



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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## DÁIL ÉIREANN

*Dé Céadaoin, 27 Feabhra 2013*

*Wednesday, 27 February 2013*

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

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*Paidir.*  
***Prayer.***

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### Leaders' Questions

**Deputy Micheál Martin:** The decision to abolish two key allowances - the mobility allowance and the motorised transport grant - for people with disabilities is incomprehensible and wrong, in particular without any alternative being put in place for the recipients. It will be a permanent cut of more than €208 per month for up to 5,000 people with disabilities receiving those allowances. No other person in our society at this juncture has been asked to take a 20% cut in his or her income. That people with very serious mobility and disability issues should be forced to do so at the stroke of a pen is scandalous and reprehensible.

The chief executive officer of the Disability Federation of Ireland has articulated on behalf of its members and people affected how appalled they are at this decision. As he pointed out, most of the people involved are only in receipt of approximately €190 per week. The only definite timeline in the Minister's announcement is that to end permanently the allowances. There is no timeline in terms of alternatives or the special review group.

This is a very severe cut which is unprecedented and was made without consultation with the groups. What is the Government's difficulty in dealing effectively and in a visionary way with people with disabilities? If one goes back over the past two years, the disability allowance was cut in the Government's very first budget, home help hours were cut last August and there was a cut to personal assistants and people had to camp outside Government Buildings to reverse that cut. For the first time in 40 years, there has been an end to dedicated guidance counsellor provision in schools which will affect the mental health of our young people. There have been cuts to the domiciliary care allowance and to the therapies, including physiotherapy and speech and language therapy, for people with disabilities. Above all, in the last budget, there was a cut in the respite care grant. If one adds it all up, it amounts to a severe attack on people with disabilities at the very minimum and an incoherent approach to people with disabilities, an inability to look across the spectrum and a lack of an overall approach to assist people in what is a very difficult time, which we acknowledge. People with disabilities are unnecessarily bearing the brunt of the Government's targets. Will the Taoiseach consider reversing this decision

today?

**The Taoiseach:** I was interested in the Deputy's comments at the weekend that when one disagrees with something, one always proposes an alternative. I will be interested to hear what he has to say about that. The Deputy has a brass neck to make a political football out of an issue which is very serious for the people concerned. He sat on these benches and reduced the blind person's allowance not once but twice, he cut the mobility allowance and the carer's allowance and the carer's benefit and he removed the Christmas payment, which amounted to a cut of 10%.

I thank the Ombudsman for the work she did in identifying and clarifying that these two schemes - the motorised transport grant and the mobility allowance - are illegal, do not conform with the Disability Act, the Equal Status Act and the Constitution, Bunreacht na hÉireann. We cannot stand over schemes which are obsolete, unfair, discriminatory and do not conform with those Acts and, therefore, we must deal with this. That is why the Minister of State at the Department of Health, Deputy Kathleen Lynch, and the Minister for Health, Deputy Reilly, over the past while have involved themselves in exhaustive discussions on this. These schemes have proved not to be in compliance with the legislation I mentioned.

The moneys allocated - more than €10 million - will not be withdrawn. They are being ring-fenced for payment to people under a scheme which is in compliance with the Acts. That is why the Government is closing these schemes for new applicants. They are illegal, discriminatory, not inclusive and not comprehensive. We have appointed Ms Sylva Langford to work with the disability groups and the groups involved to expand the remit of those involved in dealing with this to health, transport, environment and Revenue and to come back with a new scheme which is in compliance with those Acts so the moneys already allocated on a full year basis can be paid to persons eligible for receipt of the payment.

When introduced in 1970 by circular from the Department of Health, the criteria were that a person would not be able to walk for more than 15 minutes, exertion would be a damage to his or her health and that he or she needed a change of scenery. Those criterion are completely obsolete. The definition of disability has changed completely. The capacity of various schemes to deliver an inclusive transport mobility scheme has changed completely and it is for that reason we cannot continue with a situation which is illegal and outside the scope of the Equal Status Act, the Disability Act and the Constitution. We must deal with this in a fair, equitable and comprehensive way. The moneys allocated will continue to be allocated and those people who are in receipt of that payment will continue to receive it for the next four months.

The Deputy will be aware that the motor companies now guarantee vehicles for five or seven years. The current roll-over is three years for persons who have severe disabilities and need adapted motor vehicles. We want to be able to continue that so we must devise a new scheme, taking into account the broader capacity of what is happening now. The moneys allocated will remain allocated.

**Deputy Micheál Martin:** I do not have a brass neck with regard to disability issues. I stand over my record as Minister for Education and Minister for Health in introducing special needs assistants in schools, which was a radical departure for its time and has stood the test of time. I also introduced resource teachers and provided significant disability grants for people leaving second level schools and so forth.

**Deputy Joe McHugh:** The scheme was illegal for 13 years.

**Deputy Micheál Martin:** Much of this is now under threat from the Government owing to the lack of an overall strategy to implement a national disability strategy. The key point is that the language the Taoiseach is using and the language the Minister of State, Deputy Kathleen Lynch used this morning and at the parliamentary committee three weeks ago is telling recipients of the allowance that they will not receive it after the next four months. There is talk about alternative means of transport, broadening the range of transport services and so forth. Up to 5,000 people are in receipt of €208 a month, which will permanently end in four months. There is no certainty after that date. In fact, the only certainty is that they will not receive the allowance again.

The Taoiseach suggests the sum of €10 million will be allocated across a range of transport initiatives. The Minister of State, Deputy Kathleen Lynch, has said there will be a whole-of-government approach. People are very wary of whole-of-government approaches. They were told the same thing about guidance counselling-----

**Deputy James Reilly:** They are, after the hole the previous Government left.

**Deputy Micheál Martin:** -----that there would be a whole-of-school approach to mental health issues.

*(Interruptions).*

**An Ceann Comhairle:** The Deputy is over time.

**Deputy Micheál Martin:** This is the utilisation of language that disguises the reality of a very severe and unprecedented cut for people who only have €190 a week.

**An Ceann Comhairle:** Will the Deputy, please, adhere to what the Chair says?

**Deputy Micheál Martin:** The Taoiseach must deal with the specific issue of how people on €190 a week are supposed to cope in four months time with a dramatic reduction in their income, without consultation. There have been weeks of talks with public sector workers, but there has been no consultation with the recipients of these allowances and their income will go down by 20%. Will the Taoiseach deal with the specifics of that issue for these recipients?

**An Ceann Comhairle:** Before the Taoiseach replies, I inform the House that I have granted permission to two Deputies to raise this matter in the Topical Issue debate.

**The Taoiseach:** Deputy Micheál Martin says the decision of the Government is incomprehensible, wrong, unprecedented and scandalous and was unannounced and that he will stand over his record. Here is the record.

**Deputy Micheál Martin:** Deal with the issue.

**The Taoiseach:** In December 2010 he sat at the Cabinet table.

**Deputy Michael McGrath:** Here is the brass neck to talk down the clock.

*(Interruptions).*

**An Ceann Comhairle:** Please allow the Taoiseach to reply. There is only one minute in

which to reply. I am going to rule on this issue because other Deputies are waiting to contribute.

**The Taoiseach:** The then Minister for Health and Children prepared a memorandum for the Government following a review of the mobility allowance and the motorised transport grant by her Department. She decided to close the mobility allowance scheme to new applicants and abolish the motorised transport grant with effect from 1 March 2011.

**Deputy Micheál Martin:** It did not happen.

**Deputy James Reilly:** Yes, because there was an election.

**The Taoiseach:** Does the Deputy stand over his record?

**Deputy Micheál Martin:** It did not happen.

**The Taoiseach:** The then Government was afraid to face the truth and there was an election. The Deputy knew, following the comments made by the Ombudsman, that the scheme was not in compliance with the Equal Status Act or the Disability Act and, therefore, not in compliance with the Constitution.

**Deputy Timmy Dooley:** The Taoiseach has been in government for almost two years, or is that news to him?

**The Taoiseach:** However, that was nothing new to the Deputy's party which was described years ago for what it was.

**Deputy Micheál Martin:** Deal with the specifics.

**Deputy Timmy Dooley:** The electorate dealt with us two years ago.

**Deputy Micheál Martin:** What is the Government going to do for the people who will be down €208?

**The Taoiseach:** The Government set aside almost €11 million for the scheme for this year. That money is ring-fenced.

**Deputy Micheál Martin:** It is not; it is not ring-fenced for the people concerned.

**The Taoiseach:** Yes, it is. What we want to do now-----

**Deputy Micheál Martin:** It is not ring-fenced for the recipients.

**An Ceann Comhairle:** I will not ask the Deputy again.

**Deputy Micheál Martin:** The Taoiseach is misleading them again.

**An Ceann Comhairle:** Will the Deputy, please, show some respect for the House?

**Deputy James Reilly:** He would be an expert in misleading people.

**Deputy Micheál Martin:** I have seen the precedents. That is how I know.

**Deputy Timmy Dooley:** I would not go there, Minister.

*(Interruptions).*

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**An Ceann Comhairle:** I will have to cut this short.

**The Taoiseach:** Deputy Micheál Martin stands over his record of refusal to deal with reality. The reality is that these schemes are not in compliance with the Equal Status Act, the Disability Act or the Constitution.

**Deputy Micheál Martin:** That is not the issue.

**The Taoiseach:** The issue is how to deal with this when one ring-fences money for this purpose. What is required is for us to rise to the challenge of creating a new scheme to provide access to transport for the persons who need it and leave money in situ for that purpose. That is what the Government decided yesterday.

**Deputy Timmy Dooley:** At the same time it is undermining the rural transport initiative.

**The Taoiseach:** The reality is that Deputy Micheál Martin wants us to continue with a scheme that is deemed to be illegal under the Equal Status Act-----

**Deputy Micheál Martin:** The Act can be amended.

**The Taoiseach:** -----and outside the definition of disability today. The world has utterly changed since that circular was issued in 1979 and we are now charged with dealing with this. The money has been provided for the people who need this service and it will continue to be ring-fenced for that purpose.

**Deputy Timmy Dooley:** But they will not get it.

**Deputy Micheál Martin:** It is not ring-fenced for the recipients.

**The Taoiseach:** In the forthcoming period the person appointed will meet all the federations and groups. The Minister for Health, Deputy James Reilly, and the Minister of State, Deputy Kathleen Lynch, met the Disability Federation of Ireland last Thursday and officials met the Irish Wheelchair Association and the Disability Federation of Ireland on 12 February. The officials and the Minister of State have met most groups in the past month. The Deputy should not come in here and say he stands over his record. It is, quite simply, appalling.

*(Interruptions).*

**Deputy Gerry Adams:** The Taoiseach says the Government has scrapped the mobility allowance scheme and the motorised transport grants scheme because they are illegal. Why are they illegal? They are illegal because they discriminate against a section of citizens who are entitled to these schemes but are denied access to them and have been denied access to them by successive Governments. Fianna Fáil was in power for most of the 13 years that they have been illegal, but the Government has had two years to sort the issue out. It has been doing the very same as Fianna Fáil, which is discriminating against citizens.

*(Interruptions).*

**An Ceann Comhairle:** Please allow the Deputy to speak without interruption. We live in a democracy.

**Deputy Gerry Adams:** The way to bring these schemes into compliance with the law and give citizens with disabilities their entitlements, where appropriate, is to do what the Ombuds-

man recommended. The Department has stated, contrary to what the Minister of State, Deputy Kathleen Lynch, said on radio this morning, that these costs cannot be borne. That is the nub of the matter. This was done without notice being given to the Dáil, disability groups or recipients and without consultation. Cost has everything to do with this decision. The Government will not extend the schemes because it will cost more; therefore, it has scrapped them owing to the threat of legal action. It is all about money. There is plenty of money for the golden circles but none for disabled citizens with entitlements. I ask the Taoiseach, leaving aside all the brick-bats between the Government and Fianna Fáil, to rescind this decision, wait until the review has concluded and consult properly with representatives of disabled citizens before taking any decision on this matter.

**Deputy John Deasy:** What about the citizens you disabled?

**The Taoiseach:** At least Deputy Gerry Adams was not responsible for this situation; I will grant him that much. Under the current arrangements, over €10 million was allocated for the full year, to be ring-fenced for both of these schemes. However, they have been deemed to be illegal and not in conformity with the Equal Status Act and, therefore, not in compliance with the Constitution.

**Deputy Joe Higgins:** Change the Act. It is very easy.

**The Taoiseach:** We must now devise a scheme in working with the groups involved. The Minister and the Minister of State met with the vast majority of them in the past month. We must put in place a scheme that is far more comprehensive, fair and equitable than these two which are deemed to be illegal. The Deputy is aware that throughout the country in both urban and rural areas there are a variety of mobility and transport schemes in operation through one agency or system or another. We are now involving all of the people in the Department of Transport, Tourism and Sport, the Department of the Environment, Community and Local Government, the Department of Health, the Revenue Commissioners, disability groups, the federation and the HSE.

**Deputy Micheál Martin:** The Department of Transport, Tourism and Sport is not in the review.

**Deputy Kathleen Lynch:** It is.

**Deputy Micheál Martin:** It is the Government's document - no Department of Transport.

**The Taoiseach:** They know who is currently in receipt of the motor transport grant. We will devise a scheme which is compliant with the law and the definitions in the Disability Act. This has dragged on for a very long time. The Ombudsman identified very valuably a piece of information which Government must now respond to. It is not an easy challenge. It is not the case that moneys allocated in 2013 are being taken away.

**Deputy Finian McGrath:** You have spent two years thinking about it.

**The Taoiseach:** The money is ring-fenced and will continue to be left in place for the people who receive allowances over the next four months. Hopefully at the end of that time, a new scheme can be put in place in which the moneys currently available will continue to be made available.

We cannot afford in the current circumstances a scheme which might rise to €200 million

or €300 million and would as a direct consequence take from existing front-line services for disabled people or those challenged in one way or another. It is a serious matter for all of them. The Minister and Minister of State met with the federation last Thursday. People have been aware of the difficulties and complexities involved in the illegality of the scheme for quite some time.

**Deputy Gerry Adams:** A nugget emerges in the Taoiseach's answer. The words "we simply cannot afford" are the core of the issue. The knowledge that the schemes were illegal has been around for 13 years. The simple thing is to change the scheme to make it legal. Instead, the Government scraps it. Already this morning, I have had calls from our Drogheda office to say that citizens who are liable to be on these schemes are alarmed because there was no notice. It is a sign of dysfunctionality that on what might otherwise have been a good news day for the Government we end up with a controversy. The Government is ham-fisted in dealing with these matters. In response to a question to Deputy Mary Lou McDonald last October, the Tánaiste said it was not the Government's wish to withdraw the mobility allowance from those in receipt of it. Now the Government has done exactly what the Tánaiste said it did not wish to do.

**Deputy Brendan Howlin:** We have not withdrawn it. It is still there.

**Deputy Gerry Adams:** I ask the Taoiseach to reflect on what has been said and the fact that there was no notice to the Dáil. We were here all day yesterday but there was not a whimper of this. There was no notice to recipients or disability groups. We are not asking the Taoiseach to have a revolution. We are asking him simply to deal with the ombudsman's recommendation and do what should have been done a long time ago, which is to stop discriminating against citizens with disabilities who could have access to these two schemes. I ask the Taoiseach to go off and reflect on that. That would be the decent and honest thing to do this morning.

**The Taoiseach:** That is exactly what is going to happen now.

**Deputy Billy Kelleher:** Is it a revolution or a reflection?

**The Taoiseach:** The Government has decided to appoint Ms Sylva Langford to work with the groups involved in this and with the expanded number of Departments which currently supply services in one way or another to people in rural and urban areas. If one were to have a scheme that cost €200 million to €300 million, one would put an end to the home care package and the home help scheme; taking from one sensitive area and putting it into another.

**Deputy Gerry Adams:** Bring in a wealth tax.

*(Interruptions).*

**Deputy Micheál Martin:** The Government has already cut the home help scheme.

**The Taoiseach:** The money has been ring-fenced for the entire year. The Ministers have looked at various options to make the scheme compliant and the legal advice is clear that all of the options would be discriminatory. In order to comply with the legislation and the Constitution we must devise a new scheme. That is why a sunset clause is being included. The money is not being taken away. It is ring-fenced.

**Deputy Micheál Martin:** It is being taken away.

**The Taoiseach:** This is not a savings exercise, it is about finding a way to provide an inclu-

sive, fair, equitable, non-discriminatory system which deals with those who need it. They have severe physical challenges and need cars to be altered. It is for those who are now in compliance with the new definition under the Disability Act and the Equal Status Act. We are creating a scheme that is much more inclusive, non-discriminatory and fair. That is why we included a sunset clause. The money is not being taken away. It is being left there. Hopefully, we can work together to bring about a scheme in a more concentrated form to the current system of various schemes to cater to those who need it.

**Deputy Mattie McGrath:** It boggles me to hear the Taoiseach refer to a sunset clause because this cohort of 5,000 people will never see sunrise or sunset. They will be locked in their homes. This was a very specialised grant. The legal issue has been known for five years. The Ombudsman brought it to the last Government's attention. The Taoiseach promised a new era of transparency. He has known about this for two years. To come to the House to tell us that this is being done on foot of the Attorney General's advice forces me to ask what the Attorney General has been doing for the last two years. What were the last Attorneys General doing? Will their pensions be cut if they were misleading the country? This is farcical in the extreme.

Does the Taoiseach know what it means to people on the margins who do not have transport to make a simple journey to the shop, mass or the doctor? Are there people in the Departments of the Taoiseach, Health or Social Protection with a disability to give Ministers an understanding? When this was mooted in 2009, a group of us approached the then Minister, Mary Hara, and insisted it was reversed. The issue arose again last summer when we were all on our holidays and disabled people had to come to the gates of Government Buildings and Leinster House to protest. I salute them because many were unfit but they came. The Taoiseach went back on it. Are there officials in the Departments who are constantly bringing this forward - "Here we come again"? As Deputy Gerry Adams said, there was no word of it yesterday when the Government was talking about its good deal on the banks. This issue slipped out again last night and the Government blamed the Ombudsman. Last summer, the Government blamed the troika. The troika had nothing to do with it as we all know. We know today it has nothing to do with the Ombudsman. I heard her tell the nation that on "Morning Ireland" this morning. All she wants is equality and parity of esteem for pensioners. Are they not entitled to it?

This is a very sad situation. In April 2012, disabled drivers and passengers were hit with a new charge of €135.30 payable to a new quango, the National Standards Authority of Ireland, or NSAI, in respect of individual vehicle approval certification. Another charge and another quango was imposed on those people. There has not been an increase in the level of support to disabled drivers since 1987. We have seen 26 years pass and a number of recessions, booms and busts without an increase in what can be claimed back in VRT or VAT. It has been 26 years and now the Government goes after this. These people were not represented at last week's talks. They were not at Croke Park the first or second time and will not be at Croke Park for the third agreement. They will not have Jack O'Connor and the other union representatives or the Labour Party to help them. Is the Labour Party going to make Mr. O'Connor an honorary member if the deal is passed?

*(Interruptions).*

**A Deputy:** You can become an honorary member of Fianna Fáil. Take Deputy Mattie McGrath back.

**Deputy Mattie McGrath:** To make it worse, the backbenchers over there-----

**An Ceann Comhairle:** Do not egg them on.

**Deputy Mattie McGrath:** I will talk to the Chair. The backbenchers over there knew about this for two days or more.

*11 o'clock* They knew this was coming. They knew it last summer so they should have put it to bed once and for all.

Will the Taoiseach find the moral courage to stand up to his officials who are pushing this on him? He is too weak to resist.

**The Taoiseach:** The Government does not lay the blame for this on anybody.

**Deputy Mattie McGrath:** It is blaming people.

**The Taoiseach:** It accepts the reality that the situation as identified by the Ombudsman is clear, that the court determined that the situation is as it is and as a consequence the Government has to deal with it. Tomorrow, for instance, the Government will publish the value for money review of disability services and the implementation framework, which will be broadly acceptable in the way that services are provided for people with disabilities. They have evolved over time and need to change very much further in the interests of the people they are supposed to serve. As the Deputy knows, there are additional moneys of about €4 million per day in the 2013 programme to provide day services for people with disabilities who are over the age of 18 and leaving school this year.

The Equality Tribunal found on two occasions that because the mobility allowance scheme is available only to people who are unable to walk, it discriminates against people with other forms of disability. That is the nub of the problem. There is also age limit applied to people between 16 and 66, the fact that the definitions now applicable to persons with disability are much broader than they were, and the evolution of services over the past 20 years, so that they have changed utterly. I repeat that a sum in excess of €10 million is allocated this year for both of these schemes, but the scheme is illegal and discriminatory, does not comply with the Equal Status or Disability Acts, and is outside the limits of our Constitution. We must make provision for a new scheme in which those moneys can be spent on people who need them.

The Deputy is aware that for the 350 people who received the motorised transport grant, the mechanics of their cars must be altered so that people with particular forms of physical disability can drive and have the independence to travel to the shop or the local town, as the Deputy said. For people in receipt of the mobility allowance covering the spectrum of definitions of disability, we now need to devise a new scheme that complies with the law and is conclusive and comprehensive.

**Deputy Micheál Martin:** There is no new scheme being proposed.

**The Taoiseach:** The Government needs to come together with the agencies and Departments whose remit has expanded and which supply a range of services with a view to providing a scheme that will cater for the needs of people who require it. That is the job of the Minister for Health, Deputy Reilly, and the Minister of State, Deputy Kathleen Lynch. It is not true to say that the groups involved were not informed. They were all told yesterday. There have been meetings about this for some time. As the Deputy is aware, and as I pointed out to another Deputy this morning, there was an occasion on which a different Government refused to face

up to the fact that it continued to operate a scheme that was illegal, unequal and discriminatory.

**Deputy Mattie McGrath:** When will the Taoiseach act on the mandate he received from the people over two years ago, be a man and stand up for what he believes in and what he promised the people, and not blame everything on the past Government?

I heard John Dolan of the Disability Federation of Ireland on radio this morning. The Taoiseach had a path worn going over and back to Buswell's Hotel to meet him and make promises under the last Government but I heard the man say that he knew nothing about this. There were no consultations. I have a simple request. The Taoiseach might blame the Independent Members for not offering anything. When the Minister of State, Deputy Kathleen Lynch, has finished whispering to him, will he agree to defer this attack on these people until he works out all the promises and things he has said he will do and carries out consultation? Will he defer this decision for four months? The Taoiseach said the money is ring-fenced, which is great. He should have some compassion, defer this and change the legislation. Four months should be ample time. He should not cower behind the troika, as he did last June, the Ombudsman, as he did this morning, and everybody else he likes to blame, including the last Government, which he blames for everything. He should be a man. The Taoiseach should stand up and be counted. These people need this transport not only to go to the shops, to mass and to dental appointments but also to go to the polls to vote. They will pass a damning judgment on the Taoiseach and Jack O'Connor and the Taoiseach's friends in the Labour Party when it comes to it. He should be a man. Seas suas agus déan do dhícheall. I beg the Taoiseach to defer this until such time as we have dealt with it and passed the legislation. I do not believe the money is ring-fenced, but we will see when it comes to the point. Show me the money.

Is it true that the Minister of State, Deputy Kathleen Lynch, refused to meet people with disabilities in Limerick Hospital last week? I am very disappointed to hear that. I received a text during my contribution here from people with disabilities who were turned down for grants.

**The Taoiseach:** I am not sure what the Deputy means by "defer". Nobody who is in receipt of the moneys at the moment will lose one cent during the period of the sunset clause while the work and discussion on drafting a new scheme continue. I am not sure whether the Deputy is saying we should cut it off altogether and devise a new scheme.

**Deputy Mattie McGrath:** No, I am not.

**Deputy Micheál Martin:** The Taoiseach should be honest. The scheme is gone.

**Deputy Bernard J. Durkan:** Deputy Mattie McGrath is reverting to form.

**The Taoiseach:** I am glad the Deputy is clear on that, because those persons who are in receipt of €208.50 per month will continue to receive this payment during the course of the work that is now being undertaken to devise a new scheme. I am sure Deputy McGrath does not want the Government to operate two schemes that are clearly deemed to be illegal, discriminatory and outside the Equal Status Act-----

**Deputy Mattie McGrath:** I am sure the Taoiseach does not mind ignoring the Supreme Court. He ignored the Supreme Court on the children's referendum. He is still ignoring it.

**The Taoiseach:** I am quite sure the Deputy does not want the Government to operate schemes that are clearly deemed to be illegal. I think I can take that from his demeanour.

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**Deputy Mattie McGrath:** It would suit the Taoiseach.

**The Taoiseach:** We have to devise a scheme that is legal, fair, inclusive and equitable, and that accords with the law and the Constitution.

**Deputy Mattie McGrath:** He has four months to do it. We will all help him.

**The Taoiseach:** That is the work that will go on over the next four months. The moneys are ring-fenced. They are not being taken away. They are there for this purpose.

**Deputy Mattie McGrath:** Like the money for mental health services that was ring-fenced.

**The Taoiseach:** The challenge is for the Minister for Health, Deputy Reilly, and the Minister of State, Deputy Kathleen Lynch, to be able to do that with Ms Langford, who has been appointed to chair this process. The Minister and the Minister of State have met the different groups on numerous occasions over a recent period and they were all informed yesterday before the announcement was made.

**Deputy Mattie McGrath:** Yesterday?

**The Taoiseach:** They were formally informed yesterday before the announcement was made. I did not tell Deputy Adams yesterday that the bank guarantee was going to end. He occasionally has an interest in banks.

### Order of Business

**The Taoiseach:** It is proposed to take No. 35, statements on the report of the interdepartmental committee to establish the facts of State involvement with the Magdalen laundries (resumed), to adjourn at 1.30 p.m. today, if not previously concluded; No. 36, Education and Training Boards Bill 2012 - Order for Report, Report and Final Stages; and No. 6, Further Education and Training Bill 2013 - Order for Second Stage and Second Stage. Private Members' business shall be No. 106, motion re State forestry (resumed), to conclude at 9 p.m. tonight, if not previously concluded.

**Deputy Micheál Martin:** The Minister for Communications, Energy and Natural Resources confirmed yesterday that there will be a new universal broadcasting tax which will apply to people irrespective of whether they own televisions. When can we expect to see the Broadcasting Bill and the legislation to replace the licence fee and give effect to this new tax? Could the Government provide details of the issues surrounding that legislation to the House?

When will the implementation plan for the national disability strategy be published? Given all that has happened and the litany of attacks on people with disabilities, it is clear that coherence is required and some strategic approach to dealing with people with special needs and disabilities is urgently required from the Government.

**The Taoiseach:** I agree with the Deputy's last comment. As I said to Deputy Mattie McGrath, that is expected to be published tomorrow.

**Deputy Micheál Martin:** That is too late for the mobility allowance.

**The Taoiseach:** It will set out very clearly how services should be provided in the future with much greater impact and to the benefit to those who receive these allowances. It will not be like what went on in the past as Deputy Martin will be aware.

**Deputy Micheál Martin:** So the Government is going to cut them. The Taoiseach should acknowledge that what went on in the past ten years was good for disability.

**An Ceann Comhairle:** Thank you, Deputy Martin. Can we listen to the answers?

**Deputy Micheál Martin:** The Taoiseach's predecessor, Brian Cowen, was quite effective in this regard.

**The Taoiseach:** Deputy Martin sat over here on this side of the House and refused to do anything about a scheme that was blatantly illegal.

**Deputy Micheál Martin:** Brian Cowen was the first Minister for Health and Children to bring any improvements to people with disabilities. If the Taoiseach had any generosity in him, he would acknowledge that and stop playing politics all the time.

**Deputy Barry Cowen:** He stood by those with disabilities.

**The Taoiseach:** That is Deputy Martin's record. He said he would stand by his record.

**An Ceann Comhairle:** We are on the Order of Business. Would Deputy Martin please cool down and stop getting himself upset?

**The Taoiseach:** Does Deputy Martin stand by his record? His record was one of refusing to recognise the facts and to deal with the truth.

**Deputy Micheál Martin:** Brian Cowen was the first Minister for Health and Children to be acknowledged by people with disabilities to have made improvements for them. The Taoiseach, however, continues to undermine this every day.

**An Ceann Comhairle:** I remind Deputy Martin that there is a thing called respect for the Chair, whoever is in it.

**Deputy Micheál Martin:** There is indeed.

**An Ceann Comhairle:** Would he please adhere to the rules of the Chair? If he asks a question, would he allow for an answer? He might not like the content of the answer but that is the fact.

**The Taoiseach:** The information plan will be published tomorrow. The Minister for Communications, Energy and Natural Resources has not brought his recommendations for changes in technology and requirements to deal with broadcasting before the Government yet. I will come back to Deputy Martin with an update as to when the Minister might expect to do that.

**Deputy Gerry Adams:** Tá dhá cheist agam ar an Taoiseach, an chéad cheann faoi reachtaíocht atá forógraithe. There is promised legislation to amend the Land and Conveyancing Law Reform Act 2009. This was revealed during the December troika review when the troika said the Government was committed to bringing forward legislation to allow the banks to repossess homes. Will this proposed legislation contain safeguards for home owners to protect them from repossessions? I note the banks are to meet twice with the Central Bank on the is-

sue of burden-sharing. Given that a quarter of all domestic mortgages are now in distress, will further legislation be required to ensure the banks engage in debt write-downs for struggling households?

Regarding the mobility allowance scheme and the motorised transport grants scheme, we have been advised by the media that Teachtaí from the Labour Party and the Fine Gael Party have already been briefed on this matter. I do not know whether this is true. Certainly, given that this was a matter that an Oireachtas committee was dealing with and commitments on consultation were made, the Opposition should have at least been entitled to have the Minister for Health make the announcement on the schemes here. I do not believe it is a good way to do business if we are reliant upon the media to tell us about Government announcements, particularly when they affect constituents we represent.

**The Taoiseach:** The first Bill referred to by Deputy Adams is known as the Dunne judgment. The heads of that Bill will come to the Government shortly. It is expected to be published in this session. It is important legislation because of the context of the pressure on the Government in working with the banks and the Central Bank in dealing with mortgages in distress and the opening of the Personal Insolvency Agency in early summer. This legislation has caused quite a number of difficulties. I expect it to be published in this session.

No legislation is necessary for the banks to involve themselves in write-downs. They have been given sufficient moneys under the recapitalisation programme to deal with an element of distressed mortgages, if they so wish. That has been referred to by several bank chief executives themselves.

The Oireachtas committee will have an important part to play in views being put forward in the consultation with the Minister of State at the Department of Health, Ms Sylva Langford and the disability groups to discuss how best to proceed in keeping the moneys intact for the mobility allowance and motorised transport grant but devising a scheme that is compliant with the law.

**Deputy Mattie McGrath:** The Finance (Local Property Tax) (Amendment Bill) 2013 will be taken on Friday. However, there is an anomaly in that estates classified as category 3 and 4 in the household charge and were deemed ineligible for the household charge tax are now included in the house tax. South Tipperary County Council submitted an estate in my constituency-----

**An Ceann Comhairle:** Hold on there, Deputy.

**Deputy Mattie McGrath:** There are probably many others. Now that they have been omitted by the Department in the-----

**An Ceann Comhairle:** The Deputy can make all these points when we debate the legislation.

**Deputy Mattie McGrath:** There is a disconnect between the Department and local authorities. Will the Taoiseach clarify the position on this as it is important for the householders who live in unfinished estates?

**An Ceann Comhairle:** It cannot be raised on the Order of Business.

**Deputy Mattie McGrath:** It is pertinent to the Bill we are taking on Friday.

On Monday, we heard, with great fanfare, the Minister for the Environment, Community and Local Government announce that 25% of the jobs to be created by water metering would be given to the unemployed and local small businesses. However, I have a letter in my possession from a small business-----

**An Ceann Comhairle:** Hold on a second, Deputy. This is the Order of Business.

**Deputy Mattie McGrath:** It seems that to get a contract for water metering, the business must have a minimum turnover threshold of €400,000 over the past number of years.

**An Ceann Comhairle:** Put down a parliamentary question about these issues.

**Deputy Mattie McGrath:** I have but I did not get any answer.

**An Ceann Comhairle:** The Deputy cannot raise it on the Order of Business.

**Deputy Mattie McGrath:** It is on the Order of Business. The Water Services Bill and Bord Uisce are being rushed through.

**An Ceann Comhairle:** What about it?

**Deputy Mattie McGrath:** I am asking the Minister, Deputy Hogan, to be fair and honest with people and not lead them astray----

**An Ceann Comhairle:** If it is going through the Dáil-----

**Deputy Mattie McGrath:** -----applying for jobs that they cannot get because they do not have a turnover of €500,000.

**An Ceann Comhairle:** Thank you, Deputy.

**Deputy Mattie McGrath:** Is it a big boys' club?

**The Taoiseach:** The Government has decided to introduce a local property tax which will be applicable from July. The mechanics of this will be operated by the Revenue Commissioners. In response to Deputy Mattie McGrath's particular question, in so far as housing estates are concerned, those exempted from the €100 flat rate local charge will generally be exempted from the property tax. The Water Services Bill is on Committee Stage today so Deputy Mattie McGrath is entitled to make his case there and refer to the letter he has in his possession.

**Deputy Patrick O'Donovan:** When is the foreshore and marine area development Bill to come before the House? It is important legislation for port development including the port of Foynes in my constituency.

**The Taoiseach:** The consultation process on this Bill began on 1 February and will close on 1 March. Following this, we will have the Bill later in the year.

**Deputy John O'Mahony:** Will the Taoiseach indicate if any progress has taken place with the sport Ireland Bill or have any discussions taken place at Cabinet about it? This legislation will amalgamate the Irish Sports Council and the National Sports Campus Development Authority. It is down on the legislative programme to be published in 2013. Will the Taoiseach give a better timeline as to this important legislation's publication?

**The Taoiseach:** The heads of the Bill have not yet been finalised and, therefore, it has not

been discussed at Cabinet yet. When the heads are prepared, it will be brought to the Government and go back to the relevant Oireachtas committee.

**Deputy Thomas Pringle:** I understand members of the media were briefed by the Secretary General and other staff of the Department of Public Expenditure and Reform on the contents of the Croke Park extension deal for an hour yesterday. Out of respect for the House, does the Taoiseach have any intention to brief the Opposition on the contents and implications of the deal too? I would have thought that would have been the first priority for the officials in the Department rather than briefing the media.

**The Taoiseach:** As the Deputy is aware, the document is a Labour Relations Commission document. It was published in full yesterday. The commission has experts available in respect of the minute detail of any aspect of its paper. The unions are now in receipt of the document. They will consider it and ballot their members in the tradition that each union adopts. If Deputy Pringle has any particular queries on the deal, I am sure the Department will be happy to answer them in so far as it can.

**Deputy Thomas Pringle:** If the Department can brief the media, then it can brief the Opposition too.

**Deputy Michael Healy-Rae:** With regard to the proposals from the Minister for Communications, Energy and Natural Resources to change the existing television licence to a broadcasting charge, it is telling people, even if they do not have a television, that they will have to pay for Internet and broadband access. When will there be proper broadband coverage for everyone?

**An Ceann Comhairle:** Are we talking about legislation here?

**Deputy Michael Healy-Rae:** Yes. Where is the promised broadcasting Bill which will have to give effect to this change?

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

**Deputy Michael Healy-Rae:** What is the Government proposing to do?

**Deputy Micheál Martin:** The Minister for Communications, Energy and Natural Resources promised it. He announced yesterday that there would be a broadcasting tax.

**Deputy Michael Healy-Rae:** Will a new Bill not have to be brought before the House?

**An Ceann Comhairle:** Sorry, Deputy. Is there promised legislation?

**Deputy Micheál Martin:** There will have to be legislation to bring it in.

**An Ceann Comhairle:** I will ask the Taoiseach to reply.

**The Taoiseach:** The Minister has not brought his recommendations in this area before the Government yet. Deputy Healy-Rae will be aware that with changes in technology, people receive information and news in a much-expanded form compared to what they had been used to years ago.

