to deal with it separately before I make general comments on the Bill. I refer to the system for dealing with parliamentary questions. We are forced to table parliamentary questions about individual cases, HSE expenditure or its future plans which are generally not known in detail. When one receives a reply, it is almost too late for the individuals concerned because the action asked about has or has not already been taken, or the information sought on medical card applications has been lost. The parliamentary question system would serve us well if it were used correctly, but the Department of Health simply ignores it. The HSE ignores the right of Members of this Parliament to ask questions about individuals or the system within the health service or those organisations supported by section 39 grants. It would be an important and reforming step if the Minister were to say that, as and from 1 February, all parliamentary questions on health matters, be they about individuals or organisational issues, had to be answered within the specified three-day period. One could even allow a few more days to answer the more difficult questions. To receive no answer or receive a standard reply stating the matter in question is not one for the Minister but for the HSE is not acceptable. On asking a question, one must wait a number of weeks, if one is lucky, to receive a very poor response. This is unsatisfactory. To receive no response is a damning comment on the HSE and the Department.

Let us not ignore the fact that we let this happen. When Deputy Emmet Stagg was in opposition, I used to hear him talk about parliamentary questions and their importance. Now that his party is in government, it is business as usual and scant replies are given to parliamentary questions. This is not satisfactory and it could be corrected at the stroke of a pen if the Minister were of a mind to do so.

The Bill has been referred to as legislation bringing about reform. It is about the appointment of a director general and two to six other directors. It is not reforming legislation and to say otherwise is nonsense. To confine the competition for the job of director general and the other directors to those currently employed in the HSE is simply asking those who could not reform the organisation to date to deliver the necessary reform under a new title. This is a contradictory approach which will not impress those engaged with the administration of health services on a regular basis. It is not reform. I ask the Minister to reconsider this part of the Bill and allow the positions to be subject to open competition. Anybody within and outside the HSE who believes he or she is qualified and has something to offer should be allowed to apply. Instead of having an open competition, the Minister started incorrectly by appointing the current director general designate. It was a political appointment which he should not have made. Why did he not allow an open competition or follow the pathway of reform about which he spoke while in opposition? Why did he not declare that, as a first step, there would be an open competition at arm's length from the Minister and the HSE, as it stood? After this, he could have driven the governance reform that he envisaged in the context of the Bill. I ask him to implement change in this regard first. The people in the HSE who could apply for the positions in question stood over the activities raised by Deputies in the House. I refer to the medical card system, for example.

Officials from the medical card section appeared before the committee chaired by Deputy

Jerry Buttimer. They spoke about medical cards at the Committee of Public Accounts also. Certain improvements were made, but it is still the case today that a person with cancer whose time on earth is limited cannot obtain the medical card that is so necessary for him or her to see out his or her last days with dignity. It is wrong that, on proving one has cancer, one should be subjected to the type of questioning engaged in by the medical card section in order to obtain a medical card. This questioning occurs, despite the medical evidence being in favour of the patient. It is simply wrong and the Minister could change it at the stroke of a pen.

Every Deputy will be aware of the number of people coming to his or her constituency office because of the cutting of home help hours. These individuals' home supports from the HSE have been cut and, in some cases, withdrawn completely. The Minister says he will examine each case and ensure that, where one is deserving, one will have one's home help hours or supports restored. Every single reply my constituency office receives from the HSE is the same. There is not one word that is different except for the name and address of the person on whose behalf one is making representations. All replies are negative.

I have received an e-mail that is representative of the e-mails we all receive. It is written by a neighbour on behalf of an 87-year-old woman who cannot make her own bed, dress herself, wash herself or look after her basic needs. Her home help, amounting to two hours a week, has been withdrawn. Nobody could agree with this. None of us in this House wants to see this happen, yet it is happening under the watch of the Minister who said every case would be examined genuinely. It is occurring under the watch of each of the people who will be seeking appointment as one of the two to six directors. This simply is not right.

Let us consider the section 39 grants and the recent decision to withdraw the financial supports and advisory services for childminders. There are 33 officers in all throughout the country. They were told only last week that they were out of a job because there was insufficient money available. This is after we have held a referendum in which we said children would be to the fore and that policy would look after them. The childminding services on which children rely so much are being withdrawn. The basic rights of children are being affected. This is happening under the watch of the Minister and those who will apply for the jobs to which I referred.

There are many other examples of a system that is simply failing the patient. While Deputy Jerry Buttimer's point that the patient was failed by the last Government and its predecessor is correct, this is happening under the watch of the Minister who spoke so much about reform. I am asking that basic steps be taken in the process of reform. I ask for accountability in the parliamentary question system. I seek honest answers to questions to the HSE about elderly patients represented by Members. It is a basic right to be given access to the relevant information. It is the right of every Member of Parliament to be given full information in response to a parliamentary question. These reforms could be achieved easily to everyone's benefit.

Having achieved these reforms, one could consider structural reform. In this regard, one should consider the commitment that every Member of this House would be brought before the HSE locally to deal with all relevant issues. The local HSE committees have been criticised in this House as the process is a complete sham. It involves a number of officials and bureaucrats meeting Members in an office with one intention, that is, to whitewash any point raised by these Members. It is a case of giving them a bum steer and wasting their time. The greatest amount of time and money is being wasted by the group of officials that attend those meetings because they have no intention of giving the Minister the answer or the information required. That is so much the case that a question I tabled to one of those officials regarding an autism nurse re-

sulted in a response coming to the office stating that the information was being gathered. I was only asking about an appointment, therefore, the information is a simple “Yes” or “No” or the giving of a date. They cannot even do that much for one because there is a culture of secrecy and an unwillingness to cooperate within the HSE and until that culture is broken we will be badly served by that organisation. This legislation will not break that culture because it is relying heavily on those currently employed in the HSE and it is not opening its doors to young people coming in with imaginative management ideas who can solve some of those problems. I need only point to the recent meeting between the Committee of Public Accounts and the HSE. It was nothing short of a disgraceful performance by the Secretary General of that Department and by the Director General Designate of the HSE but it tells one something about the organisation and if dogs resemble their masters, in this case we are in real trouble.

I refer to the audit committee that is to be appointed according to this legislation. I have seen audit committees appointed to boards and agencies within the control of the State and it is amazing to see the names that crop up on those audit committees and their qualifications. One will find very few auditors or accountants but one will find the safest pair of hands one could ever meet. They will not go astray or go off message, and they certainly will not audit. It is down to the Comptroller and Auditor General to audit the HSE to ensure we get accountability and transparency in the context of that audit. I would like to see the Minister spell out clearly in this legislation who should be on the audit committee, their responsibilities and roles because that clarification is absolutely necessary.

I turn to general public accountability. In a debate here which the Minister of State, Deputy Lynch, responded to I asked that we would investigate as a matter of urgency and in a public way the death of Niall Comerford. He was a young 22 year old man who went into hospital for a simple procedure and died within days. I was promised, as were his parents, Walter and Joan Comerford, that the national incident unit would investigate this matter speedily and that they would consult with the parents. I thought that was some sort of crack unit that would immediately go in and find out exactly what happened but not only are Niall’s parents disappointed but I am disappointed because it is nothing short of more bureaucracy. All the family wanted was to find out what happened. All they wanted was to know the reason the information on deep vein thrombosis, DVT, was not made known to the patient before and after the operation. If it were made known, the chances are that young man would be alive today. They wanted no more or less than that but because of the actions of the HSE and the desire of the family to help others they are now being forced into a legal position either to sue the consultant or sue the HSE to get justice for their son and for other people who may be affected by that issue. It happens in the United Kingdom, and there is professional opinion that it does not happen here and that it should happen here. That sounds simple enough to me but it is being made mightily complicated by the HSE. That is the reason there are so many cases against the HSE. One will find very little humanity or compassion in the organisation, and I refer to the management of it as distinct from those who deliver the services on the front line because if the Minister were to listen to the people who deliver those services he would have it confirmed for him what is being said in this House by his own members of Government and by the Opposition.

I ask the Minister to consult again with the stakeholders, the patients, the doctors and those currently in a position within the HSE but who are fearful of speaking out because there is a bullying culture at certain levels within the HSE and they are fearful of losing their positions. He could learn so much from them. If he were to release them from that fear and take the time to listen to them he may learn a good deal about what needs to be reformed. He may learn a good



deal also about the way he can better manage the €13.5 billion put at his disposal each year. That is €13.5 billion of hard-earned taxpayers' money, which is now very scarce.

I turn to the recommendations in a recent report from the Committee of Public Accounts. One of the recommendations refers to the recent report which was completed which examined the financial management capacity of the HSE and suggested that it should publish an implementation report which will outline the investment strategy on financial management infrastructure so as to ensure a robust and workable system for the management of the health budget. If we are to spend that much money on a health budget and drive it down towards the patient, which the Minister has said time and again is his intention, we must look at the costs associated with this Bill and with the change in management that is required. There is no reference to that in this Bill. The Minister can have all the reform and all the suggested change that he wants but if he does not have change managers put in place to drive the change that is necessary it will not be delivered for this Minister, the next Minister or the one after that. That is ignored in this Bill. There is no mention of it. The Minister should bring forward the appropriate amendments on Committee Stage to give greater accountability and access by the Committee of Public Accounts to section 39 agencies and to the private hospitals about which I have not spoken as I must conclude. I ask that these points be taken into consideration to ensure we have greater accountability, greater transparency and better value for the taxpayer and the patient.

**Acting Chairman (Deputy Michael McCarthy):** I call Deputy Damien English who I understand is sharing time with Deputies Hayes and Harris. Is that agreed? Agreed.

**Deputy Damien English:** I welcome the opportunity to contribute to this debate on the Health Service Executive (Governance) Bill 2012. It is an important stepping stone on the road to this Government's commitment given at the beginning of its term to abolish the HSE.

I might not agree with everything Deputy McGuinness said but I certainly agree with his last comment about the change masters. I had a conversation with the late Brian Lenihan when he spoke about all the changes the Croke Park agreement would drive through and I made the very same point to him that Deputy McGuinness made. If we do not put in place the experts, the change masters and the cost accountants in every Department to drive the change we will not succeed. Deputy McGuinness is right in that. That is the same for this Government. There are a number of people in the Department of Public Expenditure and Reform who can drive this change but we probably need more in every Department. Deputy McGuinness is right in that regard and I strongly agree with that. Good managers were driving all the areas where the Croke Park agreement has been successful. It will not work unless it is driven, and we must stress that.

During 2004, both inside and outside this House, I and many others warned the Ahern Government of the potential dangers in creating such a massive bureaucracy as the HSE. Sadly, little did I realise at the time how right I and others would be. Deputy Olivia Mitchell was Fine Gael health spokesperson when the Health Act 2004 was introduced. In the Dáil during the Second Stage debate, she stated:

It abolishes a framework of accountability within the system without giving us any idea of what will replace it or if it will be replaced. That is a leap of faith which Fine Gael is not willing to make. My main reason for opposing this legislation is that it removes all accountability from the system and fails to replace it with an alternative or even give us any idea if it will be replaced.

Deputy Martin was the Minister for Health and Children at the time. A few months later, after a reshuffle, Mary Harney was at the helm of the Department. Considering her previous portfolios, I thought this might have been good for the Department. She took up Deputy Martin's Health Act 2004 to establish the Health Service Executive and told the House it would be the be-all and end-all despite the fact that I and many other Members told her it would not. The legislation stated that the new chief executive officer of the HSE, which would deliver health services, could not question government policy. This was an illogical move. All the legislation did was to take away accountability to the House.

My experience working in the North Eastern Health Board in the late 1990s gave me some insight into how depressing and impeding a bureaucracy can be, even when staffed with good and well-intentioned people. Bureaucracy smothers innovation. It resents individual freedom and often cannot get its head around new methods and new ideas because these threaten the existence of the bureaucracy. Serving the system becomes the mantra rather than the system itself existing to serve others.

In 2005, with the establishment of the HSE, rather than a rationalisation and slimlining of the system of ten regional health boards, we got instead a very costly mutation. The then Minister for Health and Children became a token presence in the House because she and her Department seemed irrelevant to the day-to-day running of the health service. It was almost as if the health service train had been hijacked and she, like us, was one of its scared passengers. This is not just backbench blues talking; it was also the considered opinion of many external reports, including an OECD report in 2008 and the Ruane report of 2010.

The Health Service Executive (Governance) Bill 2012 is the first of many steps in putting the train back on the tracks. Like many Oireachtas Members, I used to dread the lack of any answers on the running of our health service during the Ahern and Cowen Administrations. We politicians and our constituents became all too used to the stock reply from the Minister that the matter raised was a matter for the HSE and the query had been forwarded to its headquarters in Naas. While nobody expects a Minister to be involved in every decision made in a multi-billion euro health service, they should at least be able to source the relevant answers for this Parliament whose Members vote through some €13 billion for health each year. I am hopeful this new Bill will increase the accountability of the HSE to the Minister and, through him, to this House.

I recently heard Deputy Martin on the radio talking about all he had done when he was Minister for Health and Children. He did not do much, in my opinion, apart from increasing the budget from €3 billion to €15 billion and doubling the numbers working in the health service, although not the outputs or services. It was not the people's fault but the system's. Deputy Martin brought in the HSE for him and his Government to hide behind. He and his successors would not answer basic questions in this House on simple matters concerning the health services.

I note in the Bill the establishment of an audit committee which will advise the new director general on financial matters. This committee will report in writing to the director general and to the Minister. I feel, considering the role of this House in voting through 27% of total current expenditure per year to the health service, that it deserves to see, review and debate this advice also. At the very least, its health committee or the Committee of Public Accounts should do so.

As someone who has called in this House for the focus of our health care system to move

away from personal health crisis management and towards proactive care of good health that already exists, I note with interest the creation of a new national directorate on health and well-being, as indicated by the Minister, Deputy Reilly, on Second Stage in the Seanad last September. I hope this signals a greater emphasis on health promotion and general health screening. With our still growing but also aging population, this has the potential to save us many billions of euro in the future.