**Deputy Sean Fleming:** Last November the Dáil was informed that legislation to merge the National Roads Authority and the Railway Procurement Agency was to be published by the end

of 2012. Three months later we have found that the heads of the legislation have not yet been agreed. Will the Taoiseach let us know when the legislation will be published?

**The Taoiseach:** That was approved by the Cabinet yesterday and the Minister will report progress shortly.

**Deputy John Lyons:** Can the Taoiseach indicate when we can expect to see the Criminal Justice (Spent Convictions) Bill return to the Chamber?

**The Taoiseach:** I expect it will be maybe eight to ten weeks. I trust Deputy Lyons will not tie me down to a specific date, but we will keep him updated.

**Deputy Bernard J. Durkan:** When is it intended to introduce a Bill to the House to streamline the functions of the company law enforcement agencies, having particular regard to the concerns expressed by the former Director of Corporate Enforcement? Have the heads of the Bill been discussed in Cabinet? Given the continued urgency and the need for this legislation, when is it likely to come into the House?

**The Taoiseach:** It has not been discussed at Cabinet yet. There is no date for publication, although a good deal of work has been done on it. I will keep Deputy Durkan updated.

**Deputy Pearse Doherty:** My questions are on two tranches of pending legislation. The Taoiseach will be familiar with the landmark High Court judgment earlier today in the case against NAMA and Anglo Irish Bank taken by the Office of the Commissioner for Environmental Information. This was instigated by a request from Gavin Sheridan, who has been a leading light advocating for transparency in the State for many years. The court ruled that NAMA and Anglo Irish Bank were public bodies and therefore subject to environmental information regulation. Will the Taoiseach inform us when the freedom of information Bill will be before the House? Will it deal comprehensively with access to information from NAMA and the former IBRC and Anglo Irish Bank? NAMA and the Office of the Commissioner for Environmental Information are both public bodies that have been fighting this out in the court. It has been going on for three years now. It is such a complete abuse of public money that there should be a direction or order on the Minister asking him not to appeal it and waste any more money belonging to the State.

Yesterday, the Government published the agreement on how it would take money from low and middle-income public sector workers following a couple of weeks of negotiations. It has been a year and a half since the Government started discussing taking money from higher bank executives - those on €500,000-plus in pay and pensions - but we have not seen the report yet. It is glaringly obvious that although the Government can introduce cuts to the basic salaries of 300,000 public sector workers within a couple of weeks, one and a half years on the salaries of those people who creamed it at the top and who were responsible for the damage to the economy are maintained. We have not seen the Mercer report yet. When will it be published? Given the announcement made by the Government yesterday, it is important that it is published without delay and that action is taken on these vast salaries and pensions.

**The Taoiseach:** I have not had time to study the details of the decision of the High Court this morning. However, I can inform Deputy Doherty that work is very well advanced in the Office of the Attorney General in respect of the freedom of information Bill. I expect it will be published this session.

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Deputy Doherty referred to the Mercer report. I am informed by the Minister for Finance that it will be published inside the next two weeks.

**Deputy Brendan Griffin:** I acknowledge that we have some good news this morning with regard to our employment and unemployment figures. I acknowledge the reduction in the unemployment rate from 14.6% to 14.2%. This is the first quarterly increase in the number of people in employment since 2008, and it is good news.

**An Ceann Comhairle:** Maybe we can relate this to legislation.

**Deputy Brendan Griffin:** It relates to our diaspora. One of the great causes of emigration in the past was unemployment. Last week I tabled some questions, which the Ceann Comhairle will have come across, on the possibility of trying to encourage some of our diaspora to come back to Ireland.

**An Ceann Comhairle:** No. I would be more interested at the moment if you would simply ask me about legislation.

**Deputy Brendan Griffin:** Does the Government have any intention of helping to drive a campaign to encourage people to come back to Ireland to retire?

**An Ceann Comhairle:** I am sure it has, but not on the Order of Business.

**Deputy Brendan Griffin:** It would introduce a good deal of spending into the economy, and given that there is such good value at the moment in the property market-----

*(Interruptions).*

**An Ceann Comhairle:** Is there any legislation you are concerned about?

**Deputy Brendan Griffin:** It would make it much easier for people to come back to Ireland and retire here.

**An Ceann Comhairle:** Perhaps you should have a chat with the Taoiseach after the Order of Business.

**Deputy Brendan Griffin:** Does the Government have any intention of looking into that idea and possibly tying it in with The Gathering this year?

**An Ceann Comhairle:** Thank you very much. That is very kind.

### **Credit Institutions (Stabilisation) (Amendment) Bill 2013: First Stage**

**Deputy Michael McGrath:** I move:

That leave be granted to introduce a Bill entitled an Act to make provision for the reduction of pensions payable by credit institutions covered by the Credit Institutions (Financial Support) Act 2008 to certain employees of those credit institutions.

**An Ceann Comhairle:** Is the Bill opposed?

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

Question put and agreed to.

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

**Deputy Michael McGrath:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

### **Magdalen Laundries Report: Statements (Resumed)**

**Deputy Bernard J. Durkan:** When the matter was adjourned yesterday evening I was suggesting that we must give recognition to the women who are the survivors of the Magdalen laundries. They stayed with the subject and were not put off by the fact that they were not heard or that their issue was not addressed. We owe them a great debt of gratitude for remaining with the subject and seeing out their case and cause, and doing so in a dignified way despite the fact that it was a considerable burden for them to have to bear for many years. There was an ongoing feeling of a failure to recognise their plight and a failure on the part of the system to recognise the wrongs that took place, as well as a failure of society. I raise the failure of society in particular because there seems to have been more than one failure in our society in recent years. On the one hand, we should recognise the role played by women in our society. The way in which they were treated in some circumstances is not something we should be especially proud of. The fact that this particular situation prevailed for so long with little response is a clear indication that in future we should be more receptive to queries raised by people who may well be in a minority but who have a just cause and who have suffered distress and suffered by virtue of negligence on the part of the system to recognise their plight.

There is another lesson we should learn. This is something I referred to briefly yesterday evening. We do not know at what time in the future some other issue will turn up which may reflect poorly on our society now. One of the lessons we should learn from what has occurred in the case of the Magdalen laundries is that as time goes by we should become more alert to issues arising in our society which might fail the test of scrutiny at some stage in the future. I have no particular wish to go into the subject of child abuse, of which we have experience in recent years. However, there are times when one could be pardoned for coming to the conclusion that a certain amount of abuse of one kind or another seemed to have become acceptable. There seems to be a reluctance on the part of society and certain people, who should have known what was going on, to accept what was going on and to accept the veracity of the people who brought these matters to public attention. This includes children as well as adults. We have many lessons to learn in this regard and I hope we will learn them.

My view, which has been expressed by many others, is that it is best that restitution be entered into now, that arrangements be made and that agreement be reached in so far as it is possible. We must try to ensure that the neglect and lack of action over many years is replaced by a positive response as well as a recognition of the particular situation that we have come to recognise now. Other speakers have mentioned the Bethany Home. While the Bethany Home

was not included in this report, it behoves us to investigate all similar situations of discrimination and neglect, wilful or otherwise, and address the issues arising now rather than leave them to be resurrected by future generations. I hope future generations will not have to look back and ask whether we were really alert. We should learn from our experience by ensuring these issues do not arise again. Sadly, that has not been the experience of the past 50 or 60 years. I do not refer to a particular group when I say that society has repeated these mistakes. Bias and old fashioned ideas allowed this society to ignore what we should have readily recognised. I thank the women who persisted in bringing this matter to our attention and I hope those who were affected will be adequately accommodated.

**Deputy Finian McGrath:** I am grateful for the opportunity to speak on the Magdalen laundries report. I warmly welcome the apology that the Taoiseach made in the Dáil last week. It was considered, respectful and, above all, the right thing to do for the Magdalen women. I commend him on issuing an apology on behalf of all Members of the Oireachtas. When somebody in this House gets it right, it is important to acknowledge him or her. Now, however, we face the real test of acting on the apology by supporting these women in a practical way. Time is not on our side and I urge speed and efficiency in supporting women who suffered a grave injustice.

Deeper issues also arise on which Deputies and our wider society should reflect. We need to ensure this type of injustice does not happen again. Vigilance is key to this issue. Ireland has changed but that does not mean we can walk off the pitch thinking all is well for the protection of children and vulnerable people. The legacy of the Magdalen women should be constant vigilance on behalf of vulnerable and exploited people in modern society.

It is also important to tell the women that we believe them and commend them on their bravery and integrity. Now is the time to act on our belief by supporting them with proper compensation. I urge common sense. The women themselves should be our priority and we should not be distracted by those who take different angles on the compensation package. I hope the injustice will be redressed in a fair and comprehensive manner. There can be no fudge because compassion and support have to be at the top of our agenda.

There was no State payment for lone parents in the days of the Magdalen laundries. It was a shameful and dark time in Irish history. It is shocking to realise that the last laundry only closed in 1996, a mere 17 years ago. I recently received a letter from a lone parent who drew my attention to a number of issues that persist in modern Ireland. She wrote that she became a single mother nine years ago. She currently receive benefits and eventually her family came around to accepting her but she could have been sent to a mother and baby home or a Magdalen laundry had she lived in different times. If she had been unfortunate enough to lack an education and a supportive family, her life may have turned out very differently. She noted that there are many thousands of families in which one parent provides for children without the proper support of the other parent. It is often a challenging and lonely job but it is also rewarding. She pointed out that, unfortunately, media coverage and online commentary suggest that the stigma of being a lone parent persists below the surface. Whether they are parenting alone due to separation, divorce, death or imprisonment of another parent, relationship breakdown or crisis pregnancy, the idea persists in many sections of Irish society that lone parents are all women and they purposefully become pregnant to abuse the welfare system or join in the gravy train with free houses and buggies. Despite the statistics, the stereotype of the fallen women continues to be believed. Ireland may no longer have Magdalen homes, but we still have consistent poverty. She noted that the report on child income supports proposes to cut supports for lower income families. I refer to this letter because I have also heard these comments in pubs and the wider community.

We have to deal with these issues in an open and comprehensive manner.

The Magdalen women, who showed such bravery and integrity in visiting these Houses last week, also brought the message that we must not tolerate exploitation of men, women or children in any part of society. In developing a compensation package, these women should get our full support at all times. Our focus must be on treating them in a fair manner.

One woman is cited in the Magdalen report as having been subjected to sexual abuse by an auxiliary. A significant number suffered abuse in the family home or other institutions. We must reflect on these issues, which arise outside of the context of the Magdalen laundries. Societal issues remain to be addressed in regard to child abuse and dysfunctional families. Approximately 80% of abuse takes place within the extended family. I raise this issue because it was highlighted in the McAleese report. A small number of women reported physical punishment on at least one occasion. I quote the following extracts from the report:

“two ladies were standing there, not nuns but dressed in navy. I was left with those two”; and after being made to remove her clothing and stand on a stool, she described being “punched by one of them, one side to another. I was dizzy, I kept saying I’m dizzy”...

The overwhelming majority of the women who spoke to the Committee described verbal abuse and being the victim of unkind or hurtful taunting and belittling comments...

One woman spoke of receiving “cruel talk”...

A woman reported that, after running away from a Magdalen Laundry in the 1950s and being returned by the Gardaí, she was “put in isolation for two days”...

They described harsh and physically demanding work, in some cases for long hours. Some of them were only young girls while carrying out this heavy and difficult work.

These are the stories we have heard. The other side of the story is the broader issue of child abuse over the past 50 or 60 years, including abuse against children and adults with intellectual disabilities. These individuals do not have any voice. Many of us are concerned that their story has never been told because of a lack of communication skills or intellectual disabilities. I wonder at times how we can get to the nub of this issue.

As I know from experience as the parent of a daughter with an intellectual disability, the staff working in our modern day schools and care centres are highly trained and professional and do an excellent job. However, in the past 50 or 60 years I wonder how many young people with an intellectual disability were physically or sexually abused and whose stories have never come to light. I have no doubt the Magdalen women would be very supportive of that aspect of the wider debate.

We need to ensure the Bethany Home survivors are included. Some 219 Bethany Home children lie in unmarked graves in nearby Mount Jerome cemetery, while another 17 may be buried elsewhere. Most died in the decade following the Maternity Act 1934 which mandated State inspections. Some 86 were buried in Mount Jerome cemetery during the years 1935 to 1939, while 132 died between 1935 and 1944. There is cross-party support for including the Bethany Home survivors and we must ensure they get their rights.

If we are serious about what we are saying and apologising, we must ensure all Magdalen survivors are treated with respect and dignity and receive a decent compensation package. The

greatest honour we could pay the women concerned would be to ensure the abuse of children or young and vulnerable people in society never happens again.

**Minister for Social Protection (Deputy Joan Burton):** In 2010, speaking from the Opposition benches, I said the terrible ordeal of the women committed to the Magdalen laundries was one of the last unresolved issues of the hidden Ireland. I am glad to say the Government is now acting decisively to resolve the issue and that at long last what was hidden and covered up has been exposed and brought into the light. It has been revealed that the State had a significant role in sending women to the laundries, that for too long it overlooked the suffering and grief this caused and that it owed these brave and courageous women an apology. I say these women were brave and courageous not just because of the quiet fortitude with which they bore their plight in the laundries but also because of the unceasing efforts of the survivors who would not rest until justice was done, both for them and the women who did not live to hear the State say “Sorry.”

I am particularly glad that the women of the laundry in Stanhope Street will be included in the Government’s redress fund. I remember that laundry as it was attached to the school I attended. I remember visiting the women in the laundry on my First Holy Communion day with my mother who was very friendly with a number of the women there. I never forgot that visit, although I did not really understand the situation as I was only seven years old. I was terrified of the noise, the machines, the big calendars and washing tubs. I got to know some of the women through my mother. They were allowed out one night a week and a particular woman used to visit us for tea. She would arrive at about 6.30 p.m. but would have to leave by 8.30 p.m. to return because they could not stay out late. Some may believe this was what life was like then for people in the middle to late 1950s, but the women in the laundries had their freedom removed and were incarcerated in them. However tough life was then, being without one’s freedom was very difficult. If the women concerned had a tough time, they did not have parents to explain it to, nor did they have siblings or friends to talk to about it. One must be mindful of how hard, difficult and tragic the experiences of many of these women were, even if they were part of a society which was poor and very much ruled by an authoritarian church.

It is good that, as a state and a society, we are finally prepared to listen, talk and think about how and why this happened. Why, after the Famine, did society, the State, the church and the institutions rush to lock up and institutionalise people in various ways? Historians such as Diarmaid Ferriter and people like Bruce Arnold have written about this. Perhaps it was the product of Jansenism in the Irish church or of the Famine. Whatever the answer, it is an extraordinary feature of our society that so many ended up being sent away from their families and institutionalised in different ways.

It has been forgotten that there were many loud and clear signals or red flags. In 1970, over 40 years ago, District Justice Eileen Kennedy addressed the issue of how girls were admitted to convents and laundries. Her report stated it was a haphazard system, that its legal validity was doubtful and that the girls admitted in that irregular way, being unaware of their rights, could remain in the laundries for long periods and become, in the process, unfit for re-emergence into society. She used the words “irregular”, “doubtful legal validity” and “unaware of their rights”. It is difficult to know what more evidence the State needed this was wrong.

Decades later, the Ryan report captured some of the ordeals gone through by women in the various residential laundries. One of the women told how as a young girl she had been abused by her stepfather. Society then deemed the child, rather than the abuser, at fault and she was

sent to a laundry. She told the Ryan commission that the nun had told her that it was best she did not talk about what had happened or her family would be disgraced. Some witnesses told how the regime at the laundries was like a prison regime, with locked doors and extremely hard working conditions. Others described physical abuse. Women could not laugh or talk in the laundries or they would be battered. One said her whole childhood was gone in that place. Witnesses spoke about the loss of freedom, the loneliness and the spirit-crushing desperation and distress. When we hear these stories and the talk of the hidden Ireland, we realise this is about more than just one institution or order or more than one set of circumstances or victims.

In the 1980s I was involved with Attic Press, a feminist publishing house. It published the autobiography of a remarkable woman, Hanna Greally, entitled, *Bird's Nest Soup*, which was republished by Cork University Press in recent years. This woman was wrongly incarcerated, although she came from quite a middle class and well-off family. She was incarcerated for the best part of 20 years in St. Loman's psychiatric hospital in Mullingar because of something she had done as a young adult of which her family disapproved. Following her mother's death, no relative was willing to claim her and as a result she could not be released, resulting in a two-decade ordeal for her which, remarkably, she survived. I met this extraordinary woman and it was extraordinary to talk to her and witness the strength of the human spirit.

Several other women have also told about their experiences, for example, in the Steve Humphries documentary "Sex in a Cold Climate". That documentary described how the women were called "penitents", their hair was cropped and they had to wear drab uniforms. In the Victorian era a woman's hair was called her "crowning glory". Nowadays, we are used to women cutting their hair very short or shaving it all off. That is an individual or a fashion choice. In the era of the Magdalen laundries cutting a woman's hair was a way of dehumanising and punishing her. It was done in many other countries, as well as in Ireland. The "penitents" in these laundries worked for no pay; their labour was symbolic. It was thought they could purge their sin by washing dirty linen. However, they had committed no sins. The sin was putting them into these institutions in the first place.

I was privileged to know the late journalist Mary Raftery who fought long and hard for the Magdalen women. She described the exhumation of bodies at the convent at High Park in Drumcondra. She reported that a number of the bodies found had no identification.

Each of the congregations came out with an apology on the afternoon of the publication of Dr. McAleese's report. I hope they will step up to the plate by taking part in the scheme to provide redress and compensation for the women concerned. I know that their faith is personally important to many of the women, particularly those to whom the nuns were kind. The orders need to think about taking part in the redress scheme to compensate them. I hope they will step forward and do so. The Government is determined to do its part on behalf of the State and society at large and I hope the orders will respond in kind, as it would help the women concerned as they continue with their lives.

I have met Sally Mulready and some of the other women who have worked on this issue. I hope the arrangements and proposals made by Mr. Justice Quirke when he produces his report in a couple of months will be helpful and healing. When I was growing up in the Manor Street area of Dublin, the women in question were always called "the ladies of the laundry". Most of them had lost one or both parents and were orphans. I hope this process will be helpful to them and healing for them, particularly as many of them are in the later decades of their lives. I hope it will help them to accept that Irish society has made a meaningful apology, in the form of last

week's statement by the Taoiseach. I was delighted that he and the Tánaiste, the leader of the Labour Party, had an opportunity to meet many of them. Given that they had not previously had an opportunity to meet many of the women or know about this matter in detail, it was absolutely essential for them to hear their human stories personally. It is important that the Government's approach helps the women concerned as they make their journey through life.

**Deputy Sandra McLellan:** I welcome the opportunity to speak again on this exceptionally disturbing issue, one of the most important to come before the House since the foundation of the State. I welcome the Taoiseach's official apology to survivors of the Magdalen laundries which he gave in the House on 19 February. It was moving to see so many of the surviving women and their supporters, friends and families in the Visitors Gallery on the evening in question. I also welcome Dr. McAleese's report which is an important piece of work and should be acknowledged as such. I welcome the appointment of the president of the Law Reform Commission, Mr. Justice Quirke, to oversee the issue of compensation. I also welcome the Taoiseach's comments that any scheme should be simple, non-adversarial and non-litigious. All of these developments deserve to be acknowledged as important milestones. The period between the State's apology and Mr. Justice Quirke's report which we should receive within three months gives us an opportunity to take stock of where we are.

While I have noted the importance of the McAleese report on various occasions, there are important deficiencies in its data analysis. The serious methodological problems with the report render it incomplete and, more importantly, raise serious questions about the accuracy of its findings. The authors of the report acknowledge this in the executive summary, under the heading of statistical analysis, when they accept there are "gaps in the data available". At best, the report gives us a partial sense of the numbers of women and girls who were incarcerated, the factors that led to their incarceration and the reasons that determined their continued detention or release. A detailed analysis of the role of the various State agencies such as the Garda, the courts, local authorities and health agencies in the procurement of girls and women for the various laundries is also lacking in the report. There is no indepth discussion of the relationship between the laundries, mother and baby homes and orphanages run by the religious orders named in the report. More fundamentally, the voices and testimonies of the women incarcerated in these institutions are notable by their absence from the report.

There is also an eerie silence when it comes to the various religious orders. We get no sense of the warped power, the superiority, the class elitism and hatred for the poor which underpinned this system. A sense of the violence and terror which were omnipresent in the laundries and crucial to the maintenance of the entire system is entirely missing from the report. There is no blood in the report, no sense of the pain and human despair the incarcerated women experienced on a daily basis. There is no attempt to engage with the long-term effects of this trauma on the surviving women. We are no closer to knowing exactly how many women and girls died in these institutions. More importantly, we know virtually nothing about the factors and circumstances which led to their deaths. The report leaves us totally in the dark on the issue of the sexual abuse and rape of the incarcerated women. Taken together, these omissions and errors render the McAleese report an incomplete piece of work. It sheds the faintest of light on what was, by any standard, an appalling litany of abuse and exploitation.

The State was not some innocent bystander in all of this. It was centrally and actively involved in the creation and reproduction of the system that Dr. McAleese sought to investigate. The idea of the State investigating itself was always going to be fraught with problems in practice. At best, it was a highly questionable exercise. What happened in the Magdalen laundries

needs to be exposed and excavated for all to see. The appalling litany of abuse and the system underpinned by that abuse is an important part of the story of Irish society. By using the important mirror into this world that we have been given, we can learn much about who we were and are as a people. The story of the Magdalen laundries and the institutional framework that supported them give us important clues and information on how the State operates and tell us in whose interests it functions. We have learned that behind the cold, passive and bureaucratic language of State rhetoric lies an entire State apparatus that is based on violence and consent. We have learned that someone's class position, status, gender and access to power ultimately determines which side of the seesaw will shape his or her life experience.

The lives of the women and girls who lived in the Magdalen laundries, who died in them or who survived are characterised by a form of social death. These women were banished from so-called normal society. Their physical incarceration and the real ideological stigma that surrounded it mean that, to all intents and purposes, they were sentenced to a form of social death. Most, if not all, will never recover.

Having acknowledged its central role in this very Irish trauma, the State must now act accordingly. It should pay careful attention to and accept in the main the recommendations of the Justice for Magdalenes group, as outlined in its document with proposals for a restorative justice and reparations scheme. It is also imperative that the various religious orders that ran and profited from the Magdalen system are called to account without delay.

*12 o'clock* Thus far, their silence has been deafening. More importantly, I remind the Government and the House that, on 1 June 2011, the UN Committee Against Torture recommended that the State should institute prompt, independent and thorough investigations and, in appropriate cases, prosecutions. To some extent, the State has complied with the first part of this recommendation, despite the flaws and significant gaps in the McAleese report. However, that latter part of the recommendation remains just that - a recommendation that has yet to be acted upon. I call on the Government to demand that the religious orders meet without further delay with the various stakeholders to agree a generous and appropriate package of compensation and reparation.

It is now clear that, even within the confines of the patriarchal, myopic and claustrophobic Ireland of the 1930s through to the late 1980s, there existed a sub-group of women who were even more constrained and oppressed than women in the general society. We now owe it, as a Parliament, to all the women and girls who were incarcerated in the Magdalen laundries to finally right a terrible wrong.

**Deputy Ciara Conway:** I am very honoured to be in the position to be able to speak on this issue and to have been here for what was a long overdue apology - a heartfelt apology that has given great comfort and solace to the women who found themselves incarcerated in the Magdalen laundries for many years.

As the youngest female Member of this House, I think it incumbent on me to say that, thankfully, in this day and age it is hard for me to imagine that these kinds of conditions existed for women. On the basis of my reading of the report and listening to the stories of some women, including some of my constituents, who have shared their very painful stories with me in recent weeks and months, it comes down to one very common factor for all of these women - the crime or sin they were supposed to have committed was often that they were poor. Ireland of that day treated its poor by hiding them away. It did not want to see them and saw them as a blem-

ish in the community. It was women, in particular, who were targeted because of our biology, because we are different. To my mind, that is one of the most significant issues that faced us as a country. One can still find instances in Ireland today where women are treated differently because of our biology.

As an elected Member for the constituency of Waterford, I would like to focus on the experience of some of those women. The Good Shepherd Magdalen laundry in Waterford was open from 1922 to 1996, when I was 16 years of age and living and attending school in Waterford city. Thousands of women were incarcerated in this laundry, which operated from a premises which now has a much happier purpose as the location of WIT's College Street campus. It was one of four laundries operated by the Good Shepherd Sisters, with others at New Ross, Cork and Limerick. The report also gives an account of St. Dominic's at Mayfield and Gracepark industrial schools, which were located at College Street at the time and had capacity for 200 children, who were also often incarcerated because they were poor.

The Waterford laundry was the last Magdalen institution to cease operating as a commercial laundry when it closed on 25 October 1996. It is sad to think such an institution was still running not that long ago. The financial records for the Waterford and New Ross laundries somehow did not survive. In the 1960s, there was an average of about 60 women in the Magdalen laundry in Waterford, and there was still an average of 40 women incarcerated in the 1980s. The average stay in the Good Shepherd laundry was from 46 weeks to 4.5 years, though some women stayed and, if we can call it that, lived there for 15 years.

There was no doubt but that the State was complicit in the incarceration of these women. The report catalogues how, in 1926, a convicted woman was sentenced to the Good Shepherd laundry, Waterford, for 12 months. In the 1950s, a 21 year old convicted woman was sent there to keep the peace and for good behaviour for 12 months. The records of the religious congregation confirm her entry into the Magdalen laundry from "the Court, Dublin". After the required one year's residence, she left the Magdalen laundry and "went to her mother". In another instance in Waterford, a girl was given an adjourned sentence for a set period on the condition she entered the laundry. The report notes that this was a trend in Waterford, again showing how complicit the State was in the incarceration of these women.

Cases of this kind were identified in Waterford in particular. Examples included a 17 year old girl who was in 1942 convicted and required by the court to remain in High Park convent on her own bail of £5 until sentencing 12 months later. The records of the religious congregation confirm she entered the laundry on that date - "time: 3 months" - and that, after that time, she was "sent home to her grandmother".

To me, some of the more harrowing parts of the report relate to the verbal abuse the women suffered, and I again focus on the reality that was experienced by the women in Waterford. Overwhelmingly, the majority of women who contributed to the report in Waterford described verbal abuse and being the victim of unkind, hurtful, taunting and belittling comments. A very poignant example was recounted by Olivia O'Leary on RTE Radio 1 a number of weeks ago, when she told a story of one elderly woman who stumbled going down a hallway. A nun remarked, "That's not the first time you've fallen".

Some 42 women died in the Waterford laundry between 1922 and 1982. The committee was unable to identify with certainty that nine of those deaths had been officially registered. That is the contempt in which this State dealt with those women. With regard to the routes of entry

for the Waterford laundries, just under 10% were admitted by the clergy and 10% were sent by families, although I am under no illusion as to the kinds of social pressure they were under in terms of trying to conform with the social norms of the time. Some 14% of the women in the Waterford laundries were sent there by industrial schools. For me, this is one of the saddest parts of the report. These girls and women had no family contact at all. They were sent from one arm of the State to another - from the industrial schools to a life of torment and abuse at the hands of the State in the laundries.

Ms Claire McGettrick of Justice for Magdalenes noted the case of a woman who was sent to Magdalen Laundry following her labour in the maternity hospital in which I myself was born. She had not recovered from the birth at the time and she ran away, as her baby was taken from her. She was returned by gardaí to the laundry and she was unable to leave after she was put out on a job. Her baby did not survive. In another example, a lady who had spent time in Waterford was sent to various laundries. She was subjected to awful emotional and psychological torture. When she finally got out and left Ireland, she held down a full-time job, something she had been made to believe she would never be able to do.

It was not just the religious and the State who were complicit in the incarceration of these women. The report speaks of a Waterford GP, a Dr. Malachy Coleman, who worked with the Magdalen laundries from 1984 to 2000. He states in the McAleese report that he did not at any stage get the impression of coercion or fear in the relationship between ladies and nuns, although he felt the women had become institutionalised. This was a case of blaming the women for how they were. A nun from the Good Shepherd Magdalen Laundry would stay with the women for the entire duration of his consultations. They were not even afforded the dignity of being able to attend a physician on their own. He did not feel they were prevented from talking to him about any subject but if one is the victim of institutionalised cruelty and that same person is the room with one, how is one supposed to disclose what is going on? How could one stand over this kind of practice? He felt women were fed well and cared for and went on holidays every year and on trips with the Lions Club and that this would somehow recompense for the lack of freedom these women suffered at the hands of the State. He felt the nuns were caring but the ladies were institutionalised.

We will never be able to do anything to take back the years we took away from these women but we can ensure they get access to the money they so deserve and the services they badly require.

**Deputy Clare Daly:** This tragic part of our history would not have happened if we were talking about anybody other than women. It is a reflection of how Irish society treated women as second-class citizens, in particular working-class women who were doubly exploited and treated with contempt by this State. That was brought home very graphically in the testimony of one young woman who was in a laundry because she had been raped by her brother. She had to go out to attend the hearing when that young man was brought to court and was very excited about the prospect of meeting her family, getting out of the laundry and going home to join them. The tragic outcome of that court case was that her brother got six years in prison but her family did not want to know her and she was sent back with no time limit on her experience in the laundry. She was an embarrassment to the family and had to remain incarcerated. That is a very graphic example of how women were treated.

We can look back and say that was then, we have learned our lesson and they were different days. However, it is not so long ago that the Minister for Justice, Defence and Equality

acknowledged that women continue to be second-class citizens in terms of provision for health care, the lack of right to their own bodily integrity and similar issues in respect of the lack of provision of abortion. While we can look back and think we have learned many lessons from the past, there is no room for complacency.

Last Tuesday was an incredibly important day and a very special one for anybody who was here and certainly for the women themselves. One could not help but be moved by witnessing that moment. It does not undo in any way the damage that was done or reverse the crimes but for the Taoiseach to come out and unreservedly acknowledge full square the wrong done to and crimes committed against those women was hugely significant and very welcome. If that is to mean anything, what happens next will be the adjudicator of that. That apology cannot be the end of the struggle for justice but the start of what should be a short, sharp process to get redress.

As many of the advocacy groups have said, the type of process we need is one that is transparent, open, quick, non-adversarial and just. The jury is out on whether we will succeed in that. I hope the process under way fulfils all those criteria and delivers some justice for those women. We should not be complacent. We certainly have not been hasty in our adjudications. The United Nations Committee Against Torture recommended redress over 20 months ago, which is almost two years, so we have been grappling with these issues. There should be no need or excuse for further delay. The information is out there and has been well articulated and documented. It really is not that complicated. If somebody was present in a laundry, that very presence should be enough. There does not need to be any analysis of the potential damage that was done to them as being there and being exploited was damage enough. We cannot undo that damage. Robbing those young women of their youth, their children in some circumstances and their right to an education cannot be undone.

It was even worse than that because what went on was theft, fraud and forced and unpaid labour so this is not about someone getting compensation because of a wrong done to them. This is about people getting their just deserts - their unpaid wages, their right to a pension and their right to compensation if they were damaged by industrial machinery or other work practices. These are simple workplace, trade union issues which we would appropriately be up in arms about if the laws were broken now. This money rightfully belongs to those women and should be restored to them. These laundries traded commercially. The State was aware because it engaged the services of the laundries in many instances, knew that women and girls were there and chose to do nothing about it. It is ironic that some of us on this side of the House are often accused of breaking the law in some of the campaigns in which we engage to fight unjust laws when the Irish State has been culpable not just for human rights abuses and wrongdoing but for actual unlawful activities. Even in the 1920s and 1930s, there were laws on the Statute Book outlawing forced labour, torture and degrading and inhumane treatment, as well as laws enshrining and giving people the right to an education. All of these fundamental rights and laws were breached. It is a case of these women getting their just deserts and getting back what was rightfully theirs. The acknowledgement is a really important first step and I am not in any way diminishing its importance but what happens next is the crucial issue on which we must concentrate in the limited time available to us.

Many points have been made about the incomplete nature of the report, the fact that the numbers interviewed were not very big and that the length of stay was under-represented and under-reflected in the report given the number of people who were surveyed on that issue and the fact that the length of stay was likely to be far longer than the report reflected. Obviously,

the remit of the report was incredibly narrow. It focused solely on the State's involvement and how women got in and got out. It was not designed to deal with the conditions that were there. While it acknowledged that it was not dealing with that, what I found unhelpful was the fact that it attempted to draw some conclusions about some of the conditions and activities that went on. It comes across that an attempt was made to minimise the abuse that went on in those institutions. We cannot have that and those points need to be explored further.

We have pages and pages of testimony painfully collected in the Justice for Magdalenes submission outlining countless instances of physical abuse meted out to people. I will not go on too much about it but there many different examples. According to one respondent, "if there was a tiny bit of a crease [in the ironing] it

would be thrown into my face and I would get a belt of the keys if you didn't do a thing right". Another respondent said that "they would hit you and belt you ... because

there would be no-one there to see them". An external eyewitness recounted an incident in Galway where she remembers a nun using a strap to beat a woman who was depressed and could not work until she was hysterical. According to the witness, "she was marked, she was hysterical that she almost collapsed into my arms." There is a litany of other evidence of direct physical abuse so it is completely wrong to minimise that. As has been said here, changing somebody's name, robbing them of their identity, incarcerating them, denying them proper nutrition and food, not allowing them to have a bath or not giving them a toothbrush and all the other instances are cruel, inhumane and degrading treatments which most definitely constitute physical abuse. I will not attempt to minimise it. The good aspect is that it has brought into the open the very great human rights abuses which took place under the State's watch. I include not just the people who were sent to the laundries by the State but also all of the others whom society allowed to be forgotten, to fester and, in some instances, die there. Nobody exercised the role of public accountability to prevent these abuses from taking place. This goes to the heart of the type of Ireland in which we lived and which the Tánaiste articulated very well. He spoke about our history being warped because of the particular relationship between the Church and the State. He referred to the Catholic Church as being the dominant ideology in a subservient state. That is the truth which goes to the heart of the need to separate Church and State. It was very convenient for the State to inadequately support people such as single women. It was very handy for it to offload and throw them behind closed doors into Magdalene laundries or other religious institutions. This is the same attitude which, on the one hand, took children from young, vulnerable single parents and, in some cases, had them illegally adopted in America, while, on the other, the State permitted religious order interference in some of the hospitals in which other women had to undergo a painful symphysiotomy in order that they could produce multiple children. There was a lack of scrutiny by the State in that regard. If we are to get to the heart of these issues, we need to look at the roles of the Church and the State. The religious orders will have to take responsibility in any compensation package provided and have to make their apologies. I do not buy that they did not benefit financially from the laundries. Re-compense must come from their coffers also.

**Deputy Dan Neville:** I welcome the opportunity to speak on this very delicate and important issue, the abuse of women for decades in the Magdalen laundries. I wish to be associated with the apology of the Taoiseach who expressed deep regret and apologised unreservedly to all the women concerned for the hurt done to them and any stigma they had suffered as a result of their time spent in the Magdalen laundries.

I welcome the McAleese report which has permitted us to see in great detail the wrongs done to innocent women and the merciless cruelty inflicted on them. It describes a judgmental society and those who ran the institutions. It showed how uncharitable they were and how degrading were their actions towards decent human beings whom they denied their human rights. We know that such cruelty deeply affects and creates psychological difficulties. The women concerned were not allowed to communicate with each other and it is obvious that they suffered from having no or low self-esteem and self-value which can seriously affect the human psyche. It was a time of high religious influence and dominance. The women believed they were worthless and sinful and were humiliated. The terrible unchristian label of “fallen women” was applied to them. Human contact was prevented, even though we all need interaction with fellow human beings. We want to feel valued for our personality, talents and potential contribution to fellow human beings. We want to be loved and have a future, but this was not permitted under fear of physical, psychological and spiritual punishment. Post-traumatic stress disorder is described as a severe anxiety disorder that can develop after any event which has caused psychological trauma. This trauma over a period of time must have caused severe traumatic distress disorder without an understanding of it.

For decades and centuries society used institutions such as the Magdalene laundries and industrial schools to deal with perceived problems. I also remind the House of how patients in mental institutions were treated. Many were incarcerated as a remedy for social problems rather than because of mental ill-health. The institutions were the solution to problems of homelessness and intellectual disability and to deal with those who did not conform to the strict norms dictated by society of acceptable behaviour. They were regarded as dangerous people, to be locked away behind high walls.

In the 1940s my mother was a psychiatric nurse. She told me about the inhuman conditions she encountered. She also told me about the many people - perhaps the majority - who had no illness but who had been sent there for social reasons. She became very close friends with many normal women and men who had been incarcerated in these places. They worked for no payment, the women in laundries and kitchens and the men on the farm which provided the food. Some lived for decades in these places where they died.

I shared a platform with Professor Ivor Browne at a seminar organised last November by the Viktor Frankl Institute of Ireland which was chaired by Gay Mitchell, MEP, entitled, Sense and Suicide. Professor Browne visited St. Brendan’s Hospital, Grangegorman, in the 1950s when he observed there was no meaningful relationship between the doctors and patients in the overcrowded and insanitary conditions. He recalled visiting the women’s section:

Many of the wards had more than 100 people in them, with crowds of patients jostling each other. Some of the women had their dresses pulled over their heads. Here and there, a nurse was struggling among the chaos. There was a cacophony of sound. I felt as though I was lost in some type of hell. I remember passing a little old lady who was quite sane and conscious, sitting in bed shaking with terror. This was the 1950s.

Persons of unsound mind could be detained indefinitely. Many were there for social reasons as a matter of convenience. In fact, a person could be committed for life with the signatures of two peace commissioners. Many families perceived that problems were solved by a committal for life. It was a sentence of incarceration behind high walls. The pejorative term “simpleton” referred to people who were regarded as not having their full faculties. Of course, they had them, but in their own way. They were decent, honest, hard-working people when given the

opportunity to work. They were locked in behind high walls because they were regarded as dangerous people. It was a life sentence, out of sight, in order to solve society's problem. It was a life sentence of unpaid labour. Perhaps at some time in the future the cruelty inflicted on this most vulnerable group will be documented, but most of them are dead now.

St. Brendan's Hospital is officially due to close tomorrow and the patients who remain there will be moved to a new unit. In the 1960s there were 2,700 patients in the hospital. The new unit will only be required to house 54 patients. What were 2,700 people doing in St. Brendan's in the 1960s? I appreciate that there would have been a need for more than 54 places at that time because methods of psychiatric treatment were not as developed as they are now. I do not know why, however, 2,700 people were kept in this facility in the 1960s. During that period there were 20,000 patients in all our mental hospitals. At present, there are fewer than 3,000.

My mother informed me about the difficulties experienced at the time to which I refer. We must compliment the female nurses and male attendants who worked in institutions such as St. Brendan's and who were kind and generous to and understood the people for whom they were caring. It must be remembered that the training of nurses for psychiatry was only introduced by regulation in 1935. Prior to that date, one did not have to be trained in order to work as a psychiatric nurse but many were. My mother informed me about the horrors of electroconvulsive treatment and indicated that this was regularly used to deal with difficult patients. She told me that straitjackets were often used to contain people. The institutions, which were enormous, became overcrowded and the system was obliged to concentrate on their day to day management rather than on treating patients. There was no one to represent the individuals to whom I refer. When people are not wanted by society, their voice is not heard. No one listens to them and no one speaks on their behalf. The approach during the period in question was to lock people up behind high walls. I hope that fact will one day be recognised.

**Deputy Michael Colreavy:** This month I witnessed the best and the worst aspects of the operations of Dáil Éireann. The worst came two weeks ago in the form of the Taoiseach's initial response to the Magdalen report in the aftermath of its publication. The Taoiseach gave a lecture on statistics instead of dealing with the crimes perpetrated against the girls and women who were put in Magdalen laundries. In the same week there was unseemly behaviour during the debate on the promissory note deal, when those of us with a contrary point of view were shouted down in the most ignorant fashion by members of the Government parties. The best came when the Taoiseach made a fulsome apology on behalf of the people of the Irish nation to the survivors of the Magdalen laundries and when every Deputy stood and applauded that apology and those women who so courageously to have their hurt acknowledged by the State and its citizens.

This country has an extremely poor record in respect of its treatment of women. Next week, women here and throughout the world will celebrate International Women's Day. For too long, women in this country have been subjected to abuse, treated as second-class citizens and ignored by those in the male-dominated corridors of power. There is probably no greater example of this than the incarceration of women in the Magdalen laundries. The latter were established over 200 years ago and over time the State increasingly used them as a place to deal with a multitude of social problems, such as so-called illegitimacy, immoral behaviour, poverty, disability, domestic and sexual abuse, youth crime and infanticide. The final laundry to close its doors was that located in Seán MacDermott Street. It did so in 1996, when there were still 40 women - the oldest of whom was 79 and the youngest in her 40s - in residence there. This is comparatively recent history. To rub salt into their wounds, the Magdalen women were excluded by the State

from the 2002 residential institutions redress scheme. The State argued that the laundries were privately run and that it, therefore, had no involvement with them. Justice delayed was justice denied and the major hurt continued.

The Taoiseach's fulsome apology on behalf of the Irish people was both welcome and the right thing to do. The redress scheme is a good start towards making some restitution for the wrongs done. However, the redress mechanism must be open, transparent, accountable and non-adversarial. It must be placed on a statutory footing, involve adequate oversight and include a right of appeal. In addition, the surviving women must receive wages that were unpaid and full pension entitlements. Health and education services must also be provided. Sinn Féin welcomes the Government's commitment to a non-adversarial redress process. However, it cannot be left to one individual - regardless of how honourable, well-intentioned or eminent he or she may be - to adjudicate on these matters. It is essential that the redress process should accord fully with the rules of natural justice and fair procedure and be completely transparent.

The courage of the Magdalen survivors has forced the State to confront and rectify abuses in the system, both historic and current. There are others who still await redress. These include the Bethany Home survivors, the victims of symphysiotomy and those who were the subject of forced legal adoptions. I completely agree with Deputy Neville to the effect that we must address the needs of those women and men who are survivors of our psychiatric institutions or lunatic asylums, as they were previously known.

We cannot allow the struggle and pain of the Magdalen women to be in vain. The sexism and inequality that still pervades Irish society must be stamped out. Legislators have often failed the women of this country and there is a danger that we will repeat the mistakes of the past if we do not afford women their equal say. As International Women's Day approaches, Deputies from all parties should make a commitment to do at least one thing to rectify the wrongs that were and continue to be committed against Irish women. Let the redress process for the Magdalen women be the beginning of a process of change in Irish society. I hope our mothers, wives, sisters and daughters will never be obliged to go through the injustice endured by the women who were incarcerated in the Magdalen laundries. We can do something about this matter and let us ensure that we do so.

**Deputy Jerry Buttimer:** I thank the Government for holding this debate. It is extraordinary that we are engaging in such a debate in the modern, 21st century Ireland. I had the benefit of spending time in a seminary and I lived in a world where pastoral care and people's needs are paramount. I am glad, therefore, that the cruelty and inhumanity of Irish society in the past has thankfully been laid bare, not just before this House but also before the nation. An entire generation can now witness what the threat of being sent to institutions such as the Magdalen laundries meant to their forebears. The information that has emerged shows what society used to be like, what we were prepared to put up with and what we allowed to take place.

This debate relates to the Magdalen women and their need to tell their stories and have them heard. It also relates to their need for redress and the inhumanity displayed towards them.

It is about the way the people, as a nation, reflect upon this report, listen to the stories of the Magdalen women, and put a value on the type of country we want. The State must recognise these women, as we saw in the Taoiseach's apology, but must recognise also that we need to learn from what happened and never return to those harsh, penal days when no value was put on humanity and there was a perception of how we should look, the way people should behave,

and how they should be tolerated. It goes back to the old saying that people should be seen and not heard in many cases.

This is an extraordinary debate. It follows on from a litany of reports published which highlighted a shameful legacy in the way our society, State, churches, religious orders and institutions behaved. I hope that the ignominy placed upon these women will be cast away and that the painful memory and the physicality of what they endured will ease for them. Before and following the publication of this report one could not but be struck by the language used, the emotion and the sheer pain expressed by the women, be it on radio or television. I was struck also by the words of the Minister for Justice and Equality in his reply to this debate when he spoke about the State accepting its moral duty to the women. I hope that will happen. I will return to that point.

There is a bigger debate to be had about social issues, an area Deputy Colreavy touched upon earlier. In preparing to speak on the Private Members' motion some weeks ago and having sat in the Chamber for almost all of the debate on the first night and the night of the Taoiseach's apology, and in reading the McAleese report - I was unable to read all of it because it was so upsetting - I wondered, as someone who will be 46 this year, how I would feel if I was living in a society that allowed this to happen. I wondered how I would feel if I was a brother of one of the Magdalen women or if I were one of the Magdalen women. Those thoughts were deeply disconcerting and they sent a cold shiver through me, because the report painted a picture of a society that was uncaring and unkind and that did not want, in the words of de Valera, comely maidens dancing at the crossroads.

I was struck by the sense of humanity of the women in the public Gallery on the night of the debate. There was no rancour or bitterness on their part. There was unbridled joy at the remarks of the Taoiseach and the applause from Members in this Chamber.

As the Minister for Justice and Equality has come into the Chamber, I want to record my thanks to him, the Minister of State, Deputy Lynch, and the Taoiseach for their commitment in the publication of the report and also for commissioning the report. In his moving and profoundly eloquent address, the Taoiseach spoke about living in a different Ireland. He said that we now have a different consciousness and awareness and that the Ireland we live in today is more compassionate and empathetic. I sincerely hope that is the case, because we will have other tests as a nation in the way we value all of our people and our children in terms of social issues and matters of importance to people in our society.

I hope that active citizens who are involved in civic society, whether through advocacy, politics, the community or religious or non-governmental organisations, will pause and reflect upon the language the Taoiseach used and the stories of the Magdalen women, because if we profess to be a more tolerant, gentle and compassionate society, the Magdalen report, the Cloyne report and the Murphy report must be a new beginning, a watershed moment. We cannot afford to have other watershed moments, because the test of our nation and our people will be the way we respond, not just in terms of redress but in the words we use and our aspiration to strive to have a better society arising from these reports and particularly from the experiences of the Magdalen women. Terms such as "fallen women" are the wrong type of language and should never be used again to describe anybody in society. We should never allow any person to be second-class because of his or her marital status, sexuality, race or religion.

Those who criticise the Taoiseach for his initial response are being unfair. He is the Head

of Government, and he has a moral duty to respond. I genuinely like Deputy Colreavy but I disagree with his remarks about the response in the Dáil. This Government's response will be measured, and we should consider what the Taoiseach did. He met with women quietly in England and in Ireland. He spoke with them and he listened to them. He sang with them; he engaged. While it is welcome that we had a debate and published the report, the night of the debate was a humbling and emotional experience. I return to the point I made earlier. This debate is about the way these women were let down and how we can bring a rebalancing to their lives. I agree with Deputy Colreavy that the redress scheme in the hands of Mr. Justice Quirke will find appropriately in favour of these women.

Our younger generation have a different view of Ireland. They see us as progressive in so many ways. The McAleese report, while not perfect, has shone a light on the Ireland of the past in terms of the way we treated women and degraded them, and we can now make amends. The burden falls to a new generation of Irish people to ensure we have an Ireland in which all our citizens are treated equally. I commend the Government for publishing this report. I congratulate the Taoiseach and the Minister for Justice and Equality on their response and I look forward to the publication of the report of Mr. Justice Quirke.

Never again can we allow the following to happen:

There was never a reason given for anything. We never thought we would see the outside world again. While you were in Ireland they knew exactly what you were doing. You had to leave Ireland to escape them.

That is a quote from one of the women. We are a better country. I look forward to a brighter, more tolerant Ireland.

**Deputy Joe Higgins:** From the foundation of the Irish State in 1922, 10,000 girls and women passed through the institutions known as the Magdalen laundries. The report of a group chaired by the former Senator Dr. McAleese, which was released a few weeks ago, shows how the State was directly responsible for approximately one quarter of admissions to those institutions. In many cases those involved were sent to the institutions by the courts on remand or after conviction, usually for petty offences, or they were referred by social services in situations, for example, in which children needed accommodation away from abusive homes or neglectful backgrounds. The report states that many others finished up in the Magdalen institutions because they were poor and homeless or had psychiatric illnesses and been referred from psychiatric hospitals.

It is quite clear that the Magdalen institutions which were initiated and thrived in the Victorian era of the 19th century essentially became social institutions for a dysfunctional new Irish state. The brave new Ireland, led by the petty *bourgeoisie* and the gombeen men of the day, was a crisis-ridden, backward and capitalist state unable to meet the basic needs of its people and dominated by a weak economic and political establishment. Critical to the survival of that weak economic and political establishment was the support of the Catholic Church. Cosgrave's, de Valera's and John A. Costello's Ireland was a state which leaned on the Catholic Church as a crutch to prop it up and for legitimacy. In turn, the Catholic Church and its hierarchy were given control over whole pillars of society, for example, health matters and hospitals, primary and secondary schools and institutions such as the Magdalen laundries. The Ireland of the 1920s to 1960s groaned under the weight of oppressive moral strictures and the suffocating power of the Catholic Church, but we now know from the revelations of institutional abuse, including that

of the Magdalen women, there was no morality at the rotten heart of the establishment of this Ireland. Right-wing politicians, the religious and the media all colluded in maintaining the obscurantist dark age that helped to secure their control over a property ridden state unable to meet the needs of its people. Some 1 million of its people were pushed into enforced emigration and there was enormous suffering as a result of poverty and deprivation. In order to prevent people from rising in revolt, the establishment of the day leaned primarily on the Catholic Church which used its authority to legitimise a failed state.

Today's political establishment finds it safe to criticise its predecessors for the cruelty they imposed on those who were poor and powerless in the Ireland of the 1920s to the 1960s. The apologies, the contrition and the alleged identification with the suffering of the victims of the institutions of the Church and the State ring hollow in my ears. There is a total moral paradox in the attitude of the political establishment of today to the past and the cruelty of the past which it criticises and in its promotion of the cruel austerity policies it pushed through in response to the crisis of the present day. The choreographed apologies and the carefully crafted speeches with cues as to where the speaker should pause for effect and perhaps even an instruction to shed a tear amount to a false, an artificial and a manufactured contrition to meet the demands of the majority of decent people in our society today who are genuinely moved by the suffering of the victims of a cruel Irish state. However, the paradox is that the same harsh morality that deemed thousands of women should slave in the Magdalen laundries and that thousands of the poor, homeless and powerless should be incarcerated in other institutions and cruelly abused is today event in a different way. A few months ago people with severe disabilities had to bring themselves to Government Buildings to fight cruel cuts to their facilities. This very morning the Government of the Magdalen women apology of last week cruelly announced savage cuts to disabled people's mobility assistance. The austerity agenda which the Government of the apology to Magdalen women is pushing through relentlessly is slashing living standards, driving hundreds of thousands out of the country, attacking people with special needs, doing enormous damage to our society and being carried out at the diktat of the financial markets, the bankers and the bondholders. We have the same capitalist system and the same crisis manifested in a different way than in the 1920s to the 1950s, but we have Deputies and Ministers marching into the Dáil to apologise for the cruelty of that day while imposing cruelty today, as demanded by the system to which they bend the knee.

Apart from recognising the hypocrisy of what is afoot, one of the lessons is that the separation of Church and State is critical and a task which has still not been carried out. Schools must be under the total democratic control of parents, community and pupils, where appropriate. In Tyrelstown in west Dublin, probably the most ethically and religiously diverse area in Irish society, the Department of Education and Skills is insisting that a new secondary school yet to be built be a Catholic-led school, which is utterly inappropriate. Have the lessons been learned in reality or is it simply a matter of paying lip-service for political expediency to satisfy the demand for justice and recompense, which is the view of a huge majority of the people? What lessons have really been learned by the Government?

**Deputy Pádraig Mac Lochlainn:** As I have outlined before, Sinn Féin welcomed the apology from the Taoiseach on behalf of the State to the women incarcerated in the Magdalen laundries. While we commend those involved in putting together the McAleese report, it really only scratches the surface of what went on in Ireland during that time. This should be seen as a starting point in the healing process of the wounds inflicted on the women of Ireland, particularly poor women, by the apparatus of the State. The women who were the victims of barbaric

symphysiotomy practices are still waiting for their apology. The apparatus of the State actively facilitated the injuries inflicted on them. Women's bodies were seen as things that needed to be contained and fixed. Poorer women were held in contempt in Ireland. We still have a constitutional provision that refers to women's duties as being within the home and are still living with the effects of these attitudes.

*1 o'clock* Too many people on this island are due apologies from the State. Considering what happens now within the care system, and going by previous Governments' form on these issues, there will be an apology owed to them too.

However, it is not only the State that is required to say it is sorry. The religious orders are glaringly absent from this. Too many sets of financial records from the laundries have gone missing. There must be further investigations into this, and prosecutions must be initiated where appropriate. Slave labour was tolerated in these laundries and women suffered unspeakable injuries as a result. Many of them never recovered. Some of them never got out and were buried in unmarked graves because their lives were not worth as much as an individual headstone to the nuns or the State. The burying of those poor women in unmarked graves is the aspect that has really struck a nerve. The State and religious orders had such contempt for these women that there were girls who did not even have names. I have heard of women who merely had numbers allocated to them. There were no birth certificates and by virtue of accidents of birth, class and gender they were consigned to laundries. Women who should not have been in the laundries and tried to escape were promptly rounded up by the Garda and returned to their lives of slave labour.

There was a bizarre culture of deference in Ireland whereby the people - the State - allowed clerics to dictate what should or should not be social norms in society. It was a society that allowed women to be locked up because they happened to be too pretty. It is actually mind-boggling. Religious orders facilitated the incarceration of people they disapproved of in institutions built on systematic cruelty and torment. They were violent, as attested to by the pages of testimony from women that were not included in the McAleese report.

When I think of Christ, I think of the Christ of love, compassion, understanding, empathy and courage, who was not afraid to speak up to the powerful and reached out to the dispossessed and those on the margins of society. He was a true inspiration through the ages, spiritually and in every way. What in the name of God had the message of Christ to do with the institutions run in his name or that of the Virgin Mary? What in the name of God would have led anybody involved with those institutions to believe they were acting in God's name or following the path and message of Jesus Christ? Their actions, attitudes and control over our people in that period was everything that is opposite to the message of Jesus Christ. What they must closely reflect on is the damage they did to the good name of Christianity and to acting in the name of Christ and that of the Virgin Mary over the years. Shame on every one of them. Shame on them for claiming that mantle as theirs.

There must be an apology for this. However, these institutions were not just about the social or moral policing of women in Ireland. Let us make no mistake - the Magdalen slaves were financial assets to the laundries. The laundries were businesses. Any business that was given access by the State to almost unlimited free labour would have done very well; one need not be an economist to know that. Plenty of people did very well indeed out of the unmerciful cruelty that was inflicted on these women, just as there were well-to-do people in Ireland at the time who did well from not having to pay children from industrial schools who were sent to do

unpaid domestic and agricultural work. Ireland has seen plenty of forced labour over the years. The religious orders did not run the laundries out of the goodness of their hearts. These women are owed compensation and their unpaid wages and pensions. They are owed proper redress, and to hear word “sorry” from the religious orders.

There are huge questions about how the redress scheme will operate. Experience in these matters indicates that the Irish State is not one that makes these structures victim-centred. Some who went to the residential institutions redress board found the experience horrific and felt it was only another opportunity for legal practitioners to make money. The religious orders pleaded that they had no money. The State has failed to deal with this quickly. The terms of reference must be published immediately. The fact that there will be an *ex gratia* scheme that does not accept liability on behalf of the State is disappointing. The State was culpable, so it is liable. The redress mechanism must be put on a statutory footing and it must have an independent appeals process. Women who emigrated to get away from the trauma of their experience in Ireland must also be included. The matter of those who were incarcerated in Bethany Home must be addressed. The Taoiseach has said that Mr. Justice Quirke will report back in three months. That is unacceptable. We owe it to the women of the laundries to expedite this as a matter of urgency.

I wish to return to the issue of faith and to the abuse of the privilege that comes with being a leader who has the huge honour of being a vehicle for the message of Christ and a pathway to God. That is how these people presented themselves. I have had the privilege of knowing many fine people of faith from when I was a young lad and throughout my life. There were some fantastic priests. Fr. Jimmy Doherty, RIP, who died of multiple sclerosis, was a wonderful man who worked with young people in my home town of Buncrana. I think of the people who, to me, represented the message of Christ throughout my life, such as the priests and nuns who served as missionaries, fought against oppressive regimes and stood side by side with the people in Africa, Latin America and Asia. They are inspirational; they follow the path of Christ. However, far too many in the institution of the Catholic Church and other Christian institutions have walked away from that path, have besmirched the name of Jesus Christ by acting maliciously and cruelly, and have left this legacy.

I pose a challenge to the Catholic Church, as the conclave of cardinals gathers shortly to select a new Pope. The church must drive away cruelty, malice, protection of the powerful and greedy and the refusal to stand up against an unjust and unequal system in which people are starving and dying while others live in incredible wealth in this country and across Europe, the United States and the developed world. The world we live in is a shameful insult to the message of Christ, and the church is not doing enough about that. When a house assigned to Travellers was burned down recently in Ballyshannon, where was the church? Where were the voices of Christ to challenge that bigotry and indifference? Even in 2013 there are too many in the church who are failing in their responsibilities. There are also wonderful and courageous voices in the church who truly follow the path of Christ. Rather than have all this debate in the Vatican about protecting the orthodox and so-called tradition, it is time to knock it down and rebuild it. It is time to start from scratch. There is no better place to start than with the message of Christ that it is better to live in poverty than to live in opulence and wealth. Consider the Vatican, St. Peter's Square and St. Peter's Basilica. Are they modest structures? Do they reflect the modesty of Christ? I believe the missionaries living in modest accommodation in Africa and Latin America are the vehicles of Christ. If people are looking for the centre of faith, they should not go to the Vatican or to any of the big cathedrals in the world, but to the missions,

where people are delivering love, empathy and support.

The issue of the Magdalen laundries, other institutions and all the challenges we see throughout the world show it is time to revisit the issue of faith. It is time for modesty and humility. It is time to start again. It is also time to talk to the people who genuinely follow the path of Christ in our missions, who work with the poor and stand up against oppression, and who say the capitalist system in place across the world is in defiance of his message. It is time for real courage. If the church goes there, it will then win the hearts and minds of people across the world and will truly follow in the path of Christ again.

**Deputy Michael Healy-Rae:** I thank the Technical Group for allocating some of its time to me to speak on this very important subject. It is a serious matter and a dark period in the history of Ireland. I acknowledge the presence of the Minister for Justice and Equality, Deputy Alan Shatter. I thank former Senator Martin McAleese and the people who worked with him for their report and for the cost-effective way in which they brought it to Government. He will always be remembered for that. A number of questions have been posed by Justice for Magdalenes on the three-month process to be undertaken by Mr. Justice John Quirke. They are as follows. Will Mr. Justice Quirke be commissioned to implement the process he recommends after three months? Will the process be on a statutory footing with independent statutory powers? Will the process be transparent and will there be an appeals process? Will there be independent monitoring of the process? Will the process be carried out in a fair, fast, accessible, non-adversarial and transparent manner? Will the Government make available to survivors and their families free, independent advice and advocacy assistance in relation to the scheme? Will the Government meet with Justice for Magdalenes to discuss the latter's restorative justice and reparations scheme submitted in October 2011 as requested by the Minister for Justice and Equality, Deputy Alan Shatter?

I turn to the need for services and supports for survivors. Justice for Magdalenes has seen a significant rise in the number of queries by phone and e-mail to its volunteer-run information service. As an unfunded, all-volunteer organisation, Justice for Magdalenes is not equipped to adequately serve the needs of this vulnerable population. Queries mostly concern the need for support and the registration process. Justice for Magdalenes has been calling for the establishment of a helpline and dedicated unit in the Department of Justice and Equality since last September to no avail. Survivors need a point of contact so that they can be referred to the appropriate services. What measures are being put in place to help this vulnerable group of institutionalised women to engage with the registration and reparations process? Will guardians *ad litem* or independent advocates be provided for those who need them? What plans are in place to ensure permanent advocacy for survivors in their places of residence? Will the Department of Justice and Equality put in place measures to assist family members of deceased Magdalen women to engage with the process? What steps are being taken to ensure that the sons and daughters of Magdalen survivors or other relatives and victims who were adopted have access to theirs and their relatives' records? With regard to deceased women, what steps are being taken to ensure that Magdalen grave records are accurate and up-to-date? What steps are being taken to ensure that there is access to Magdalen graves and what steps are being taken to ensure their upkeep? Are there mechanisms in place to reach out to all of the women who have emigrated to the United Kingdom, United States of America, Canada and elsewhere? Will redress and reparations have an effect on current benefits being received by Magdalen survivors? What measures are being put in place to ensure that they are not penalised? Will the process ensure that the making of an *ex gratia* payment to a person resident outside Ireland and the United

Kingdom is structured so as not to adversely affect her existing entitlement to benefits and supports? Will the Department ensure that copies of Dr. Martin McAleese's report are provided to survivors who may not have Internet access, including survivors who provided evidence to the interdepartmental committee and have yet to receive the report?

Over the last number of months and weeks, we have heard horror stories of the personal hurt and heartache survivors have had to endure. While it was great to be in the Chamber to see the people who came to hear the Taoiseach's apology on behalf of the State, one must remember in a heartfelt way those who are deceased and were not here to see justice being served for them. They were not here to hear the leader of the country apologise on behalf of the State. It is sad to think that those people went to their graves without hearing that. It is sad to think of the mass grave containing the bodies of many unnamed people which was uncovered when a property was being sold to a developer. The report and the Government's action must be commended and acknowledged. The Minister for Justice and Equality, officials, Dr. Martin McAleese, the Taoiseach and everyone else who joined in the effort to bring about redress must be thanked and complimented. While it might be said that it is late, I am the first to say that it is better late than never. I am the first person to acknowledge good work when it is done. While there was upset when the Taoiseach did not apologise immediately on publication of the report, there was a reason for that. The Taoiseach used the intervening time to travel to England to meet many of the survivors. There was an orderly reaction to the report and I see now and appreciate why the Taoiseach did not come to the House the following day to give the apology. I am sure all of the survivors recognise that fact.

I would never want to see people being wronged. There are thousands of priests and nuns who have served our people very well over the years. They were kind and generous and they devoted their lives to God and others. I do not like to see in the media, whose members are the people who run the country now, the impression being given that any person who puts on a priest's collar or a nun's habit is evil or has something wrong with him or her. Nothing could be further from the truth. Of course, there were horrible people who did unspeakable things to beautiful children who should have been protected and nurtured by everybody. Unfortunately, there will be evil people in all walks of life. I want to ensure that good priests and nuns will always be respected and highly thought of. I have the utmost respect for them. They devote their lives to what they believe in and to God. They believe in their church and do untold good service in their communities. I acknowledge and recognise that. I was a person who benefited from the teaching of nuns when I was a young boy with severe learning difficulties. I would never shy away from the fact that I had that difficulty and that it was the nuns who helped me. I would always admit that and say I appreciated the help. I will never forget the people who helped me when I needed it.

I am sorry to throw in this point, but I ask the Government to deal with the important issue of the 32 survivors of thalidomide who need to have their cases heard. While it is only 32 people, they must be assisted and acknowledged. I would appreciate the Government dealing with that in the same workmanlike way it dealt with the Magdalen ladies.

**Minister for Justice and Equality (Deputy Alan Shatter):** I would like to thank those on all sides of the House who have contributed to this important discussion since it commenced.

Last Tuesday, 19 February 2013, was a very important day for former residents of the Magdalen laundries. It was the day when the Taoiseach, on behalf of the State, acknowledged their hurt and apologised for their suffering as a result of their being admitted to and working in

Magdalen laundries and the stigma many of them have felt throughout their lives. It was the day when the State acknowledged the extent to which time spent in the laundries tragically blighted the lives of so many. It was the day when the State finally opened its heart and accepted its moral duty to those who felt abandoned and lost and believed they had no future. It was a day of extraordinary events in this Chamber, when many of the women who had resided in the Magdalen laundries sat and listened and finally understood that what they had to say was believed and that the State acknowledged that what they had been saying for so many years was true. It was a day when the State stopped ignoring their plight, as it had done for far too many years. It was a day on which this House responded appropriately to the report published by the former Senator Dr. Martin McAleese. It was also an extraordinary day because it is one of the only times I can recollect when Members on all sides of this House stood to applaud those in the Visitors' Gallery. It was, in brief, a day of genuine and high emotion.

It is important to remind ourselves again of the long journey taken by these women and to thank them for having the courage, determination, tenacity and persistence over so many years to ensure their stories were told, heard and ultimately believed. Despite the many obstacles in their way and all the difficulties they faced, they did not allow themselves to be dissuaded from their pursuit of truth and justice. Most importantly, the veil of secrecy surrounding the laundries has at long last been fully lifted and can never again be replaced.

From the outset, the Government, commencing with the appointment of Dr. McAleese to chair an interdepartmental committee, was determined to address this issue, which had been ignored for so many years. Upon taking up office as Minister for Justice and Equality I was determined that this issue would be addressed and within three months of our entering government the decision was made that a committee such as this would be formed and the work required would be undertaken. I again thank Dr. McAleese for his report, which chronicled the reality and harshness of life in the laundries and the extent to which not only the State but Irish society was involved, and which shed light on what happened within those walls and how so many of our people - citizens of this State - came to be admitted to and work in the laundries. I am grateful to Dr. McAleese and the interdepartmental committee which he chaired so capably. I also thank those who assisted him - most importantly, the women who experienced life in the laundries; the various Departments and State agencies which co-operated fully and trawled extensively through records going back over the decades that provided so much new information; and the representative and advocacy groups. We must also thank the religious congregations who co-operated fully with the committee and who made their records available. I realise these are difficult times for them too and it is important to recognise their co-operation and their contribution to this process. On all sides records were made available that had not for decades seen the light, which have helped to fill out the full and comprehensive story of the decades of the Magdalen laundries.

As Dr. McAleese pointed out at the start of his report, there is no single or simple story of the Magdalen laundries. More than 10,000 women are known to have entered the laundries from the foundation of the State in 1922 until the closure of the last laundry in 1996. We must now address the needs of those who are still with us, arising from the hurt they experienced during and due to their time in the laundries. That is the intention of this Government and that is what we are doing.

Since publication of the McAleese report, the Taoiseach has met with as many of the women who experienced life in the laundries as possible. The Taoiseach, the Minister of State, Deputy Kathleen Lynch, and I recently travelled to the UK to meet with the Irish Women Survivors'

Support Network, which represents the largest grouping. Here in Ireland, the Taoiseach and the Tánaiste met with women represented by Magdalene Survivors Together and the Taoiseach met also with women living in nursing homes or sheltered accommodation under the care of the religious congregations. The Minister of State and I also met with representative groups since the debate in this House on Tuesday of last week.

As announced last week, the Government has decided to establish a fund for the benefit of those who were admitted to and worked in Magdalen laundries, and also those who worked without pay in the residential laundry at Stanhope Street. The Government has appointed the retired High Court Judge and current President of the Law Reform Commission, Mr. Justice Quirke, to examine how, in view of the McAleese report, the Government might best provide supports, including health services such as medical cards, psychological and counselling services and other welfare needs, for the women who need such supports as a result of their experiences.

It is important not only to acknowledge the experiences of many of the women in the laundries, but also to consider how to address their future needs. It is especially important to pursue measures that will promote healing and reconciliation and will, as far as possible, provide closure to them. Mr. Justice Quirke has been asked to advise on the establishment of a scheme under the fund including identifying the criteria and factors to be taken into account, such as work undertaken in the laundries for no remuneration. He will advise on the operation of the fund and, in particular, the nature and amount of payments to be made out of the fund. He will report back to the Government in three months when a decision will be made on the detailed operation of the fund. I know the work Mr. Justice Quirke has been asked to undertake is already under way. He will also set the procedure for the determination of applications in a manner that ensures the moneys in the fund are directed only to the benefit of eligible applicants and are not used for legal fees and expenses. Let me make it very clear that women who have already received payments under the residential institutions redress scheme are not being excluded. There is one small area of possible overlap. I understand that under the redress scheme a woman who went straight from an industrial school to a Magdalen laundry may have received a redress payment for the period spent in the Magdalen laundry up to the age of 18. Mr. Justice Quirke has been asked to take this into account and to address how we might deal with this aspect of the matter.

On Tuesday, 19 February, contact details for the Magdalen laundry fund were made available to enable people to register their interest in being considered for receipt of benefits or supports from the fund when it enters into operation. These contact details are as follows: Magdalene Laundry Fund, Department of Justice and Equality, Montague Court, Montague Street, Dublin 2. The telephone number is 01 4768649. An e-mail address and website are also available. To date, more than 700 women have made contact. This registration process will allow people time to gather the necessary basic documentation that will be required to verify their identities and their stays in the relevant institutions. It may also give some indication of the numbers who have an interest in such a fund or in receiving assistance.

As announced last week, the Government has decided in principle to pay out of the fund an initial sum to the proposed UK Step by Step centre for Irish survivors of industrial schools and laundries. This payment will be made as soon as the legal technicalities have been clarified, and work is under way on this.

The Minister of State, Deputy Kathleen Lynch, and I have again, since last week's debate,

been in touch with the representative groups. One of the issues under consideration is the establishment of some form of memorial for the story of the Magdalen laundries as we now know it. The women who spent time in the laundries have been asked to consider the nature and location of a memorial they would deem suitable. The Minister of State and I will shortly meet with the four religious congregations to discuss matters arising out of the McAleese report, including the need to access the records of the laundries again in the context of the operation of the scheme that is being established.

This Government commenced the process of addressing the issue of the Magdalen laundries and is determined to see it through. We will try to do this as quickly, effectively and compassionately as possible. That is the least we can do for the women who were admitted to and worked in the laundries. That is what they deserve and that is what the State must do. I, as Minister for Justice and Equality, along with the Government, am committed to this. I thank Members for their earnest and considered contributions to this debate. Some questions were raised during the debate as to how the proposed redress scheme will operate. These are all questions that will be answered when Mr. Justice Quirke has concluded his work on the matter which he has already commenced. I look forward to bringing those answers to the House when the work is concluded and we receive a report from Mr. Justice Quirke as to how we best deal with these matters in the interests of the women concerned.