Mental health has often been described as the Cinderella of the health service. It is right and proper that it should receive a full national directorate also, as indicated by the Minister, Deputy Reilly, on Second Stage in the Seanad last September. Mental and physical health are essentially two sides of the one coin. We cannot have one without the other. With the recent death of our own colleague, Deputy Shane McEntee, and other tragic deaths across the country, we must redouble our efforts in suicide prevention. As my party colleague Deputy Neville often reminds us, we achieved a reduction in road deaths over the past decade, and we must now do the same for suicide.

The Minister for Health, Deputy Reilly, is a man with a vision who is on a mission. Universal health insurance is the destination to which he wants to take us. He wants to create a system in which money will follow the patient and excellence will be rewarded. It is a system that will allow smaller hospitals, such as my own local hospital in Navan, to find their niches and thrive. I welcome the significant investment in Our Lady's Hospital, Navan, in spite of much negative publicity. The money-follows-the-patient concept has worked very well for the orthopaedic unit there, proving it can be a major success.

**Deputy Simon Harris:** With this Bill, we take another firm step towards abolishing the HSE, on the basis of which the Government campaigned in the last general election. However, we cannot do the populist thing of abolishing the HSE in the morning and leaving a vacuum. The untangling of the bureaucratic mess that is the HSE must be done in stages, in a logical manner and over time. This is exactly what the Minister for Health, Deputy Reilly, has set out to do. Many Members and the media are so used to successive health Ministers failing and not delivering that everyone is ready to jump on every possible criticism of the Minister, Deputy Reilly, to claim he is not delivering. Tonight, we have concrete evidence of a further step taken by the Minister and the Fine Gael-Labour Party Government to abolish the HSE and replace that bureaucratic monster with a system of directorates that prioritise important health areas.

I recall a former health Minister and leader of the Progressive Democrats referring to the catastrophe of the HSE as being solvable in nine days. It has been a very long and expensive nine days for the people. We have seen the terms "cannot get answers", "black hole", "lack of transparency" and "no accountability" attached to the HSE in the public mind. We all remember that when Deputy Martin, then the Minister for Health and Children, was asked at a meeting of the health committee by my former constituency colleague Liz McManus whether he was responsible for the health service, he shrugged his shoulders and said he was not. That image symbolises the lack of accountability at political level in the delivery of our public health service.

As a member of the Committee of Public Accounts, I see how the health service has multiple financial systems all working on a different basis. When HSE officials attend the committee, what seem to be relatively simple questions are often not answered because the information simply does not exist. I recall asking how many people in the HSE earned increments above a certain level. It took weeks for the HSE to establish the answer because there was no system in

place to deal with the query. Anything we can do to untangle the HSE is a vital and welcome development.

It is important to remember that our health service is not just about hospitals and trolley counts. Members and the media fall into the trap of thinking only about accident and emergency departments, when the service consists of far more than just hospitals. I am glad the new directorates that will be set up in the HSE recognise this fact. There will be directorates for hospital care, primary care, mental health, child and family care, social care and public health. We need to look at how we can treat people in their communities and provide health care at a more holistic level.

The development of the new child and family agency to prioritise child protection is very important. We know of so many instances in which the HSE did not even discuss the issue of child protection at board meetings when there were so many failings in our child protection systems. The creation of this new directorate has to be a welcome development. It sends a message from the Oireachtas and the Government that when we hold a children's rights referendum, it is more than simply a referendum or a box-ticking exercise because it is being backed up with real and substantive policy change.

I welcome the fact that we will have a new directorate specifically empowered in the area of mental health. It was decidedly disappointing that the House and the Government, through the budget, could propose to ring fence €35 million, that the Oireachtas could vote that resolution through, that the Minister of State with responsibility in the area could declare in good faith on the Front Bench on this side of the House during a Topical Issues debate that she had the money in her back pocket, but then unelected HSE officials could manage to siphon off that money and put it somewhere where the Minister did not want it, where the Government did not intend it and where the Oireachtas did not vote it. If we are serious about real health reform and real political accountability then when the House takes a decision, when the Government puts forward a proposal that is accepted and when a Minister directs something to happen, we cannot allow a bureaucratic structure to do something else.

**Deputy Robert Dowds:** Hear, hear.

**Deputy Simon Harris:** I am pleased with the work of the Minister of State, Deputy Lynch, and her attempts to get back this money and send out a clear message to the effect that when we ring fence €35 million it should be spent on mental health services. There was cross-party support on this issue.

This reforming Bill is an important step towards the roll out of free general practitioner care. I compliment the new Minister of State, Deputy Alex White, on his stated intention to begin the process of rolling out free GP care this year. The Minister of State, Deputy White, and the Minister for Health, Deputy Reilly, are to be commended in this regard. I look forward to the continued development of primary care centres. There is a new centre due to go to construction in my hometown of Greystones next month.

When we are discussing the health service and public sector reform in general we should stop talking about it with unions and national politicians while ignoring the people who actually know how to reform the services. Those who know where the savings are and how to make the structures better are the people working in the health service. I appeal to the Government and to everyone involved in political life in this regard. By all means let us have national talks with

union leaders and national politicians and doorsteps and “Six-one” news coverage, but we must also discuss the issues with the nurse on the ward and the dentist working in the primary care centre. We must consult them on where they see opportunities to save money, what they see in terms of waste and how they would run services. Despite all the discussion we have had about public sector reform, this element has been missing.

**Deputy Peadar Tóibín:** On 31 October 2010 some 10,000 people took to the streets of Navan in support of Our Lady’s Hospital, Navan. It was probably the largest such rally in living memory in County Meath. The now Minister for Health, Deputy Reilly, was invited to speak on the day. Rightly, he decried Fianna Fáil for cutting surgery services from the hospital. He promised that they would be returned under a Fine Gael Government. Some months later in 2011 Fine Gael issued a newsletter to every home in the county stating that under Fine Gael services would not be cut in the hospital until the new regional hospital was built. Some of the Fine Gael candidates promised that in the lifetime of the current Government a new regional hospital would be built in Navan, County Meath.

We are approaching the halfway point of the current Administration. The cynicism of that pre-election promise has been laid bare because nowhere to be seen are there even plans for a new regional hospital in Navan at the moment. Following the election, the Minister for Health, Deputy James Reilly, distanced himself as much as he could from the Fine Gael promise made by several candidates who later became Members and who serve along with the Minister in government. We have also discovered that despite these promises the trajectory of Fine Gael and the Labour Party in government would be exactly the same as the trajectory of the Fianna Fáil Government.

In August last year it was announced that manpower supplied by agency staff for various duties, including overtime, to the equivalent of 200 staff members would be cancelled and not replaced in the Louth Meath area. These cuts have affected such places as Navan more than elsewhere. Over the years, because of the HSE desire for reductions at Navan, it has encouraged the relocation of staff from there to Drogheda. The posts in question have been backfilled by agency staff. Therefore, when agency staff are cut, it radically affects hospitals such as Navan a great deal more than elsewhere. We have seen cardiac technicians who provide front-line services being let go from Navan and not replaced.

The Minister present, Deputy Bruton, has some of his roots in County Meath. Does he not believe that a heart attack in County Meath deserves the same level of medical response as a heart attack anywhere else in the country? Typically, individuals who have had strokes in County Meath receive health care services from speech therapists, especially in an emergency situation where they are choking. However, speech therapists have been let go and not replaced in Meath.

The Minister should listen to the comments of a senior consultant on the effects of cuts to services in the Louth Meath region. He said they would lead to delayed admissions to intensive care units. He said they would lead to delayed emergency and cancer surgery, delayed cancellation of elective adult and paediatric surgery and cancellation of procedures for management of acute and chronic pain. Incredibly, a senior consultant stated in a letter to the HSE on the back of the cuts initiated by the Government that any cuts in the region would increase sickness and mortality rates for patients requiring surgery. Recently, I spoke with a surgeon involved in cancer surgery. He informed me that over Christmas due to the level of accident and emergency overcrowding he was forced to put cancer surgery on hold. Beds which were to be used for the



recuperation of cancer patients were instead used to take the flow from the accident and emergency department. These cancer surgery patients are in chronic pain and immediate need of surgery. All this is a result of the cuts that have taken place. So bad is the situation that the Irish Hospital Consultants Association stated that its members will no longer be liable for breaches of patient safety as a result of these cuts and that responsibility now rests with the HSE.

Surgery services of which the Minister, Deputy James Reilly, spoke during the 2010 rally in Navan have not been fully returned to the hospital in Navan. So disgusted are the people of Meath at the evaporation of Fine Gael's pre-election promises that some time ago on a cold November day a second march was held. Between 6,000 and 8,000 people attended that march, the second-largest march in Meath in living memory. The campaign was phenomenal. Some 40,000 leaflets were distributed door to door. Some 8,500 people participated through Facebook. A total of 5,000 new petitions were signed, bringing the number of petitions signed on behalf of the hospital to 20,000. Up to 1,000 businesses and shops throughout the county erected posters in their shop windows. A total of 130 community organisations from Meath GAA down mobilised their members to join the campaign.

Our Lady's Hospital, Navan is in a critical position. People wait on trolleys every night while empty wards remain closed beside them. Serious front-line emergency services are gone despite promises. No consultation has occurred with staff or elected representatives in the county on the impending small hospital report.

Hundreds of millions of euro have been taken from funding for the HSE in recent years and the trend continues this year. Orwellian promises such as "universal health care" translate to the reality whereby medical cards are taken off people on low income. There is a palpable fear that the retrenchment trajectory of the Government will continue under this Bill and translate into further erosion of critical health services in Meath.

My plea to the Government is to focus on how critical health services are in hospitals such as Navan and to ensure that access to health care, which should be a right on the basis of need alone, is not taken from individuals in such a radical way.

On a regular basis I meet elderly people, perhaps with progressive chronic bone disorders, who are on waiting lists to join waiting lists. It is incredible to see these individuals, many of whom have paid taxes all their lives and who have contributed to society in every way they could, left in a situation where they cannot leave their houses.

*9 o'clock*

They hobble around their homes waiting to see a consultant who can put them on a waiting list. I ask the Minister to uphold the pre-election promise that no services will be cut from Our Lady's Hospital, Navan, while we wait for a new regional hospital to be built in the town.

**Deputy Robert Dowds:** I am happy to support the Bill because I live in hope. I live in the hope that we can move towards an efficient health administration which serves patients and the community. I live in the hope that we can have a health administration which clearly accounts for the ways in which money is spent. I live in the hope that qualified accountants will be deployed effectively to ensure that is done. I live in the hope that we can have a democratically accountable organisation which provides elected Members with replies to queries as quickly as a Government Department.

The Minister has a lot of work to do given that health budgets are so much more difficult to come to terms with than those of any other Department. When one examines the figures spent in the education sector, which involves similar sums of money, one can follow reasonably closely where the money is being spent. Due to the way the HSE has been organised, it is very difficult to fathom where exactly money is being spent. It leads to scenarios like the one referred to by Deputy Simon Harris whereby money allocated to mental health ended up being siphoned off. Admittedly, it was replaced later. There is a real need to address this kind of issue.

The HSE is an example of the worst Fianna Fáil administrative practices. It was created as an extra wall between the public and the Government and as an organisation for politicians to blame rather than to take direct responsibility for services. It is vital that we move towards a more accountable structure. Ultimately, our aim must be to create a top-class, single-tier health service. It grieves me that the highly skilled doctors, nurses, occupational and speech therapists and orderlies by whom much excellent work is done in our health service are so ill served by the administration in place. If the Bill moves us towards a more satisfactory structure, we will be in a much better place. I wish the Minister well with it. Notwithstanding the criticism that is made of the health service, it is important to acknowledge the excellent work the professional and other staff do. They must be served by an effective administration. We have not had one to date. The Minister's actions are much to be encouraged.

The unresponsiveness of the HSE administration means we suffer from a lack of good primary health care and have a two-tier system which prioritises the rich over the rest. To this day, representatives receive serious complaints about waste. Deputy Simon Harris made a point earlier about consulting the people on the ground. It is important to do that because they are the people who can most easily point to savings which can be made. The two most recent complaints I received were in respect of a hospital in the north east and a blood clinic in a Dublin hospital. In the north east, the waste was in relation to stationary. It was pointed out that if the stationary had simply been sourced from Easons on the local main street, it would have cost less. I ask the Minister to indicate whether Deputy Brian Hayes's work as Minister of State with responsibility for public procurement will cover the health services. There is clearly work that needs to be done in that context. A person working in a blood clinic in a Dublin hospital told me she took samples from the same person three times over three consecutive days. She knew that the first sample would have been more than adequate. There was a waste of her time, equipment and testing facilities. Those two small examples will, unfortunately, be replicated across the country.

It is a tragedy - though no fault of the current Government - that we do not have sufficient money to spend on health. In that context, every cent must be used to great effect. I pay tribute to the great efforts of our many health professionals. If the Minister for Health, Deputy James Reilly, can reform the HSE, he will deservedly go down in the annals and have a proud place in history.

**Deputy Seán Kyne:** Of all Government responsibilities, health is perhaps the most significant. The provision of health services is a vital aspect of any functioning and compassionate society and one of Government's most important tasks. Everyone requires health care at some point in his or her life. Ensuring that all who need care receive it depends on careful planning, the allocation of significant resources and astute management. It is often overlooked that tens of thousands of citizens are successfully treated each day in our clinics and hospitals. People also overlook the fact that this year the Government will spend €13.5 billion on the health service which figure represents just under 27% of all Government spending. That one in four euro

the Government spends will be spent on health is a clear measure of the importance Government and citizens attach to health care.