### **Topical Issue Matters**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Maureen O'Sullivan - the effect of proposed cuts on youth services in inner city Dublin; (2) Deputy Sean Fleming - the conclusion of talks on a successor to the Croke Park agreement; (3) Deputy Denis Naughten - the future of Harristown House, Castlereagh, County Roscommon; (4) Deputy Éamon Ó Cuív - the status of an independent investigation into the ongoing equine DNA meat controversy; (5) Deputy Pearse Doherty - the impact of the Irish Banking Federation's protocol on the credit union movement; (6) Deputy Thomas Pringle - the need for officials from the National Parks and Wildlife Service to meet with landowners in the Falcarragh-Meenlaragh area of County Donegal regarding plans for the designation of areas; (7) Deputy Olivia Mitchell - the €2 million levy being imposed on residents in Parkview, Stepaside, County Dublin, by the National Asset Management Agency; (8) Deputy Shane Ross - the fluoridation of water supplies; (9) Deputy Mary Lou McDonald - State involvement in Bethany Home, Rathgar, Dublin 6; (10) Deputy Brian Stanley - the planning implications for the proposed building of wind farms in the midlands region; (11) Deputy Dara Calleary - the construction of a catheterisation laboratory at Mayo General Hospital and the making available of an on-call cardiology team at University Hospital Galway to travel to Mayo; (12) Deputy Michelle Mulherin - the need to direct EirGrid to implement smart grid technical solutions as a pilot project to stretch the network capacity and minimise constraints in north Mayo and to facilitate the number of wind and biomass electricity generating projects; (13) Deputy Aengus Ó Snodaigh - the negative effects in Dublin of a proposed cut to City of Dublin Youth Services Board funding; (14) Deputies Billy Kelleher and Caoimhghín Ó Caoláin - the decision to end the mobility allowance and the motorised transport grant schemes; (16) Deputy Clare Daly - the health and safety issues regarding electricians' dispute in St. James's Hospital, Dublin; (17)

Deputy Michael McGrath - the steps the Central Bank of Ireland is taking to address the Ulster Bank error which resulted in more than 1,000 mortgage customers underpaying their mortgage; (18) Deputy Mick Wallace - the need to retain a post office in the village of Duncormick, County Wexford; (19) Deputy Charles Flanagan - the need for a review of planning guidelines surrounding the construction of wind farms in rural areas; (20) Deputy Dessie Ellis - the funding cuts to numerous vital community projects under the VEC known as City of Dublin Youth Services Board; (21) Deputy Joan Collins - the underspend of more than €50 million for Traveler accommodation and the need to consider the Labre Park housing development, Ballyfermot, Dublin; and (22) Deputy Barry Cowen - the impact of the wind-up of Irish Bank Resolution Corporation on development bonds lodged by county councils.

The matters raised by Deputies Éamon Ó Cuív, Denis Naughten, Shane Ross, Billy Kelleher and Caoimhghín Ó Caoláin have been selected for discussion.

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

## **Ceisteanna - Questions**

### **Priority Questions**

#### **Croke Park Agreement**

1. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform if the savings in payroll he is seeking in 2013 are contingent on a successful conclusion to talks to extend the Croke Park Agreement; the way he will ensure that public services including frontline public services are maintained following completion of the talks; and if he will make a statement on the matter. [10588/13]

5. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform the measures he is taking in the current negotiations on an extended Croke Park deal to protect the current pay of low and middle income workers. [10490/13]

**Minister for Public Expenditure and Reform(Deputy Brendan Howlin):** I propose to take Questions Nos. 1 and 5 together.

Last December on behalf of Government I extended an invitation to the members of the public services committee of the Irish Congress of Trade Unions to enter discussions with public service management on a new agenda for reductions in the cost of delivery of public services and substantial longer-term productivity improvements and workplace reforms. Intensive engagement has taken place in recent weeks between the parties to the discussions, which were facilitated by the Labour Relations Commission. The discussions concluded last Monday morning. I attended a plenary meeting of the parties to the discussions at which the Labour Relations Commission tabled proposals of an agreement.

This has been a remarkably challenging and complex process. The Government had sought to reach an agreement that allows substantial costs to be extracted and enhances public service productivity to the benefit of all those who rely on public services while also ensuring that savings were achieved in a way that is broadly equitable and that impacts most on those who are best able to afford it. The Government stated from the outset that to support its determination to restore order to the public finances and to meet its fiscal targets an additional saving of €1 billion in the public service pay and pensions bill would need to be achieved by the end of 2015 and that €300 million of this saving would be needed this year to meet our spending targets.

I am pleased to report that the revised measures as recommended by the Labour Relations Commission have been evaluated as meeting the budgetary targets of the Government over the lifetime of the agreement. They address many of the concerns expressed by the staff representatives during the negotiations as well. I recognise that all public service workers have already made a significant contribution to our economic recovery. However, these further measures are absolutely required to achieve a sustainable reduction in payroll costs sufficient to enable us to meet our fiscal targets. I acknowledge that the negotiators for the public service unions were able to mitigate the effect of several management proposals.

The draft agreement will run for three years from 1 July 2013. It contains several measures aimed at significant cost extraction and changes to terms and conditions of public service workers, all of which have the objective of returning the public service pay and pensions bill to a sustainable path. Detailed proposals were published yesterday evening and copies have been placed in the Oireachtas Library.

I will outline the main elements of the proposed agreement. This is a three year agreement to run from 1 July 2013. Over the course of the agreement the overall savings target set by Government will be achieved. There will be direct pay reductions for those on remuneration in excess of €65,000. An increment freeze of varying lengths at different pay ranges is provided for. There will be a three year freeze for those earning over €65,000, two three month freezes, i.e. two 15 month increment periods rather than 12 months periods, for those earning between €35,000 and €65,000 and a single three month freeze for those earning under €35,000, that is, instead of a 12 month increment cycle there will be a 15 month increment cycle. In the interests of equity there will be balancing measures for those on the maximum of the scale through loss of leave or partial temporary recoupment of an increment.

There will be additional productivity through extra hours worked from most public servants. Those currently working 35 hours or under will in future work a minimum of 37 hours. Those working between 35 and under 39 hours will in future work 39 hours. Remaining overtime costs will be paid at a reduced rate of time and a half at the first point of the scale for those on less than €35,000, and time and a quarter to individuals on the scale above €35,000. Public servants on 39 hours who work overtime will make available one unpaid hour of overtime per week. Twilight payments will be eliminated and a reduced rate of time and three quarters for Sunday pay will be implemented. Supervision and substitution payments in the education sector will be eliminated. A range of additional savings associated with the agreement relate to the defence and prison sectors and public service pensions etc. and all of these are laid out in the published document.

A range of additional savings have been proposed and a series of long-term workplace reforms have been agreed as part of the deal as well. These include: revision of flexitime arrangements and work sharing patterns, revisions to redeployment provisions, strengthened per-

formance management arrangements and proposals in the area of grade restructuring.

I have made clear throughout the process that this is a draft agreement based on proposals by the Labour Relations Commission. It is now a matter for the trade unions and the representative associations to consider the proposals in advance of putting them to a ballot of their members in accordance with their rules and regulations.

**Deputy Sean Fleming:** I welcome the opportunity to discuss the proposed agreement on public service pay with the Minister in the House. This is the first opportunity we have had to do so since the proposed agreement was announced earlier in the week. The Minister should agree that there is a lack of fairness in the proposals as they stand. There is nothing in the proposals about protecting all public services, especially front-line services, for the people. The document is rather light on reform. There is nothing in it about protecting emergency and 24 hour services needed by people on weekends. In particular it is most unfair that low paid workers who work weekends including people in the health service, whether nurses, nurses aides, or cleaning and catering staff in our hospitals, gardaí, firemen and prison officers are facing a cut of up to 8%. The Minister avoided telling us the level of savings to be achieved. He did not mention a single figure. I think he is speaking about €1 billion over three years but some people thought it would be €1 billion per annum to 2015. He wants to save approximately €350 million per annum, which is 2% of the public sector pay and pensions bill of €17 billion. To achieve that 2% cut he will make certain weekend workers sacrifice up to 8% of their pay.

**Deputy Brendan Howlin:** Absolute rubbish.

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

**Deputy Sean Fleming:** I will be putting a question.

**Deputy Brendan Howlin:** Any day now.

**Deputy Sean Fleming:** I want a commitment from the Minister that he will equalise the pay of new recruits not only for teachers but also for nurses, gardaí and prison officers. It is not fair that some people earning €30,000 will suffer cuts of 8% while others earning €60,000 will not suffer cuts. Some people on similar pay rates will face different levels of reduction based on the amount of premium or weekend pay they earn.

I also ask the Minister to reconsider the issue of redundancies. The commitment to have no compulsory redundancies is heavily qualified and the document indicates that voluntary departure will be appropriate in some circumstances. I ask him to remove that clause and answer the question on the targeted redundancy package he has announced on several occasions. Will this provide additional savings to the Croke Park extension, or is it part of the agreement?

Does he not accept that when he is seeking a cut of 2% in the public sector payroll bill it is unfair to ask some low-paid workers to take cuts of 8%? That is the definition of unfairness.

**Deputy Brendan Howlin:** I am surprised and somewhat disappointed by the attitude of the Deputy opposite. The premise on which he asked his questions is false. The annual amount of savings required is €1 billion. It starts this year, although clearly this will be a half year, and it will ratchet up to €1 billion in annualised savings by 2015. The Deputy's percentages are wrong, therefore.

In regard to the Deputy's point about fairness, this is a fundamentally fair deal and many

objective observers have taken the time to analyse the document. We have considered this very carefully. One of the Government's prime objectives was to extract the money we need in a way that is fair and affects everybody to some degree, and to ensure it affects those who are best able to bear it the most. This is why we are introducing a pay cut for those earning more than €65,000.

With regard to those in receipt of premium payments and on front line, there are people who work relatively short hours and maximise their pay by making sure it is in the premium sector. Some of that is required. There are various elements to it, the first of which is how the rosters are determined. Some people find themselves rostered for an extraordinary amount of Sunday and holiday work and, obviously, the rate is paid. We intended to reduce Sunday pay by one quarter, from double time to time and a half, but we settled on reducing it by only one eighth, to time and three quarters. We have examined who would be affected by this change and found it is fair and balanced. If one was to pick somebody who works only on Sundays or works a disproportionate number of Sundays and premium days, one might find him or her to be well outside the norm. However, taking 290,000 public sector workers, this has to be a complicated agreement in order to be as fair and objective as possible. We have made it complicated but, objectively, it is fair, unless one takes the extreme.

**Deputy Mary Lou McDonald:** We did not have to travel far to find somebody to give the lie to the Minister's claim that the agreement is in any way fair or equitable. In fact, people came to us. A sample of the workers who are badly hit by this agreement were the firefighters who assembled outside the gates of the Houses yesterday. Having studied the agreements, the firefighters clearly understand they will face cuts of between 8% and 10% to their take-home pay. Like others in the public service, these workers are just about getting by at present. They are just about meeting their bills, rent and mortgages and many of them have young families. The question they ask, not as commentators but as individuals who will experience the full impact of this deal, is what kind of bubble surrounds this Minister and his Government colleagues that prevents them from understanding the impact this deal will have. They reckon it will drive them into debt and many of their colleagues across the public sector will be driven into poverty. As the Minister will be aware, up to 10% of those currently in receipt of family income supports work in the public sector.

My question was about whether the Minister was going to protect low- and middle-income workers. The answer is that he did not protect them. He claimed, disingenuously, that the only pay cuts were for those earning in excess of €65,000. He might play with words but he knows full well that workers across the spectrum are going to experience real and substantial cuts to their wages. Nurses who earn €35,000 or €40,000 are looking at cuts of 8%. I ask him not to play the game of make-believe that only a certain section will experience the cuts.

I share the public frustration that certain people in the public service are overpaid and over-pensioned. There is no debate about that. These individuals include Ministers and Secretaries General. There are 6,000 of them across the system. The demand for fairness and reining in the pay bill should have been directed at that set of people. It is not fair or sustainable to ask the State to pay multiples of a fair salary to senior public officials, but the Minister was not prepared to go after them.

**An Leas-Cheann Comhairle:** I must call the Minister to reply.

**Deputy Mary Lou McDonald:** He was not prepared to go after them other than in the most

light-handed of ways.

**An Leas-Cheann Comhairle:** The Deputy has tabled a question on pensions.

**Deputy Mary Lou McDonald:** This is not about pensions; it is about pay. I have other issues to raise.

**An Leas-Cheann Comhairle:** I will call Deputies McDonald and Fleming again.

**Deputy Brendan Howlin:** The Deputy is not asking questions because she does not want to hear answers.

**Deputy Mary Lou McDonald:** I asked my question.

**Deputy Brendan Howlin:** She came to her conclusion before the document was even published. Within an hour of the conclusion of the talks she was on the national airwaves denouncing the agreement and those who had negotiated it, in a shocking and shabby abuse of people who had worked hard to represent their members. She did not even have the courtesy to read the document before she came to her venomous conclusion.

In regard to the general argument that she has made from the beginning, to the effect that we could make the savings by dealing with the 6,000 people who earn more than €100,000 out of the 290,000 people working in the public service, it is clear that if we had done so we would have achieved less than 20% of the savings we require while destroying our health services and the Judiciary. It is nonsense, but the problem is that Deputy McDonald and her party know it is nonsense. One need look no further than her party in Northern Ireland to see the policies it is implementing. She thinks she can perpetuate this falsehood to the future advantage of her party. This is a complex deal which was negotiated by professional and competent negotiators representing 390,000 workers. Some walked out of the process but the vast majority stayed in. It is now a matter for workers in the public service to make their judgment. I ask Deputies not to use this House as a bully pit in terms of charging one way or the other on this issue. The facts are laid out and the agreement has been negotiated openly over many weeks by professional, competent negotiators. They will give advice to their members and each public sector worker will make his or her decision in that light.

**An Leas-Cheann Comhairle:** Deputy Sean Fleming may put a question, but I ask for his co-operation in keeping it brief.

**Deputy Sean Fleming:** I wish to make two quick points. I do not believe whoever drafted the answer to my question read it but just issued the Minister with a statement on the Croke Park agreement. I asked about savings, but the Minister did not mention any figure. The only figure he mentioned was the €1 billion he mentioned in response to my follow-up question. He should have given us some of the figures for savings and I ask him to correct that omission.

Second, I put a simple question as to whether the agreement was contingent on the successful conclusion of the Croke Park deal. In other words, if there is not a successful conclusion, will the Minister legislate to have the proposals implemented? He did not deal with that issue. Will he confirm whether he will legislate if the deal is not agreed to?

On the issue of Members not contributing, it would be helpful if the members of the Labour Party national executive involved in the talks did not mention Fianna Fáil and Fine Gael every time they appeared on television. They are politicising the process already.

**Deputy Mary Lou McDonald:** The answer to the question I put is a clear “No,” the Minister is not prepared to prioritise low and middle income workers and he was certainly not prepared to prioritise front-line staff. This is an ongoing discussion in which we continually ask the Government to name and deal with the minority who are overpaid. The agreement reflects the fact that the Minister is not prepared to do this, although he will put his hand in the pocket of a garda, a firefighter or a nurse. He has no difficulty in doing this. People should bear in mind that the cuts being made in respect of front-line workers and clerical grade staff across the public service have an impact in terms of the services delivered.

**An Leas-Cheann Comhairle:** The Deputy should put her question.

**Deputy Mary Lou McDonald:** The statistics are startling. Some 9,500 carers are waiting for their applications to be processed. The average waiting time is now six months.

**An Leas-Cheann Comhairle:** The Deputy should be fair and put her question.

**Deputy Mary Lou McDonald:** All of this is connected to a strategy that has been about shrinking the public service, hammering workers on very average incomes and protecting those at the top at all costs.

**An Leas-Cheann Comhairle:** I must call on the Minister to make his final reply.

**Deputy Mary Lou McDonald:** I would be equally critical of the trade unions which are protecting people they, the Minister and I know are overpaid. They earn more than the British Prime Minister or the French President. We cannot continue with that system-----

**An Leas-Cheann Comhairle:** This is Question Time. I must call on the Minister to make his final reply.

**Deputy Mary Lou McDonald:** -----or that level of overpayment while hammering workers further down the line.

**Deputy Brendan Howlin:** The Chair might well say this is Question Time, but Deputy Mary Lou McDonald has never been interested in answers, just in back of the lorry speeches denying the realities and the facts. This is a fair deal and it is now a matter for individual workers to come to their own conclusions on it. We need to make these savings. This is a negotiated deal that the workers’ representatives determined as far as they could do so. They reshaped the proposals on the table. There is no magic formula. Deputy Gerry Adams can have his magic formula, suggesting we can get rid of the troika and that we do not need its money. Why would we need it if we could go abroad to avail of health care rather than depend on the health care system here? In his imaginary world or bubble, everybody lives on the average industrial wage, but he or she has a lifestyle to which no worker on the average industrial wage in this country can aspire. That fantasy land is hollow. The job of the Government is to provide real solutions to the economic crisis facing the country. We are making the necessary repairs incrementally and rebalancing the public pay bill.

I acknowledge the extraordinary work of public sector workers. Nobody defended the Croke Park agreement more than I in the past two years, on the basis that we ultimately needed to look at how we could ensure the payroll and services were fit for purpose and matched our income stream. This deal will allow us get to that position. I have made a commitment that if it is accepted, we will not ask more of public sector workers. I hope they will accept this on

that basis and not be distracted by the fantasy or rhetoric of those who are not interested in the recovery of the country but only in political pointscoring.

## **Public Sector Pensions**

2. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he will consider reducing the annual pension payments to former senior public servants, office holders, Taoisigh and Government Ministers. [10489/13]

**Deputy Brendan Howlin:** The position on the pensions of senior public service retirees, including the groups referred to in the Deputy's question, is kept under review constantly by my Department. In this context, it is important to point out that, over the course of recent years, several measures have been taken by the Government which serve to substantially reduce pension awards and pensions in payment to former senior public servants, office holders, Taoisigh and Ministers.

A key measure in this context has been the public service pension reduction, PSPR, which applies to all public servants who retired on pensions of over €12,000 up to the end of February 2012, including retirees in the groups referred to in the Deputy's question. This progressively structured imposition on pensions was introduced on 1 January 2011, based on a set of income bands and percentage reductions and bearing most heavily on higher pension retirees. Acting on foot of my concerns with regard to high public service pensions - I acknowledge this is a concern for the public - I subsequently acted to make the PSPR even more progressive in application by legislating for an increase in the rate of PSPR on pension amounts in excess of €100,000, from 12% to 20% on the excess amount, effective from 1 January 2012.

In the case of former public servants who retired from March 2012 onwards, pensions have also been subject to a significant effective reduction, in so far as they have been impacted on by the pay reductions applied under the Financial Emergency Measures in the Public Interest Act, the FEMPI legislation. These reductions have again been progressively structured such that higher paid public servants and public service retirees, including in the groups referred to by the Deputy, have proportionately been harder hit. In this context, some of the deepest pay cuts of all have been imposed on ministerial pay and these pay cuts will be fully reflected in the pension awards to current and future Ministers.

Future pension awards will also be moderated by the general pay ceiling of €200,000 for appointments to higher posts across the public service which I introduced immediately on coming into office. Revised salary rates in line with that ceiling are now in place for Secretaries General in the Civil Service who, in addition, can no longer receive notional added years or immediate pensions before preserved pension age.

### *Additional information not given on the floor of the House*

The LRC recommendations this week for a new public service agreement contain further pay reductions which are concentrated on higher paid public servants. When implemented, these pay cuts will in due course impact on the pensions awarded to future retirees from the groups covered by the Deputy's question. In line with the LRC's recommendations, the Government also intends to align the reductions in public service pensions in payment with the reductions applied to serving staff, in respect of pensions in payment greater than €32,500.

Further details of these pension impacts, including details of the necessary legislative changes, will be drawn up shortly.

Looking further ahead, the recently commenced single public service pension scheme which applies to all new joiner public servants, including civil servants, office holders and Ministers, will in time deliver significant savings to the public purse through reduced public service pensions. These long-term savings will derive from key features of the single scheme, principally an increase in pension age, inflation linkage of benefits and career average accrual.

The various FEMPI Act and other measures I have outlined indicate the significant action already taken in reducing the pensions payable currently or in the future to former senior public servants, office holders, Taoisigh and Ministers. In this general context it is important to point out that legal advice from the Attorney General states it is possible to apply proportionate reductions to existing pensions, as has been done to date in the FEMPI legislation. However, due account must be taken of the fact that pension benefits are generally regarded as vested property rights, which must be considered in the public interest when taking action.

**Deputy Mary Lou McDonald:** Let us look at a sample of the figures involved in these pensions. The figures I am about to provide are net of the PSPR or the pension levy. Mr. Charlie McCreevy has a pension of €119,000-----

**An Leas-Cheann Comhairle:** The Deputy should ask a question.

**Deputy Mary Lou McDonald:** Mr. Michael Woods receives €122,000; Mr. Dick Spring receives €120,000; Mr. Bertie Ahern receives €150,000, while Mr. Brian Cowen the same amount. These are the pensions of which former office holders and others are still in receipt from the State. The Minister has bragged again today that he has introduced emergency legislation to deal with this issue. I believe and hope he understands privately that he has not even begun to deal adequately with this issue. No retired official, politician, Minister or Taoiseach should ever have been in receipt of pensions of that order, certainly not now when we are in the depths of an economic crisis and the Minister is putting his hand in the pockets of the working and middle classes. He told me previously that he could not deal with this issue and cited repeatedly concerns around property rights and pensions. Is that still his position? Is it the issue of property rights that is stopping him from dealing with these pensions?

We talked about the Croke Park phase two agreement a few moments ago. The reduction the Minister envisages in that agreement in the case of pensions of this order - a reduction of 5% - is a joke and a very bad one at that.

*3 o'clock* **Deputy Brendan Howlin:** I have acknowledged from the outset of this Government's term in office that I regard the pensions of former officeholders and some retired senior public servants as excessive. I sought to deal with the matter virtually immediately when I took up my current position. That is why I introduced the additional pension reduction in the 2011 FEMPI legislation. It is true that I sought the advice of the Attorney General on how far I could go in that legislation. I went as far as I could, without putting the entire FEMPI edifice in danger, by increasing the pension reduction rate from 12% to 20%. Whether we like it or not, the formal advices are that pension benefits constitute a vested property right and are therefore protected by the Constitution. For that reason, there is a limit on what we can do. There are also constraints within the FEMPI architecture itself. I have explained this to the Deputy on several occasions. The argument that has to be made when introducing FEMPI legislation is

that it is required in the national interest. Any FEMPI measure must accrue sufficient money to justify it as being required and must have wider application beyond a tiny cohort of the citizenry. To the best of my ability and to the greatest extent that I could, I crafted the legislation in a way that met those constitutional imperatives. Objectively, that is a fact. I share the Deputy's concern. The money involved is small in terms of reducing the overall national debt or solving the nation's finances. The Deputy is right when she says this is important to people who want fairness. We will strive again and again to find ways of doing this. If the new pay deal is agreed, there will be an incremental reduction of 5% in addition to how far we have already gone to claw back more.

**Deputy Mary Lou McDonald:** I was interested to read the preamble to the legislation that was rushed through this House when IBRC was being wound up. It states that "in the achievement of the winding up of IBRC the common good may require permanent or temporary interference with the rights, including property rights, of persons". It is clear that property rights were interfered with when that institution was wound up. The Minister has never published the Attorney General's advice on this matter. I have never believed----

**Deputy Brendan Howlin:** That is not done, as the Deputy knows.

**Deputy Mary Lou McDonald:** I know it is not a matter of normal convention. In light of the level of public concern about this issue, I think that advice should be published. Frankly, I do not buy the suggestion that the Minister cannot go much further in respect of these pensions because of constitutional constraints. I do not believe he is politically willing to take on this matter. The suggestion that the individuals on these extraordinary pensions have been hit hardest, as the Minister has described it, is really very troubling.

**Deputy Brendan Howlin:** I did not say that at all.

**Deputy Mary Lou McDonald:** The Minister used that language in his initial response to me. These people have not been hit really hard at all. They should not be in receipt of these pensions at this level. The national interest and the common good require these pensions to be reined in.

**Deputy Brendan Howlin:** We should really call this "speech time" rather than "Question Time". I have acknowledged that there is an issue here. I have sought to deal with it. Objectively, people will agree that my efforts have been fairly substantial in the context of the constraints within which I have had to operate. As the Deputy has acknowledged, it is not the convention to publish the views of the Attorney General. If one asks for advice from any lawyer in this regard, one will get the same advice. All one needs to do is read the case law. The McMahon judgment in the High Court was issued on foot of one of the cases that was tested. The pretence of doing something is always much better than actually grappling with the reality of having to find a way of doing things.

**Deputy Mary Lou McDonald:** The Minister should just publish the advice.

**Deputy Brendan Howlin:** The Sinn Féin way is to engage in the pretence of it-----

**Deputy Mary Lou McDonald:** The Labour Party way is to take 5% off these pensions.

**Deputy Brendan Howlin:** The Deputy should not shout people down.

**Deputy Mary Lou McDonald:** It must be a joke.

**Deputy Brendan Howlin:** I listened to her back-of-the-lorry speech. I ask her to listen to my answer. The Government is grappling with an array of economic difficulties that were presented to us by the disastrous Government that preceded this one. We are making steady progress on the way. Employment figures to be published today will indicate that the number of people in employment has increased for the first time in five years and that the unemployment rate decreased from 14.6% to 14.2% in the last quarter of 2012. We have largely moved the path of restructuring the banks to a place where there is growing confidence for investment in them. That is having an impact on the confidence of people in society. We have a way to go yet. I think the nihilism, negativity and destructive views we have heard from those, particularly in Sinn Féin, who are willing our country to fail will be rejected by voters.

### Departmental Legal Costs

3. **Deputy Tom Fleming** asked the Minister for Public Expenditure and Reform if he will ensure that public bodies that engage the services of legal firms and legal practitioners are compelled to publish annual payments made to each legal firm or legal persons, relating to each calendar year; and the systems in place to monitor this and ensure that public moneys are not being wasted. [10587/13]

**Deputy Brendan Howlin:** In principle, I am in favour of the annual publication of details of the cost of payments by public bodies to legal firms and practitioners. However, there needs to be an examination of how this is to be achieved. For example, should the information be included in annual reports of public bodies or made available in other sources of information? To what degree should the details of individual payments be divulged? The publication of information concerning payments may need to take account of the needs of commercial confidentiality in the context of any competitive procurement arrangements that might be in place. I envisage that my Department will, in consultation with relevant Departments and offices, set down guidelines on the level of detail to be divulged by public bodies on their legal payments and devise systems for monitoring adherence to such guidelines. The publication of such information would not of itself lead to a reduction in expenditure on legal costs. Such reductions have been effected in recent years through multiple across-the-board reductions in the level of fees paid by Departments and offices and the development of competitive tendering in the procurement of legal services by public bodies.

**Deputy Tom Fleming:** I thank the Minister for his reply. Departments have historically paid exorbitant legal fees. The HSE probably has the highest expenditure to legal firms. The payment of crazy sums of money was recently revealed in *The Sunday Business Post* on foot of freedom of information requests. Some €71.5 million has been paid to solicitors' firms. One firm received €11.5 million in a 12-month period in 2012. A barrister received approximately €968,000 in 2010. Child care proceedings are proving to be very lucrative. A top-earning barrister received €1.3 million from the HSE in 2012. A host of other payments was highlighted by the newspaper. What procedures does the Minister intend to put in place to deal with this significant draining of the State's scarce resources? It is way over the top. Procedures will have to be put in place. At the moment, the legal sections of Departments deal with legal advisers, make arrangements and negotiate with legal firms. We need to get senior executives from the Departments and the HSE highly involved in this.

**Deputy Brendan Howlin:** There is a great deal of merit in what the Deputy has said. Some

of the legal fees that have come into the public domain in recent years, such as tribunal fees and fees for legal cases taken by the HSE and others, are disturbingly high. That is why we have embarked on a new procurement regime. The Office of the Chief State Solicitor has taken a number of initiatives in this regard. It would be useful to bring the details of these payments into the public domain, as suggested in the Deputy's question. I will try to ensure that process is concluded this year. My colleague, the Minister of State, Deputy Brian Hayes, is devising procurement regimes that will save money across all areas of public procurement. As the Deputy is aware, we have appointed a new chief procurement officer. The area of legal fees needs particular and focused attention. I thank the Deputy for raising this matter. I assure him that the advice he has given will be heeded.

**Deputy Tom Fleming:** The Minister needs to cap the fees by setting a maximum fee for senior counsel and junior counsel. I hope the Minister will advertise publicly for the services of senior counsel and solicitors who will be placed on a panel to act for the State. We recently learned that child services were being fleeced in terms of legal fees at a time of great financial scarcity in that sector.

**Deputy Brendan Howlin:** Again, I agree entirely with the Deputy. The way to go is not so much to have a cap because, in a way, it is a stab in the dark, but to have true competitive tendering. I know competitive frameworks are being devised in order to do this. I have looked, for example, at how some of the big American companies do it. They have an open on-line tendering competition to avail of reduced legal fees. They put up the opening bid and legal firms have a period of time in which to bid and offer a reduction. While that might be one way to go, we want to ensure the best advice is available to the State and its agents. In any case, the devising of a system to address the concerns of the Deputy is certainly in hand.

### **Appointments to State Boards**

4. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform his plans to reform State board appointments; if he intends to ensure appointments are not influenced by political affiliations; and if he will make a statement on the matter. [10589/13]

**Deputy Brendan Howlin:** As the Deputy is aware, in 2011 the Government introduced new arrangements for the appointment of State board members. Under the new arrangements, Departments now invite on their websites expressions of interest from the public in vacancies on the boards of bodies under their aegis. It is open to all members of the public, regardless of gender, political affiliations or geography, to apply for appointment to fill these vacancies.

Persons being proposed for appointment as chairpersons of State agencies or boards will be required to make themselves available to the appropriate Oireachtas committee to discuss the approach they will take to their role as chairperson and their views about the future contribution of the body or board in question. Following that discussion, decisions will be taken by either the Government or me, as appropriate, to confirm the nominee as chairperson.

I am satisfied that these new arrangements introduced by the Government in 2011 have significantly improved transparency in the making of appointments to State boards, compared with the making of appointments in previous times.

**Deputy Sean Fleming:** I acknowledge that the Minister has put in place what looks, on

the face of it, to be a perfect system. While it is perfect in theory, it is not working in practice, which is why I tabled this question. It is clear to anyone who has been following this issue that 60 appointees to State boards since the Government took office were specifically affiliated to and had connections with either Fine Gael or the Labour Party. An agreement has been mentioned by Ministers and seen under FOI legislation which suggests there is a ratio of 2:1 in the political affiliations of appointees.

Let me be very clear. I am not saying the appointees are not suitable for the job, but there is an over-emphasis on political connections. While many of them may have good experience, I do not consider that the system is broad enough. The proof of this is in the appointments to HIQA, where only one of the 40 people who had applied got onto the board, whereas the majority of appointments made by other Ministers involved people who had never applied in the first place. The old system is alive and well. The majority of appointees should not be coming through this system.

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

**Deputy Sean Fleming:** Is the Minister satisfied that more than 60 people who have been appointed to State boards since the Government took office had connections with either Fine Gael or the Labour Party, including councillors, people who had donated money to these parties, party advisers, party candidates, former party public representatives, party activists, party canvassers and friends of individual Ministers? Is he satisfied that this practice is continuing?

**Deputy Brendan Howlin:** I was delighted to see this question because we need a debate on these matters. This is a small country. I read the published list of the 60 people mentioned. While I was not going to mention names, I will mention one. Ms Adi Roche who was appointed to the Radiological Protection Institute of Ireland is regarded as a crony. How could someone who has spent most of her life championing the Chernobyl issue not be a suitable candidate to be on the board of the Radiological Protection Institute of Ireland? Should she be debarred from membership because she offered herself for public office?

One of the things that was regarded in the article as serving to debar a person or make him or her a crony was that he or she had worked on a policy committee of a political party or had given advice to a political party. In opposition I chaired the policy committee of the Labour Party and invited in experts whose political affiliation I did not know to work on policy development. Academics and many others gave us the benefit of their expertise to shape policy. It would be extraordinary if participation in the public democratic sphere in that way debarred such persons, or if being a councillor or speaking publicly in favour of a political view was to debar them. That would be extraordinary in a small economy.

We need to have a rational debate on this matter. There is a downside if we label everybody who has a political opinion or works on a policy committee. I am sure the Deputy's party has policy committees working and, without knowing their politics, is inviting experts such as economists or statisticians to work with them. That they should be debarred or regarded as cronies is an extraordinary, limiting and perverse view. Purity means one has to be almost apolitical. It would be a hugely damaging perspective with regard to the way public business is done if that was to be the norm.

**Deputy Sean Fleming:** I concur with everything the Minister has said and he will acknowledge that I said the people appointed might be well qualified. I just want this process to be

opened up to others who are equally well qualified. I am clear-cut in saying people who have shown an interest in public affairs, whether it be through the democratic process, are regularly very suitable to be appointed to State boards because they have expertise. However, I am concerned about the undue preponderance of people in that category. I have always believed there should be a democratic balance and that people with an interest in the democratic process on all State boards. While I am not saying such persons should not be appointed, we need to see more from the broader citizenship category.

**Deputy Brendan Howlin:** I do not disagree with that and there is probably a meeting of minds on this issue. We need to get away from the notion that to be political is somehow unworthy because that is hugely damaging. However, we need to make sure people who have something to contribute and are not involved in the political system in any shape or form also have a path to serve fully. We have to strive to have better systems, if the current systems are not helping us to do this. On balance, however, we have made a significant improvement and will look again to ensure that, if further changes or tweaks need to be made, we will make them. *Question No. 5 answered with Question No. 1.*

## **Other Questions**

### **Croke Park Agreement**

6. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform if the savings he is seeking under the extension of the Croke Park Agreement are gross savings; the expected saving, net of pensions costs and tax, PRSI, levies and other deductions foregone, if he achieves the targeted saving; and if he will make a statement on the matter. [10378/13]

150. **Deputy Róisín Shortall** asked the Minister for Public Expenditure and Reform the gross saving he intends to achieve from the public sector payroll in each of the years 2013 to 2015 with a breakdown by saving type, that is reduction in head count, overtime, core pay, increments, allowances and so on; and if he will provide an analysis of the net saving that will be achieved when income tax, USC, PRSI, pension levies and so on are factored in and when account is also taken of the effect on VAT and other Exchequer revenue streams. [10661/13]

**Deputy Brendan Howlin:** I propose to take Questions Nos. 6 and 150 together.

Negotiations have taken place between public service employers and the public services committee of the Irish Congress of Trade Unions on the Government's stated intention to reach agreement on securing an overall saving of €1 billion gross in the public service pay and pensions bill by 2015. Following intensive engagement in recent days between the parties which was facilitated by the Labour Relations Commission, the LRC has developed and recommended a set of proposals for consideration and agreement that seeks to secure the €1 billion gross savings required by the Exchequer, while ameliorating the impacts on public service staff, particularly those on low and middle incomes to the greatest extent possible.

There are three broad strands to the LRC proposals published yesterday which seek to secure agreement on savings and a more long-term structural reform approach to the public service. The proposals include productivity measures - extra hours, standard extended working day, standard extended working week and flexible rostering; workforce reform measures - changes in performance management development systems and flexitime, streamlining management structures and spans of control; and cost reduction measures - reduction in non-core pay rates, increments, overtime, premia and so on. As I said, the full details are published on the LRC website.

The precise implications of the savings package on tax and related revenues, both in direct terms and indirectly through effects on macroeconomic variables, are matters that will fall for consideration by my Department and the Department of Finance in the context of preparing the economic and budgetary strategy for 2014 to 2016. The detailed information sought by the Deputy is not available. However, I am satisfied that, subject to its ultimate acceptance and the necessary legislation being passed by the Oireachtas, the proposals available to public sector workers will produce the necessary savings of €1 billion over the lifetime of the agreement.