Providing health care is but one of the obligations placed on the Government. It also has a duty to ensure that the funds raised from taxpayers are spent as efficiently and effectively as possible. This is where the Health Service Executive (Governance) Bill comes in. Given the current financial situation, the goal of the Government is to cut costs but not the level and quality of care. This entails doing more with the significant investment which has already been made while ensuring that every extra euro spent goes further in tending to the health care needs of the people.

The efforts of the Minister and Ministers of State at the Department of Health and of the thousands of doctors, consultants, nurses and other staff are evident though not often reported. These efforts have led to exceptional improvements including a year-on-year reduction of 24% in the number of people on trolleys in our accident and emergency departments. There has also been a substantial reduction in the number of adults waiting nine months and more for in-patient and day-care surgery from 3,700 in December 2011 to just 86 at the end of December 2012. There has been a 95% reduction in the number of children waiting more than 20 weeks for in-patient and day-care surgery and a huge reduction in the number of people waiting 13 weeks or more for routine endoscopy procedures from 4,590 in December 2011 to just 36 at the end of 2012. These vital improvements are the result of better use of the funding allocated to the health service. Improved management structures have gone hand in hand with the improved use of funding.

The announcement of the establishment of the HSE in 2004 seemed to herald a radical and bold departure from the health board system. Gone, we were told, would be the narrow, local focus while efficiencies and increased effectiveness would result from a new, businesslike approach. Unfortunately, we know what happened. These much trumpeted plans never materialised properly. Instead we saw name changes, new titles and extra management layers, with little or no progress. The most valuable asset of all - the human resources - was not addressed in any meaningful strategic sense and merely transferred from one employer to another. Ultimately, the Government has inherited a brand in the HSE that has been damaged and does not inspire confidence among the people it is supposed to serve. For that reason, the Government has embarked on an ambitious programme of reform which will take time to implement but which will represent real change with visible results.

The Bill is part of that reform process. It contains an interim suite of measures that will provide the powers needed for decisive action and enable the Minister to more ably lead the way in reforming the health service. The new approach espoused by the Bill can already be seen in the much needed improvements in the work in the west with the new Galway-Roscommon hospital group under its CEO Mr. Bill Maher. The group has seen significant improvements and results in the past year. The number of patients seen and treated was above the target set out in the service plan within the confines of a reduced budget and staff. Galway University Hospitals met one of the key targets of the Department of Health's special delivery unit in respect of inpatient waiting lists in 2012 - that no adult should wait longer than nine months, that no child should wait longer than 20 weeks and that patients requiring scopes should be seen within 13 weeks. Progress was also made in 2012 on the length of time patients had to wait for admission from the accident and emergency department. In February 2012 there was an average figure of 24 patients awaiting admission at 8 a.m. in Galway University Hospitals. This number was reduced to 12 in November. From talking to staff in the hospitals, one can see there is a newfound

confidence that the Galway-Roscommon hospital group is working well with a reforming and efficient new CEO. It is great to see such progress. This is the model we want to see rolled out across the country with these results.

**Deputy Áine Collins:** The way the HSE was set up in the first instance - abolishing the regional health boards and amalgamating them into one huge bureaucratic nightmare - caused serious problems for the health service. As no steps were taken at the time to rationalise management structures and achieve efficiencies in administration, the result has been catastrophic. No savings were made and a monumental organisation was created. Overstaffed from a management and back office point of view, this resulted in a situation where it was very difficult to know who was responsible for what. No investment was made in processes and systems to measure efficiency and effectiveness. It is difficult to manage any organisation, be it public or private, without timely and accurate information. There were particular political reasons for this. The then Minister for Health needed day-to-day management to be at arm's length from the Department of Health. The Minister at the time did not have to take direct responsibility and was not directly responsible to the Oireachtas for the total mismanagement of the health service.

The Government came to power with an ambitious plan for the health service. It involved free GP care for all and a plan to introduce universal health insurance. One of the major obstacles to this plan was the hugely expensive cost of running the HSE and the inefficiencies associated with bringing it into existence in the first place. The Minister made changes to the composition of the board immediately which were designed to facilitate greater co-ordination and integration between senior management teams in the Department of Health and the HSE. At that stage, the Minister committed to introducing legislation to abolish the board structure and establish new governance arrangements for the HSE which would permit its eventual dissolution. Provisions to make these changes are included in the Bill.

The reorganisation of the health service is a significant task, made more so by the fact that previous Ministers for Health did not deal with the problem. They tried to protect themselves from problems that arose in the service by putting in place very complicated and extremely bureaucratic structures. This meant that, legally, the Minister evaded responsibility for being directly accountable to Members of the Houses of the Oireachtas.

The Minister is determined to abolish the HSE in order that he can implement the programme for Government, in particular, achieve the ultimate goal of having an efficient and effective health service. Very few realise the significant task facing him. He must unwind an ineffective system put in place by previous Ministers. This involves significant change management of staff. Retraining of staff needs to take place, which is time consuming and costly. There is no simple solution. For the moment the HSE will be responsible to the directorate headed by the director general. This directorate will be the new Government body in place of the board of the HSE. The Bill provides that the directorate will be accountable to the Minister for the performance of the HSE's functions and its own functions as a governing authority. The Minister will in time be accountable to the Oireachtas.

The Bill is only one step in dismantling the HSE and putting structures and processes in place that will allow the Minister to implement Government policy. It begins the process of returning responsibility for the health service to the Minister and the Oireachtas where it rightly belongs. It will be a long and difficult process, but the Minister is trying very hard to unravel a deliberately complex structure put in place to avoid a situation where anyone would have to

take responsibility for their actions. The fact that this must be done in stages shows the complexity of the process. It should be noted at this stage that there are some very good people in management and administration in the HSE. The facts are that previous Ministers failed to face up to the changes that were necessary and did not provide the leadership and investment in new ways of management and technology that were required. The new structure is designed to help to prepare for the next phase of the health reform programme. More importantly, the Bill will make the HSE more accountable to the Minister for Health who, in turn, will be more accountable to the Oireachtas and the people. While the HSE will continue to have operational responsibility for running the health service, the Bill sets out parameters which will lead to a more integrated care system and governance with a clear line of responsibility from the HSE to the Minister.

In his concluding remarks in the Seanad the Minister continued to use statements reflected in the programme for Government, stating the reform programme was about the patient. He also believes these changes will make sure the patient is at the centre of the service and that the health service will be reminded continually about its obligation to serve the patient. Despite the continuing criticism of the health service, it should be noted that, as Senator Colm Burke said in the Seanad, much progress has been made in outpatient care services. The number of appointments has increased from two million to 3.5 million in the past ten years. The number of day case procedures has increased dramatically. These increases have taken place because of the reforms and reorganisation in the HSE that the Minister has already undertaken. As money is extremely important in the current economic environment and the Minister's theme is that the patient comes first, it is essential that the taxpayer also gets value for money.

I wish the Minister the best of luck in this necessary and difficult programme and his endeavours to drive reforms which will lead to measurable outcomes. I have every confidence that owing to the willingness of the many great people who work in the health service, this programme is achievable and commend the Bill to the House.

**Deputy Peter Fitzpatrick:** The programme for Government commits to the eventual dissolution of the HSE as the health care reform programme advances. It will be replaced with a system of directorates headed by a director general. The directorate structure is intended to be an internal measure pending the ultimate dissolution of the HSE which will require further legislation. The Bill is, therefore, intended as a transitional measure designed to prepare the health system for the changes ahead, while also making the HSE more directly accountable to the Minister for Health who, in turn, will be accountable to the people through the Oireachtas.

The Bill does not change the legal status of the HSE under the Health Act 2004. It amends the Act by abolishing the current board of the HSE and replacing it with a directorate structure comprising a director general and other directorates. To offer flexibility and allow the size of the governing structure to adapt to changing circumstances, the Bill does not specify a fixed number of members for the directorate but instead provides for a maximum of seven and a minimum of three, including the director general who will automatically be a member and the chairperson of the directorate.

Under the Bill, the directorate will have the authority to perform HSE functions. However, the Bill does not provide the details of the administrative structure of the directorates such as how particular service areas ought to be assigned among the directorates. The HSE will continue to have operational responsibility for running the health service. The broad structure of accountability is built on existing provisions in the Health Act 2004, but the Bill contains



provisions which will extend the Minister's powers to direct policy and clarify parts of accountability. In particular, the director general should account to the Minister and the Secretary General of the Department of Health. The Minister may issue written directions to the HSE about policy implementation if he believes insufficient regard has been paid to a policy objective. These directions may not relate to individual service users. However, the director must inform the Minister about what measures have been taken to comply with ministerial directions on policy implementation. The Minister can specify priorities which the HSE must take into account when preparing or amending a services plan. The Bill provides for the establishment of an audit committee which will advise on financial matters and report at least annually to the director general and the Minister.

Health care in Ireland accounts for 27% of total government current expenditure. After social protection, it is the largest spending programme. The HSE's expenditure for 2011 was €13.588 billion, of which 37% was spent on hospital services and 34% on community services. At the end of 2011 it employed 104,392 whole-time equivalent staff, a reduction of 3.3% compared to the end of 2010. Of these staff, 46.7% worked in hospitals and 47.6% were in community settings. More than 75% of the population, or 3.4 million people, availed of services through 425 primary care teams. Some 1.694 million people were covered by medical cards, representing a net increase of 78,254 people since December 2010. Over 370,000 emergency admissions were made to acute hospitals over the year, which was 3,000 more than during the previous year.

The programme for Government commits to a programme of health reform aimed at achieving a single tier health care system based on universal health insurance. As part of the reform process, the Health Service Executive will cease to exist and its functions will return to the Minister or be taken over by the universal health insurance system. In December 2011, Government approval was given for drafting this Bill as part of the reform process culminating in universal health insurance. Provision is made for the Minister for Health to consult the Minister for Children and Youth Affairs before specifying priorities or performance targets in respect of functions of the executive relating to the functions of the latter. These are transitional provisions pending the establishment of the child and family support agency and the transfer of certain HSE functions to that agency. The legal status of the HSE under the Health Act 2004 does not change under the Bill and HSE employees will remain the employees of the HSE.

**Deputy Mattie McGrath:** I am delighted to have an opportunity to speak on this proposed legislation. The Minister stated:

This Bill is intended as a transitional measure. It does not abolish the HSE or change its legal status under the Health Act 2004 which established the executive. Its main objective is to bring greater focus on service delivery and ensure more accountability during the time the HSE continues in existence. While it is a transitional measure, it is nonetheless fundamental as a key step in the reform process.

I have followed the debate on my monitor and in the Chamber and, while I do not want to disagree with my colleagues, I only wish I could have their faith and enthusiasm.

As a medical practitioner with vast experience, the Minister should have understood the ramifications of the many, varied and somewhat desperate promises he made before the election. They were ridiculous in the extreme because anybody could have told him that the previous Government was departing office speedily and had practically disintegrated. He did not

need to make any promises but that would not do for him. Whether due to a rush of adrenaline or for some other reason, he had to tour the country, including my own county, and make promise after promise. He must have realised most of his promises could not be fulfilled. They were aspirational, unnecessary and overly zealous.

The Minister inherited a structure which was created in 2004 to bring all the health boards together. Bad and all as the health boards were, at least they offered local accountability. He complained on a daily basis about the then Government's failure to issue replies to his parliamentary questions. Questions were disallowed because they were matters for the HSE rather than the Minister for Health and Children. He promised reform of the system, with universal health care and free GPs for all. I think he referred to the Danish model but I may be wrong about the country. He knew it could not be done unless there was radical reform. I do not know who drafted this Bill but it is another cop-out. It shies away from the political decisions required to deal with an out of date and outrageous organisation. Many good people work in the HSE on the front line and in back offices but it is not fit for purpose as a working vehicle for delivering modern health services. It was cobbled together without the loss of a single job.

As a small businessman I am aware that a business is not viable if wages comprise more than 50% of its costs. It is unviable and workable and, with the way the Minister is going, it is going to be unfixable. I would love to have the enthusiasm of the backbenchers who commended him on his actions. At the rate we are going we could be here in 2030 and this monstrosity will not have been dismantled. It has grown into a monstrosity and many good people are striving day in and day out to provide services for sick people. On Monday evening I attended a funeral in Clonmel. The family of the deceased were loud in their praise of hospital services. When one is able to get into hospital the services are very good, but the bureaucracy and pen pushers surrounds all this.

A nun retired recently from a small hospital in my county. Her name was Sister Áine and she was one of the last remaining matrons. She ran the hospital not with an iron fist, but with authority and respect. There were no instances of MRSA or the disappointing HIQA reports that were published on my own hospital in south Tipperary, which I will not discuss until I find out the facts. One could see that when one walked into the hospital. We have lost the system where one person had authority. When a patient entered hospital and the matron was in charge, there were no bed managers, ward managers or risk assessment managers. We have a manager for this, that and the other. In many cases they have nothing to manage. The problem is there are too many layers. Many people use the system to climb to positions of authority. It is a shame that the system was allowed to grow when the HSE was established by the previous Government in 2004 without ever weeding out the dead wood. The contract cleaners and everything else then came in. This is where the problem began. When a matron was in charge there were no contract cleaners. The blessed medal was put under a statue and someone was called in to explain why the cleaning was not done properly if the statue was not moved. There were no cases of dust on window sills, telephones or computers. The work was carried out with respect and dignity for those who went before.

The Minister has a hard job but he created the hardest job for himself. He created so many expectations and made so many promises that he cannot fulfil them. He should have known that because he negotiated on behalf of his former colleagues with previous Ministers. Nobody was in a better position to assess the problems but his lust for power was too much. He was going to wave the wand and everything else. I will never forget the day he came to Clonmel. I waited two and a half hours for him to arrive and a further two hours while he launched a project in St.

Luke's connected to Limerick Institute of Technology. He was to meet Oireachtas Members as a common courtesy but he ran out of the place faster than Cromwell was hunted out of Clonmel. He nearly knocked the patients from their trolleys such was his indecent haste. He ran up and down the wards, then jumped into his car and departed like the flight of the earls. He has not returned but he is welcome to leave us and the model we are working towards in south Tipperary and the south east alone.