**Deputy Sean Fleming:** Therefore, the savings of €1 billion will be made over three years. This is what is causing the confusion because-----

**Deputy Brendan Howlin:** To clarify, we are ratcheting up to €1 billion.

**Deputy Sean Fleming:** Per annum. There has been confusion with the language.

**Deputy Brendan Howlin:** I hope I am clear.

**Deputy Sean Fleming:** I thank the Minister for that answer and acknowledge he has said that these are gross savings. I know he cannot put an exact figure on it but presumably the net savings to the Exchequer as a result of this will be approximately 50% of that when one takes in PAYE, PRSI, pension levies and other deductions. Nobody can put an exact figure on it. The document that was produced does not give us any information about the amount of money that can be saved as a result of the proposals on working hours; the reduction in public service numbers; the savings in terms of overtime, premium pay and weekend work; the increments issue; and, the savings in terms of former public servants receiving pensions. I have no concept of how that document adds up to €1 billion. The Minister needs to be able to cost that and show me. If he can do that, he will increase the public acceptance of this document. He cannot just say "there's the document with no costing and yes, it meets our budgetary target." He must give us that information so there can be a proper, informed discussion and decision. It is like a referendum. This is a referendum among public servants who are entitled to have the full information about the implications of this. That is the information I am looking for. Can the Minister provide it?

**Deputy Brendan Howlin:** As I indicated, this agreement has just concluded. As the Deputy can imagine, the latter phases of the discussions were fairly intensive so some analysis will be done. In advance of it, we did a considerable amount of work on drilling down into the workplace on a sectoral level to ensure that unlike Croke Park I, the savings will manifest themselves in real terms in the workplace. For example, all the additional hours we will generate should this agreement be accepted have to be monetised in a way that saves either head count, overtime, premium payment or agency costs. We have run indicative views on all of that and are confident that they will amount to the sums we are talking about. Pay generally in

all the budgetary arithmetic is expressed in gross terms because individuals have different tax liabilities so we talk about the pay bill in gross terms. In order to compare like with like, if we are going to talk about reductions, we will talk about them in gross terms as well.

**Deputy Sean Fleming:** I accept that it will require some analysis but could the Minister in due course put into the public arena the savings that will emerge from this from the non-pay savings? Are they in there at all? In some cases, there are almost more non-pay savings through reform than pay savings and that issue has not come out here. Are the non-pay savings factored into this? Can the Minister give us proposals on that?

**Deputy Brendan Howlin:** We need to get €300 million this year in gross pay and pension savings. All the ancillary things like procurement are separate and additional to that. Incrementally, we will get a significant part of €1 billion next year and the full €1 billion in 2015 annualised as it ratchets in if workers vote for the agreement which is a draft agreement - I do not want to be premature about this.

**Deputy Richard Boyd Barrett:** As the Minister is well aware, I am implacably opposed to this new Croke Park deal in so far as it requires further sacrifices from low and middle-income workers. Following from Deputy Sean Fleming's point about the net savings the Government hopes to make, the Minister mentioned macro-economic variables. If I understand it correctly, he said that the Government will carry out further analysis with the Department of Finance in respect of those. That seems a rather bizarre way to proceed. We make the cuts before we have analysed what the impact might be on the wider economy. That leaves open the likelihood that we are cutting off our nose to spite our face. Many of those of us who have opposed austerity have suggested that by cutting the incomes of low and middle-income workers, the Government is reducing spending power and demand in the economy and doing further damage to other sectors of the economy.

**An Leas-Cheann Comhairle:** Does the Deputy have a question?

**Deputy Richard Boyd Barrett:** Does the Minister agree it is rather bizarre not to carry out an analysis of the likely impact on the rest of the economy before ramming through these cuts to the incomes of low and middle-income workers?

**Deputy Tom Fleming:** Croke Park is not completely equitable for workers in all sectors.

**An Leas-Cheann Comhairle:** Does the Deputy have a question because we are running out of time?

**Deputy Tom Fleming:** The incomes of people earning over €80,000 have not been sufficiently reduced in comparison to people earning below €65,000 who are taking an excessive hit in terms of the reductions. Could the Minister alleviate the position of those in the lower sectors of our public sector, such as nurses, hospital staff, gardaí and firefighters? They are facing a cut of 8% but those earning over €80,000 are also facing a cut of 8%. I request that those on a sliding scale from €80,000 to €120,000 face a cut of 9%, those earning from €121,000 to €150,000 face a cut of about 10% and those above that 12%. That would ease the pressure on those at the lower levels. I ask the Minister to reconsider all this.

**Deputy Brendan Howlin:** I will deal with Deputy Boyd Barrett's question first because it is important. There are two levels to it. I was trying to answer in detail a set of questions from Deputy Sean Fleming which differed from Deputy Boyd Barrett's. They will require further

analysis. We have obviously carried out an analysis of the impact of taking €1 billion out of the economy in general terms but the exact methodology was not known until we had a draft agreement so we could not do that work until now. I have already written to a number of trade union officials who posed that question about the impact of it. The bottom line is a very simple one. We must make adjustments. We must make expenditure reductions. The methodology of doing it through a reasonable pay reduction and extracting costs from public sector pay is less impactful on the economy than some of the alternatives, for example, cutting expenditure on social welfare or other areas. We need to get €300 million this year and €1 billion in expenditure reductions by 2015. The impact on the economy generally will be of the order of 0.25% but I will give the Deputy the details when we have crunched the numbers effectively. That is not an avoidable deduction if we are going to reduce public expenditure to the targets we are required under the troika agreement to meet, namely, to get it below 3% by 2015. There is no avoiding this. One does this in a way that is as effective and least impactful on the general economy as possible.

The contention that the burden falls on low and medium-income earners in the public service is wrong. If one looks objectively at it, one will see that what people earning below €35,000 are asked for is some extra hours' work but no reduction in pay in most instances. There are people who receive premium pay and so on. The final point concerns the point people keep churning out about the figure of 8% for nurses. I have not looked at all the figures yet but in order to have that reduction, one would need to work something like 22 Sundays and premium days and have a disproportionate element of one's income on the premium side. We are trying to devise a fair pay deal for 390,000 people. Low-paid workers who work 9 to 5 and do not get premium pay should not be disproportionately hit either. In the round, this is a fair, balanced and, for that reason, complicated deal that I hope people will reflect upon.

**An Leas-Cheann Comhairle:** Question No. 7 is in the name of Deputy Joan Collins. Deputy Boyd Barrett will be substituting.

### **Departmental Expenditure**

7. **Deputy Joan Collins** asked the Minister for Public Expenditure and Reform the number of public sector workers who have retired in the last three years within his Department or any office or body under his aegis that have been reinstated; the pay rates they are receiving; and if he will make a statement on the matter. [10373/13]

**Deputy Brendan Howlin:** In response to the Deputy's question, the Public Appointments Service, PAS, in the course of running recruitment competitions for the public service, avails of trained and experienced individuals from the private and public sectors. Those assisting in this that are in receipt of a public or private sector salary receive no payment whatsoever. A fee per day is paid to retired individuals and to those from the private sector who forego earnings in order to facilitate PAS. The list of individuals who assist PAS in undertaking its task is constantly changing but would number several hundred. It would include retired public servants who act as interviewers, assessors or as decisions arbitrators. At any given time, there would be approximately 60 active who would be used from time to time for short periods. For this work, retired individuals are paid on a fee-per-day basis and are subject to tax and other relevant deductions. The fees are linked to pre-retirement grades and take account of the principle of pension abatement. These positions are not advertised but any trained professional can apply

to PAS to be placed on the database for our selection boards.

The outgoing chairman of the Public Appointments Service board, who is a former civil servant, was reappointed by me in September 2011 and is paid a stipend of €11,970 per annum. The chairperson of the PAS internal audit committee is also a former public servant and was paid a fee of €2,137.50 in 2012. She was appointed by the former chief executive of the PAS on the basis of her experience in the area of corporate governance.

The Office of Public Works has engaged the services of a former member of staff for the period of the EU Presidency. This person was selected because of previous experience of EU Presidencies and other important events. The abatement principle was considered to be a cost-effective way of contributing to the smooth running of all Presidency events in Dublin Castle. The cost of that person's services to the OPW is approximately €28,000. Other than in the bodies already mentioned, no retired public sector workers are currently on my Department's payroll.

**Deputy Richard Boyd Barrett:** The wording of my question may have led to its being misunderstood. The phrase "or body under his aegis" refers to the wider role of the Minister in public sector reform and throughout the public service. I am trying to get information on the phenomenon of the re-hiring of people who took early retirement and were in receipt of big lump sum payments. Although people who are retired from the top echelons of the public service and in local authorities have very substantial pensions, it is often the case that days or weeks following retirement they are being re-hired on salaries which, when combined with their pensions, are effectively at the level of their previous salaries, along with significant retirement lump sums. I was hoping to get informative figures on the extent of this phenomenon. I take the point that the question may not specify that request. There is plenty of anecdotal evidence that this is happening, which is alarming. Levels of public services are declining, resulting in long waiting lists for social welfare and other areas. Front-line services are suffering due to the moratorium on recruitment, while people who were at the top of the public service and in local authorities are being taken back after retirement. That is a big problem.

**Deputy Brendan Howlin:** I do not disagree with the Deputy. He makes a very fair point. I am accountable for my own Department. The Public Appointments Service and the Office of Public Works are the only bodies that have engaged such people. The Public Appointments Service needs experienced people with high status to make evaluation decisions. In general terms, there has been a laziness in some quarters - perhaps a predisposition to appoint people who are known and who have been in senior positions in public administration, even though they have been very well provided for.

I will not mention the name of one individual who is well known. She undertakes a significant amount of *pro bono* work and does not ask for one cent, even for expenses. There are public servants who do this and it is to be commended. By and large, the principle enunciated by the Deputy is an important one. On foot of the Deputy's inquiry I will contact my colleagues to point out that this should not be a general principle.

**Deputy Richard Boyd Barrett:** I welcome the Minister's response. It would be useful to quantify the extent to which this is happening, because it grates hugely with people who are lower down the ladder. It also raises the question of why people were retired if their skills were still required. Either they should have been retired or they should not have been. If retired, they should have stayed retired and those on the live register should have been given the opportunity

to take up those jobs. The situation needs to be examined. The perception could be created - rightly or wrongly - of jobs for the boys.

**Deputy Mick Wallace:** I refer to individuals who retire and are re-hired by agencies. I note the HSE spent more than €200 million in 2012 on agency doctors and nurses. It is not known how many of them may have been public sector retirees. Will the Minister confirm the figures for each Department in which employees who availed of retirement before February 2012 have been re-employed on an agency basis to do the same job? It would not be deemed very fair if this was a widespread practice.

**Deputy Brendan Howlin:** In reply to Deputy Boyd Barrett, the most effective way of getting that information is for the Deputy to table a parliamentary question to all my colleagues. I should not be encouraging that sort of thing but I will write to my colleagues as this information would be useful. Each line Minister would be able to answer that question.

In reply to Deputy Wallace's question about agency workers, the main focus of the new set of recommendations from the Labour Relations Commission is to minimise as far as possible the practice of buying in agency workers in order to get the best value from the cohort of people who are working full-time within the public service by not having to pay excessive premium pay, by extending working hours and so on. I hope this will mitigate the situation. The simple answer to the Deputy's question is that do not know, for example, how many agency nurses are retired HSE staff who are on pensions. I do not know the answer to that question.

### Departmental Staff Numbers

8. **Deputy Robert Troy** asked the Minister for Public Expenditure and Reform the number of agency and contract staff currently employed under the aegis of his Department; the mechanism in place for monitoring and managing the associated costs; and if he will make a statement on the matter. [10409/13]

**Deputy Brendan Howlin:** In respect of my own Department, there are currently 42 contract staff employed. Each business case is carefully examined and the Department complies with the guidance on starting pay in all matters to ensure that costs are kept to a minimum. There are no agency staff directly employed in my Department.

The information with regard to the Office of Public Works is as follows:

	Number of agency staff	Number of contract staff
Established personnel	2	8
State industrial personnel	1	0
Total	3	8

Excluded from the above figures are the seasonal guides and drainage maintenance workers who are employed on a seasonal basis.

With regard to the Armagh-based special EU programmes body, SEUPB, which co-ordinates the peace programme and the North-South INTERREG programme, the following is the

position:

Year	Number of agency staff	Cost
2013 (to date)	3.5 (full-time equivalent)	20,000

The table shows the number of agency staff currently employed in the SEUPB. The approximate cost to the Irish Exchequer is €5,000, representing 25% of the above total. The cost is paid equally by this State and the UK, with the balance paid by the European Union.

*Additional information not given on the floor of the House*

The majority of costs relating to agency staff used by the SEUPB are funded through the technical assistance programme. The remainder of these costs are jointly funded via the Department of Finance and Personnel in Northern Ireland and the Department of Public Expenditure and Reform in Ireland.

**Deputy Sean Fleming:** I thank the Minister for providing that information. The total number of staff, between the Department and the agencies, is 56. The Minister has stated he is only accountable for his own line Department when replying to parliamentary questions. However, we regard him as the Minister with responsibility for the public service.

I have a question about the new draft public service agreement. Extra working hours are being required from staff. Is the Minister in a position to illustrate whether these extra hours worked will ameliorate the need to hire contract or agency staff? If existing staff work additional hours, by definition, there should not be as much work to be done by outsiders. Is the Minister in a position to provide figures in this regard?

**Deputy Brendan Howlin:** As I informed Deputy Mick Wallace, if we are to maximise the number of hours, we must place a value on it. In embarking on the negotiations I was concerned that we would drill down to workplace level in order that the availability of extra hours would represent a real cost reduction in dealing with the contracting in of agency staff, bringing an end to unnecessary overtime or keeping people on rosters when there was no need to do so and paying them at premium rates. We have certainly done a huge amount of work on that matter. It will come as no great surprise to the Deputy to discover that the largest savings will be made in the HSE, which is a 24-7, 365 days a year operation. There are good indicative figures and when the talks conclude and, please God, workers vote for the agreement, I will be able to provide them for the Deputy.

**Deputy Sean Fleming:** On the draft public service agreement and the clarifications that will be required in the weeks before workers vote, will the Minister comment further on the pay equalisation issue as it relates to nurses? It appears the Government is already dealing with the latter in respect of teachers. Everyone accepts that the largest number of agency workers in the public service is to be found among nurses. If the Government were to put in place a proper rate of starting pay, it could fill the 1,000 nursing places which have been offered but which have not been filled as a result of the relevant 20% pay cut. If 1,000 additional staff were taken on at a proper rate of pay, this would substantially reduce the bill for agency nurses.

**Deputy Brendan Howlin:** The teachers were very effectively represented at the talks. Their unions negotiated very well on their behalf. SIPTU, one of the unions representing

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nurses, tabled very good proposals which we are examining to see if we can address them in the context of the new agreement.

**Deputy Mick Wallace:** Is it possible for public servants to retire, collect their full pensions and then return to perform their previous job as agency workers? The Minister stated teachers had been well represented at the talks. I know many teachers who would disagree with him.

**Deputy Brendan Howlin:** I am sure the Deputy's knowledge of teachers is extensive and that he probably represents more of them than the officially elected representatives of their unions. However, I have my doubts about that.

**Deputy Mick Wallace:** We will see how they vote.

**Deputy Brendan Howlin:** Those who are elected to represent teachers should be allowed to do so. None of us should purport to speak authoritatively for people in a casual way and state we know many of them.

One of the issues which has given rise to most annoyance among people is that of teachers retiring and then returning to work as substitutes. The Minister for Education and Skills is very keen that this should be avoided. Sometimes there are exigencies which come into play such as the fact that a former teacher lives close to a school where someone is out sick. This is a matter we must address.

**Deputy Mick Wallace:** Is it possible to retire, take one's full pension and then return to one's former Department as an agency employee?

**Deputy Richard Boyd Barrett:** Deputy Mick Wallace is specifically referring to those who return to their former places of employment via the agency route.

**Deputy Brendan Howlin:** I do not know the answer to the Deputy's question. When an agency is contracted to provide staff, I do not know whether it is possible to identify the individual workers involved and-or whether it is legal to state a certain person cannot fill a particular position. In general terms, there is a disallowance in respect of persons who retire to formally return to the Department in which they were formerly employed. I do not know how it would be possible to deal with agency workers on a structured basis.

*Written Answers follow Adjournment.*

## **Topical Issue Debate**

### **Horsemeat Investigation**

**Deputy Éamon Ó Cuív:** Ba mhaith liom buíochas a ghlacadh leis an Aire as teacht isteach sa Teach leis an cheist seo a thógáil.

The controversy surrounding the discovery of horsemeat in food labelled as beef is extreme-

ly serious and has been allowed to rumble on. Last weekend there was a grave development when horsemeat labelled as beef for export was discovered. It was expected that this would not be noticed because the product in question was destined for the Czech Republic. I put it to the Minister that it is past time we got to the bottom of this entire controversy which appears to be getting wider and wider all the time. In order to do this, an investigation that would be totally independent of the Minister and his Department should take place. Let us be honest: an increasing number of issues require clarification.

At the outset of this crisis, the Minister appeared to provide clear and unequivocal statements to the effect that this issue had nothing to do with the slaughtering of horses or the processing of horsemeat in Ireland. Now we know that it does have something to do with these. It may not be relevant in terms of the production of specific products, but it does come into play in a general context and in terms of the sourcing of product across Europe, mislabelling, etc. It is time for the Minister and his Department to stand back and allow an independent investigation to get to the bottom of the matter.

There are many issues in respect of which clarification is required, of which the first is that on which I tried to obtain clarification from the Minister via parliamentary questions. Will he now indicate the complaints made to his Department about horsemeat entering the food chain? When were these complaints made? What controls were in place in this matter? What action was taken on foot of the complaints to which I refer? What emerged from the investigations which subsequently took place? It is important to discover whether the original DNA samples were taken on foot of suspicions during a previous investigation.

Those of us who understand why the Food Safety Authority of Ireland, FSAI, answers to the Minister for Health rather than the Minister for Agriculture, Food and the Marine must ask why Deputy Simon Coveney has been the lead Minister in this matter. The FSAI answers to the Minister for Health for a very good reasons, namely, that there will not be what is termed “capture” in respect of investigations into issues relating to food quality and food safety. It is also important that there be an independent investigation into both the supervision of the importation of meat into the country and food labelling. There are many issues which must be investigated on an independent basis in order that we might discover what has gone wrong, to restore the credibility of the beef and processed food industries in this country and to ensure that whatever we put on the market is, literally, what is described on the package. This must be the case, regardless of whether it is horsemeat or processed food. Until an independent investigation is put in train, we will merely stumble from crisis to crisis.

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Deputy will shortly obtain a written response to which he can refer. I agree with him in the context of the outcome he is seeking, namely, restoring credibility and confidence to an industry which has been damaged by what happened during the past six weeks. That is the reason we are so focused on getting the answers the Deputy is looking for, and I believe we have the independence in the current inquiries to do that. That is the reason the Garda is involved, and it is independent. The Food Safety Authority of Ireland, FSAI, is also independent. The idea that we would stop the investigation that has been ongoing for six weeks, put some new so-called independent body in charge and start again is crazy thinking.

The Deputy asked why I have taken the lead in this. Like other Ministers in the European Union who are responsible for their food industries, I have taken on responsibility to show initiative and respond with policy changes at a domestic level, as well as to examine the use of

DNA testing, which we have now done. We are working independently with the FSAI, which has put in place a new protocol with the food industry to place DNA testing on a more mainstream footing.

On the issue of equine identification and passports, we discussed this issue previously. In case there is any doubt that I have been providing answers on this issue, we spent more than four hours on questions at the committee, and the Deputy was not present for all of that time, although he was for a lot of the meeting.

**Deputy Éamon Ó Cuív:** I had business in the House. The Minister is aware of that.

**Deputy Simon Coveney:** I will answer any questions the Deputy has on this issue. If he wants to ask me those questions privately, I will brief him privately. If he wants to ask me those questions on the record, we will take them in the House. If he wants to ask me those questions in committee, we will do it there. We have nothing to hide. This industry must be transparent. That is the reason for the ongoing investigation, which started as a specific investigation of one company. When we received the test result from the FSAI on 15 January, we started the investigation that morning on Silvercrest. What started as a specific problem with a burger in a specific company, which we were determined to get to the bottom of, has now blown up into a Europe-wide problem.

Because there is political involvement by a Minister, which is needed, Ireland took the lead in setting up a meeting initially with the Commissioner and the seven or eight states that were involved at the time, although many more states have become involved since. We got an initial response from the Commissioner on the introduction of an EU-wide DNA testing programme, initially for a month but with a later extension of two months, and of a phenylbutazone testing programme within equine abattoirs across the European Union to ensure we can establish the extent of the problem at a European level. In fact, this goes beyond the European Union, as we have seen now, with big multinationals such as Nestlé involved.

The point I am making is that the Deputy's calls for an independent inquiry do not make sense on a number of levels. First, this is already an independent inquiry.

**Deputy Éamon Ó Cuív:** In the Department.

**Deputy Simon Coveney:** We have a special investigations unit which is independent within my Department. It is working with the FSAI, which is also independent, and with the Garda, which the Deputy must accept is entirely independent.

I have to give political leadership, because not only do we need a thorough investigation of how this happened from an Irish perspective in order to contribute to the Europe-wide investigation now being led by Europol - which, again, was an initiative in which I was involved to try to establish what has happened at a European level and to ensure we can secure prosecutions - we also need a policy response as the investigation continues, to reassure consumers that we are taking actions and learning lessons from what happened. We are doing all of that, and Ireland is giving leadership at a European level, as has been acknowledged. We will continue to do so, because the food sector is more important to Ireland than it is to any other country in the European Union. In many ways it can be compared to the automobile industry in Germany. The food sector is hugely important to this State and I will protect the reputation of this industry, but I will leave no stone unturned and no reputation untarnished, if necessary, to get to the bottom of what happened and who was responsible for it.

**Deputy Éamon Ó Cuív:** First, as the Minister is aware, I believe that nothing should be done that will in any way interfere with An Garda Síochána in carrying out its investigation. Second, the Minister eventually took up the matter in Europe. I had to do a fair bit of prodding to get him to do it but - fair play to him - he eventually responded and raised the issue in Europe.

**Deputy Simon Coveney:** It was the Deputy's initiative, was it?

**Deputy Éamon Ó Cuív:** As I pointed out to the Minister previously, the reason the FSAI answers to the Minister for Health is to ensure that agencies not connected with the Department investigate food safety issues. That is the reason it does not answer to the Minister for Agriculture, Food and the Marine. It is a good, valid reason and one the Government agrees with, which is why it retained that structure.

Time and again I have asked questions that relate to the behaviour, control and supervision of the Department. The Minister said this started with one factory. When this came into the public domain, people were telling me immediately that this was a much wider issue and that an issue had arisen regarding control of the slaughter of horses in this country and what was happening to the horsemeat. I did not know whether it was true, but I knew it should have been investigated. We found out last weekend that there is a huge scandal regarding the processing of horsemeat within this State. Control of that rests with the Department of Agriculture, Food and the Marine, but the Minister is telling me the Department is independently investigating its own control and supervision of meat imports, the slaughter of horses and the packaging and the export of the product.

We need somebody who is independent of the agencies that are meant to be policing this area - that is, the FSAI and the Department of Agriculture, Food and the Marine - and of the system in general to investigate all of this and examine the controls and supervision that existed and whether there was a response to complaints. The Minister did not answer the question about the number of complaints submitted about the slaughter of horses, when they were received, what he did about it, and all the other relevant details. Despite his attempt to say it is not relevant to the issue, last weekend this became central to it.

**Deputy Simon Coveney:** Deputy Ó Cuív keeps saying I have not answered certain questions. I have answered that question. I have produced an information note for anybody who wants it - I will send it to the Deputy this evening - on what we have done in the past 12 months regarding equine identification, passports, linking those passports with microchips, increased supervision within equine slaughtering facilities, and taking over responsibility from local authorities in certain equine slaughtering facilities in Ireland, of which there are not that many left. We have done a lot in that area, and I will happily give the Deputy the detail on that.

Regarding the independence of the inquiry, my Department is involved in working under contract for the FSAI to ensure this country has an effective food safety system, and it is very effective. My Department takes 30,000 samples a year of meat from various places and tests them, from a food safety point of view, for everything from E. coli to chemical content, as well as all of the other standard food safety tests. We work with the FSAI to reassure people that the food they are eating is safe. What we had not done in the past and what the FSAI has done only to a limited extent - no other country has been doing this - was to use DNA testing to check that food is what it says it is, and it is because of that testing in Ireland that we uncovered this issue, which has subsequently become a huge issue across Europe and, arguably, globally.

I reject the idea that we are somehow compromised by examining and improving the way in which our food safety systems work, the testing mechanisms we use and the way we use them. I accept that we need to be scrutinised by Deputies such as Deputy Ó Cuív, and we are being scrutinised.

*4 o'clock*I refer to the idea that we are not the appropriate authority to establish if there are problem areas and to try to respond and put new systems in place, working with the sector because the primary responsibility lies with food service operators in regard to food safety. It is up to us to put the checks in place to ensure we hold them to account. We do that probably better than any other country in the European Union. For example, if one looks at the tests we do and the inspections we make in the food processing sector, we do double the number of tests the European Union requires us to do in terms of inspections. We will continue to increase the number, if necessary. We are now in the process of mainstreaming DNA testing in that system and we will be the first country in the European Union to do so.

I strongly defend how we have responded to this. It has continued to grow and new scandals have broken as part of the overall scandal. That has been frustrating for all of us but we will continue to try to get to the bottom of what has happened and build a complete picture in terms of Ireland's role in this, and we are not too far away from doing that. I look forward to being able to outline the detail of that when it is done.

### **Prison Accommodation**

**Deputy Denis Naughten:** I thank the Leas-Cheann Comhairle for giving me the opportunity to raise this important issue, namely, the lack of information from the Irish Prison Service in regard to the future use of Harristown House adjoining Castlerea Prison in County Roscommon. Just over two years ago, the Dáil was informed that the Irish Prison Service was developing proposals for the utilisation of the facilities at Harristown House beside Castlerea Prison, that the proposals would entail the provision of enhanced regime opportunities for approximately 20 prisoners within a secure setting and that the proposals were being evaluated and costed with a view to submitting a business case to the Department of Justice and Equality. However, when the Irish Prison Service was recently questioned on this issue by the local community, it said there were numerous options for the use of Harristown House once the refurbishment was completed and that it could not outline the plans for the building.

In a reply to a parliamentary question from Deputy Ó Cuív last Thursday, the Minister confirmed that the aim of the refurbishment is to leave the property in a suitable condition for use as a low security pre-release facility for selected prisoners when it is completed at the end of March. When was the decision made on the future use of Harristown House? When was the funding approved for this? Are there any plans to consult the local community on this decision? The views expressed locally are that Harristown House should be put to use to the benefit of the local community or reopened as a rehabilitation facility, which it so successfully operated as in the past. There is strong community opposition to any form of an open prison.

People are concerned about what exactly the plans are and this is compounded by the failure of the Irish Prison Service to engage with the public on the issue. If there is nothing to be concerned about, why is there a lack of openness on the part of the Irish Prison Service? The concerns being expressed locally are around the possibility of convicted murderers living outside the prison walls. Parents are concerned about how close public amenities are to Harristown

House facilities. A number of key questions need to be answered.

A low security prison was mentioned in the reply to the parliamentary question last week. There are two such prisons in this country, namely, Loughan House and Shelton Abbey. Is that the plan envisaged for Harristown House in Castlerea? Some 128 people are now at large from both of those facilities - 103 from Loughan House and 25 from Shelton Abbey. What category of prisoner will be housed in this new facility? Will prisoners convicted of murder and serving life sentences be eligible for admission to this new facility? What length of time will a prisoner stay in the facility prior to temporary release? These are all key questions to which the local community has a right to answers in advance of any decision being made. Has a decision been made? If so, when was it made? What prisoners will be facilitated in this new unit and when will the community be consulted?

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry):** The Minister for Justice and Equality, Deputy Alan Shatter, is unable to be here due to official business elsewhere and he has asked me to thank Deputy Naughten for raising this matter, in particular as it offers him the opportunity to clarify the record in regard to a number of reports which have recently appeared in both the national and local media.

At the outset, the Minister wishes to deal with the suggestion which has frequently been mentioned that only life sentenced prisoners will be housed at Harristown House. While several options remain under consideration for the optimal use of the facility, I can say that I am advised that the facility will not be restricted to housing prisoners in that category.

By way of background information, Harristown House is a 22-roomed two storey house constructed in approximately 1920. The house is located directly adjacent to Castlerea Prison in County Roscommon and until recently was used by the Probation Service to house people in its care. In that context, people usually with drug-related problems and connected issues were managed by the Probation Service at the house.

I understand the house was unoccupied and unused for approximately four years and was in a state of considerable disrepair following water damage incurred as a result of the very harsh winter of 2010-11. I am sure the Deputy will agree that in the current economic climate, it is undesirable for State-owned property to be left unoccupied and unused in circumstances where a potential or possible use for that property has been identified.

In that regard, following an examination by the Irish Prison Service, it was considered that the property was suitable for refurbishment so that it could be used as a low security accommodation unit for 15 to 18 prisoners who could be located there as part of a scheme to encourage good behaviour and trustworthiness among prisoners as part of their sentence management.

The works on Harristown House commenced in November 2012 and I am advised that those works should be completed in March 2013. Part of the works associated with the refurbishment includes the installation of CCTV equipment to monitor the house and surrounding areas, including all entrances to and exits from the house. In that regard, while no decision has yet been made as to the category of prisoner by reference to nature of offence, etc. to be housed there, I can assure the Deputy that the normal considerations in regard to risk assessment shall apply before any prisoner is transferred to the house. In the day-to-day management of the prison system, these risk assessments are made on a regular basis by officials in the Irish Prison Service in, for example, considering the suitability of the transfer of prisoners from closed prisons and

institutions to open prisons and lower security facilities.

When considering the suitability of prisoners for transfer to lower security institutions, a number of factors are taken into consideration including: the safety of the public, specifically flight risk; nature and gravity of the offence; and length of sentence served and remaining. Therefore, while I cannot at this stage inform the Deputy as to the precise type of prisoner to be housed at Harristown House, I can advise that the usual stringent eligibility criteria which apply to other prisoners being moved within the prison system to lower security prisons and institutions will be taken into account, fully considered and assessed.

It is worth mentioning that open centres and lower level security settings are vital tools in the reintegration and rehabilitation of prisoners. They encourage an ethos of independent living and offer a transition between custody and community-family life. When the refurbishment works at Harristown House are completed and the house is ready for occupation, it will provide an additional and valuable resource to the Irish Prison Service in managing this transition from prison life to open living within the community. The Minister appreciates the Deputy's interest in this matter and would like to thank him again for raising it.

**Deputy Denis Naughten:** I am disappointed the Minister for Justice and Equality or his Aire Stáit are not here to deal with this important issue. In light of the fact the Minister is not here, can I get a commitment from the Minister of State, Deputy Perry, that I will get responses in writing to all of the questions I asked in advance of a public meeting which will take place tomorrow evening in Castlerea? From the Minister of State's response, it is quite clear life sentence prisoners will be housed in this new facility. In reply to last week's parliamentary question, the Minister stated CCTV coverage of the house and surrounding areas would be monitored from the control room, and the Minister of State referred to the CCTV coverage in his reply. Can the Minister assure the public that the CCTV will work, unlike the situation that arose at the time of the break out from the Grove area of the prison, which is inside the 25 ft. high wall of Castlerea Prison? This facility is outside that wall.

Second, I acknowledge that we are in a difficult economic climate at present. In light of that, perhaps the Minister will explain something. Shelton Abbey has capacity for 110 prisoners, with a daily average occupancy in 2011 of 102. Loughan House has capacity for 160 prisoners, with a daily average occupancy rate in 2011 of 122. There is capacity within those two facilities for at least 46 additional prisoners. Why is there a need for another facility to be opened in Castlerea? Even though Castlerea prison might be overcrowded, it does not follow that there are enough prisoners in that facility suitable for transfer to an open facility outside the walls.

There has been a break out from inside the 25 ft. high wall. The prisoners in the Grove were considered to be relatively low risk or they would not have been put there in the first place. If they could get out over the wall, what assurance does the community have regarding the prisoners who will be outside that wall?

**Deputy John Perry:** I again thank the Deputy for his contribution and I am happy to address some of the issues raised. With regard to the clarification from the Minister, Deputy Shatter, I cannot do that, but the tone of the initial reply gives a fair idea of the Minister's motivation.

The Minister appreciates, as I do, that there might be security related issues of concern to the local population. His officials are very concerned about that. I have already referred to the

stringent risk criteria which will attach to any prisoners under consideration for accommodation at the facility. It is very important that a massive evaluation would be carried out of any prisoner who is going on the rehabilitation process. The Deputy can be assured that the authorities will not put a high risk prisoner into that house. They have been very effective in Loughan House. I have been there and it is an open prison that is cleanly managed. Obviously, there are eight people who have left and have not returned, but by and large-----

**Deputy Denis Naughten:** There were 20 in the last year.

**Deputy John Perry:** -----it is very well managed. While the Minister has made no final decision on the type of prisoner to be located there, all the prisoners will be subject to the normal temporary release rules and conditions. If there are any infringements of those conditions, the prisoner involved will be dealt with by the governor in the normal way.

I know Castlerea and everybody is aware of the prison there. It is a welcome facility for business in Castlerea. It brings people to the region and brings a benefit to the gross domestic product of Castlerea. There would be a major outcry if it were to be closed. Harristown House is an enhancement of that facility. From the business perspective in Castlerea, while there might be concern, there is an assurance by the State that no high risk prisoner will be put in the house. Temporary releases, which are a long established practice, assist in gradually preparing suitable offenders for release. Administering short sentences is an incentive to prisoners and an important vehicle for their reintegration into society. I know Deputy Naughten would support the reintegration of prisoners. This is about reintegration into the community before the prisoners' release, which is not a bad thing to do.

Finally, the generally accepted view is that the risk to the community is reduced by planned reintegration of offenders prior to their return to the community on the completion of their full sentence. Each application for temporary release, for whatever reason, is examined on its merits. The safety of the public is paramount when decisions are made. The works on Harristown House commenced in November 2012 and should be completed in March 2013. Part of the works is the installation of CCTV equipment, which will be working, to monitor the house and the surrounding area, including all entrances. Furthermore, the prisoners will be supervised daily by an industrial supervisor and they will also be visited and monitored by other staff who will attend at the house at different times throughout the day.

When the house is ready for occupation it is envisaged that five or six prisoners will initially be involved. When it is operating to full capacity up to 15 prisoners might be located there at any one time. All of these prisoners will be subject to normal temporary release rules and conditions and if there are any infringements of those conditions, the prisoner involved will be dealt with. The maximum number of 15 in the house is not a huge number of prisoners. The Deputy should allay the concerns of the community. People do not have anything to be concerned about in any sense.

**Deputy Denis Naughten:** Will the Prison Service consult with them?

**Deputy John Perry:** Of course it will.

## **Water Fluoridation**

**Deputy Shane Ross:** The Minister will be aware of the controversy that has surrounded the insertion of fluoride into our water supply, and it has been heating up recently. I draw his attention to an article in “Hot Press”, a magazine I am sure he is familiar with, which discusses the fluoridation of our water.

This serious issue was addressed in an interview with Declan Waugh, who is a well known scientist. He draws attention to some of the more startling facts about fluoridation of water. I do not know if the Minister or other Members are aware that Ireland is the only country in Europe that continues this activity. It started in the 1960s in an effort to increase the strength, cleanliness and health of citizens’ teeth. However, the facts that have emerged in this *Hot Press* interview and elsewhere are quite staggering.

Fluoride is an industrial waste chemical. It is quite alarming that Ireland has one of the highest cancer rates in Europe, as well as one of the highest rates of cardiovascular disease and probably the highest rate of diabetes. Due to the obvious connection, which I will try to trace for the Minister, an independent Irish inquiry is required into whether this fluoridation is causing the high rates of cancer, cardiovascular disease and diabetes. There is evidence not just from Mr. Declan Waugh’s interview but also from many international and distinguished investigations that fluoride is the cause of these diseases in many cases.

A very pertinent report was produced by the National Research Council in the United States in 2006. It found that fluoride reduces the body’s ability to produce insulin, which is a serious consideration with regard to diabetes. It also found that the connection between fluoride and neurological diseases was very sinister. When we compare the incidence of these diseases here with the incidence in Northern Ireland, where water is not fluoridated, we see a stark comparison. People in the Republic are 4.5 times more likely to suffer from dementia between the ages of 39 and 59 than people in Northern Ireland. We are twice as likely to suffer from diabetes, and we are twice as likely to encounter incidents of Down’s syndrome. Indeed, the only country in Europe that has a higher rate of cardiovascular disease is Kyrgyzstan, where fluoridation is just as rife as in the Republic of Ireland. Many studies in Harvard have also detected that neurological diseases are connected to fluoridation.

**An Leas-Cheann Comhairle:** The Deputy must conclude. He will have two minutes later.

**Deputy Shane Ross:** I am concluding. There is one Irish example which emphasises and illustrates the point. West Cork has the highest rate of cardiovascular disease in Ireland and Ireland has the highest rate in Europe. In west Cork there is very little calcium in the water. It has the lowest levels of calcium in Ireland, which means the water is soft, with the result that there is three times more fluoride in the bloodstreams of the citizens of west Cork. It is no coincidence that the highest incidence of these diseases in Europe is in west Cork.

**Minister of State at the Department of Health (Deputy Alex White):** I thank the Deputy for raising this serious issue which I am pleased to have the opportunity to address. I will respond to some of the specific points raised by the Deputy, but I remind the House by way of introduction that water fluoridation and the use of appropriate fluorides are major planks of public health policy in Ireland on the prevention and management of tooth decay. Fluoride at the optimal level in the water supply provides a constant repair kit for teeth, making them more resistant to decay in people of all ages.

Fluoridation began in Ireland in 1964 on foot of the Health (Fluoridation of Water Supplies)

Act 1960. Local authorities act as agents for the health authorities in fluoridating the water supply. The forum on fluoridation published a report in 2002 following its major expert review of the policy of fluoridation. Its main conclusions were that the fluoridation of public piped water supplies should continue as a public health measure, that the optimal level of fluoride in water should be reduced to between 0.6 and 0.8 parts per million and that an expert body on fluorides and health should be established. The main function of the expert body on fluorides and health is to provide impartial and evidence-based advice for the Minister and evaluate ongoing research on all aspects of fluoride. I emphasise that the expert body considers only scientific evidence that has been peer reviewed and approved for publication in recognised scientific journals. That is the standard approach where scientific evidence is required to underpin public policy on health. Having studied current peer reviewed scientific evidence internationally, the expert body is satisfied that water fluoridation at the optimal level does not cause ill effects and continues to be safe and effective in improving oral health in all age groups. This view is supported by reputable international agencies and valid scientific articles and reviews.

I am aware that some consumers express concerns about potential negative effects on health of drinking fluoridated water, the composition and source of fluoride and the fact that other countries do not fluoridate their water supplies. All of the evidence is that drinking fluoridated water with optimal levels of fluoride is not harmful to human health. I emphasise that the only known side effect of optimal water fluoridation is mild dental fluorosis which is not considered to be an adverse health effect. Fluoride is added to our water supplies in the form of hydrofluosilicic acid which is in compliance with the specifications for that substance set out in the 2007 regulations. The procedures to fluoridate water supplies to the prescribed standards and minimise the risk of injury or damage to plant, personnel and the environment are set out in a code of practice. Water to which fluoride is added is tested daily by the local authorities and monthly by the HSE and the Environmental Protection Agency. As an alternative to water fluoridation, other countries have chosen salt or milk fluoridation or to invest in large-scale public dental services. Surveys of child and adult oral health conducted to date show a substantial benefit through the reduction of the experience of tooth decay. Irish children and adolescents have a high frequency consumption of sweets and confectionary, as well as generally poor tooth brushing habits compared to their European counterparts. Accordingly, the use of fluoridated toothpastes alone is insufficient to prevent tooth decay.

I accept that this is a serious issue and that people are entitled to raise the matter for debate both here and in the Upper House. I am not a scientist and cannot make a scientific judgment on the basis of any knowledge that I possess. The Deputy is an expert on many things, but I do not think he is a scientist either. As legislators, we must rely on independent evidence examined by the expert body put in place to do this work. While I have no difficulty with matters of public concern being raised, the preponderance of the evidence is in favour of the continuation of this policy. The Deputy will see this, if he looks closely, as I have, at the evidence and material available from the expert body. Studies are occasionally produced which tend to push one in the other direction if one reads only these studies. However, when one has to balance the concern and responsibility for public health which we have not only in government but as Members of the Houses of the Oireachtas generally, it behoves us to examine in a reasonable, balanced way not just one study but the preponderance of the evidence and its import. I invite the Deputy or any other Member to look at the website of the expert group and examine the evidence set out on it. The evidence has been peer reviewed and is not drawn from one source or campaign. It is there for all to see and annotated. I have looked at the evidence, as has the Department, as it is required to do. It is not looked at once but is kept under constant review

in the implementation of the policy. When one sits down and considers the material, it is clear where the preponderance of the evidence lies.

**Deputy Shane Ross:** The Minister of State is correct that I am not a scientist and I had as much difficulty with some of the technical phrases as he did. I accept fully that there are differing scientific views. What I am impressed with is the fact that this is the only country in Europe that considers it is necessary to do this to our water supply. Other countries in Europe, including Finland, have decided that it is damaging. In one area of Finland fluoride was removed from the water and within three months the incidence of the diseases to which I referred fell. It is not the ultimate forensic proof for which we are looking, but the coincidence of statistics and the way they have changed when fluoride is added or removed from water make it look very much like a duck to me. To say the connection has not been proved is a little like saying cigarettes do not cause cancer. The statistics show that the incidence of cardiovascular disease and cancer increases when fluoride is added to the water and goes down when it is not. This has parallels with saying that while one smokes, one can get cancer, but one has no proof that tobacco causes it. The statistics are available. I pointed to the stark example of the differences between Northern Ireland and the Republic which are worrying and significant.

The *Hot Press* interview is based on multiple independent inquiries in the United States of America, statistics from Europe and the decisions of countries on the back of their own experiences of water fluoridation. I am worried that whereas it may have been important in the 1960s to prevent tooth decay to introduce water fluoridation, its harmful effects were not then known. The beneficial effects are not in dispute. There is increasingly, however, a case being made for reducing and eliminating fluoride from the water supply. It may be strange for me to point out the following to the Minister of State, but that is what happens when people move to being in government and others in opposition. There are people who are making a great deal of money in adding fluoride to water. There is a strong lobby group in favour of this and one must be aware that these forces are moving just like those in the tobacco industry which is a large and strong lobby group. There is obviously a strong lobby group in favour of putting fluoride into water. The Minister of State has to be aware that those forces are moving. Just like the tobacco industry, which is a big and strong lobby, the chemical industry is a big and strong lobby and it is in the interests of the chemical industry to keep putting fluoride in the water. Neither the tobacco industry nor the chemical industry is particularly sensitive to people's health. Indeed they are damaging it.

**Minister of State at the Department of Health (Deputy Alex White):** Neither Deputy Ross nor I is a scientist but one thing I remember from the study of mathematics many years ago is the concept of "spurious correlation", which I am sure Deputy Ross will understand. There might be a particular incidence or pattern, for example, a high incidence of diabetes or cardiovascular condition in this or that county or country and fluoridation in the water but there is no causal link demonstrated between the two. Deputy Ross calls it a parallel. That is what I mean by spurious correlation.

All EU states have fluoride in one form or another at the centre of their public policy. For some European countries water fluoridation is impracticable due to the large number of separate water sources. Many of them choose salt or milk fluoridation. Major fluoridating countries include the USA, Australia, New Zealand, Canada, Malaysia, Israel, Singapore, Hong Kong, Colombia and Chile. Fluoridation coverage in the USA increased by approximately 24 million people between 2002 and 2012. Population coverage in Australia also increased in 2012. Almost 5.8 million people in the UK have fluoride added to their water, another 330,000 have

naturally fluoridated water. Approximately 10% of the population of Spain has fluoridated water. Salt fluoridation is practised in many South and Central American countries and also in the EU, notably in France, Germany and other central European states. We are not an outlier in this respect.

### **Disability Support Service**

**Deputy Billy Kelleher:** I raise this very serious matter because it has been described as a bolt out of the blue by various representatives of people with disabilities. I am very concerned at the direction the Department of Health is taking in the area of disability. There has been a recent history of direct attack on funding of disability services and supports for people with disability. Last year the Minister for Health blamed the troika for taking €10 million out of the budget and reducing personal assistance, the home helps. While we accept that there is a difficulty because the mobility allowance and the motorised transport grant do not comply with the equal status legislation we cannot accept its arbitrary removal with nothing to replace it.

There were no consultations or discussions with representatives of the disability groups and no contact with the individuals in receipt of the mobility allowance or applicants for the motorised transport grant. This is having a devastating impact on people and their quality of life. These people normally live on disability benefit or allowance of approximately €190 per week. The mobility allowance, means-tested, at a maximum €208 a month meant that these people had some independence. They could get out and about and go to dental or doctors' appointments and live a reasonably independent life. This will stop them dead in their tracks. Is there no way of carrying out the review as was committed to and promised? We do not know where that particular review is but we do know that the grants have been scrapped and they will have a huge impact on the quality of life of individuals who depend on this mobility allowance and the motorised transport grant.

The Government talks about ring-fencing but this issue was known for some time. The Ombudsman formally notified the Department in April 2011 that it was in breach of the Equality Act and that certain measures had to be taken to change and bring it into compliance. Even in the Ombudsman's press release yesterday she states that it is "most regrettable" that the Department of Health failed to find a solution to address the problem surrounding the mobility allowance scheme and the motorised transport grant scheme and that the Government has now chosen to discontinue them. The Ombudsman says it is "most regrettable" but I can assure the Minister of State that people who depend on the mobility grants find it very regrettable because this is a direct attack on people with disabilities. The grants enabled them to live independent lives in their communities and function and play a meaningful role in society.

This decision must be reversed, a scheme must be put in place that complies with the Equal Status Act but at the same time does not discriminate and does not mean that people with disabilities will find it harder to have independence and a good quality of life. This is a shameful decision. I know the Minister of State, Deputy Kathleen Lynch, agonised over it. She said she did but the people who will agonise most will be those who find that in four months' time the mobility allowance is gone completely and those who apply for it or for the motorised transport grant will find that they have been discontinued. This decision must be reversed and some method of review brought about to ensure that these schemes comply with the equal status legislation.

**Deputy Caoimhghín Ó Caoláin:** People with disabilities can be forgiven for asking what is it about this Government and its absolute disregard for the needs of people with disability. It was under this Government that disabled people had to camp outside Government Buildings in order to stop the cuts to support for personal assistants. One might think that a lesson would be learned from that experience but no, in the most crass and ham-fisted way the Government has ended the mobility allowance scheme and the motorised transport grant. This is a very cruel cut. No other word applies. The Government can talk all it likes about the money being ring-fenced but that is no good to the person who has the mobility allowance now and will not have it in four months' time. People affected by this cut have been in contact with my office today, as I expect is the case across the board.

One of my constituents who called me is a double amputee. I have met him on several occasions. He said these are not easy schemes to qualify for in any event. He put it starkly, "I ended up having to lose two legs before I qualified". In addition to that severe disability this man is also visually impaired. His home help hours have already been cut from nine and a half hours to eight and a half hours per week. He requires 11 items of medication and his monthly prescription charge has risen from €5.50 to €16.50. All of these cuts were imposed by this Government, not by its predecessors.

The Department of Health has known since at least 2008 that the schemes as applied were discriminatory and the Ombudsman, Emily O'Reilly, has pointed out that they were in breach of the Equal Status Act since 2000. The Fianna Fáil-Green Party Government failed to act. That is acknowledged. What of the so-called democratic revolution that this Government has spoken about and heralded since the general election of February 2011? Lo and behold Fine Gael and Labour have acted no differently from their predecessors. They have neither extended nor replaced these schemes. This is a cruel cut for people with disabilities, especially those who reside in rural Ireland who cannot avail of public transport because in vast swathes of rural Ireland, including the two counties that I represent there is no public transport. The Government has axed these schemes and not replaced them and tells us that there is a review. Why not continue the payments as they are until the review concludes and a fair replacement scheme is decided upon? The Government has winged it this far.

By failing to take this logical course of action the Government leads us to only one conclusion, that this is another cutback by another name. I will quote from the programme for Government just to remind the Minister of State that it stated:

We will ensure that the quality of life for people with disabilities is enhanced and that resources allocated reach the people who need them... We will also facilitate people with disabilities in achieving a greater level of participation in employment, training and education.

Where is the evidence for this?

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is an important issue, I hope the Acting Chairman will indulge us by giving us some extra time to debate it.

I am pleased to take the opportunity to outline the Government's position on the matter raised by Deputies Billy Kelleher and Caoimhghín Ó Caoláin, namely, the mobility allowance and the motorised transport grant. The Government is very conscious of the needs of people with a disability who require transport supports from the State. Up to 4,700 people receive a

mobility allowance, while 300 people a year receive a motorised transport grant. The Government is also conscious of the position of the Ombudsman that the schemes are illegal in the context of the Equal Status Acts.

Following detailed consideration of issues surrounding the mobility allowance and the motorised transport grant, the Government has decided it is no longer possible to allow the two schemes to continue as they currently operate and to devise an alternative solution or solutions which will meet people's needs. Independently chaired, a review group will seek an alternative method for ensuring the needs of persons affected can be provided for in a manner that does not run counter to the Equal Status Acts. It is important to note the Government's decision is in no way intended to save costs. The funding involved in the two schemes, €10.6 million, remains committed to meeting the priority transport and mobility needs of people with a disability. It is also important to note that, despite the fact that the Government's decision ends both schemes to new applicants with immediate effect, the payment of the mobility allowance to those currently in receipt of it will continue for another four months.

The Ombudsman recommended that the Department of Health revise both schemes to make them compliant with the Equal Status Acts by removing the age limit and using a broader definition of disability in respect of eligibility for both schemes. It has proved extremely difficult to resolve this matter. Several policy options have been considered in detail. These have raised significant issues, including the feasibility of extending eligibility under the schemes. However, the cost of such an extension could be as much as €100 million per annum in the case of mobility allowance and €200 million over a three year period in the case of the motorised transport grant. Another issue that emerged was if the eligibility criteria were expanded and the current budget of €10.6 million was retained, the resultant payments to the people eligible would be so reduced as to make them almost meaningless. Any additional cost incurred by an expansion of the schemes would have to be met from current expenditure and result in a reduction of front-line specialist disability, older people and mental health services for people who need them.

The Government has come to the conclusion that an extension of either scheme would create serious financial pressure on the health budget in the current climate and be unsustainable. A project group has been established to examine both schemes and will recommend a solution or solutions which will address priority mobility and transport needs of those who require supports. The terms of reference are being finalised and agreed with the group. However, it has been agreed that the group will work in a number of stages, commencing as a priority with a review of the issues around the mobility allowance and motorised transport grant. The group will continue its work once this first phase is over and examine wider issues around transport for persons with disabilities. As part of the review, the Health Service Executive will examine the circumstances of all those currently benefiting from the schemes to ensure the identified solutions will encompass their priority mobility needs. In addition, the Minister for Health has instructed the HSE to contact each individual in receipt of the payments to notify them of this decision.

**Deputy Billy Kelleher:** When I hear the Department of Health stating it will ring-fence money, it strikes fear into me. Last year we were given a commitment that mental health funding would be ring-fenced, but it was not. Instead, it was snaffled and included in the overall health budget. The €15 million set aside for the roll-out of free general practitioner care services for those participating in the long-term illness scheme was also snaffled and included in the overall budget. Accordingly, I do not have much confidence in the Department claiming that it has ring-fenced this funding.

The Ministers and the Department spent two years examining the difficulties these two schemes had encountered in complying with the Equal Status Acts. The schemes are now scrapped and we are setting up an independent review group. While the best brains in the Department could not come up with a solution in two years, the Minister is now asking an independent review group to come up with one in four months. What should have happened was that the schemes should have been allowed to continue for the time being while an independent review group was established to come up with solutions to the problems. This would, at least, allow those in receipt of the mobility allowance and the motorised transport grant to continue drawing them down. However, the Government has arbitrarily cut these grants. It is a heartless cut. The Minister knows this will have a devastating impact on the quality of life of those individuals who rely on these allowances, as well as on the independence to which they are entitled and deserve.

**Deputy Caoimhghín Ó Caoláin:** In her response the Minister of State stated the Government had decided to devise an alternative solution or solutions. Has it taken it two years to make this judgment? She also stated, “A review group will seek an alternative method for ensuring the needs of persons affected can be provided for in a manner that does not run counter to the Equal Status Acts.” She knew this was a issue before taking office. I do not understand why, two years after taking office, the Government has decided to cut off these grants for new applicants and tell those in receipt of them that they will cease in four months. Why does it not wait until the completion of the review before ending these schemes? Surely, that would be the reasonable approach to take. Why were the schemes neither extended nor replaced in the past two years?

I am a Deputy who represents a rural constituency that is ill-served by public transport. Many disabled people in counties Cavan and Monaghan cannot avail of free public transport because there is no public transport network in their areas. This is no exaggeration but a fact. There is no solace for them whatsoever with the shutting down of the schemes.

**Deputy Kathleen Lynch:** Deputy Billy Kelleher asked what should have happened. The matter should have been dealt with long ago. This would have given us a degree of space in dealing with the issue.

**Deputy Billy Kelleher:** The Government was officially notified last week.

**Deputy Kathleen Lynch:** The Deputies opposite had 13 years in government in which to fix it.

**Deputy Robert Troy:** What has the Government done in the two years it has had to deal with it?

**Deputy Acting Chairman ( Bernard J. Durkan):** No interruptions, please.

**Deputy Kathleen Lynch:** In the 18 months we have been examining the matter we have come up with every possible configuration. For instance, we examined how we could allow the 4,700 in receipt of the allowance to retain the moneys and cut off the scheme for new entrants. We were informed that that would be illegal. We asked if the scheme could be redesigned to make it fit for purpose for the individual to meet his or her needs. Again, we were told it would be illegal for the simple reason that the definition of “disability” was very broad in the Disability Act. One could not possibly state only one category of people could receive the allowance, while others who would qualify for payments under the scheme under the Disability Act could

not.

This is not an action the Government wanted to take. If we could have found a solution to this problem, we would have found it. It is not for the want of trying that we have not come to a solution. We came up with every possible configuration, but it was not possible to implement any of them. We are aware of the hardship and concerns the shutting down of the schemes will bring. That is why we are determined to come up with a solution. We are not just putting the review group in place. It has been in place for the past two weeks. Two weeks ago at the Joint Committee on Public Service Oversight and Petitions we laid out exactly what our difficulties were in this regard. This has not come as a bolt out of the blue for anyone. There is a difficulty for us if we are to comply with the Equal Status Act. I do not believe there is anyone in the House who would suggest that we should change the Equal Status Act, because that would bring about unintended consequences. Equally, I do not imagine there is anyone in the House who would wish or expect us to narrow the terms of the Disability Act. However, the difficulty is the broadness of the definition of “disability” in the Disability Act. Further, under the Equal Status Act, if we were to allow everyone who would qualify under the new terms into the scheme, it would cost between €170 million and €300 million, and we simply do not have that type of money. How do we find that type of money? I understand the argument questioning why we cannot find the money, but we have a particular budget and we must ensure the services we are obliged to deliver in health, including those to people with disabilities, are protected as well. We are examining the matter; it is not something we have given up on. We will find a solution to this.

**Deputy Caoimhghín Ó Caoláin:** Has the Minister of State set a timeframe for the review group’s work?

**Deputy Kathleen Lynch:** The review group is a rather wide-ranging group which includes people with a specific interest in transport for people with disabilities. There is a difficulty if we limit it to that. If we were to devise a transport scheme for people with disabilities and we defined a disability, then we would be asked about the rest of the people and then the Equal Status Act would come into play. It is rather complex. The people on the committee have a particular interest in transport for people with disabilities. They are as convinced as we are that we need to devise a transport scheme for all and rural transport to the fore in our minds.

I do not go along with the cliché to the effect that we should take this as an opportunity. However, the only way we can address this is to devise a transport scheme that will serve us better in the future. That does not take away from the difficulty. I am mindful of the fact that there are people who depend on this allowance, and providing a transport scheme will not alleviate the impending hardship.

We are considering all aspects of the issue. If it were possible to find a solution to the issue, we would have found it. This is not something the Government wanted to do. As Deputy Kelleher correctly stated, we have agonised over this, but we will continue to be completely engaged to ensure we find a solution. We have asked the review committee to come back within three months. We are not starting from a blank page.

The difficulty is that we do not map anything. Let us suppose we were to map what is available in terms of transport in this country, including the school transport scheme, rural transport - limited as it is - and organisations such as the Irish Wheelchair Association, which has a transport fleet, and Vantastic. If we were to map all of these services we should be able to provide a

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transport service for everyone. That does not take away from the hardship that will be imposed on people in terms of income, and we are mindful of that.

### **Water Services Bill 2013: Message from Select Committee**

**Acting Chairman (Deputy Ann Phelan):** The Select Sub-Committee on the Environment, Community and Local Government has completed its consideration of the Water Services Bill 2013 and has made amendments thereto.

### **Education and Training Boards Bill 2012: Order for Report Stage**

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I move: “That Report Stage be taken now.”

Question put and agreed to.

### **Education and Training Boards Bill 2012: Report and Final Stages**

**Acting Chairman (Deputy Ann Phelan):** Amendments Nos. 1, 2, 7, 10, 30, 50, 51 and 52 are related and will be discussed together.

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I move amendment No. 1:

In page 8, between lines 27 and 28, to insert the following:

“ “Education and Training Boards Ireland” means the association established to collectively represent education and training boards and promote their interests, which is recognised by the Minister for the purposes of this Act;”.

At the start of Committee Stage my colleague, the Minister for Education and Skills, Deputy Quinn, indicated that he wanted to consider how the legislation should reflect the current and future role of the Irish Vocational Education Association, IVEA. This consideration included its capacity to co-ordinate information and provide more support generally within the sector. The purpose of amendment No. 7 is to include a provision that permits the Minister of the day to request a new body to make representations on behalf of an education and training board to conduct surveys relating to information sought by the Minister and to give assistance to a board as necessary for the effective discharge of its functions. These provisions will help to make explicit the useful support role which can be provided to the new boards in carrying out their functions. The Minister, Deputy Quinn, also stated on Committee Stage that the IVEA

was going through an internal process to ratify a change of name to reflect the structural reform taking place in the sector. That process has now concluded and, accordingly, the Government is tabling the remaining amendments in the group, which have the effect of recognising the new body in this legislation. It will now be known as Education and Training Boards Ireland, ETBI.

These amendments also replace references to the IVEA with references to the ETBI in this legislation and in the Youth Work Act 2001. As the national representative for VECs, the IVEA has played a pivotal role in the development of the sector for more than 100 years. I believe the ETBI will continue in that proud tradition and I look forward to working in partnership with the body as we enter a new era for education and training in Ireland.

**Deputy Robert Troy:** I am happy enough with that amendment.

**Deputy Jonathan O'Brien:** My reading of amendment No. 7 suggests additional powers and oversight for the Minister in respect of the functions of the board. It is not possible at this stage to table a further amendment but it would be useful if the Joint Committee on Education and Social Protection were used more as well. It is well and good to give the Minister additional oversight, but if he requires additional information or details then the Joint Committee on Education and Social Protection should be the forum to discuss that information and detail in order that we can better scrutinise it. I fully understand why the Minister is seeking this power. This is more an observation than opposition to the amendment.

**Deputy Ciarán Cannon:** Certainly the Minister will be guided by the opinion and considered consensus of the Joint Committee on Education and Social Protection in terms of how he might exercise this function. He has always sought to engage actively with the committee, as the Deputy is aware, and none of this legislation will prevent that process from taking place in future.

**Deputy Jonathan O'Brien:** The Minister may request that particular surveys be carried out. I presume any such surveys would be laid before the House anyway and would be open to scrutiny.

**Deputy Ciarán Cannon:** Yes.

**Deputy Jonathan O'Brien:** The Joint Committee on Education and Social Protection should have an active role in the process.

**Deputy Ciarán Cannon:** One of the many positive reforms emanating from the legislation is the fact that we will be able to share expertise throughout the entire education and training board network. Now and again, to determine how we are succeeding in that regard, it will be necessary for the Minister to request such surveys. I imagine that when the results of such surveys become available they will be made available to the committee as well.

Amendment agreed to.

**Deputy Ciarán Cannon:** I move amendment No. 2:

In page 8, to delete lines 41 and 42.

Amendment agreed to.

*5 o'clock* **Deputy Ciarán Cannon:** I move amendment No. 3:

In page 11, lines 38 and 39, to delete “provision of, education and training” and substitute the following:

“provision of education and training, including education and training for the purpose of employment,”.

It was noted on Committee Stage that the Minister for Social Protection had emphasised the need for the functions of education and training boards to include explicit reference to education and training for the purpose of employment. After further consideration the proposal makes sense given the expanded role of the boards in line with the upcoming SOLAS reforms. SOLAS will be established under the Further Education and Training Bill 2013, which is scheduled to be taken later this evening, and the amendment ensures that education and training for the purpose of employment will be core functions for the new boards.

Amendment agreed to.

**Acting Chairman (Deputy Ann Phelan):** Amendments Nos. 4 and 11 are related and will be discussed together.

**Deputy Ciarán Cannon:** I move amendment No. 4:

In page 12, between lines 2 and 3, to insert the following:

“(d) enter into arrangements with, and provide support services to, education or training providers, in accordance with section 22\*,”.

The purpose of these amendments is to permit education and training boards to operate education facilities jointly with bodies that are not education and training boards and, in certain circumstances, to provide support services to such bodies. It is something to which the Minister, Deputy Quinn, referred previously. Schools are subject to increasing demands and principals must not only exercise leadership roles in the school communities but also be responsible for the day-to-day back office functions that are integral to all organisations. In times of constrained resources, when we are compelled to seek best value for money, there is an opportunity to tap into existing expertise in the VECs.

Amendment No. 11 inserts a new section 22 which provides that an education and training board may, with the Minister’s consent, enter into an arrangement with an education or training provider for the joint performance of any of the board’s functions. This will be subject to terms and conditions agreed between the board and the provider. The section specifically refers to land and project management but these are merely examples. The Minister for Education and Skills is given the discretion to direct an education and training board to perform functions jointly with an education or training provider where a provider makes such a request. This section also introduces an enabling provision to permit education and training boards to provide support services to other education or training providers if requested. Those support services could include matters such as procurement, human resources, finances, ICT and corporate governance. The provision of support will be subject to ministerial consent and the agreement of terms and conditions between the parties. The Minister will also be empowered, on foot of a request from an education or training provider, to direct boards to provide support.

It should be noted, however, that the legislation does not place an obligation on education or training providers to avail of support services. By way of example, while the Minister might

direct an education and training board to arrange to supply services to schools that are not covered by the education and training board in a locality, the legislation does require not them to avail of such services. In this way, it remains open to other providers to use or decline services that may be arranged or provided directly by a board. Education and training boards may also be requested by the Minister to assist a board in implementing a direction. Amendment No. 4 includes these co-operation and support service provisions as functions of the new bodies.

**Deputy Jonathan O'Brien:** Sinn Féin supports these amendments because we think they are positive. We will be giving the boards significant responsibilities and we have to ensure they can access all available expertise. The legislation sets out a range of support services but I presume that is not an exhaustive list. Is a mechanism available for providing additional supports not prescribed in the Bill?

**Deputy Ciarán Cannon:** The list is not exhaustive. It merely suggests a number of areas in which collaboration can occur. The legislation also allows that to happen in other areas.

Amendment agreed to.

**Acting Chairman (Deputy Ann Phelan):** Amendments Nos. 5 and 17 are related and will be discussed together.

**Deputy Robert Troy:** I move amendment No. 5:

In page 12, line 17, to delete “effective.” and substitute the following:

“effective, and

(k) require an education and training board that includes a Gaeltacht area to ensure the delivery of its services in schools and education centres, including youth work services in Gaeltacht areas, through the medium of Irish.”.

Amendment No. 5 provides that where an education and training board area includes a Gaeltacht, services should be provided as Gaeilge. It is common sense that somebody from a Gaeltacht should be able to access services or make inquiries as Gaeilge.

The Minister, Deputy Quinn, indicated previously that Conradh na Gaeilge would be a nominating body for community representatives. I do not know whether that commitment has been implemented and I ask the Minister of State for a clarification.

**Deputy Jonathan O'Brien:** Amendment No. 17 is similar to amendment No. 5, although it deals with the education and training board system as a whole rather than focusing solely on those which include Gaeltacht areas. It is important that a minimum number of members of a board are able to carry out their functions through the Irish language. When we raised this issue on Committee Stage, we were advised that education and training bodies will come under the Official Languages Act as public bodies. It is important that our national language is promoted and bodies which are instrumental in providing necessary supports must be able to carry out their functions as Gaeilge. For that reason we ask the Minister of State to consider both amendments favourably. We will be supporting amendment No. 5.

**Deputy Ciarán Cannon:** The issue of including specific obligations on education and training boards in respect of the Irish language was discussed on Committee Stage. As Deputies will be aware, the 20 year strategy for the Irish language from 2010 to 2030 promotes an

integrated approach to the Irish language, which is consistent with best international practice. The programme for Government commits to supporting that strategy. In addition, VECs are public bodies which fall within the terms of the Official Languages Act 2003 and it is the intention that the Education and Training Boards Bill 2012 will preserve that position so boards are also obliged to meet the relevant Irish language requirements. These include a requirement on them to prepare a language scheme when requested to do so. The scheme must be agreed between the VEC and the Department of Arts, Heritage and the Gaeltacht. When a scheme is agreed it has legal effect and the VEC is under a duty to comply with it. Bearing in mind that significant legislative protection is already in place, it is not appropriate to impose additional obligations on these new public bodies in the way proposed in amendment No. 5 and for that reason I do not propose to accept it.

In regard to amendment No. 17, local authority members are elected through a democratic process and quotas for those with proficiency in Irish are not a feature of local elections. There would be a danger in putting down a requirement of this nature if it is not capable of being met and, therefore, I cannot accept the amendment.

**Deputy Jonathan O'Brien:** I will be making a similar argument on gender quotas in the context of a later amendment. This is why we included the phrase "where practicable" when we drafted the amendment. We are not insisting that three of the ten members be fluent Irish speakers. Where a capacity exists within a local authority, that should be the aim. This is why we tabled the amendment. If we are serious about promoting the Irish language, these boards will have a huge responsibility in terms of training and education. For that reason alone, it is important members of the board are able to carry out their functions in Irish if necessary.

**Deputy Ciarán Cannon:** As I pointed out, the new ETBs will be subject to the terms of the Official Languages Act 2003, as is every other public body. I live in an area where there is a substantial Gaeltacht and the local VECs have been very adept, professional and committed to providing services to the Irish language community across the whole of County Galway. They have seen it as important to do that because that Gaeltacht is there. I do not believe that by imposing these extra requirements on any ETB, we will enhance that service. It will be apparent to all ETBs that operate in an area where there is a substantial Gaeltacht or sufficiently strong use of the Irish language that they will be obliged to interact with people on a daily basis in the language. There is sufficient legislation already in place providing for the protection and enhancement of the language through bodies such as the ETBs and anything over and above that would be superfluous and unnecessary.

**Deputy Robert Troy:** Coming from the constituency he represents, the Minister of State would have a better understanding than I would of a Gaeltacht area. However, the setting up of the educational training boards is ultimately about providing a better service for users. The Minister of State has alluded to the fact that he believes it will be apparent to the boards that will deal with and represent Gaeltacht areas that they should provide a service as Gaeilge as required. Therefore, I do not understand the reluctance on the part of the Department to accept this amendment. Fianna Fáil supports the Bill in general and any amendment we bring forward is constructive and can only help improve the Bill.

Based on our consultation with VECs and people involved in Gaeltacht areas, they want an amendment to the legislation to ensure the service can be provided as Gaeilge by the boards that look after a jurisdiction with a Gaeltacht area. It is regrettable the Department and the Minister of State are unwilling to take this amendment on board. My colleague, Deputy McConalogue,

made the point far more strongly on Committee Stage and he has apologised for being unable to be here today. It is regrettable the Government is not prepared to accept the amendment being put forward.

**Deputy Jonathan O'Brien:** Deputy Troy spoke about Gaeltacht areas, but our growing number of Irish speakers is not just confined to Gaeltacht areas. If one of these speakers contacts an ETB that is not within a Gaeltacht area and wishes to avail of the services through the Irish language, it is important that the facility is there to provide for that. If there are no Irish language speakers on a particular ETB, does that mean the board will have to outsource translation services? If somebody wants to avail of services through the Irish language, how will that board meet its obligations under the Official Languages Act? If it is the case that requirements such as translation must be outsourced or that additional services must be brought in, that will surely involve an additional cost. That cost could be offset here and now by including in the legislation the provision that a certain number of board members should be able to carry out their functions through the medium of the Irish language.

**Deputy Ciarán Cannon:** The members of the boards of the ETBs, with the exception of those members who are on the staff, would rarely interact with the general public. They are there in a managerial capacity and do not sit at the front desk of a VEC or Youthreach service anywhere. It is those people who need to interact with the public in an effective manner. I agree with the Deputy that there are areas other than Gaeltacht areas where the public want to interact through Irish. If it transpires within any ETB that there is demand for such a service - a demand that would be most tangibly felt in Gaeltacht areas - there is nothing to prevent the board of that ETB ensuring that service is available. In fact it is obliged to ensure it is available where it is needed. Therefore, I do not see it as a prerequisite of providing that service that Irish language speakers must be on the managerial board.

In an area where there is a Gaeltacht, insisting that at least three of the ten elected members of the board should have the capacity to discharge all of their functions through Irish would skew the democratic process more than necessary. I see no benefit accruing from that. Rather, it would undermine the democratic process. There is sufficient protection available within the Official Languages Act to ensure the services to Irish language speakers are provided consistently across the service. Any legislation or imposition over and above that is unnecessary and might prove unwieldy.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

**Deputy Jonathan O'Brien:** I move amendment No. 6:

In page 12, between lines 21 and 22, to insert the following:

"(b) recognised teaching unions representing staff of an education and training board,".

In fairness to the Minister, he took on board many of the observations made on Committee Stage, particularly with regard to increasing the membership of the boards. We wanted to ensure they are reflective of society and that there will be a diversity of opinion on them. In fairness, an amendment is proposed which will increase the membership of the board from 18 to 21. The Minister also took into account some of the suggestions made by Opposition parties at committee level with regard to having nominating bodies.

This amendment seeks to ensure the newly configured boards will be as representative as possible. One of the reasons for including this amendment is that because the boards will deal with education and training, there is a need to have a recognised teaching union representative on the board. We ask the Minister of State to consider this seriously. If a recognised teacher union representative is in place, he or she will represent teaching staff and the interests of the teachers will be protected. Amendments further down the line seek to ensure there are representatives of the business community and adult learners are on the board. This amendment is just an extension of that. In order to ensure there is diversity of opinion on the board, we want this amendment included so the teaching profession will have the right to sit on one of these boards.

**Deputy Ciarán Cannon:** The Bill requires each education and training board, in performing its functions, to consult with a range of stakeholders, including members of staff of the board. Therefore, I do not think it is necessary to include teaching unions specifically. Furthermore, were unions to be included, it would be wrong to confine that requirement to teaching unions, given that VECs and future ETBs will employ a wide range of staff, perhaps represented by staff other than teaching unions. For that reason, I do not propose to accept this amendment.

**Deputy Jonathan O'Brien:** I thank the Minister of State for his response. I intend to press this amendment.

Amendment put and declared lost.