Debate adjourned.

### **An Garda Síochána: Motion (Resumed) [Private Members]**

The following motion was moved by Deputy Niall Collins on Tuesday, 29 January 2013:

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:

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- 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.

Debate resumed on 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.”

- (Minister for Justice and Equality).

**Deputy Thomas Pringle:** I wish to share time with Deputies Wallace, Murphy, O’Sullivan and Ross.

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

**Deputy Thomas Pringle:** I would like to offer my condolences to the family of Detective Garda Adrian Donohoe, who was tragically and savagely murdered outside Dundalk last Friday evening.

I am totally opposed to the Government amendment to this motion as it stands. The issue in this debate is confidence. It concerns the confidence the public can have in the role the Garda

plays in our local communities. Tomorrow in County Donegal, five Garda stations will close permanently. These stations are in rural areas that will be left without a Garda presence and where we have experienced serious incidents over the past couple of months, where aggravated burglaries have taken place and elderly people have been attacked in their homes. While the Minister is very quick to point out that the stations being closed are ones in areas where there has been little crime activity, their closure reduces the confidence of the communities affected. These are communities that have seen services withdrawn across the board over the past number of years. Now they see gardaí being withdrawn from their communities.

We need to restore confidence to these people. We need them to feel comfortable in their homes and confident they will get a response if they require it from the Garda. In Donegal in the past year, we have the case of a garda having to hitch a lift to the scene of burglary because no Garda car was available. In another incident, a Garda car had to travel almost 50 miles in the middle of the night to respond to a serious arson incident outside somebody's house. Neither the Garda nor the public should have to put up with this kind of thing.

The Government amendment makes much of the fact that €4 million was invested in the Garda fleet last year, providing 213 vehicles. However, we should see that in a context where, since 2009, 580 vehicles were lost from the fleet. What the Minister should be doing is restoring confidence to the community that people will get the service they deserve.

**Deputy Mick Wallace:** I too would like to express my sympathy to the family of Detective Garda Adrian Donohoe. We all know being a member of the police force is not an easy job at a very difficult time for all of us.

We have been told that crime figures have been very low in some of the areas where closures will take place. However, perhaps we should take into account the fact that the reason crime rates were low is because stations were open in those areas. They may not remain so low when we close them. I have spoken to gardaí on the ground in Wexford and they have stated that the lack of a Garda presence offers comfort to those who might like to break the law. It also offers them more time to operate as gardaí are further away when needed to respond when a crime is detected. The closure of stations makes crime easier for them.

The main point being made by gardaí is that the visibility of the local garda in a village means a lot and gives comfort to a community. It is important also that local communities know and recognise their local garda. While patrols can be effective, if they have several villages to patrol, many people in the community never get to know these gardaí and have no awareness of the personalities involved or have no face to face contact with them. This is a huge problem.

We all recognise there has been an erosion of rural communities. Not only are they losing Garda stations, they have already lost pubs, shops and post offices. One must live in a small village to realise the importance of all these facilities. The loss of Garda stations is a huge blow to these communities.

**Deputy Catherine Murphy:** This Garda policing plan was laid before the Houses of the Oireachtas on budget day and following that, cuts were made to the service and the money available. One of the goals of the plan is to ensure we have safe communities, but how can we have a plan that is a work of fiction and ensure we have safe communities?

The policing plan is supposed to be constructed annually and laid before the Houses of the Oireachtas. The distribution of gardaí is supposed to be determined by the Garda management



and should be based on population trends, crime trends and policing needs. Why then does a county like Kildare have only half the number of gardaí for its population compared to other parts of the country, although it has been demonstrated that it has increased rates of crimes such as burglaries and drug possession? I know of one estate where every second house has been burgled, although that estate is quite close to a station involved in policing that area. The station in question is Celbridge Garda station, which polices 30,000 people over a radius of 35 square kilometres. The only police car for that station was burnt out by vandals at Hallowe'en and was not replaced until the new year.

How is it possible to offer such communities a safe police service when this sort of thing happens? It cannot be done. Not only are our communities being put at risk, but gardaí themselves are being put at risk because there is no back-up for them.

**Deputy Maureen O'Sullivan:** My sympathy and the sympathy of the country is with the loved ones of Detective Garda Donohoe. I am also conscious that other members of the Defence Forces have lost their lives or been injured in the course of their duty. I am aware too that attacks are still being made on members of the Garda Síochána.

Speaking yesterday, the Tánaiste made a point about the nation's gratitude for the continued support of the Garda. The Minister for Justice and Equality himself said that we stand with An Garda Síochána at this very difficult time. I believe the obvious way to show our gratitude and stand with gardaí is to ensure they have adequate resources and enough personnel to do their work well. At the least, the numbers should not be allowed fall below the 13,000 recommended by the Garda Commissioner to do that work.

I wish to look back 15 years to the situation in Dublin's inner city and the fractured relationship that existed then between the communities and the Garda. There was no trust and the only communication was very negative. However, an excellent initiative was drawn up over 13 years ago to address that and build relations between gardaí, the local authority and the communities. This was the Community Policing Forum, which has a full-time co-ordinator and two other staff. This initiative has been very successful in building trust and relations with the Garda through the community police and there is active engagement between gardaí and people living in those inner city communities, who know too well the effects of gangland crime and the scourge of drugs.

Local people felt neglected by the authorities for a long time, but now through the co-ordinator they are comfortable sitting with gardaí. Trust has been built up and the gardaí talk with and work through issues with them. We have seen successes, whether with regard to drug seizures or the head shop issue. The Community Policing Forum in Dublin is unique. It has made presentations in other parts of Ireland, in Northern Ireland and at the Council of Europe. It is an example of best practice in collaborative work between the agencies to address the issues. It should be rolled out in other parts of the country.

**Deputy Shane Ross:** I join my colleagues in expressing my sympathy to the family of Adrian Donohoe following his tragic death. The morale of the Garda Síochána was at a very low ebb before this happened because of the cutbacks in Garda numbers and because of the announcement that more than 100 Garda stations were to close. The low level of morale among gardaí is unrelated to the tragedy I have mentioned.

Like the members of the force, I cannot understand the reasons for these decisions. The

Minister will be familiar with the situation in Stepside, for example. Given that the Garda Síochána and the people are against these closures, and in light of the Government's acceptance that there is no cost reason for these closures, one has to wonder why this policy is being pursued. It is an example of the sort of patronising attitude one gets from Governments. When they do something the people do not want, they tell them it is good for them. The Garda and the people do not want these closures, but the Government wants them.

For some reason, this approach is being dictated by a greater outside power, which is apparently built on some sort of belief in what is called "smart policing". A former assistant commissioner, Martin Donnellan, recently asked what in the name of God smart policing is. He does not understand it. Like the people of Stepside, whom he supports, he believes in a thing called community policing. Smart policing and community policing are virtually incompatible. Smart policing is retroactive policing. It involves gardaí speeding into an area in their fast cars after a crime has been committed to do something about it. Community policing is about intelligence and prevention.

I appeal to the Minister to think again, particularly in the case of Stepside. I ask him to cancel the closures he has planned and announced and which are going ahead. The people do not want them and gardaí do not want them. The only people who want these closures are the Minister and the burglars.

**Deputy Finian McGrath:** Hear, hear.

**Deputy Alan Shatter:** Deputy Ross obviously knows better than the Garda Commissioner.

**Deputy Finian McGrath:** No, this is not what the Garda Commissioner has said privately. We will all be in Stepside on Sunday. The north siders are coming over.

**Deputy Tony McLoughlin:** I begin by extending my deepest sympathy to the Donohoe family. It is a sad night for this country, for the Donohoe family and for the extended families. I am pleased to have an opportunity to speak on this motion. Before the last local elections, the then Fianna Fáil-Progressive Democrats Government established joint policing committees to give Members of the Oireachtas, local councillors, community representatives and senior Garda officers an opportunity to meet to discuss the main local policing issues. The closure of local Garda stations is a hot topic at these forums at present. At these meetings, it is interesting to hear senior gardaí explain why this is happening across many parts of Ireland. Opposition parties see this as a great opportunity, especially as the next local elections are less than 70 weeks away. Their candidates will be groomed to articulate the fears of local communities.

**Deputy Mattie McGrath:** The Deputy's party would know all about that.

**Deputy Tony McLoughlin:** Senior gardaí have argued at joint policing committee meetings that rather than being a cost-saving measure, this approach is an attempt to reform how the State is policed. Ireland is changing. Is it the same place it was 20 years ago, when all of the Garda stations that are now being proposed for closure were open? Of course it is not. The advance of communications technology over the last 20 years must prompt a review and a change in many circumstances. Garda management must act on and embrace this requirement. I accept that we could do with additional gardaí. After ten years of economic mismanagement by Fianna Fáil, we cannot afford to employ more gardaí, teachers or front-line public servants.

**Deputy Mattie McGrath:** It seems we can have more advisers, however.

**Deputy Tony McLoughlin:** We must ensure the gardaí we have are organised better. Like many public servants, gardaí are prepared to do more for less. That is what their employer is asking them to do, in line with the Croke Park process, until we have recovered economically, to the point at which Garda recruitment can recommence. As a result of these measures, gardaí will be freed up for front-line operational duties. New modern patrol cars will be rolled out this month to ensure there is a maximum Garda presence in rural areas. Individual gardaí will attach themselves to local areas that may be a few miles from the stations where they are based. I understand that Operation Doras has been rolled out in north Leitrim as a pilot project. It involves individual Garda personnel visiting elderly people who live in rural areas to give them advice on their personal security and literature on combating crime that may affect them.

**Deputy Mattie McGrath:** That has been happening for 30 years.

**Deputy Tony McLoughlin:** I hope this pilot scheme is extended to other areas. With fewer stations needing to be manned, I do not see why this is not possible. I urge the Garda Commissioner and the Minister to ensure the force brings the public on board. I want gardaí to form relationships with community forum groups so there is an active community alert group in each local community. Such community alert groups should be responsible for liaising with local gardaí, discussing specific patrol routes and identifying people who are vulnerable and at risk. If gardaí and communities work together and in partnership, they will protect citizens who may be possible targets.

**Deputy Anne Ferris:** I commend the great work that the Garda carries out every day to ensure the safety of the public. I am familiar with the commitment of the gardaí in my constituency of Wicklow in tackling crime and protecting communities. This House knows full well that this level of commitment is not without its own costs. The aim of this Private Members' debate is to allow us to address concerns about policing plans, but it would be remiss of me not to mention Detective Garda Adrian Donohoe. I express my admiration for Detective Garda Donohoe and his partner, Detective Garda Joe Ryan. They stood by the State and did their duty. Adrian Donohoe paid the ultimate price. I signed a book of condolence in the Garda station in my home town of Bray. My thoughts are with his family at this difficult time. I fervently hope that those who committed this crime are swiftly brought to justice.

I am obliged to make a number of points in response to the Private Members' motion before the House. I am very disappointed at the sheer hypocrisy and cynicism of the Opposition in tabling this motion. In an effort to score political points, the Deputies opposite have raised issues that have the capacity, if left unchallenged, to scare people. Their approach on this issue is foolhardy and wrong. This should come as no surprise to anyone, given that they applied the same foolhardy approach when they ran the country into the ground. The very idea that Fianna Fáil, which is the party of economic ineptitude, can sit across the Chamber and criticise measures that will modernise our police force is a laughable one.

The Minister is trying to modernise our police force under difficult circumstances. The State's network of Garda stations has remained almost unchanged since its foundation. I know the Minister has already outlined the figures in relation to the changes he is proposing. It is worth highlighting some of them again. Some 98% of the stations that are to be closed are part-time stations. Some 94% of them are open for three hours a day or less. Some 88% of them are served by just one garda. When these reforms are implemented, there will be 564 stations in operation throughout the country. This is very high by comparison with other countries.

It is important to note that headline crime figures have fallen in 12 of the 14 crime groups. It is also important to allay people's fears. If I talk in statistics and comparisons, the weight of the argument in favour of reform could get lost. It must be said clearly that communities have nothing to fear. They will continue to be served by an effective police force that will protect and ensure their safety. As a result of these measures, more gardaí will be freed up for front-line duties. The Garda Commissioner has stated that these changes will enable the force to deliver optimal policing services to our communities. Two stations in County Wicklow, in Donard and Hollywood, are to be closed. Given that a 24-hour policing service will be provided to those communities from Blessington seven days a week, there is nothing to fear.

This motion amounts to opposition for opposition's sake. Fianna Fáil has introduced this motion in an attempt to engender fear among the public and build distrust of this Government. The idea of Fianna Fáil ever being in government again is even more horrifying than what it is attempting to do in the context of this debate.

**Deputy John O'Mahony:** I want to be associated with the messages of sympathy that have been sent to the Donohoe family. The sad and tragic events of recent days have reminded everyone of the important and dangerous tasks that gardaí carry out to protect citizens throughout this country. I suppose this motion is about ensuring communities are protected and policing is administered in as efficient a way as possible. That is what is at stake here. It is obvious that communities see the local Garda station as a visible presence and as a point of contact. Following the recent announcements, six Garda stations in Mayo - those at Blacksod, Ballycastle, Ballyglass, Ballyvary, Hollymount and Lahardane - are to close this weekend. I met a deputation from Ballycastle in the last week who request either a deferral or a reversal of the decision, based on the fact it is a rural community and that €52,000 was spent on the Garda station only a couple of years ago. The Garda authorities, on the other hand, say there will be increased visibility and increased patrolling in the Ballycastle area as a result of the policing programme that will be put in place. What needs to happen, if closures go ahead, is that the public, in particular the elderly, would become very quickly aware there is a point of contact for them, there is a plan that works and that this will be changed and reviewed if necessary.