**Deputy Ciarán Cannon:** I move amendment No. 7:

In page 13, between lines 12 and 13, to insert the following:

“(5) The Minister may request Education and Training Boards Ireland to—

(a) make representations on behalf of an education and training board in respect of its functions,

(b) conduct surveys in respect of information sought by the Minister in respect of the performance of functions by education and training boards, and

(c) give such assistance to an education and training board as the Minister considers necessary for the effective discharge of its functions.”.

Amendment agreed to.

**Acting Chairman (Deputy Ann Phelan):** As amendments Nos. 8 and 9 are related, they may be discussed together.

**Deputy Ciarán Cannon:** I move amendment No. 8:

In page 15, line 27, to delete “*subsection (8)*” and substitute “*subsections (8) and (9)*”.

The purpose of these amendments is to enable the Minister to direct an education and training board to release a CEO in order to facilitate his or her secondment to another education and training board or another public service body. The amendments are being proposed to provide for flexibility, particularly in the early stages after the establishment of the new body.

Amendment agreed to.

**Deputy Ciarán Cannon:** I move amendment No. 9:

In page 15, between lines 34 and 35, to insert the following:

“(9) The Minister may direct an education and training board to arrange for the secondment of the chief executive of its board to—

- (a) another education and training board, or
- (b) another public service body.

(10) An education and training board shall comply with a direction under *subsection (9)*.”.

Amendment agreed to.

**Deputy Ciarán Cannon:** I move amendment No. 10:

In page 20, lines 35 and 36, to delete “the Irish Vocational Education Association” and substitute “Education and Training Boards Ireland”.

Amendment agreed to.

**Deputy Ciarán Cannon:** I move amendment No. 11:

In page 20, between lines 41 and 42, to insert the following:

“22.—(1) An education and training board may, with the consent of the Minister, enter into an arrangement with an education or training provider for the joint performance of any of the functions of the board, subject to such terms and conditions as may be agreed by the board and the provider.

(2) Without prejudice to the generality of *subsection (1)*, but subject to *section 52* and any regulations made under that section, an arrangement under *subsection (1)* may relate to the acquisition, holding, management, maintenance, development (including project management of such development) and disposal of land, or any interest in land.

(3) The Minister may, at the request of an education or training provider, direct an education and training board to perform any of its functions jointly with that provider, subject to such terms and conditions as may be specified in the direction.

(4) An education and training board may, at the request of an education or training provider, with the consent of the Minister and subject to such terms and conditions as may be agreed by the board and the provider, provide support services to the education or training provider.

(5) The Minister may, at the request of an education or training provider, direct an education and training board to provide support services to the education or training provider, subject to such terms and conditions as may be specified in the direction.

(6) The Minister may request Education and Training Boards Ireland to give such assistance to an education and training board as he or she considers necessary for the implementation of a direction under this section.

(7) An education and training board shall comply with a direction under this section.

(8) In this section, “support services” includes—

(a) the holding, management, maintenance or development of land,

(b) project management,

(c) the giving of assistance in relation to the purchase or procurement of goods and services,

(d) human resources,

(e) financial services,

(f) legal services,

(g) information and communications technology, and

(h) corporate governance.”.

Amendment agreed to.

**Acting Chairman (Deputy Ann Phelan):** As amendments Nos. 12, 15, 21, 25 and 40 are related, they may be discussed together.

**Deputy Ciarán Cannon:** I move amendment No. 12:

In page 26, line 28, to delete “18 members” and substitute “21 members”.

The composition of education and training boards was discussed in detail during the Committee Stage debate on the Bill. The Minister, Deputy Quinn, did not give any particular commitments in this regard at the time, other than to say he wanted to reflect further on the contributions that had been made by Deputies. The amendments before the House, which have been introduced on foot of that reflection, will increase the number of members of each education and training board from 18 to 21, the number of local authority members on each board from ten to 12 and the number of community representatives from four to five. When we reach other amendment groupings, we will discuss the minimum representation for each local authority that is to be set down and the sectoral interests that will have to be represented on education and training boards. Our approach in this regard is informed by a number of principles, including the need to ensure smaller counties are adequately represented, the importance of ensuring there is a reasonable balance across all education and training boards and the need to strike an appropriate balance between local authority members and community representatives. Our overriding concern is to provide that the membership of the new boards is small enough to ensure they are effective. I believe these amendments go some way towards meeting the demands of later amendments to be proposed by Deputies McConalogue and O’Brien.

**Deputy Robert Troy:** We welcome these amendments. As the Minister of State has suggested, my colleague had tabled amendments to make this point. I am glad the suggestions of Opposition parties are being taken on board and the numbers are being increased. I would like to comment on the most important aspect of the composition of the education and training boards. If the boards are to be enacted fully and effectively, there must be balanced representation. They should be composed of stakeholders in further education and training in our local

communities who are motivated and committed. While I welcome the decision to increase the number of board members, that does not matter as much as the most important point, which is that those who come forward to serve on the boards must be committed to educational development, have experience in the relevant areas and have something to bring to the educational formation in the areas they represent.

**Deputy Jonathan O'Brien:** I echo what Deputy Troy has said. On Committee Stage, we had a good discussion on the possibility of increasing the number of people who will sit on these boards, including in areas where there will be more than one local authority after the amalgamations take place. In fairness, the Minister took many of the issues we raised into consideration. It is difficult to strike a balance between having the right number and having the right expertise. If we go too far, we will make the boards unwieldy. I welcome the Minister's decision, on reflection, to increase the numbers. I believe we will have a much better balance in light of these amendments, which we intend to support.

**Deputy Ciarán Cannon:** I concur with the observations of the Deputies. We are trying to strike a balance between having sufficient local and community representation on the boards and ensuring they are small enough to be able to work effectively and deliver for the learners across the country whom they will ultimately serve.

Amendment agreed to.

**Acting Chairman (Deputy Ann Phelan):** Amendment No. 13, in the name of Deputy O'Brien, may not be moved because it is out of order. As amendments Nos. 14 and 16 are related, they may be discussed together.

Amendment No. 13 not moved.

**Deputy Jonathan O'Brien:** I move amendment No. 14:

In page 26, line 28, after "comprise" to insert the following:

"of whom a minimum of 8 shall be women and a minimum of 8 shall be men with the remainder to be composed of either men or women".

These amendments have been resubmitted on foot of the debate on Committee Stage, when they were the subject of a pretty extensive discussion. The Minister said he would reflect on the matter. I presume that having done so, he still feels unable to accept what we are proposing. I will not labour the point. We have already had this conversation. It is regrettable that some way of legislating for the spirit of the amendments we proposed on Committee Stage could not be found.

**Deputy Ciarán Cannon:** The Bill reflects as far as possible the desire for gender balance on the new boards. One man and one woman will represent parents on each board. We are increasing the number of community representatives from four to five and providing that there must be a minimum of two women and two men. The Minister of the day will have the power to make regulations to establish women-only and men-only panels from which people will be elected. That is the position under the current regulations. The current position with regard to local authority members is that the proportion of male and female local authority representatives on VECs must mirror the proportion of the total number of members of the relevant county, city and town councils who are male and who are female. It was mentioned on Com-

mittee Stage that this provision had given rise to practical difficulties. This is inevitable, in my view, when a number of bodies come together to elect people to a single board. Instances of this nature in the past have led to unnecessary conflicts at local level and have created doubts about the legitimacy of boards that do not reflect the correct gender proportions.

As Deputies are aware, the Minister for the Environment, Community and Local Government, Deputy Hogan, brought the Electoral (Amendment) (Political Funding) Act 2012 through the Oireachtas last year. The effect of this legislation will be to reduce the level of public funding given to parties that do not reach minimum levels of gender representation among the candidates they put forward at general elections. This will inevitably have an impact on representation at local level. This issue must be addressed at electoral level, rather than by imposing threshold levels for State boards where there can be no guarantee that the requirement laid down can be met. Having regard to the mandate of members who are democratically elected in local elections, it would be wrong to seek, over and above that, to impose gender balance criteria on education and training boards. The local authority members who will be appointed to each board will form a majority of its membership. On that basis, I do not propose to accept these amendments.

**Deputy Jonathan O'Brien:** I completely understand why the Minister of State does not propose to accept these amendments. Following the Committee Stage debate and today's brief discussion, local authorities need to be sent a message to the effect that they should try, where possible, to make sure the gender balance within a local authority is reflected when they are nominating members of the new education and training boards. If the debate today and on Committee Stage sets that process into practice, it will have been worthwhile.

Amendment, by leave, withdrawn.

**Deputy Ciarán Cannon:** I move amendment No. 15:

In page 26, line 29, to delete "10 members" and substitute "12 members".

Amendment agreed to.

Amendment No. 16 not moved.

**Deputy Jonathan O'Brien:** I move amendment No. 17:

In page 26, lines 36 and 37, after "*subsection (2)*" to insert the following:

"and the local authority will, where practicable, ensure that at least 3 of the 10 elected members will have the capacity to discharge functions in relation to the board in the Irish language".

Amendment put and declared lost.

**Acting Chairman (Deputy Ann Phelan):** Amendments Nos. 18 to 20, inclusive, in the name of Deputy McConalogue have been ruled out of order.

**Deputy Jonathan O'Brien:** Is it possible to comment on the amendments even though they have been ruled out of order?

**Acting Chairman (Deputy Ann Phelan):** No. The Deputy may have an option to comment later, if it is relevant.

**Deputy Jonathan O'Brien:** In that case, I will comment later.

Amendments No. 18 to 20, inclusive, not moved.

**Deputy Ciarán Cannon:** I move amendment No. 21:

In page 27, line 4, to delete “(d) 4 members” and substitute “(d) 5 members”.

Amendment agreed to.

**Acting Chairman (Deputy Ann Phelan):** Amendment No. 22 in the name of Deputy O'Brien has been ruled out of order.

Amendment No. 22 not moved.

**Acting Chairman (Deputy Ann Phelan):** Amendments Nos. 23, 24 and 26 to 29, inclusive, are related and will be discussed together.

**Deputy Ciarán Cannon:** I move amendment No. 23:

In page 27, line 5, to delete “Subject to *subsection (3)*, where” and substitute “Where”.

The purpose of my amendment No. 26 is to ensure appropriate representation for lower population counties while ensuring fairness to all by keeping the overall number of members across all education training boards, ETBs, the same. As a result of my amendment, there will be a guaranteed minimum of three members from each local authority area where three authorities combine to elect members to an ETB. There will be a guaranteed minimum number of four members from each local authority area where two authorities combine to elect members to an ETB and the balance of members will be determined having regard to population. I believe this meets the concerns that motivate amendments Nos. 24 and 29 from Deputy McConalogue.

Turning to his amendment No. 27, I believe there may be a difficulty in including factors additional to population and then using those to determine the proportions in which each local authority area is represented. If a blend of factors is used, questions arise as to what weighting should be given to each factor. Ultimately, such an approach is likely to lead to more subjective decisions being made and accusations of unfairness arising, which we certainly want to avoid. We have sought to ensure fairness and certainty by relying on population based on the most recent census as the measure through which the remaining numbers are arrived at. This approach will ensure that the voice of all communities, large and small, is heard while also maintaining objectivity in how the appropriate balance is reached.

**Deputy Robert Troy:** As the Minister of State outlined, these amendments mirror similar amendments that were put down by my colleagues. We welcome the amendments. It is important, when looking at the new structures, that smaller counties would not be disproportionately affected. Coming, as I do, from an area where the new configuration is Longford-Westmeath, I welcome the fact that, on the Government taking office, it reconfigured the position of Westmeath as it is a much more natural lie for Westmeath to be with Longford. However, while the people of Longford might not like for me to say it, Longford is a much smaller county than Westmeath both in terms of geographical area and population. In any configuration of the education training board, I would not like to see Longford at a disadvantage with regard to Westmeath.

I welcome the fact the Government is taking on board what my colleague has suggested on the make-up and configuration of the new boards. There is a situation where Mayo, Leitrim and Sligo have been grouped together and it is important that each county would have a say in the make-up of the board. I compliment the Government on taking on board our suggestions.

Amendment agreed to.

Amendment No. 24 not moved.

**Deputy Ciarán Cannon:** I move amendment No. 25:

In page 27, line 10, to delete “10” and substitute “12”.

Amendment agreed to.

**Deputy Ciarán Cannon:** I move amendment No. 26:

In page 27, between lines 10 and 11, to insert the following:

“(3) Where—

(a) 3 local authorities are mentioned in *column (2)* of *Schedule 4* opposite mention of an education and training board in *column (1)* of that Schedule an order under *subsection (2)* shall specify that at least 3 members of that education and training board shall be elected by each of the local authorities concerned, and

(b) 2 local authorities are mentioned in *column (2)* of *Schedule 4* opposite mention of an education and training board in *column (1)* of that Schedule an order under *subsection (2)* shall specify that at least 4 members of that education and training board shall be elected by each of the local authorities concerned.”

Amendment agreed to.

**Deputy Robert Troy:** I move amendment No. 27:

In page 27, between lines 10 and 11, to insert the following:

“(3) The Minister shall have regard to the size of each outgoing Vocational Educational Committee in regard to staff, student numbers and budget as well as to the population of their respective counties in deciding an appropriate proportion of local authority members to be nominated to the Education and Training Board from each county.”

Amendment, by leave, withdrawn.

**Deputy Ciarán Cannon:** I move amendment No. 28:

In page 27, line 11, to delete “When making an order under *subsection (2)*,” and substitute the following:

“Subject to *subsection (3)*, when making an order under *subsection (2)*,”.

Amendment agreed to.

**Deputy Robert Troy:** I move amendment No. 29:

In page 27, line 11, after “Minister” to insert the following:

“while ensuring that the education and training needs of each and every vocational educational committee area that existed prior to the establishment day shall not be disadvantaged under the education and training boards”.

Amendment put and declared lost.

**Deputy Ciarán Cannon:** I move amendment No. 30:

In page 27, lines 17 and 18, to delete “the Irish Vocational Education Association” and substitute “Education and Training Boards Ireland”.

Amendment agreed to.

**Acting Chairman (Deputy Ann Phelan):** Amendments No. 31 to 34, inclusive, and 42 are related and will be discussed together.

**Deputy Robert Troy:** I move amendment No. 31:

In page 27, between lines 28 and 29, to insert the following:

“(7) The education and training board shall promote contact between parent associations in schools and the community and shall facilitate and give all reasonable assistance to parents associations who wish to elect their representatives to education and training boards.”

The legislative foundation for the development of education policy that is inclusive of the rights of parents in the management of their school at local level is in place since 1998. The Education Act 1998 at section 26(3) provided that the board of management “shall promote contact between the school, parents of students in that school and the community and shall facilitate and give all reasonable assistance to parents who wish to establish a parents’ association and to a parents’ association when it is established”. This partnership was further developed and built on by the inclusion of the rights of the parents at the level of the local authority area and the enactment of the Vocational Education (Amendment) Act 2001. That Act provides that membership of the committee shall include two members elected by parents of students who have not reached the age of 18 years and who registered as students at recognised schools or centres for education established or maintained by the committee.

The State has already facilitated and given all reasonable assistance to parents as key stakeholders to engage and participate in the governance of further education and training at local level. However, I believe the Education and Training Boards Bill 2012 will cause parents to become disengaged because, if section 28(7) is not amended, it will cause a disintegration of the dynamic partnerships that have been emerging between parents and their educational providers in their local communities in the past ten to 15 years.

Section 28(7)(a) states that:

the Minister shall, for the purpose of *subsection (1)(c)*, specify a national association of parents in respect of the education and training board who shall nominate 2 parents, one of whom shall be a man and one of whom shall be a woman who shall be appointed as members of that board.

Section 28(7)(b) states that:

Where, in the opinion of the Minister, an education and training board provides a significant amount of primary education he or she may, for the purpose of *subsection*

(1)(c), specify more than one national association of parents in respect of that board who shall each nominate 2 parents, one of whom shall be a man and one of whom shall be a woman for appointment to the board.

Section 28(7)(c) states that:

Where more than one national association of parents is specified under *paragraph (b)*, the members referred to in *paragraph (a)* and *(b)* of *subsection (1)* shall appoint 2 members to the education and training board from among the persons nominated under *paragraph (b)* of this subsection, one of whom shall be a man and one of whom shall be a woman.

At a local level, parents will always be unevenly organised. Therefore, the ETB as a governing body has a duty of care towards parents as critical stakeholders. In effect, this means that parents must be supported and facilitated in the election of their representatives to the ETBs. Since the Education Act 1998 provides that parents are supported and facilitated to establish parents' associations, it follows that in the interests of good governance and coherence between the Education Act 1998 and the Education and Training Boards Bill, the Minister must consider the amendment as proposed.

**Deputy Jonathan O'Brien:** This is another area about which there was much discussion on Committee Stage. One of issues raised was the importance of local knowledge to the ETBs. The Minister admitted during the debate on Committee Stage that this local knowledge is essential to the success of the ETBs and that we need to ensure that local knowledge within communities is reflected in the ETBs. It is for this reason that we are supporting these amendments.

**Deputy Ciarán Cannon:** In respect of amendment No. 31, the power to nominate parents to ETBs rests with national associations of parents. It will be a matter for them through their network of local associations to decide how they nominate parents to each board. On that basis, I do not propose to accept this amendment. While parents' representatives are to be nominated by national associations of parents, those nominated must be parents of children who are registered as students in an ETB facility. This is crucial and an improvement on the current position whereby parents of registered students do the electing but the representatives themselves do not have to be parents of students in a VEC school. To underline this, by virtue of section 32, a person will cease to be an ETB board member if he or she ceases to have a child attending an ETB institution. The legislation is further empowering parents in the local community and those who are parents of children attending ETB schools rather than diminishing that power. On that basis, I do not propose to accept Amendments Nos. 32, 33 or 34.

**Deputy Robert Troy:** Excuse my ignorance on this as I am just doing this for the evening. If my understanding is correct, heretofore, even though the parents of children who attended the school had the vote regarding who the representative was, parents in a school down in Galway could have voted to put Robert Troy on the VEC board even he has no children within that jurisdiction. Under the new legislation, while the representative will be appointed by a national body, that body must appoint a parent who has a child attending a school within the jurisdiction of the new board.

Where does the national body pick the parent from? It makes clear sense that someone sitting on a board should have an interest and be a stakeholder by virtue of his or her child at-

tending one of the colleges or further education centres. Where does the national association pick the parent from? Is it a lucky dip or is there a mechanism for interested parties because the person who has to serve on the board must have an interest in doing so? There is no point in appointing someone to a board if he or she has no interest in being on it so we want to get someone who is interested in and committed to developing the educational facilities within the jurisdiction. Could the Minister of State enlighten me in that regard?

**Deputy Jonathan O'Brien:** Amendment No. 31 is the one I want to focus on because I understand the process that will be put in place. Even at local board of management level, it is difficult encouraging parents to get involved. Trying to convince a parent representative to sit on an ETB is a significant challenge. This amendment says that every assistance needs to be given to those parents. We need to look at whether there is some additional training or assistance that needs to be given to the various parents' association within an ETB board area to enable those parents to have the confidence and ability to go forward and sit on the board.

**Deputy Ciarán Cannon:** I will address the questions raised by the two Deputies. Deputy Troy is correct in pointing out that he could have ended up as the parents' representative in a school in Wexford under the old system.

**Deputy Robert Troy:** I suppose I would need to have children first.

**Deputy Ciarán Cannon:** The national parents' associations' collective bodies draw their candidates from the parents' associations within each school. If I am on the parents' association of my local school, we collectively come together and put forward candidates for consideration. Under the old legislation, it was not necessary for that candidate to be a parent of a child in the school. Under the new legislation, it will be an absolute necessity for them to be parents. The democratic right and power of parents to exert influence over the policy direction of the ETBs will be enhanced rather than detracted from as a result of this. Those parents' representatives in parents' associations in each individual school are the ones put forward for election. Those names emanate from within the parent organisation within each school. In the past, sometimes people nominated by the local parents' association were not parents of children in the school at the time but perhaps were nominated for some other reasons best known to the parents' association.

Could Deputy O'Brien recap the point he made?

**Deputy Jonathan O'Brien:** The amendment states that the education and training board shall promote contact between parent associations in schools and the community.

**Deputy Ciarán Cannon:** My apologies. Deputy O'Brien asked about whether parents have sufficient expertise to be able to-----

**Deputy Jonathan O'Brien:** Or even supports to enable them.

**Deputy Ciarán Cannon:** Having been a long-standing member of a parents' association both in primary and post-primary school, I know that parents' associations nationally have fairly effective training opportunities in place for parents' representatives to ensure they maximise the opportunity as best they can when they are elected to boards such as this.

**Acting Chairman (Deputy Ann Phelan):** Only Deputy Troy has the right to reply.

**Deputy Robert Troy:** From what the Minister of State is saying, it seems to be reasonable

and fair. To clarify matters, the parents' associations within schools must nominate somebody to the national association first so the national association will not be just a lucky dip. There will be a chain of command and it will come from the bottom up. The local associations must nominate somebody and if they are nominating someone, that person would have an interest in and knowledge of the issue. He or she will be the choice of his or her peers. If what the Minister of State is saying is correct, that is welcome, including the fact that he or she must be a stakeholder vis-à-vis his or her son or daughter being a pupil in the school.

In respect of another amendment, Deputy O'Brien made the point that parents are serving on these boards, be they boards of management or the boards of the new ETBs, in a voluntary capacity. With the best will in the world and with their own expertise to provide, it is only right and appropriate that a certain amount of training should be afforded them before they are asked to sit on the education and training board to ensure that they are fully equipped and aware of their responsibilities as board members.

Amendment, by leave, withdrawn.

Amendments Nos. 32 to 34, inclusive, not moved.

**Acting Chairman (Deputy Ann Phelan):** Amendments Nos. 35 and 36 may be discussed together, as amendment No. 36 is related.

**Deputy Ciarán Cannon:** I move amendment No. 35:

In page 28, to delete lines 1 to 7, and substitute the following:

“training—

(i) at least one of whom shall be a body representative of business, industry and employers,

(ii) at least one of whom shall be a body representative of learners, and

(iii) at least one of whom shall be a body established for the purpose of representing the interests of persons engaged in the management of, or leadership in, recognised schools,

and each specified body shall nominate one man and one woman who reside within the functional area of the education and training board concerned, for appointment to that board.

(b) The members referred to in *paragraphs (a), (b) and (c) of subsection (1)* shall appoint 5 members to the education and training board from among the persons nominated under *paragraph (a)*—

(i) at least one of whom shall have been nominated by a body referred to in *subparagraph (i) of that paragraph*,

(ii) at least one of whom shall have been nominated by a body referred to in *subparagraph (ii) of that paragraph*, and

(iii) at least one of whom shall have been nominated by a body referred to in *subparagraph (iii) of that paragraph*.

(c) The members appointed in accordance with *paragraph (b)* shall reside within the functional area of the education and training board and shall include at least 2 men and at least 2 women.”.

The purpose of amendment No. 35 is to ensure that those with a real stake in the work of the new education and training boards will be represented on the boards. Its effect is to guarantee representation for business, for learners and for school leadership or management interests on education and training boards. The Bill currently provides that the Minister must specify a number of bodies which in his or her opinion have a special interest in or knowledge of education and training. Each specified body will have a right to nominate a man and a woman for appointment to the board. It is then for the local authority staff and parent representatives to choose two men and two women from those nominated. The effect of amendment No. 35 is to narrow the discretion of both the Minister and the education and training board members who do the appointing. The Bill retains the requirement on the Minister for Education and Skills to specify certain bodies with a right to nominate people for consideration for appointment to education and training boards. However, now, at least one of those bodies must be a body representing business, industry and employers; at least one of those bodies must be representative of learners; and at least one body must be representative of school management or leadership. Each specified body must nominate one man and one woman who reside in the area. The local authority staff and parent members must then appoint five people, at least one of whom must be from a specified body representing employers or business, at least one must be from a specified body representing learners and at least one must be from a specified body representing school management or leadership. All five must reside in the area. At least two must be men and two must be women. I believe this provides for what is specified in Deputy McConalogue’s amendment, No. 36.

**Deputy Robert Troy:** The amendment meets the requirements of Deputy McConalogue’s proposal. Originally there was not sufficient emphasis on representation from the business community. This amendment is welcome as it addresses this point. It can be very easy when the Government co-operates with the Opposition and listens to some good suggestions. These boards will be important for driving the agenda within their jurisdictions. It is important that the board members will include captains of industry and people who are learners, who will contribute their expertise to ensure that adequate courses are made available to provide training opportunities for those who are unemployed. We can learn from the experience of others. I am pleased there will be specific targets to ensure the right expertise on these boards. I commend the Government on its acceptance of Deputy McConalogue’s proposals.

Amendment agreed to.

**Acting Chairman (Deputy Ann Phelan):** Amendments Nos. 36 to 39, inclusive, are out of order.

Amendments Nos. 36 to 39, inclusive, not moved.

**Deputy Ciarán Cannon:** I move amendment No. 40:

In page 29, line 4, to delete “4 members” and substitute “5 members”.

Amendment agreed to.

**Deputy Ciarán Cannon:** I move amendment No. 41:

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In page 38, line 5, to delete “under *subsection (6)*” and substitute “in accordance with *subsection (7)*”.

This is a drafting amendment to rectify an incorrect cross-reference in section 42(5).

Amendment agreed to.

Amendment No. 42 not moved.

**Acting Chairman (Deputy Ann Phelan):** Amendments Nos. 43 and 44 are out of order.

**Deputy Robert Troy:** May I ask why amendments Nos. 43 and 44 have been ruled out of order?

**Acting Chairman (Deputy Ann Phelan):** The Ceann Comhairle’s office will advise the Deputy in more detail. They are out of order as they involve a potential charge on the Exchequer.

Amendments Nos. 43 and 44 not moved.

**Deputy Jonathan O’Brien:** I move amendment No. 45:

In page 50, line 8, after “board” to insert the following:

“and that as far as is practicable, serving teachers will be transferred within the boundaries of their current VEC administrative areas and will only be deployed within 45 km of their current VEC place of work or confines of the original VEC area”.

We discussed this amendment on Committee Stage. I am sure the Minister of State will read in his notes the rationale behind the proposed amendment. I am interested to know if there has been any reflection on this amendment by the Minister since Committee Stage and whether he has changed his opinion since then.

**Deputy Ciarán Cannon:** The Minister, Deputy Quinn, indicated on Committee Stage that the TUI had raised this issue with the Department. My officials inform me that a meeting under the auspices of the Teachers’ Conciliation Council is due to convene shortly to discuss this issue. I will not comment further other than to say that such issues are more appropriately dealt with in an administrative or industrial relations context rather than by providing for them in the Statute Book.

Amendment, by leave, withdrawn.

**Deputy Ciarán Cannon:** I move amendment No. 46:

In page 55, line 24, after “specified” to insert “in”.

This is a technical amendment which adds a word omitted from section 71.

Amendment agreed to.

**Deputy Ciarán Cannon:** I move amendment No. 47:

In page 55, between lines 24 and 25, to insert the following:

“(2) Subject to this Act, references (however expressed) to a vocational education committee in any Act passed before the establishment day, or in any instrument made before that day under an Act, shall be read as references to an education and training board, unless the context otherwise requires.”.

This is a technical provision. Schedule 6, introduced on Committee Stage, makes amendments to all non-VEC legislation referring to VECs. Those references will be changed to references to education and training boards. However, as an insurance policy, the drafting office has advised the inclusion of this provision also, which will provide that any reference to a VEC in an Act or a statutory instrument will now be read as a reference to an education and training board.

Amendment agreed to.

**Acting Chairman (Deputy Ann Phelan):** Amendments Nos. 48 and 49 are related and may be discussed together.

**Deputy Ciarán Cannon:** I move amendment No. 48:

In page 75, line 56, to delete “(4)”.

These are technical amendments which remove additional text which should not appear in the Schedule.

Amendment agreed to.

**Deputy Ciarán Cannon:** I move amendment No. 49:

In page 75, line 57, to delete “to”.

Amendment agreed to.

**Acting Chairman (Deputy Ann Phelan):** Amendment No. 50 appears on the first additional list of amendments dated 26 February 2013. It has already been discussed with amendment No. 1.

**Deputy Ciarán Cannon:** I move amendment No. 50:

In page 82, line 45, after “of” to insert “ “Irish Vocational Education Association”,”.

Amendment agreed to.

*6 o'clock* **Deputy Ciarán Cannon:** I move amendment No. 51:

In page 82, to delete lines 50 to 56, and substitute the following:

“

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			definitions:“ ‘education and trainingboard area’ has the samemean- ing as it has in theEducation and Training- Boards Act 2013; and‘Education and Training- Boards Ireland’ has thesame meaning as it has inthe Educa- tion andTrain- ing Boards Act2013;”.
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Amendment agreed to.

**Deputy Ciarán Cannon:** I move amendment No. 52:

In page 87, between lines 17 and 18, to insert the following:

“

			Section 18:In subsection (5) to delete “the Irish- Vocational Educa- tion Association” andsubstitute “Education and Training
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“

Amendment agreed to.

Bill, as amended, received for final consideration.

Question proposed: “That the Bill do now pass.”

**Deputy Jonathan O’Brien:** I do not know if the Minister of State wishes to comment first.

**Deputy Ciarán Cannon:** The Deputy should feel free.

**Deputy Jonathan O'Brien:** This is extremely important legislation. In a few moments we will be discussing the establishment of SOLAS under the Further Education and Training Bill 2013. As stated, the Education and Training Boards Bill 2012 is both ground-breaking and reforming in nature. It is one of three primary legislative measures with which we are dealing. There is cross-party support for the Bill because everyone recognises the importance of it.

I accept that the Minister of State cannot do anything now about the matter I intend to raise. However, this is the only opportunity I will have to bring it to his attention. I refer to the significant number of amendments that were ruled out of order because they would have imposed a charge on the Exchequer. As Opposition spokespersons, Deputy Robert Troy and I were trying to be constructive in some of the amendments we had tabled. A number of them were very similar to the ones the Minister introduced. I refer to the amendments which suggested increasing the level of representation on the board from 18 to 21 members. However, when the Opposition parties table amendments of this sort, they are ruled out of order because it is perceived that they would give rise to a charge on the Exchequer. We are unable to bring forward any amendment which would impose such a charge.

It is extremely frustrating for Opposition spokespersons who bring forward good, well meaning amendments to have them ruled out of order on a continual basis. I accept that the Minister of State cannot deal with this matter, but consideration must be given to it. As a relatively newly elected Member, it is extremely frustrating that we spend a great deal of time studying legislation and bringing forward constructive amendments which, in our opinion, would enhance it only to have them ruled out of order. This is not just our opinion because the Minister of State took on board some of the suggestions Fianna Fáil and Sinn Féin made in their amendments and then brought forward his own alternatives. I congratulate him in that regard. As stated, however, it is very discouraging to spend time drafting amendments and then have them ruled out of order because they would give rise to a charge on the Exchequer. If we are unable to bring forward amendments to legislation as important as that before the House in order to increase the membership of a board, there is something drastically wrong with the way we do our business.

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** As the Deputy is aware, it is a normal legislative instrument and we have heard the phrase “ruled out of order because of a cost on the Exchequer” on numerous occasions. If we are to change this, as the Deputy suggests, the support of every party in the Chamber would be required. He may wish to pursue the issue in another setting.

I agree with the Deputy that this is ground-breaking legislation. I thank him, Deputy Robert Troy and others who made very constructive and positive contributions to the debates on the Bill. I am glad there has been significant consensus on the vast majority of measures it contains. The Bill will bring together the expertise accumulated within the VEC structure across the country in the form of a far more effective model which will deliver significantly enhanced, high quality educational opportunities for the thousands of people with whom we need to interact and support in their efforts to educate themselves and also those others who need to access high quality educational and training opportunities in order to return to work. I am extremely confident that the legislation will assist us in that regard. I again thank the Deputies for their contributions.

Question put and agreed to.

### **Further Education and Training Bill 2013: Order for Second Stage**

Bill entitled an Act to provide for the establishment of a body to be known as an tSeirbhís Oideachais Leanúnaigh agus Scileanna; to provide for the dissolution of an Foras Áiseanna Saothair and the transfer of its functions to the said body; to provide for the conferral of other functions on the said body; to repeal the Labour Services Act 1987; and to provide for matters connected therewith.

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):**  
I move: “That Second Stage be taken now.”

Question put and agreed to.

### **Further Education and Training Bill 2013: Second Stage**

Question proposed: “That the Bill be now read a Second Time.”

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):**  
I welcome the opportunity to address the House on Second Stage of the Further Education and Training Bill 2013. The further education and training sectors developed in an unco-ordinated way without strategic direction for many years. The vocational education committees, VECs, delivered further education, while FÁS delivered training. While there has been a convergence in the nature of the provision, the current separation of the further education and training sectors is an obstacle to the delivery of a 21st century service to jobseekers and learners.

The Government decided, in July 2011, to merge the further education and training sectors into a single cohesive unit under the strategic direction of a new further education and training authority to be called SOLAS. FÁS will be dissolved as part of this process. SOLAS will be a new organisation with a new mandate which will merge the further education and training sectors. This represents possibly the most significant change in further education in over 70 years. It is certainly the most significant change in the training sector since the establishment of FÁS over 25 years ago. An action plan for the establishment of SOLAS was developed by a cross-departmental group which included representatives of the further education and private sector. This plan is available on the Department’s website.

There is great potential in the sector which has not been properly developed because of the lack of strategic co-ordinated delivery. This is a time of great challenge for Ireland. A world class further education and training sector will help us to get back on our feet and back to work, through upskilling for the jobs and society of tomorrow. SOLAS will bring strategic direction to the sector and enable and empower the new education and training boards to deliver an integrated further education and training sector for the people.

The creation of SOLAS is part of a wider range of Government reforms in the areas of fur-

ther education and training and the activation of the unemployed. The Department of Social Protection is developing and rolling out the new national employment and entitlement service, Intreo. As part of this process, responsibility for FÁS employment services and programmes, including commensurate responsibility for over 700 staff, transferred to the Department of Social Protection on 1 January 2012. This reform provides for a single point of contact for the establishment of entitlements and activation of the unemployed.

There are 33 VECs which deliver education, including further education. The legislation designed to replace these VECs with 16 education and training boards is well advanced.

Following the creation of the new education and training boards and the establishment of SOLAS, FÁS training centres and their related staff will be transferred on a gradual basis to the appropriate education and training board, ETB, dependent on geographic location and their readiness for transfer.

FETAC, HETAC, the National Qualifications Authority of Ireland and the Irish Universities Quality Board have recently been amalgamated into one qualification authority, Qualification and Quality Ireland, QQI. A theme running through all these reforms is integration. I believe that integrated services will be the most efficient from a value for money point of view, but also the most effective from the point of view of outcomes and quality.

Taking into account the relationships and dependencies that exist between each of these elements, the implementation of this wider reform process will prove extremely challenging and will require a dedication of purpose and a well-planned programme of change. It is important to remember also that while this transformation process is under way, we have to maintain service delivery by both the vocational education committees, VECs and FÁS.

SOLAS will be tasked with ensuring the quality provision of 21st century further education and training programmes which are integrated, flexible, value for money and, importantly, responsive to the needs of learners and the requirements of a changed and changing economy. One of the key tasks for SOLAS will be the development and implementation of a national five year strategy for the further education and training sector. The development of the strategy will involve consultation with key stakeholders such as the education and training boards, ETBs, other providers of further education and training, the Department of Jobs, Enterprise and Innovation, Intreo, employers, Enterprise Ireland, the Higher Education Authority, and other bodies as it considers appropriate.

SOLAS will not deliver programmes itself once the restructuring is complete. Its key function will be to provide strategic oversight and funding to the main deliverers, the ETBs, and, where appropriate, the private sector. It will, however, maintain the delivery of FÁS services pending the completion of transfer of the FÁS training division to the ETBs.