The Minister mentioned there would be points of contact or clinics for people in rural areas. I seek clarification in this regard given the Garda authorities seem to be suggesting this will not necessarily happen. I want to know whether it will happen or not because it might solve some of the issues.

We are all aware that recruitment to the Garda Reserve finished in 2009, so it is not this Government that stopped it. Is there a possibility of the expansion of the role of the Garda Reserve to enhance some of the policing?

The Minister said the Garda Síochána had recently acquired a number of vehicles which are being converted into mobile Garda offices. Will these be available throughout the country and will one be available for Mayo? There is a gap between what communities want and perceive and what gardaí say they are providing. There needs to be a meeting of minds on this because, at present, many communities are against the Garda stations closing.

**Deputy Seán Kenny:** In the time available, I would like to pay my respects to Detective Garda Adrian Donohoe, who was laid to rest today. I would also like to express my deep condolences to his family, his colleagues and his friends. Many other gardaí have been killed in similar circumstances. For a number of reasons I particularly recall the killing of Garda Mi-

chael Reynolds in 1976. First, he was shot dead in St. Anne's Park in Raheny, close to where I live, and, second, both us went to the same secondary school in Ballinasloe at the same time, and I was acquainted with him. When someone you know is killed brutally in the line of duty, it brings home to you how that killing must impact on the family, close friends and colleagues of that policeman, and the many other policemen on both sides of the Border who have been killed since the Troubles began. I have no doubt that those responsible for the murder of Detective Garda Donohoe will be brought to justice.

I feel now is not the most appropriate time to discuss the politics of policing, given it is a very sensitive time both for gardaí and the family of Detective Garda Donohoe. I believe that reductions in Garda expenditure are not the cause of the murder of Detective Garda Donohoe. Given the events of the past several days, I believe this debate should have been delayed until a more appropriate time. However, as it is going ahead, I would like to comment briefly.

It should be noted that the justice sector secured €2.243 billion in 2012 and €2.2 billion for 2013, which was over the amounts which Fianna Fáil would have allocated. It is also worth noting that, despite the cuts in last year's budget, €4 million was made available to purchase 213 new Garda vehicles and dedicated funding of €5 million has also been made for this purpose in 2013. These figures speak for themselves. I am also very pleased that the new Garda divisional headquarters for Kevin Street in Dublin was included with two other Garda divisional headquarters in the special Government stimulus package announced last July. The provision of these facilities will significantly enhance Garda capacity to carry out their functions more effectively.

In terms of the closure of some Garda stations, let us reflect on the reality of the Garda station network up until these closures. The network was essentially the same Royal Irish Constabulary barracks network which was left in 1922. Such a large-scale static deployment of resources is no longer appropriate in the present day, where the transport and communications infrastructure has been transformed beyond recognition. The Garda Síochána has 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.

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 and 88% are served by one garda only. I believe everything possible has been done to maintain the resources available to the Garda Síochána at the highest possible level.

**Deputy Michelle Mulherin:** Like all other speakers, I would like to express my sincere condolences upon the death of Detective Garda Adrian Donohoe to his wife, his children, his family and the members of the force. This cuts very close to the bone for them. I would like to thank the Garda very much for maintaining law and order, which is the cornerstone of democracy and of all the freedoms we enjoy in this country today.

Those in Fianna Fáil have a brass neck - it is their brass-neck style that has not gone away - when they bring a motion before us to decry cuts in Garda resources and with their big talk about the need to reverse these cuts. This audacity is stomach-churning from a party that ran our economy into the ground. That we are still with the troika, including the IMF, is unbelievable. Fianna Fáil's own plan, the national recovery plan 2012-14, which would be current for



this point in time, would see on average €90 million less in the budget for justice each year, yet Fianna Fáil is telling us what to do with resources. If the Minister had not secured moneys through savings within his Department, we would have had no new Garda vehicles on the road last year or this year. It is hard to take a motion like this.

The Minister has outlined extensively the extent to which changes, rationalisation and the different methods being employed to police our country have come about. All of this has only happened by virtue of reviews undertaken by the Garda Commissioner in conjunction with Garda management in the different divisions the length and breadth of the country. Therefore, the choices that have been made are informed choices. Indeed, for my part, having particular knowledge of the operation of gardaí in my county, in my town of Ballina in particular, and through working closely with them on the joint policing committee, I can only say I have absolute admiration for and confidence in the professionalism of gardaí and the way they go about solving crime. The more I attend committee meetings and the more we look at issues, whether it is anti-social behaviour or more serious crime, the more I become proud of the members of the force who are working on the ground.

We know the incidence of many classes of crime has reduced, for example, assault, public order offences, drugs offences and sexual offences, all of which should give us confidence. However, we know there is great fear, and that the great headline grabber, rightly so, is burglary and the thugs carrying out burglaries. We know of the successes in Operation Fiacła and, to return to my own area, I am very impressed by the methods local gardaí are employing in catching the individuals involved. “Thugs” is the only word for those individuals, given the fear they have struck in people.

One of the biggest concerns is the closure of 95 Garda stations tomorrow, six of them in my county - at Lahardane, Blacksod, Ballycastle, Ballyglass, Ballyvary and Hollymount. I respect the fact the Garda Commissioner has reviewed this and that the Minister has given his seal of approval to it following the review period. However, I must point out that every area is different and, even in my county where six stations are to close, some are definitely a cause of more concern than others. There should be provision for a review or some engagement with the Garda Commissioner to revisit certain cases.

For example, Ballycastle is 27 km from the next 24-hour Garda station along bad roads in a remote coastal area.

*10 o'clock*

No matter what we say or how much confidence we can have in the new procedures we must acknowledge that the blue light shining over a Garda station gives people, especially those in rural areas a sense of safety and confidence. It is our job to impress upon them that whatever alternatives come forward people are safe and are being considered and that this is not just a case of cuts for the sake of cuts.

This engagement needs to come from Garda management in each division, at a public meeting where people can be told about the alternative arrangements which are adequate for community policing, such as the text alert system and CCTV in these villages reporting back to a main Garda station and the adequate provision of Garda costs.

**Deputy Anthony Lawlor:** I too offer sympathy on the death of Adrian Donohoe who was a brave and courageous garda. Like many other gardaí he stood for law and order.

30 January 2013

Tomorrow will be a sad day for me as the Garda station in Kill will close tomorrow morning. I have been asked to attend there with the sergeant to watch the building close. The building may close but the gardaí are not going away. The two gardaí stationed there will move into Naas. Pat Murphy, the garda in the area will do what he has been doing for the past few years, going out around the community, meeting people and getting information. I was sorry I could not meet Deputy Niall Collins last Tuesday when he arrived in Kill and addressed a few people in the local pub. I wonder if he told them the truth, that under his party's proposed national development plan spending would have been reduced by €90 million per annum or about the gardaí numbers that would have resulted from those cuts, or about the structures that his party left behind. We have to pick up the pieces and make courageous decisions about policing.

I congratulate the gardaí in my area who a couple of weeks ago made a large drugs haul worth between €3 million and €5 million. Last Monday night they discovered a grow house in the Naas area, through local information. It is most important that the gardaí are on the ground, even if their building is no longer there, getting information from the community. I and my colleagues in Kildare will work hard to ensure that Garda numbers are increased in the county because in the previous 14 years, when Fianna Fáil was in power the numbers were reduced. We will also work to ensure a continuous Garda presence in the community. We will meet the Commissioner and the Chief Superintendent in Kildare regularly to ensure that there are continued community Garda patrols in my area. The Minister has a very difficult task in picking up the pieces left by the previous Government. Fianna Fáil has some gall to bring this motion forward.

**Deputy Regina Doherty:** Detective Garda Adrian Donohoe was buried today. Last week none of us knew him but today we know his name, his commitment to his community and his exemplary sense of duty in his job. He was the type of person that this country needs. I send my deepest sympathy to his wife, his family and his colleagues in the Garda Síochána. His shocking death reminds us of the huge debt our society owes to An Garda Síochána and I acknowledge the central role it has played in providing security to the Irish people since the foundation of the State. Garda Donohoe died protecting his local community in the form of the credit union which is a core part of so many communities.

Community policing remains a central part of policing planning and the programme for Government recognises the desire that a higher priority be attached to community policing. Local knowledge is a vital component of successful policing. Older people in particular are comforted by the notion that a friendly garda is readily available. In cities foot patrols are highly effective in minimising crime. According to the Commissioner, the current reforms free members of the force from desk-bound jobs and will increase Garda visibility and patrol hours. Nobody here questions the vital need for a well-resourced, strong Garda force in tackling the evolving threat of criminality in Ireland. The Garda Síochána is undergoing the most ambitious restructuring of policing services since the foundation of our State. It is important, however, to stress that these changes are not aimed at saving money but at improving our policing services. New disciplinary structures have been put in place along with a Garda Inspectorate and a Garda Ombudsman Commission. Changing the administrative and physical lay-out of the organisation was an obvious next step. Already this year 38 Garda stations have closed. The sky has not fallen in and crime levels have remained subdued. Recent figures have shown a decrease in headline crimes. The number of burglaries has risen but those burglaries have been concentrated in densely populated areas that are unlikely to be affected by the proposed restructuring.

Modernisation should be welcomed. The number of police stations has remained practical-

ly unaltered since the days of the RIC. Through the decades successive Governments allowed buildings and services to deteriorate. As a result almost 300 stations now lack basic communication facilities, have neither fax nor broadband and need extensive refurbishment. Rather than kick this can further down the road, as previous Governments have done, this Government has opted for radical re-structuring. In a report to the last Government Colm McCarthy and his expert group recommended the closure of 350 Garda stations in response to the economic crisis. As with so many other crucial issues the previous Government did nothing. This Government is driving the reform agenda. Our gardaí do an invaluable job. As last week's tragic events have shown there is a bond of respect and trust in the community that will, please God, ultimately secure the evil men or women who cut short a brave young man's life.

**Deputy Joe McHugh:** I too offer my condolences to the Donohoe family and to Adrian Donohoe's Garda colleagues on this tragic occurrence and on this very sad day. Maybe because of the day that is in it we need to have an honest conversation. We need to be honest about the fact that we have a rural policing challenge and the opening of this debate made a disingenuous offer in calling on the Minister to reopen Garda stations, some of which are open for only three hours a day. Some Garda stations in my constituency have been closed, for example, Churchill and Culdaff, which closed last year. Culdaff had been closed for several years. We need to have an honest conversation about the status of the Garda stations. Will reversing this decision reverse the rural challenge? I do not think so.

We need to examine what is happening in the urban areas. In 1997 and 1998 there was a very good urban policing model which deployed community gardaí into areas suffering high unemployment and urban crime. The gardaí built up relationships in the community. They were visible and engaged. They used Garda bicycles and worked in urban areas. There have been examples of very successful Garda patrolling as Deputy Regina Doherty said, in big towns and cities. How do we deal with the need for visibility and engagement in rural areas? We must consider stations such as Churchill where there is a single identifiable garda whom people can contact, whom they know is at the other end of the telephone. We need to have one or two gardaí in that area because the only way to build up trust in the community is by gardaí knowing their communities. A garda is no different from Members on this or the other side of the House. If we do not know what people need we do not have a job in here. Similarly, the gardaí need to know the people in order to gather intelligence and they need to be with people. That is the challenge.

The Minister also needs to examine the structure for dealing with cross-Border crime. There is a cross-Border strategy but we need effective policing there. I have made a few proposals through parliamentary questions this week and I ask him to look at some of the suggestions put forward for members of the gardaí.

**Deputy Martin Heydon:** I too offer my condolences to the family, friends and colleagues of Detective Garda Adrian Donohoe who died so tragically last Friday. His death struck a chord with many people because he was doing what so many gardaí do every day. It is something with which we can all associate. I know some of the local gardaí in my area very well and know the role they play. This made me think of them, the sacrifices they make and the risk they take in doing their job.

In regard to those same gardaí and their local stations, it was with regret that I found out before Christmas that I would lose two Garda stations in my constituency, in Ballymore Eustace and Ballitore. The Minister will be aware that when the rumours first sounded I was

concerned about losing any stations and believed this was not the right thing to do. My main concern was community policing because I believe the local garda has a local knowledge that is built up and there is an area of crime prevention that is very hard to quantify. Trust in a local garda accumulates. Given the closure of these Garda stations, in working closely with the chief superintendent and Garda authorities locally I have since realised that great efforts have been made to ensure that Garda cover for these areas will remain the same. I am very happy these efforts have been made. Gardaí have shown themselves to be very resourceful in the way they are doing this.

I welcome the six new cars for the Kildare division, in particular the one going to Kilcullen which will help gardaí there to cover the Ballymore Eustace area and will also have an impact on the Ballitore area. There is also the significant amount of some €600,000 which was spent on Castlewarden station recently by the OPW, one of the last Garda stations to have substantial work done.

This motion of Fianna Fáil is disingenuous. That party agreed with the troika to drop Garda numbers from 14,500 to 13,000, but never made any provision to lose any of the Garda stations. It is not practical to think we could hold on to the number we had, the same number we inherited from the British State. To be honest, if we were starting with a blank canvas we would not have anything near that number of Garda stations, given the comparisons with Northern Ireland and Scotland which, respectively, have one station per 17,000 and one per 15,000 people. Here, after the cuts and the closures to which we refer, there will be one Garda station for every 8,000 citizens.

The Minister, Deputy Shatter, is aware of the points colleagues and I have made in the past. Garda numbers in County Kildare are very low in comparison with those in other counties; they are too low. There is no chief superintendent in the country who is willing to give up gardaí but pressure must come from the Commissioner. There must be some redistribution of Garda numbers and they are badly needed in County Kildare. I ask that this be considered.

**An Leas-Cheann Comhairle:** I call Deputy Ó Feargháil.

**Deputy Seán Ó Feargháil:** I wish to share time-----

**Deputy Alan Shatter:** I apologise for interrupting Deputy Ó Feargháil on a point of order. I just noticed on the list of speakers I received, which is not the Fianna Fáil list, that Deputy Luke “Ming” Flanagan was to speak tonight. Considering the disgraceful remarks he made about An Garda Síochána last night, I am surprised he has not appeared in the House. I do not know whether the Leas-Cheann Comhairle has any information.

**An Leas-Cheann Comhairle:** I have no such information.

**Deputy Mattie McGrath:** The Technical Group had no time.

**An Leas-Cheann Comhairle:** We are very short of time.

**Deputy Mattie McGrath:** We did not have enough time to ensure-----

**An Leas-Cheann Comhairle:** It is not a point of order.

**Deputy Alan Shatter:** Perhaps the speakers can be given credit for this short period.

**Deputy Seán Ó Fearghail:** It was taken up by the Minister. I am sharing time with Deputies Dara Calleary, Éamon Ó Cuív, John McGuinness and Barry Cowen.

**An Leas-Cheann Comhairle:** Deputy Mattie McGrath, too.

**Deputy Seán Ó Fearghail:** Yes, Deputy Mattie McGrath. In common with all Members of the House I express my sympathy to those close to Detective Garda Adrian Donohoe, particularly his wife Caroline, his children Amy and Niall, and his colleagues and friends in County Louth and the Cooley peninsula. Today reminds us all of the danger faced each day by the members of the force in their line of duty. In his remarkable sermon today, Fr. Michael Cusack noted:

It is the only profession where we ask people to dance a dance with Satan ... to come face to face with evil. To play games with people of evil intent, people who are prepared to entrap, people who withhold information, people who prolong suffering, people who are not capable of being called human beings because of the way they have treated their brothers and sisters.

In supporting the motion moved by my colleague, Deputy Niall Collins, calling for resources and support for An Garda Síochána and for recognition by the Minister, Deputy Shatter, of the importance of a Garda presence in rural communities, I do as my colleagues have done, fulfilling the responsibility we have as an Opposition party to reflect the views of people throughout this country.

Given the very limited time available to me I simply wish to report to the House some details of what transpired at a public meeting in the small Kildare village of Ballymore Eustace last Monday. I am glad Deputies Lawlor and Heydon are present because they can attest to the veracity of the report. Ballymore Eustace is one of three villages in County Kildare that will lose Garda stations, the others being Ballitore and Kill. The meeting was called by the local development association. The packed village hall contained representatives of all strands of the local community, with elderly people turning out in force. The community leaders at the top table were joined by a Garda superintendent and the young garda who is to be transferred to Kilcullen. Public representatives, both party political and independent, were out in force. Early speakers spoke with passion of their opposition to the closure of the stations and their feelings of vulnerability in the aftermath of the closure. They sharply criticised the Minister, Deputy Shatter, for his lack of engagement with communities affected by closure and his further failure to respond meaningfully to people who had written directly to him expressing their concerns on the matter.

The meeting was strongly of the view that people in the community would have to come together to protect themselves. Much discussion was had on the organisation of a super community alert system. In an example of the best approach in public service, the superintendent promised that in spite of scarce resources, the area would continue to be policed by the relocating garda from his new base. He would carry a briefcase with necessary documentation and would conduct a regular clinic in the village, if a venue could be sourced. Obviously this will not be the closed Garda station. The relocating garda, who had obviously won the respect and confidence of the people of Ballymore Eustace, assured people they would not be abandoned, regretted the station closure and gave his personal mobile telephone number to those in attendance. Everybody present accepted these commitments, made in obvious good faith, but also recognised that personnel in the public service move on and there can be no certainty their suc-



cessors will continue to act accordingly. Others accepted that with Garda resources continuing to decline, it might not be possible to honour the commitments in the long term. The mood of the meeting was one of stunned acceptance. Such were people's concerns that all public representatives, when they spoke, sought to allay the palpable fear of those present, not least of those senior citizens who attended.

In the general election of 2007, 31% of the people of Ballymore Eustace voted for the candidates from the current Government parties. In 2011, in huge numbers, they voted for change when more than double that percentage, some 68%, came out to vote for Fine Gael and the Labour Party. All these people who placed their confidence in the leadership of the Taoiseach, Deputy Enda Kenny, and the Tánaiste, Deputy Eamon Gilmore, continue to be disappointed by the broken promises and lack of delivery. However, the actions of the Minister, Deputy Shatter, in Ballymore Eustace, Ballitore and Kill, and in the other 137 communities where Garda stations have closed or will close, are seen to be an act of serious betrayal. It is a shame. I would have expected more of the Minister. I commend the motion to the House.

**Deputy Dara Calleary:** I thank our colleague, Deputy Niall Collins, for giving us the opportunity to discuss this issue. I join all my colleagues in sympathising with the family and colleagues of Detective Garda Adrian Donohoe on their unspeakable loss last Friday. This was not only an attack on a garda or a community but was an attack on everyone of us. I come from a county where a fair share of gardaí have lost their lives in the service to the State. I think tonight of John Morley, Henry Byrne, Michael Padden and Robbie McCallion, who all died in the service of the State, giving up their lives.

The Minister will know my feelings. When any garda dies in the service of the State the person who causes that death should be given the full mandatory sentence of 40 years, regardless of the circumstances because such people go out to cause these deaths. I put forward legislation on that matter. It was probably unintentional but a feeling was expressed in the media that gardaí who are shot should be treated better in remembrance than those who died in service, whose names were not mentioned. I refer to Robbie McCallion who lost his life in the service of the people of Donegal. His family equally deserves having the full rigours of the law applied to those who caused his death.

The outpouring of grief throughout the country in the days since Detective Garda Donohoe's death shows the respect which people have for gardaí. As Deputy Ó Fearghaíl stated, we expect members of the force to dance with evil every night on our behalf and to protect us from that evil. The idea of community is at the heart of the Garda's mandate. It is also at the heart of people's respect for the force. The decision to close so many Garda stations with indecent haste from tomorrow will undermine that community mandate. We have in place joint policing committees which are very effective and successful and which have afforded people a good opportunity to participate. However, the reorganisation to which the Minister referred and which many of his colleagues have welcomed should have been aired at the joint policing committees before the decision to close particular stations was taken.

I accept that there are Garda stations which are obsolete. However, there are many on the Minister's list which are fully functional and which have a role to play. Deputy Mulherin and, I presume, Deputy O'Mahony - whose contribution I did not hear - have already referred to the case of Ballycastle. The Minister will be aware of how isolated is Ballycastle and of how far away is the next nearest station. Ballycastle is home to the Ceide Fields centre, which attracts 25,000 visitors each year, and to some of the most stunning sea cliffs on our coast. The latter

attract divers, tourists and, unfortunately, other types of individuals. As a result, a Garda presence is required.

We are not concerned here with bricks and mortar. There is a complete misunderstanding at ministerial, departmental and medial level in this regard. We are not talking here about gardaí behind desks, we are referring to their being embedded in communities. One cannot measure what would be the impact of a crime which is stopped before it happens. Nor can one say what would have happened to someone who was becoming wayward but who was put on the right track. Such crimes and individuals never feature in statistics. People who live in communities such as Ballycastle and elsewhere are frustrated because they have invested time in stopping crimes before they were committed. As a result of the fact that the crime figures relating to these places are low, they are paying the price by losing their Garda stations. In the future, the gardaí who serve these towns and villages will operate out of their briefcases and will be obliged to hope that someone might provide them with a room out of which they might operate and provide services.

There is no doubt about the individual commitment of the gardaí involved. These officers will continue to do their jobs. However, as Deputy Ó Fearghail stated, people move on. The commitment which is based on having a relatively substantial presence in place will be broken. There is a lack of information and engagement in respect of how it is proposed to proceed in respect of this matter.

I was frustrated by Deputy Regina Doherty's remarks to the effect that crime levels have been subdued since the closure of a number of stations last year. I can bring the Deputy on a visit to County Mayo. Deputy Mulherin will attest to the number of break-ins which have occurred there in recent months. I accept that Operation Fiacla has made an impact but it did nothing to prevent the crimes to which I refer. One of the issues which arises in respect of those break-ins relates to the number that were carried out by people with previous convictions, by those who are out on bail or by individuals who served time in the past. When those to whom I refer get out of prison, the crime figures begin to rise again. It is clear that there are legislative as well as resource issues to be reviewed. It should not be the case that people who are out on bail or who have served sentences and been released from prison just return to their activities and carry on with business as normal. These individuals do not seem to have learned their lesson. This is a matter which we are going to be obliged to examine.

Deputy Regina Doherty - who was obviously the best girl in class and was chosen to read the press office's script - stated that Colm McCarthy recommended that the previous Government should close 300 Garda stations. We did not do that. The Deputy also referred to a lack of capital investment. Ballycastle Garda station was the subject of substantial capital investment. Loughglynn Garda station was closed last year. As its closure was being announced by the Minister, a new roof was being installed. That is the difficulty. The management of stations is the responsibility of the OPW, while it is gardaí who occupy them. There is a lack of communication in respect of this matter. There has been capital investment in the stations that are being closed. It must be remembered that the Minister is not closing buildings, he is damaging the link between communities and their gardaí. In the absence of information as to how the existing relationship will be maintained, a vacuum will be created and that will not be good.

**Deputy Mattie McGrath:** I, too, want to be associated with the words of sympathy expressed in respect of the death of Detective Garda Adrian Donohoe. If we can do anything to honour his memory, then we must listen to the people.

Everyone is aware that there is a thin blue line which separates society from anarchy. That line has been shattered as a result of what happened in recent days. I ask the Minister to remove the disconnect which exists and to stop tweaking the Garda Síochána. There is a complete lack of communication and a disconnect with regard to what is happening on the ground and what the Minister has indicated - I do not disbelieve him in this regard - the Garda Commissioner is telling him. I question what we are being told. I am aware of a number of ordinary gardaí who are no longer allowed input information into the PULSE computer system. This work must now be done by sergeants. The figures are being massaged in order that the criminals will not become aware of how bad things are at present.

I salute gardaí in my county and elsewhere who have given their personal telephone numbers to citizens. That is a sign of trust. In a reply to a parliamentary question I tabled last week, the Minister indicated that it costs €4,000 to maintain a rural Garda station. It is not the money which is at issue. That same amount was stolen on Friday night last from the credit union in Louth where Detective Garda Donohoe lost his life. I take this opportunity to salute credit union staff. What is important is the presence of a garda and the confidence to which his presence gives rise. The Minister referred to mobile patrols. Many gardaí no longer have access to patrol cars. In the county in which I live, they are hiring cars which do not have sirens, flashing lights or radios. Gardaí can only use their official mobile phones to contact their stations. Morale is at an all-time low.

The town in which I live, Clonmel, has the lowest number of gardaí per head of population in County Tipperary. A balance must be struck in this regard. We must support An Garda Síochána. We must also banish the word “informer” from use. I have been a member of a community alert group since 1986 and I am on the board of Muintir na Tíre which runs it. I salute the community alert groups and I do not believe we should be establishing pilot projects to establish new groups. The model has been in existence for more than 25 years and the Minister should allow it to continue to be used in areas where it is working. If it is not broken, do not fix it. Gardaí who have the confidence of their communities should be allowed to do the job they want to do and are doing.

The Minister should talk to gardaí rather than engaging in megaphone diplomacy with the Garda Representative Association. He should listen to the concerns of ordinary officers and bring them along with him. Gardaí need our support now more than ever. I plead with the Minister and his colleagues in government - who made certain promises prior to the most recent general election - to support the Garda in order that people might sleep easy in their beds at night. They cannot do so at present. I accept that there is waste in many areas but this is not the way to deal with it.

**Deputy Éamon Ó Cuív:** I also wish to be associated with the expressions of sympathy to the family of Detective Garda Adrian Donohoe, particularly his wife, Caroline, his daughter, Amy, his son, Niall, his parents and all the people in the community in which he lived who, by all accounts, have lost an outstanding person.

As a garda living in the community, Adrian Donohoe epitomised that to which those in rural Ireland have become used. The reality is that this matter does not relate to Garda stations. Rather, it relates to community gardaí and a plan which seems to have been lifted from a manual written in some other country and which appears to be designed to change the very nature of rural policing. As I understand it, the Minister will continue to close Garda stations until what we will be left with will be mobile patrols from district headquarters. Different officers will

carry out those patrols each day and none of them will actually be resident in the communities in which they will be operating. In addition, they will not be in a position to tap into the intelligence that is available to local gardaí who operate within their own communities.

Any communities which are fortunate enough to have gardaí living within them have very low levels of crime. They are also subject to extremely low levels of juvenile delinquency because, in most cases, a local garda will hear about such behaviour and will deal with it before it results in the commission of a significant crime or in the young person involved ending up before the courts. Preventative policing is a great deal better than trying to deal with the damage after it has happened through detective work and curative policing.

I wish to inform the Minister how the Garda is operating under his remit. The Maam Garda district is the largest such district in the entire country. There is a Garda barracks there and we have a very good and diligent local garda. When he needs a car, he is obliged to request one from Clifden, which is 30 miles away, or Rosmuc, which is 15 miles away. If the car in Rosmuc is out on patrol, he is obliged to remain in the barracks until it becomes available. In the part of the country in which I live, it could be a long time before it arrives.

**Deputy Alan Shatter:** It would be even longer if the Deputy's party had remained in government. The previous Administration did not provide any money for Garda cars.

**Deputy Éamon Ó Cuív:** We provided cars. There was no problem in that regard.

**Deputy Alan Shatter:** No, the previous Government's programme for 2012 and 2013 contained no funding in respect of cars.

**An Leas-Cheann Comhairle:** Time is limited. The Minister should not interrupt.

**Deputy Alan Shatter:** The Deputy should read my speech.

**Deputy Éamon Ó Cuív:** When we were in government-----

**Deputy Niall Collins:** The Minister's speech politicised it. He knew exactly what he was doing. He is a hypocrite.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Deputy Ó Cuív is in possession.

**Deputy Éamon Ó Cuív:** It is simple fact that for as long as I was in government, there was a car available in the area. Under the Minister's tenure what is happening in my area is happening all over the country. A real-life example which the Minister cannot refute brings home at a human level what this means. The Minister has bought into a master plan but it will destroy the extraordinary bond that has existed between rural communities and their local garda over generations. Policing is about intelligence work. It is not about patrol cars whizzing around with gardaí in them. Rather it is about the garda living within the community who has the trust of the community, who is known to the community and the garda knowing about potential trouble within the community before it ever happens. Somebody somewhere within the system, either in the Civil Service, in the high echelons of An Garda Síochána or in the Minister's office, has got a great new policing plan which envisages a district policing headquarters with everyone radiating out from it in police cars. I do not care from what manual in what country they got that plan. It will not deliver the safe communities that we have been used to. Thankfully, where I

live there has been very little crime in the various places where there is a resident garda. I suggest the Minister look at Letterfrack if he wants to see the difference between having a resident garda and a non-resident garda. There were difficulties with young people at Letterfrack which has a third-level college. The Garda station was renovated and a resident garda was put in place. He spoke to the young people. They understood him and he understood them. According to the headmaster of the college, once the principal spoke at a public meeting attended by 150 people, the problems disappeared. I say to the Minister to go back to where it works, leave it the way it was and do not destroy something that has served this country well.

**Deputy John McGuinness:** I wish to join in the expressions of sympathy to the Donohoe family and to the Garda force on this brutal murder of Garda Adrian Donohoe. I refer to the tributes paid to Garda Donohoe. The description of his participation and engagement with the local community, his activity outside of the hours of work, could be applied to almost every garda in every community throughout the country. They have arrived at this level of engagement with the local community arising from the community garda initiative. This has built up great confidence between the community and the Garda force. It has led to significant intelligence being made available to the Garda to aid in crime prevention. It has assisted families who were involved in crime to break that cycle and to bring young people back to a more constructive way of life. The initiative has also cracked down on drug use, on grow houses and on the devastation caused by drug abuse in communities up and down the country.

Reference was made earlier to burglary and that fact that it is probably more associated with urban centres. That was the view expressed by a Government Deputy. I disagree with that view. Burglary is a crime that plagues the country, whether in urban or rural areas. Local gardaí are needed to combat burglaries.

The debate has referred to what happened yesterday and last year and when Fianna Fáil were in government. We are told we have a brass neck now that we are in opposition to put down this motion. If the Minister is not going to listen to us, I ask him to listen to the former member on "Prime Time" last night and his description of the lack of funding for the force now which has caused it to be in a position where it cannot collect the type of intelligence it was able to collect at one time which led to the crackdown on crime. If the Minister is not prepared to listen to him, then he should listen to Fr. Buckley who described, in my opinion, the argument against the closure of these stations adequately and well. While he described his home place of Galway, that same description could fit neatly to most of the constituencies and locations we represent. There is fear in the homes of people who live alone. There is fear among those elderly people who live in either an urban or rural setting. Business people are living in fear. They are fearful when conducting business, making a lodgment, closing up late at night. The Minister by his action in closing these stations is adding a further substantial cost to those business people as they go about creating employment or sustaining employment. If the Minister is not going to listen to us, he should listen to all of the other people who served in that force. He should listen to the Fine Gael councillor on the "Six One News" tonight who laid it out clearly for the Minister and pleaded with him to stop now before it is too late. I know from the closures in Ballyragget, Johnstown and Inistioge in County Kilkenny that in that geographical localised area once those stations are closed there will be a huge problem for those local communities. There will be a huge disconnection between the force and those communities. That is not good because crime figures will climb if action is not taken or if the Minister continues with this programme of closures.

**Deputy Barry Cowen:** Like my colleagues on all sides of the House I wish to offer my con-



dolences to the wife and family of Detective Garda Donohoe and to his colleagues and friends. The date and notification of this motion predates that terrible tragedy. I know the content of the motion in no way reflects the circumstances of that brutal slaying. Our party spokesperson, Deputy Niall Collins, has already made that distinction. I ask that the Minister accept that in the spirit in which it is meant.

In the short time allocated to me I do not propose to address any specific issue in the motion but rather I support it in its entirety. As other speakers have localised the issue, on behalf of my constituents in the areas of Shannobridge and Geashill in County Offaly I wish to give voice to their feeling of betrayal of the election promises made when the Minister and his party said they would put more gardaí in all communities. That is the right and privilege given to us as representatives. As Deputy Ó Feargháil said, it is our obligation to bring forward the sentiments of those people.

The best qualities and traits of any member of the force is his or her ability to immerse himself or herself seamlessly into the communities he or she serves. Generations before mine will tell of the benefits of that policy direction by previous Governments of all hues that has allowed this to evolve over time to the present day. Many gardaí have succeeded in successfully altering methods to meet the demands of a changing society. Governments have placed at their disposal resources to meet the demands in education, equipment and facilities, to allow that evolution to take place. In the Minister's short time in office, he has paused, as the Taoiseach says, using a word other than "cut", proceedings in Templemore. There is an equipment deficit. He is now taking the bricks and mortar of the facilities which was a sign to those communities that there is security in that community. The Minister by his actions is turning all that has gone before on its head. He is playing games with the morale and the direction of the force. He is playing games with the fears of the most vulnerable, both rural and urban. I wonder what the Minister of State, Deputy Kathleen Lynch, has against Cork, given that the second city of our country has but one 24-hour Garda station. That will be some legacy for the Government.

The Minister's party prided itself on being the party of law and order. It has been difficult for us, in canvassing in our communities, to rid Fine Gael of that title. Nothing we have done will achieve it; all that will achieve it is what the Minister has proposed since he took office. His efforts at smart policing, be it through the provision of remote-control gardaí or Robocops, will be seen for the rubbish that they are. This is evident from what is being said to us by the communities we serve. This is a grave and ridiculous mistake that I fail to understand. The Minister's colleagues in the Government cannot portray its ridiculousness. I hope their very obvious pleadings tonight to reverse the decision and get it right for once will be heard, even at this late stage.

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** In the short time allowed to me, a little bit of reality and a few facts might do no harm. It was the former Minister for Justice, Equality and Law Reform, Dermot Ahern, who actually stopped recruitment to Templemore. The last recruits graduated in 2011, having entered in 2009. The agreement that Fianna Fáil made with the troika to reduce Garda strength by 1,700 to 13,000 ensured that no further recruitment could happen. Sometimes the facts are important. Fianna Fáil's argument about what this Government has had to do to rescue the country from the abyss it created is ridiculous.

Deputy Ó Cuív, who apparently always comes into the House as the honest broker, told us there was always a car available in his area. There is a car available there now only because the

Government put in place a budget to ensure cars would be replaced. There was nothing when we came into office and nothing in Fianna Fáil's proposals.

I do not want to read from the first page of the formal script.

**Deputy Timmy Dooley:** The Minister of State might be safer doing so.

**Deputy Kathleen Lynch:** Deputy Dooley is not talking about Shannon now. He really needs to listen.

On the night that is in it, in the wake of an awful tragedy and the burial a few hours ago of a brave and honest man, Fianna Fáil should really have withdrawn its motion. This is not the night for dividing, nor is it the night for the type of politics we have heard.

**Deputy Niall Collins:** Fine Gael closed the Garda stations.

**Deputy Timmy Dooley:** That is cynical posturing.

**Deputy Kathleen Lynch:** The motion will be seen for what it is. I reiterate what the Minister for Justice and Equality said last night. It is not the case that there was a last-minute request to have this withdrawn; a request was made early enough for it to happen.

**Deputy Niall Collins:** By whom?

**Deputy Kathleen Lynch:** I am really surprised that it was not withdrawn. It is a deeply cynical, dishonest motion, and even Fianna Fáil should have had sufficient insight to have recognised the inappropriateness of proposing, debating and voting on such a motion at this time. Tonight is not the night for this House to divide and engage in politics as usual with regard to any matter affecting An Garda Síochána.

As has every Member, I express my deepest sympathy to the family of Detective Garda Donohoe, a young man who is leaving a young wife and family after him. He put his life on the line to protect us and protect democracy. I hope he will rest in peace.

Fianna Fáil has surpassed itself with its memory loss over the past two nights. It is not often that Sinn Féin supports the Minister but even it could not hold back on the breathtaking hypocrisy we heard from the party that sold this country down the river and ensured the taxpayer was left to pay for the mess it left behind. The fact that it was the party that agreed with the EU-IMF to reduce Garda numbers to 13,000 speaks for itself and does not warrant further comment.

The Commissioner has the full backing of the Minister in his endeavours to bring about meaningful change in the force. The suggestion that the Minister is absolving himself and pointing the finger at Garda management for the closure of Garda stations must be rejected outright and shows how little the Deputies know about the law of the land. As required under the Garda Síochána Act 2005, the Garda Commissioner prepared his draft policing plan for 2013. In doing so, he carried out an assessment of the potential for improved efficiencies in the structure and organisation of the Garda Síochána. His objective is, as always, to provide the most effective policing service possible, within available resources, across the country. A key question that arose during that assessment was whether it was better to have highly trained members of the Garda Síochána confined to indoor duties when they could be available for front-line operational policing. The Garda Commissioner concluded that resources could be better deployed by closing some Garda stations and reducing the public opening hours of others at off-peak times,

which in turn has released gardaí for operational duties. The gardaí will continue to work with the communities they serve and Garda management will continue to monitor closely the allocation of resources, taking account of transfers and retirements, crime trends, policing needs and other operational strategies in place on district, divisional and regional levels.

An allegation made was that the new roster is not working. It is working very well. All the reports from gardaí operating it suggest that they are quite happy with it and that it is working extremely well.

**Deputy Charlie McConalogue:** I am sharing time with Deputies Dooley, Lowry and Niall Collins.

I join everyone in the House in sympathising with the family of the late Garda Adrian Donohoe, particularly his wife Caroline and their young son and daughter, and his colleagues in the Garda force. I sympathise also with their friends and comrades and the wider community. Adrian's loss has been deeply felt across the country in recent days. It will be deeply felt within the Garda force and Adrian's community for a very long time.

Coming from the part of the country I come from, I know only too well the danger that gardaí must endure, often on a daily basis. In Donegal in the past three years, two gardaí, Garda Robbie McCallion and Garda Gary McLoughlin, were lost. Only the weekend before last, there was an incident in the county in which a Garda car was rammed while gardaí were in the process of making an arrest, once again highlighting the dangers that many gardaí must encounter daily. We owe them a great debt of gratitude for that.

As has been rightly pointed out, this motion predated the death of Garda Donohoe. It is based on the fact that crime has been escalating recently. I refer in particular to burglaries, no more so than in my county. From November to January, there were several cases. In November, Phyllis McGee, a 78-year-old lady from Pettigo, was burgled. On 5 January, a 96-year-old from Buncrana, Margaret "Greta" Lilly, was burgled. On 7 and 8 January, a number of homes were ransacked in the Raphoe-Convoy area. On 12 January, Phyllis McGee was again targeted. On 14 January, Eric and Jim Steele of Manorcunningham were targeted, and they too were targeted for a second time. On 16 January, John Gallagher, from outside Buncrana, and Bernie Doherty, an elderly lady from Ture, were targeted. The Minister's response has been grossly inadequate. His response since taking on the role of Minister for Justice and Equality bears no resemblance to his performance here on the Opposition benches when he was the Opposition spokesperson. Back then the Minister could not tell the people loudly enough that if they just let him at it the country would be a safer place and how we would do the devil and all. Unfortunately, his performance since then bears no resemblance to the politician he was in opposition, and the same can be said for many of his Cabinet colleagues. If a modern day novelist was to do a retake on the George Orwell classic he or she would not have to create too many fictional characters to put a book together such has been the change in nature of many of the people in the Cabinet from what they were previously.

I ask that the Minister stop draining the resources from the Garda and that he gives its members the equipment and the finances they need to do their job on a daily basis. I ask that instead of describing Border areas in Donegal as not being a special case and burglaries as unfortunate, which is the word he used recently to describe them, he would deploy the resources required to ensure our communities are kept safe.

**Deputy Timmy Dooley:** I thank Deputy McConalogue for sharing time. I want to place on the record of the House my sympathies to the family of the late Detective Garda Adrian Donohoe and to his wife, Caroline Deloughrey, who hails from my constituency. I had the opportunity to visit the family home yesterday evening and to attend the funeral today. It is clear that this House and the entire population are at one in expressing their sympathies and saying to the perpetrators of this dreadful crime that it is not acceptable and that every resource of the State should and will be put in place to bring these people to justice.

I am deeply disappointed that the Minister has sought to complicate that issue with the motion before the House. I compliment Deputy Niall Collins on putting down the motion in the first instance. I compliment him on resisting the Minister's cynical attempts to utilise this crime as a means of getting this debate off the agenda. It was a cynical attempt by a Minister who has lost touch not just with the people but with the entire force of the Garda Síochána. I have spoken to many gardaí in recent days. They did not want the two issues connected. The Minister succeeded in doing that. They wanted this debate to go ahead. If the Minister were genuine in his desire to change it he would have deferred the closure of the Garda stations but he presented this arrogant AI approach to the effect that Fianna Fáil is wrong, it is responsible for everything and let us dump on them again. The people have seen through that this time, and the Minister's cynical attempt to connect these two events will come back to haunt him in a way that he deserves with regard to this particular issue.

The Minister sought to justify the closures of Garda stations in rural areas by suggesting that he is implementing smart policing. Does he realise how hurtful the use of that word is to the men and women who have served this country since the foundation of the State? Was their policing not smart? Was it somehow "thick" policing? What is the Minister at using that kind of offensive language to suggest that he now has some smart way of doing it? In the rural areas with which I am well familiar he has sought to utilise the notion that somehow the closure of the station gets the gardaí off their soft chairs and out of the warm confines of these rural stations. Rural policing and the policing that has centred around those stations has meant the garda comes to the station for an hour, does his or her administration work, and then circulates in the area. The Minister's idea is to get rid of that, and he somehow believes they will be able to resolve the policing matters by driving through the area.

This is the first step towards the urbanisation of the Garda Síochána because he knows full well that as pressure comes on in the urban areas the gardaí that were assigned to those rural areas will not get to go out in the morning because they will not be rostered to open the station. Ultimately, there will be no rural policing. There may not be the available resources to provide the cars, and the Minister was slow to provide the cars on which his colleague beside him gave the wonderful delivery to the effect that it was great he managed to find the resources when he came to office. He found the resources when the gardaí showed him up and started to talk openly that they were not in a position to do the most basic of rural policing. The Minister will smile. He is okay. He will go back to his leafy suburbs in south County Dublin when there are men and women, elderly and young, living in absolute fear because the Minister has closed the doors on them and switched off the lights in many rural communities from tomorrow night onwards. That will come back to haunt him, and it is what he deserves.

**Deputy Alan Shatter:** One would think the Deputy's party did not destroy the country and put us in hock for years.

**Deputy Timmy Dooley:** Arrogant AI at his best.

**Deputy Alan Shatter:** It bankrupt the country.

**Deputy Michael Lowry:** The members of the Garda Síochána have a special place in our society. They are the guardians of our peace, they keep us safe as individuals and protect our property. Gardaí never were and should never be a so-called legitimate target of criminals and thugs masquerading as republicans. Gardaí have earned and deserve our total respect and support.

Basic Garda pay has traditionally been supplemented by overtime and allowances which have now been greatly reduced or eliminated. Employment terms and conditions must be sufficient to allow gardaí have a reasonable standard of living that affords them to do the normal things such as marry, raise a family, own a home and live a normal life.

Templemore Garda College in my constituency has effectively been closed since this Government came to power. The college looks abandoned and Templemore has become a ghost business town.

In every aspect of their working lives gardaí have seen resources slashed and their working conditions made more challenging. They are being shackled in the fight against crime. Garda numbers have declined and continue to be reduced. The surge in early retirements of professional, highly trained and skilled members has left a huge deficit in the experience levels within the force.

This Government has failed to equip gardaí with adequate quality vehicles to fight well-resourced criminals. Garda cars are not taken out of service until they have clocked a ridiculously high 350,000 km. Even then cars taken from service are not being replaced. Tipperary alone has lost 14 vehicles since 2010.

Rural stations in Tipperary and across the country have been targeted for closure by this Government devastating local communities and resulting in huge fear, trepidation and anxiety in the communities affected. Garda divisions are being merged and due to that policy Templemore Garda district is to be dismantled.

These continued erosions of Garda resources have resulted in disillusionment and poor morale among its members. The reduction in Garda cover has led to unprecedented levels of fear across all sections of our society. Older people, particularly in rural areas, are living in fear locked in their homes, terrified at the prospect of being burgled and shocked by the stories of violence against our elderly. Families, home owners and farmers are faced with the reality of having to take significant steps to protect themselves against the increasing prevalence of break-ins, theft of vehicles and fuel oil. These communities have seen their security ripped away and their viability undermined.

A reduction in Garda numbers is a ministerial and governmental policy initiative to save money. It is not about better policing; it is about cutbacks. It is a false economy to continue to undermine our gardaí in this way. The reality is that crime is rising and criminals are increasingly sophisticated. We must protect our protectors and ensure that every possible resource is made available to assist them in this challenging and brave work.

**Deputy Niall Collins:** Yesterday in this Chamber we saw two gross acts of hypocrisy. We rightly had expressions of sympathy for the late Detective Garda Adrian Donohoe and during those it was despicable that Deputy Gerry Adams came in here and engaged in a brazen act of



hypocrisy in trying to cleanse his political pedigree by apologising for the killing of Jerry McCabe 17 years ago. The killing of Jerry McCabe was a murder, nothing more or nothing less. It was a murder then and it is still a murder today. Seventeen years on we must ask why Deputy Gerry Adams came into the House to engage in that act of hypocrisy.

*11 o'clock* There were so many other opportunities in the intervening 17 years. One has to ask oneself why he did not condemn the killers of Detective Garda Jerry McCabe rather than arranging cheerleading parties to greet them when they came out of prison or having special status for them at their political party meetings or at Sinn Féin Ard-Fheiseanna. It makes me sick, I can tell you that. I think it makes a lot of people sick.

The Minister for Justice and Equality, Deputy Shatter, formed an alliance yesterday with the Sinn Féin Party in trying to upend a democratic motion on a matter which affects every single community in urban and rural Ireland. The Minister engaged in a cynical political exercise by trying to politicise the events around a garda's funeral this week and trying to link them to our motion. Shame on the Minister. He should have been bigger and a man about it and risen above it.

**Deputy Alan Shatter:** The Deputy should have withdrawn the motion. It was the wrong motion.

**Deputy Niall Collins:** Our motion was tabled on Friday morning to deal with the closure of Garda stations and the reduction of Garda resources. The Minister engaged in a spinning exercise and even ended up tangling himself up in his own spin. Many other commentators have also said, as I have said for the past several months, that the Minister is going in the wrong direction with the closure of rural Garda stations. He had little support from his own party colleagues during this motion. Many of them came in here during the debate and gave him benign support. The Minister waffled away about a national development plan. When it did not suit him, he voted against it.

**Deputy Alan Shatter:** It was a Fianna Fáil national development plan.

**Deputy Niall Collins:** He voted against it so the Minister cannot rely on it for political cover.

**Deputy Alan Shatter:** That plan did not provide for proper funding.

**Deputy Niall Collins:** The Minister talks about politicising a debate. This was a genuine debate addressing genuine concerns of people which the Minister does not recognise.

**Deputy Alan Shatter:** The Deputy forgets the past.

**Deputy Niall Collins:** If the Minister wanted the motion withdrawn, he should have been a man about it and contacted me directly but he could not even do that.

**Deputy Paul Kehoe:** Deputy Niall Collins should have gone through the proper channels.

**Deputy Alan Shatter:** Fianna Fáil is responsible for destroying the public finances. The Deputy should have withdrawn the motion.

**Deputy Niall Collins:** The Minister is responsible for An Garda Síochána but he is taking the force in the wrong direction. He only has to listen to his own party members on radio and

television who are telling him to reverse his decision on the closure of Garda stations.

Amendment put:

The Dáil divided: Tá, 78; Níl, 48.	
Tá	Níl
Barry, Tom.	Adams, Gerry.
Breen, Pat.	Boyd Barrett, Richard.
Bruton, Richard.	Broughan, Thomas P..
Butler, Ray.	Calleary, Dara.
Buttimer, Jerry.	Collins, Joan.
Byrne, Catherine.	Collins, Niall.
Byrne, Eric.	Colreavy, Michael.
Carey, Joe.	Cowen, Barry.
Collins, Áine.	Crowe, Seán.
Conaghan, Michael.	Daly, Clare.
Connaughton, Paul J..	Doherty, Pearse.
Conway, Ciara.	Donnelly, Stephen S..
Coonan, Noel.	Dooley, Timmy.
Corcoran Kennedy, Marcella.	Ferris, Martin.
Creed, Michael.	Flanagan, Luke 'Ming'.
Daly, Jim.	Fleming, Tom.
Deenihan, Jimmy.	Halligan, John.
Deering, Pat.	Healy, Seamus.
Doherty, Regina.	Healy-Rae, Michael.
Dowds, Robert.	Higgins, Joe.
Doyle, Andrew.	Kelleher, Billy.
English, Damien.	Kirk, Seamus.
Farrell, Alan.	Lowry, Michael.
Feighan, Frank.	Mac Lochlainn, Pádraig.
Ferris, Anne.	Martin, Micheál.
Fitzgerald, Frances.	McConalogue, Charlie.
Fitzpatrick, Peter.	McDonald, Mary Lou.
Flanagan, Charles.	McGrath, Finian.
Flanagan, Terence.	McGrath, Michael.
Griffin, Brendan.	McGuinness, John.
Harrington, Noel.	McLellan, Sandra.
Harris, Simon.	Moynihan, Michael.
Hayes, Tom.	Murphy, Catherine.
Heydon, Martin.	Naughten, Denis.
Hogan, Phil.	Ó Caoláin, Caoimhghín.
Humphreys, Heather.	Ó Cuív, Éamon.
Humphreys, Kevin.	Ó Fearghaíl, Seán.

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Keating, Derek.	Ó Snodaigh, Aengus.
Kehoe, Paul.	O'Brien, Jonathan.
Kenny, Seán.	O'Dea, Willie.
Kyne, Seán.	O'Sullivan, Maureen.
Lawlor, Anthony.	Pringle, Thomas.
Lynch, Kathleen.	Ross, Shane.
Maloney, Eamonn.	Smith, Brendan.
Mathews, Peter.	Stanley, Brian.
McCarthy, Michael.	Tóibín, Peadar.
McGinley, Dinny.	Troy, Robert.
McHugh, Joe.	Wallace, Mick.
McLoughlin, Tony.	
McNamara, Michael.	
Mitchell, Olivia.	
Mitchell O'Conn, Mary.	
Mulherin, Michelle.	
Murphy, Dara.	
Nash, Gerald.	
Neville, Dan.	
Noonan, Michael.	
Ó Ríordáin, Aodhán.	
O'Donnell, Kieran.	
O'Donovan, Patrick.	
O'Dowd, Fergus.	
O'Mahony, John.	
Perry, John.	
Phelan, Ann.	
Phelan, John Paul.	
Ring, Michael.	
Ryan, Brendan.	
Shatter, Alan.	
Sherlock, Sean.	
Spring, Arthur.	
Stagg, Emmet.	
Stanton, David.	
Timmins, Billy.	
Tuffy, Joanna.	
Twomey, Liam.	
Varadkar, Leo.	
Walsh, Brian.	
White, Alex.	

Tellers: Tá, Deputies Paul Kehoe and Emmet Stagg; Níl, Deputies Seán Ó Fearghaíl and Michael Moynihan.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 77; Níl, 47.	
Tá	Níl
Barry, Tom.	Adams, Gerry.
Breen, Pat.	Boyd Barrett, Richard.
Bruton, Richard.	Broughan, Thomas P.
Butler, Ray.	Calleary, Dara.
Buttimer, Jerry.	Collins, Joan.
Byrne, Catherine.	Collins, Niall.
Byrne, Eric.	Colreavy, Michael.
Carey, Joe.	Cowen, Barry.
Collins, Áine.	Crowe, Seán.
Conaghan, Michael.	Daly, Clare.
Connaughton, Paul J.	Doherty, Pearse.
Conway, Ciara.	Donnelly, Stephen S.
Corcoran Kennedy, Marcella.	Dooley, Timmy.
Creed, Michael.	Ferris, Martin.
Daly, Jim.	Flanagan, Luke 'Ming'.
Deenihan, Jimmy.	Fleming, Tom.
Deering, Pat.	Halligan, John.
Doherty, Regina.	Healy, Seamus.
Dowds, Robert.	Healy-Rae, Michael.
Doyle, Andrew.	Higgins, Joe.
English, Damien.	Kelleher, Billy.
Farrell, Alan.	Kirk, Seamus.
Feighan, Frank.	Lowry, Michael.
Ferris, Anne.	Mac Lochlainn, Pádraig.
Fitzgerald, Frances.	Martin, Micheál.
Fitzpatrick, Peter.	McConalogue, Charlie.
Flanagan, Charles.	McDonald, Mary Lou.
Flanagan, Terence.	McGrath, Finian.
Griffin, Brendan.	McGrath, Michael.
Harrington, Noel.	McGuinness, John.
Harris, Simon.	McLellan, Sandra.
Hayes, Tom.	Moynihan, Michael.

Heydon, Martin.	Murphy, Catherine.
Hogan, Phil.	Ó Caoláin, Caoimhghín.
Humphreys, Heather.	Ó Cuív, Éamon.
Humphreys, Kevin.	Ó Fearghaíl, Seán.
Keating, Derek.	Ó Snodaigh, Aengus.
Kehoe, Paul.	O'Brien, Jonathan.
Kenny, Seán.	O'Dea, Willie.
Kyne, Seán.	O'Sullivan, Maureen.
Lawlor, Anthony.	Pringle, Thomas.
Lynch, Kathleen.	Ross, Shane.
Maloney, Eamonn.	Smith, Brendan.
McCarthy, Michael.	Stanley, Brian.
McGinley, Dinny.	Tóibín, Peadar.
McHugh, Joe.	Troy, Robert.
McLoughlin, Tony.	Wallace, Mick.
McNamara, Michael.	
Mathews, Peter.	
Mitchell, Olivia.	
Mitchell O'Connor, Mary.	
Mulherin, Michelle.	
Murphy, Dara.	
Nash, Gerald.	
Neville, Dan.	
Noonan, Michael.	
Ó Ríordáin, Aodhán.	
O'Donnell, Kieran.	
O'Donovan, Patrick.	
O'Dowd, Fergus.	
O'Mahony, John.	
Perry, John.	
Phelan, Ann.	
Phelan, John Paul.	
Ring, Michael.	
Ryan, Brendan.	
Shatter, Alan.	
Sherlock, Sean.	
Spring, Arthur.	
Stagg, Emmet.	
Stanton, David.	
Timmins, Billy.	
Tuffy, Joanna.	
Twomey, Liam.	



*Dáil Éireann*

Varadkar, Leo.	
Walsh, Brian.	
White, Alex.	

Tellers: Tá, Deputies Paul Kehoe and Emmet Stagg; Níl, Deputies Seán Ó Fearghaíl and Michael Moynihan.

Question declared carried.

The Dáil adjourned at 11.25 p.m. until 10.30 a.m. on Thursday, 31 January 2013.