SOLAS will develop and facilitate the development of new and existing further education and training programmes to meet the changing needs of employers and the labour market. SOLAS will also monitor the outputs and the outcomes of these programmes to ensure they are relevant and delivered in an efficient and effective manner.

I will now outline the purpose of the Bill and deal with the individual sections. Its purpose is to give effect to the Government decision to establish a further education and training authority called *An tSeirbhís Oideachais Leanúnaigh agus Scíleanna*, SOLAS, under the aegis of the Department of Education and Skills. The main provisions of the Bill are to provide for the

establishment of SOLAS, the dissolution of FÁS and the transfer of the staff and the property of FÁS to the newly formed education and training boards.

The Bill is divided into four Parts and one Schedule. Sections 1 to 4 deal with technical matters such as the Short Title and commencement; the definition of frequently used terms; expenses in the administration of the Act; and the repeal of FÁS legislation. Sections 5 and 6 include provisions to enable the establishment of SOLAS by the Minister.

Section 7 sets out the functions of SOLAS as follows: to develop and implement a national strategy for the delivery of further education and training; to consult with the Department of Social Protection and employers to determine the types of education and training programmes to be funded by the authority and delivered by public and other bodies; to advance funding to education and training boards and other bodies for the provision of further education and training; to provide or arrange for the provision of training for employment; to monitor and assess whether education and training boards, and other bodies engaged in the provision of further education and training programmes, perform their functions in an economic, efficient and effective manner; in consultation with the Minister for Social Protection to promote, encourage and facilitate the placement of persons who are in receipt of social welfare benefits in further education and training programmes; to promote co-operation between training bodies and other bodies involved in the provision of further education programmes; to develop, and facilitate the development, of new and existing further education and training programmes; to conduct, or arrange for the conduct of, research as respects any matters relating to the functions of SOLAS; and to advise the Minister regarding any matter connected with the functions of SOLAS.

Section 8 provides that the Minister may confer additional functions on SOLAS with the consent of the Minister for Public Expenditure and Reform.

Section 9 sets out the detailed requirements of the further education and training strategy which I referred to earlier. This section provides that SOLAS will prepare and submit to the Minister for approval a five year national strategy for the provision of further education and training. SOLAS will prepare this plan having regard to policy directions of the Minister, the likely cost of implementing the plan and consultations with the Minister, the Minister for Jobs, Enterprise and Innovation, and the Minister for Social Protection. SOLAS may also consult with appropriate stakeholders including education and training boards, other providers of further education and training programmes, the Higher Education Authority, Enterprise Ireland, Teagasc, Quality and Qualifications Ireland, and employers.

Sections 10 to 14 set out the structure of the board of SOLAS, the eligibility criteria for membership, and conditions of office of members of the board. The board will comprise of 11 members, including the chairperson. Nine persons will be appointed by the Minister, following consultation with the Minister for Social Protection and the Minister for Jobs, Enterprise and Innovation, who, in the opinion of the Minister, have experience and expertise in the following areas: matters connected with the functions of SOLAS or matters connected with finance, trade, commerce, corporate governance or public administration. One person will be a nominated by the Minister for Social Protection and appointed by the Minister. The chairperson will be appointed by the Minister. The chief executive officer of SOLAS will be an *ex officio* member of the board of SOLAS.

Section 15 provides that where a member of the board of SOLAS is nominated as a Member of Seanad Éireann, elected as a Member of either House of the Oireachtas or elected to be a

member of the European Parliament, that person shall cease to be a member of the board. It also provides that where a member of staff is nominated as a Member of Seanad Éireann, elected as a Member of either House of the Oireachtas or elected to be a member of the European Parliament, that staff member shall stand seconded from SOLAS and will not be paid by SOLAS.

Sections 16 and 17 deal with board members or staff conflicts of interest and provide that where a member of the board has a material interest in matters being discussed, that person shall disclose their interest and not be involved in the decision making process relating to that matter.

Section 18 prohibits the unauthorised disclosure of confidential information. Section 19 allows the Minister to give a direction in writing to SOLAS in regard to the performance of its functions.

Section 20 provides for the Minister to advance moneys provided by the Oireachtas and the national training fund to SOLAS with the consent of the Minister for Public Expenditure and Reform.

Section 21 provides that SOLAS may provide grants, subject to terms and conditions, to public and private training bodies. SOLAS shall inform the Minister where an education and training board contravenes these terms and conditions. This will allow the Minister to take action against such bodies, where appropriate.

Section 22 permits SOLAS to borrow money, subject to the approval of the Minister, with the consent of the Minister for Public Expenditure and Reform.

Sections 23 to 26 provide for the appointment of a chief executive officer, his or her role and functions in the organisation, and their accountability to the Committee of Public Accounts and other committees of the Oireachtas. The chief executive officer will also be an *ex officio* member of the board of SOLAS.

Sections 27 to 29 deal with staffing issues of the new authority, including the transfer of staff and superannuation rights from FÁS to SOLAS.

Section 30 provides that SOLAS will submit a three year strategy statement in respect of the organisation not later than six months after the establishment of SOLAS, and the Minister will have a copy of the strategy laid before each House of the Oireachtas.

Sections 31 and 32 set out the requirements of SOLAS in respect of delivering an annual report and set of accounts to the Minister, which will be laid before both Houses of the Oireachtas.

Section 33 allows SOLAS to accept gifts with the consent of the Minister and the Minister for Public Expenditure and Reform.

Section 34 provides protection to a whistleblower who in good faith reports an offence under this Act or any other enactment that has been or is being committed or where there has been other serious wrongdoing in regard to SOLAS.

Section 35 prohibits the penalisation of SOLAS employees for making a complaint to a member of the Garda Síochána or a member of the SOLAS board that a provision of this Act, or any enactment or other rule of law, has been or is being contravened. It prohibits the penalisation of SOLAS employees for making a complaint to the Minister that a direction given by him under this Act has been or is being contravened. It also prohibits penalisation of SOLAS

employees for making a complaint to a member of the SOLAS board that there has been serious wrongdoing in regard to SOLAS or for giving evidence in any proceedings under this Act or any other enactment.

Section 36 provides that any person making a false statement in the context of section 35 shall be guilty of an offence.

Sections 37 to 44, inclusive, deal with the winding up and dissolution of FÁS, including the transfer of FÁS functions and property to SOLAS. It also provides for the transfer of FÁS rights and liabilities to SOLAS and the continuity of schemes created by FÁS, where appropriate. Section 45 provides the Minister with the power to designate staff for transfer on a transfer day from SOLAS to the proposed education and training boards under no less beneficial terms and conditions of service, remuneration and superannuation which they enjoyed immediately prior to the transfer day. Section 46 provides that the Freedom of Information Act 1997 shall apply to SOLAS on its establishment.

The Schedule to the Bill provides a vehicle for seeking redress for contravention of section 35. It also provides for the process of obtaining redress where an employee of SOLAS is penalised by SOLAS for making a complaint to a member of the Garda Síochána or a member of the SOLAS board that a provision of this Act, or any enactment or other rule of law, has been or is being contravened, for making a complaint to the Minister that a direction given by him under this Act has been or is being contravened, for making a complaint to a member of the SOLAS board that there has been serious wrongdoing in regard to SOLAS, for giving evidence in any proceedings under this Act or any other enactment.

A number of issues which remain under consideration are likely to be introduced on Committee Stage. These relate to the impact on other legislation of the repeal of the Labour Services Act 1987 and the abolition of FÁS. References to the Labour Services Act 1987 and to FÁS are contained in legislation enacted by other Ministers. I may need to cater for a number of amendments to this legislation but these proposed amendments will require further consideration by the Office of the Parliamentary Counsel to the Government following detailed discussions with officials in the Departments affected by these changes.

The Government is determined that the establishment of SOLAS, combined with the establishment of the education and training board structures, with a modern Irish apprenticeship system, will provide the framework for the positive future management and development of the further education and training sector. I commend this Bill to the House.

**Deputy Dara Calleary:** I am taking the debate on behalf of my colleague, Deputy McConalogue, who is unavailable. On behalf of my party, I welcome the publication of the Bill and acknowledge the work the Minister of State, in particular, put into its preparation, work which was commenced by our former colleague and former Tánaiste, Mary Coughlan, during her time in the Department. This Bill and the Education and Training Boards Bill are very important steps in furthering our further education and training, FET, sector and making it more adaptable to labour market conditions.

The Minister of State went through the main provisions of the Bill and SOLAS will play a hugely important role. However, as I have always done, it is important to acknowledge the huge role played by FÁS, in particular by the staff. Despite the difficulties the organisation had, which were caused by a minimal number of staff, the vast majority of the team who work

in FÁS have provided fantastic service to hundreds of thousands of people. They have given their time and their talent to many people and have provided the foundation to a huge source of skills and talent since the initiation of the organisation in 1990. It would be inappropriate for us not to acknowledge that.

Like FÁS before it, SOLAS must play a crucial role in meeting the skills requirements of our country and our economy. It must also meet the skills requirements of individuals and employers and ensure both those requirements are matched to each other. It will have to streamline the provision of further education and training while placing a major emphasis on quality assurance, in particular in regard to the provision of training and education by the private sector. However, in an employment market, the needs of which are constantly evolving and changing, our education system generally needs to become more adaptable and less resistant to change. That is one message which keeps coming from industry, and this is an appropriate time to reflect that.

While going ahead with SOLAS, the Government must continue to protect adult and community education within the new structures. The Minister of State briefly referred to the need to promote and reform the apprenticeship scheme. Even though construction is in a very serious dip currently, it will come back. The fact that just over 100,000 of those on the live register come from a construction background shows that we have very skilled unemployed people who have skills to offer to the economy. With a proper apprenticeship scheme, we can adjust those skills and give them opportunities in areas which will have growth potential in years to come. The construction sector in Ireland is currently in a dip but that is not to say it should be forgotten. Our apprenticeship scheme, in particular, and its links with the ITs needs to be reviewed and enhanced to ensure its relevance.

Given that just over 430,000 are signing on the live register, it is extraordinary to think there are vacancies in our technology sector and in many of the multinationals announcing jobs. That points to a very serious skills gap in the economy. The Joint Oireachtas Committee on Jobs, Enterprise and Innovation, led by Senator Deirdre Clune, made a number of suggestions which we discussed with some business people last week, including Sean O'Sullivan from Open Ireland. When asked which Ministry they would choose if they wanted to influence enterprise policy, they chose the Department of Education and Skills because it is through education that we will influence our ability to attract enterprise and create enterprise culture as well as an enterprise-dependent culture. This legislation could potentially be very important in making our education system more focused on, and relevant to, the economy, and that is why we support it.

However, there is a difficulty. While we have this legislation and the words that go with it in terms of promoting our further education sector, practical decisions being taken by the Government undermine its ability to deliver. The two point increase in the pupil-teacher ratio for PLCs will result in the loss of 200 whole-time equivalent teaching posts and, in turn, the loss of many places on courses providing chances and the second chances which we will expect SOLAS to govern. One cannot promote and speak of quality when one undermines the ability to deliver that quality. We have reduced training allowances for further education and training scheme participants in VTOS, in Youthreach and in FÁS. We have reduced the allocation to VECs and the capitation rates have also been reduced. In addition to legislation and fine words, we need practical engagement in this sector. As in so many areas of government, what we have are pledges. We had it again with the Action Plan for Jobs last Friday. When it comes to implementing policy decisions, the Government is implementing decisions and cuts which undermine its ability to deliver on those pledges, and the further education and training sector

is another example of that.

Currently, 270,000 further education places are being offered by a range of providers and we must ask if we are getting bang for our buck. That is one of the jobs for which SOLAS will be responsible. Some 9,000 people are employed to deliver these courses from levels one to nine in FETAC and in HETAC. While SOLAS will not deliver the programme, the education and training boards, which we discussed earlier, will be charged with that. SOLAS will be charged with overseeing the funding, ensuring the sectors which need funding get it and with making the call that funding for sectors which no longer need it goes to newer sectors. It needs the ability and the resources to do that. Most important, it needs political courage and the political support not only of the Minister of State but of his successors to be able to make tough decisions, which will probably affect institutions. Given the vacancies in our technology and language sectors, it is clear we need an organisation which has the ability to make those decisions quickly and in a manner which works in co-operation with the IDA and other State agencies.

The primary function of SOLAS includes the development and implementation of a national strategy for the delivery of further education, which is important and is under way in the Department, and to consult the Department of Social Protection and employers to determine what type of education and training programmes should be funded by SOLAS and delivered by public and other bodies. This issue of consultation is crucial and IBEC, in terms of its feedback to the consultation process which preceded this legislation, advanced a number of thoughts on what employers will be looking for from SOLAS and the further education sector in the future. They want a system which targets supports for individuals and employers where they are needed most and allows colleges and providers to deliver an excellent service in a high skills, high employment and high productivity country. IBEC challenges SOLAS about its role in skilling and re-skilling workers. There must be clarity about its economic and social objectives. It wants a complete review of the suite of programmes to be offered and funded by the Department of Education and Skills to ensure they are relevant, have measurable outcomes, avoid duplication and achieve value for money.

There is duplication in the 270,000 places on offer. Are we getting value for money? Are the staff involved in the delivery of the programmes skilled enough to be able to be adaptable? Have they the resources to upskill themselves as well as those they propose to upskill? Most important, the needs of the Irish and world economy are changing. We do not know where the labour markets opportunities will be five years hence. We cannot have a system in which it takes between two and four years to get a course accredited and staff trained for it. Courses must be accredited and delivered within months to ensure they are relevant. The demands of students who are now starting first year in secondary school will be completely different from current demands. It is widely recognised that the Minister of State is involved in the promotion of the CoderDojo movement around the country, but many of the people starting first year in college this year have no experience of CoderDojo and in five or six years CoderDojo will be as important a skill as a foreign language, if we are still to operate to our potential as a leading country in ICT.

Will the people in SOLAS, as the people who are making the call in accreditation and quality, be suitably equipped and skilled to have the ability to be on top of that game and to be on top of where labour market trends are going? Will the wholetime equivalent staffing allocation for SOLAS reflect that need? Will it encourage people to travel from abroad to take up positions in SOLAS? They might be more comfortable with international trends and in a better position to challenge where we are going with our education system. That is what SOLAS must do.

The days of a job for life are gone in the labour market. We do not know in 2013 where the job opportunities will be in 2018. One of this country's strengths is its ability, as an economy, to adapt, change and be available to where the new opportunities arise, in order to provide employment opportunities. SOLAS is crucial to that ability to adapt, and it is vital that the Minister ensures that it has the flexibility in its staffing structure to bring people in from outside and to use outside resources and expertise so it can be on top of future trends. What relationship will SOLAS have with Forfás? Forfás will be moved to the Department of Jobs, Enterprise and Innovation but in terms of identifying trends, where the economy is going and where the job opportunities will be, there will have to be a strong and robust relationship between the two.

Our party and Deputy McConalogue have prepared a range of recommendations for the reform of this sector. The area of high quality soft skills is hugely important. We are setting up this new body and have just completed the legislation on the education and training boards. However, we have removed guidance provision from schools in the secondary school sector, at both vocational and non-vocational level. If we are to get careers right and to have any semblance of an economic direction, we must intervene at second level education in terms of skilling people and giving them guidance. This Government has completely pulled the rug from under guidance provision. How will we get the 2,500 extra graduates this year, which are promised in the jobs action plan? How will we be able to work with students at second level in this country, by telling them where the trends are, where the jobs might be and where their interests match where the skills are, when there is no guidance provision at that level? That is what is happening in schools across the country, due to a decision taken by this Government.

On the one hand we want this world class training and accreditation organisation, which is what this legislation seeks to provide for and everybody supports that, but on the other hand the people who have the ability to deliver the children into that world class training organisation are completely hamstrung and tied by the same Department. The legislation is great, the words are fine and the ambition of the Minister of State is admirable, and I genuinely respect what he has put into this, but the practical daily reality is that the foundation for SOLAS is being undermined on a daily basis by his Government's budgetary decisions. Unless we get that correlation right, and get the Department of Education and Skills talking to itself, not to mind other Departments, the ethos of this legislation is unfortunately fatally undermined from its inception.

There are a number of other issues. We support the call for a full review of all the places. Some of the places are still in the traditional construction skills, and where those skills were five and seven years ago. A range of courses on offer at institute of technology, IT, level still reflect the situation five years ago. We must bring them forward. We need our ITs to deliver courses in eco-systems, the new energy systems and so forth. There is a new energy action programme in the jobs action plan so we must ensure we have people who are skilled in that area. SOLAS will be responsible for that but it must have the power to challenge the IT sector to upskill its lecturers to deliver courses in renewable energy and new building techniques.

Second, we must look at the speed of this process. I referred earlier to the speed of providing new courses. Our education system is generally far too slow at moving this economy forward. We are still not teaching foreign languages in our primary schools. It is done on an *ad hoc* basis by some very good teachers. However, as the most open economy in the world, that is utterly dependent on foreign trade, we should have the ambition that children in every primary school will learn a foreign language, when they are most able to take on a language. That ambition can be measured and delivered. It will give children not only a skill but a cultural appreciation of another country that they can bring into secondary school.

A total of 1,000 jobs in a major multinational in this country were announced last year. There was huge celebration and the Government announced them with the normal razzmatazz. However, there was no razzmatazz about the fact that 500 of those vacancies were filled by people from outside the State, because the skilled employees could not be provided here. We did not have people with native language skills to fill those vacancies. Our education system must be adapted now so people can reach the C2 language level of being able to speak as a native. That can be done if we intervene early enough and if we have the ambition in terms of providing skills from an early enough stage in the education process. While that might not fall within the remit of SOLAS, if we have that ethos it will make life easier for SOLAS and its challenges much less demanding.

The overall ethos of the Bill is welcome. There must be a complete root and branch review of our education and training sector to ensure it is relevant. It is something that should not be provoked by the current economic crisis but which should be done anyway. We are growing too complacent about our education system and our graduates being the best in the world. The reality is that the market moves on very quickly and unless we constantly review our education and training facilities and everything we do in our economy, we will miss the boat. We could easily miss the next boat of employment creation if we do not get this legislation right.

However, as well as getting the legislation right, the practical daily decisions of the Ministers in the Department of Education and Skills must support the legislation with resources. We have a very good Bill, supported by most Members of the House, with very grand and lofty ambitions, but when it is implemented and the 400,000 people looking for a job approach SOLAS for an opportunity, we do not want a situation where the SOLAS staff do not have the resources or backup and do not have adequate places on courses where the demand exists or courses that will not be filled. The practical measures and the budget must follow the legislation. We will pursue the Minister on that issue. The legislation is welcome and Deputy McConalogue will table amendments on the later Stages, but it is on the practicalities and follow through that we will pursue the Minister.

**Deputy Jonathan O'Brien:** Sinn Féin welcomes the publication of the Bill and will support it. We believe the ethos and spirit of the Bill are welcome and overdue. On Second Stage we simply outline the proposals in the Bill, but on Committee Stage we will bring forward a number of amendments which will improve the legislation. The Bill is part of a package of legislation the Government has brought forward to reform further education and training. We have just completed consideration of a Government Bill prior to the commencement of this debate in respect of which there was all-party support. I said at the conclusion of the previous debate that the Bill which is now going to the Seanad for consideration is without doubt one of the most reforming we have seen. The Further Education and Training Bill 2013 is equally reforming and important. Its importance places on us a responsibility to get it right. If we do not, the consequences will be felt for many years to come.

The Bill will establish Solas and disband FÁS. When the heads of the Bill were initially published, 150 submissions were made on them. It is a measure of how critical the legislation is considered to be, not just by those in the business sector but by those providing education and working within the further education sector and adult learners and disability groups. They all have an interest in the legislation. Sometimes when we talk about further education, there is a perception that it is for people who have recently lost a job or who are just coming out of school and did not get enough points to get into college. They use the further education model as a stepping stone. However, it is not just people in those categories who benefit from further

education and training. I will touch later on some of the functions of Solas but one of them will be to develop a five-year strategy. The strategy will be critical to the performance of Solas. If we do not get the strategy right at the outset, everything that follows will be flawed.

The further education and training sector has developed many offshoots and is not very cohesive in the delivery of programmes. FÁS and the VECs deliver approximately 70% of FETAC awards, but there are other organisations providing further education courses through secondary schools, Youthreach and community groups. It is a diverse sector with no cohesive way to manage courses. The Bill is an attempt to put in place a body, Solas, which will be responsible for the oversight, planning and funding of further education in the State. There will be many challenges, some of which Deputy Dara Calleary touched on. It is all well and good in theory but the practicalities will have to be examined. International research shows that countries which ring-fence education budgets and in times of recession place a greater emphasis on education, increasing funding in some cases, recognise the importance of education to economic recovery. The further education and training sector in the State has a critical role to play to turn the economy around. Unfortunately, some of the decisions which have been taken recently are not helping.

Deputy Dara Calleary touched on measures in the last budget on the pupil-teacher ratio. We will lose 400 teaching posts in the further education sector on post-leaving certificate courses. Many of the posts involve teachers with the expertise we need to educate the up-and-coming workforce, the long-term unemployed and those who have something to offer to help to turn the country around economically. Not only did the Minister propose to increase the pupil-teacher ratio, he washed his hands of it. He said it was up to the CEOs of various VECs and the principals of institutions providing the courses to get together to minimise the impact of the policy on further education. It is up to CEOs and principals to sit down and ensure that courses which need to be protected are protected. It is no way for the Minister to do his business. I have been very complimentary of the Minister on many of the measures he has introduced and understand that he is under increasing budgetary pressure. I do not lay the blame solely at his feet. The Cabinet has a responsibility to ensure that the education budget is protected and it should not be up to the Minister himself. There should be a widely-held belief in Cabinet that education plays a critical role in turning the economy around. The Minister for Education and Skills should be receiving the support of other Ministers when he is at the Cabinet table trying to protect the education budget.

There will be significant challenges in transferring staff to Solas. We must ensure that as the process takes place there is no disruption to services. A significant proportion of the legislation deals with the transfer of staff to the new body. We welcome the provision of whistleblower protection given the problems we saw in FÁS when a small number of individuals did a huge amount of damage to the agency's reputation. It was unfair in circumstances in which FÁS provided some high quality courses over many years and helped many people to get back into employment. It should not be forgotten.

The Bill lists five or six of the functions of Solas. I mentioned one earlier, which was the preparation of the five-year strategy for the provision of further education and training which has to be completed after consulting with stakeholders. Solas cannot prepare the strategy simply to meet current skills shortages in the labour market. There cannot be a short-sighted approach. We need to take a holistic approach to labour shortages. We have spoken about foreign languages. A group of us returned from Finland this morning where we were studying that country's education system. Finnish school leavers aged 16 years can speak four languages

whereas the schools here teach English, Irish and one other language though some students may opt for two. The languages are not used in everyday life and become defunct after a few years. In Finland, there is a focus on languages. They know that if members of the workforce speak a number of languages, they are better prepared to meet economic challenges as they arise. Its whole education system aims to prepare for life after school. It prepares for five, ten, 15 years down the line, observing the trends in the labour market in the short, medium and long terms. It tailors its curriculum to meet those potential needs further down the line. In every report Finnish students perform above average in reading, writing, mathematics and languages. There is no state examination in Finland. The students go through the system learning what they need to learn but there is no way of evaluating that. The only way to evaluate it is in terms of employment rates and how they meet the changing needs of the labour market and they do it very well.

There are several issues the Government must consider in the strategic plan for SOLAS. It cannot focus only on the immediate needs of the Irish labour market. It needs to see what trends are coming down the line and put in place the courses to deal with them. We must also put in place courses for the long-term unemployed to help individuals of a particular age who are not suited to manual labour, who have maybe worked for the past 20 years and have unfortunately lost their jobs and want to upskill. We need to put tailored courses in place that enable them to contribute to society. While the legislation is very welcome and we will support the Bill we must examine in more detail how we transfer what is being proposed in theory and how it will work in practice. We look forward to working with the Minister of State on Committee Stage. We will bring forward several amendments and we look forward to that debate taking place sooner rather than later. It is critically important that we pass this legislation as soon as possible and that SOLAS can get on with its job.

**Deputy Mattie McGrath:** I compliment the Minister of State on bringing Second Stage of this very important legislation to the House and on his opening remarks. This is a time of huge change in our country and our economy. Ar an gcéad dul síos, ba mhaith liom comhghairdeas a ghabháil leo siúd a bhí ag obair sa sector seo ar feadh na blianta. The VEC sector was the champion of adult and further education and was not often recognised as such. I salute the VEC staff whose offices were often set up on low budgets. They did tremendous work. I salute all the staff in the VECs throughout the country and their CEOs, adult education boards, voluntary boards, and adult education officers, and later the community and further education staff who got involved with FETAC training, for the job they did under difficult circumstances in another time of huge change. They adapted and got accreditation for the FETAC courses. I also salute the many voluntary tutors who gave of their time freely, with passion and great gusto to pass on skills adapted to different life settings.

The Government, the Department and this House have a major role in transforming the further education sector. The City of Dublin VEC is one of the main contributors to the proposal, with IBEC, and some other groups. I thank all those who made submissions to the consultation document. I hope that the Minister of State is aware that the City of Dublin VEC got the franchise, or whatever it is called, for handling the third level student grants, under the nice acronym, SUSI. What a fine mess it made of that. It is nothing short of an appalling vista. I and my office have worked hard with many traumatised families in my constituency and beyond who cannot get through the logjam of the bureaucracy and inefficiencies in this system.

Heretofore 64 bodies dealt with these applications. It might have been a lot of bodies and the Government might have wanted to change that but this change has been for the worse. We are now approaching the second year of its operation and things have not changed. I blame

the City of Dublin VEC and its set-up and I blame the Department which advertised and drew up the conditions of employment and tender for this huge transformation, taking the role of 64 bodies into one. Surely someone in government and officialdom must have seen what would happen, after the medical card mess, the PPARS scandal and all the things that we have amalgamated into one big body. There is scope here to study past failures, such as the electronic voting machines. Experts went abroad to see those and bought a pig in a poke which I would say cost the State €300 million. PPARS also cost a fortune. All of these things cost a fortune.

In these times there is no work or opportunities for school leavers and because there are no jobs they are forced into education. Many people have lost their jobs and are trying to get third level places. To visit this appalling mess on them is nothing short of a scandal. Nobody is accountable. The SUSI officials invited me to their headquarters two weeks ago and tried to explain and show me what they are grappling with but obviously the advertising and consultation process for setting up the new body broke down. City of Dublin VEC could not have tendered for and got the job without having some idea of what it involved but it could not have been much further off the mark. It did not have enough staff or expertise and had to outsource much of the work, which beggars belief. I do not blame the Minister of State but he has to take responsibility for it as do the senior officials in the Department.

I salute the staff in the VECs and county councils who dealt with this over the years in each county because they dealt with people whom they knew and who knew them. There was a lot of to and fro. I am not saying anyone got a grant who was not entitled to one but one could talk to people. One did not get automated messages looking for information that had been sent in a month earlier. I was told the reason for that problem was that the work was outsourced to a company in Cork but the people opening the envelopes were not there. Tens of thousands of letters containing people's details were kept in a building and the people sending out the automated messages never thought to go in and see whether the information had already been supplied. That is a sheer and abject failure of a system. Does the Minister of State think that he, or his Government, or I as an elected representative can stand over it? I cannot. It is just not good enough to have families tearing their hair out and in trauma, students depending on food parcels, and the threat of people losing their place on courses and so on. It is an appalling mess. I hope that if the City of Dublin VEC has anything to do with setting up SOLAS that it will be better prepared for it.

*7 o'clock* The problem with the public service is nobody takes the rap, nobody can be disciplined, dismissed or punished in any way despite Croke Park I, Croke Park II or even Croke Park XI. This has to change. We have to become leaner, fitter, tidier and accountable to the taxpayer. We have not been like that for decades and it became worse with the more agencies amalgamated into a larger system. We have seen quango after quango set up to create jobs and cushy careers for the boys. It is just not good enough. The public and taxpayer suffer with services diminishing.

At this vital time of the need for education, we have to get this right. While I value the fact IBEC, the Irish Business and Employers Confederation, was involved in the consultation process, it must be remembered it represents the larger business organisations. It does not represent those companies represented by RGDATA, the Retail Grocery Dairy and Allied Trades Association, or the small and medium-sized enterprises, SMEs. We always forget about those companies when drawing up these consultative documents. Why not talk to the ordinary business people and those businesses that the Minister of State, Deputy Perry, deals with every day? Our ordinary small businesses, which are struggling, are the backbone of this economy. Why

not give them a voice? One will never find them on any State boards. Instead it will be IBEC appointments.

The document continues:

Our goal should be a further education and training system which targets support for individuals and employers where it is needed most, and allows colleges and providers to deliver the excellent service we must have as we move towards a sustainable vision of a high-skills, high-employment, high-productivity nation.

While there is some jargon there, it is fine language. It continues, “SOLAS need to work effectively with all stakeholders including those outside education and training if their goals are to be achieved.” This is an important point because the new agency cannot be inward looking. We must change our whole education system to make it more adaptable.

IBEC’s paper stated:

Work placements are a significant feature of the most effective further education and training courses (the FÁS traineeships are often cited in this regard). However, close links with employers will be required to widen the scope of occupations covered by this type of programme.

The new agency will not be able to operate without extremely close links with employers. It is not just the IBEC companies but also the smaller employers that we must deal with. They are the ones which provided work experience, training and apprenticeships before FÁS was in place. It was these companies that delivered the skillsets that got our economy to move between the 1960s and the 2000s before we all went mad.

The many people involved in FÁS did tremendous work and had brilliant ideas and goals. However, the agency got big - big is beautiful according to successive Governments over the past two decades - and it got out of hand meaning accountability went out the window. However, this did not happen in the smaller schemes such as those volunteers who organise community employment schemes and their participants or the rural transport projects because they were all audited properly. I am chairperson of a FÁS scheme in which, recently, the wages were not paid into the bank because of a 9 cent discrepancy in the accounts. Millions of euro could be wasted, however, on foreign trips, junkets, hairdos and what not. What went on higher up was an abomination. Nobody will be sorry to see the name of FÁS gone. We cannot just wash it away like was tried with the Magdalen laundries. There was good work done in FÁS and a few bad apples should not spoil it all. The agency has a proud record in many areas but it has a desperate record at the top and at board level. All types of training schemes have been cut back savagely in the past several budgets.

There was hope about retraining and upskilling but many people have been prohibited from starting on courses. IBEC recommended, “Where necessary staff at various levels need to be provided with professional development to ensure the needs of the learners and the stated desire to improve ‘customer experience’ is recognised as a strategic priority.” That should be par for the course for any public service outfit. Why should this jargon have to be recommended when it should be a compulsory part of serving the public with respect and dignity? Training courses should not be needed to ensure staff do their job properly.

IBEC recommended, “A robust quality management system must be developed in respect

of all aspects of further education and training activity and provision.” The old education training board system was robust. It was when it became a larger entity it went wrong. We have seen this with the recent experience of SUSI, Student Universal Support Ireland.

A report published by the National Economic and Social Council in August 2011 expressed concerns about the relevance and quality of some of the further education training courses that have come on stream recently. It argued for an immediate root and branch review of all training places on offer. SOLAS must ensure its budget is spent in a most efficient way and must listen to industry, both big business and small-sized enterprises. It must be remembered if every SME were to create one job, we would wipe 350,000 off the live register.

We must increase the effectiveness and speed by which education and training agencies respond to labour markets and learners’ needs, as well as ensuring industry is formally involved in course design. Many FÁS courses provided training in construction skills during the boom. However, since the downturn, there are many still teaching these training courses. In some cases, they refuse to reskill and cannot be redeployed or dismissed if necessary. We have to get rid of this job for life belief and work ethic out of these systems. While I accept there are employment regulations concerning these trainers’ rights, they must move with the times. They must be willing to upskill and be ready, willing and able to deliver new courses. If they do not, then they will have to be asked to move on. We need every hand on the wheel at this time and everybody to work.

One problem affecting young people is not getting a place on their course of choice. I accept we cannot have an *à la carte* menu when it comes to courses but we must nurture and encourage young people when it comes to training. We need to go back into the secondary and national schools system to ensure teachers are reskilled. Deputy O’Brien earlier spoke about how a different type of education is required. Some have argued we need to look at the Finnish model of education. However, I believe the Finnish model can be very cold and uncaring and would be very different to our national school model. The old masters in the national schools did train people for life. That has changed with the onset of new technologies but we must be able to train our young people. I have a young family myself and I know we have to be adaptable.

We can never have the scandals again that occurred in FÁS with no one held accountable for these shenanigans or charged with any wrongdoing. Courses that are most in demand must be provided on a rolling basis so that applicants do not have to wait significant periods to gain entry and are forced to take up unsuitable courses in the interim.

A man came to work with me. He came off the live register and was employed through the Houses. I did not fill out the form, nor did anyone else. It was a 20 hour contract. Anyway, what happened? He found out that he was knocked off unemployment assistance although he was only working a three-day week or a two-and-a-half day week. He was knocked off rent allowance and everything else. The black economy is thriving but that is no surprise. What if a young, interested and self-respecting gentleman wishes to apply for a job to further his career and leaves his young family to travel to work, but he loses everything? That should not have happened. It did not take place under my employment, it happened from one State agency to another. I had to spend €40 on mobile telephone charges to try to get through to the Department of Social Protection without ever speaking to anyone, save for a machine. That is a scandalous way to treat people who are unemployed. It is a scandal to treat people who want to train, change and re-skill. That is outrageous. The system is not fit for purpose.

If I or Deputy Healy-Rae or anyone else in business had customers ringing and had to pay such money then we would not last one week. Most businesses are offering freefone telephone numbers. This must change. I welcome all the IBEC recommendations but I am disappointed that we had no input from small business and SMEs. If we do not listen to such people we will not get anywhere.

There are 16 education and training boards now and these will replace the VECs, as we knew them. I wish them well. In some places there was a good deal of unease about how they came about but I suppose we must move on. The VECs have served the country well. They were disregarded and looked down on by some of the colleges because of snobbery and by some people elsewhere in education, but they were the only people involved in adult and further education and they were in place when no one else was there.

Each education and training board will have a chief executive and the boards will absorb a large number of FÁS staff and training centres when they are established. They will implement training programmes previously provided by FÁS. It was proposed to amalgamate two agencies - I cannot think of the two names now - some time ago. When I inquired about it one year later I was told they still had not amalgamated. All the staff were on learning courses and in arbitration with regard to who would take this and that job. If a job is not there anymore then one goes to the next job. If a person needs a little training, that is fine but the carry-on of arbitration and all the associated issues has grown into the public sector. That is why we cannot afford the public sector. I am not knocking public sector officials. There are some great people in place but there are others who are deadwood and they cannot be sent anywhere. Should they not be sent home? That happened and the two bodies may not be amalgamated as of yet.

The process involved bringing in outside bodies, facilitators and consultants and it cost a fortune. We cannot do anything in this House at this stage without consultants. There is an industry in it. It is the same with the HSE. For example, we heard of cuts this morning to the disabled but there is no talk of cuts to HSE legal fees or consultants' fees. Yet we can cut the allocation to ordinary unfortunate disabled people because it is only €10 million. We can take away that money and they will not fight back because they are all right.

We must ensure this takes place. I am not suggesting the staff should move from Clonmel to Donegal but they should move within reason and they should be put in place without much further training and with little need for consultants. I hate using the word and I will not use the word because it is too horrible but consultants have become like a disease and they are all over the place. We cannot do anything and the Minister of State knows this better than I do.

Let us suppose there is a need to put on a small extension to a VEC building. One needs consultants to draw up reports although the VEC may have done the same thing in a school nearby. Instead, there must be a new design with design fees and architect fees. Let us consider what happened to the VEC building in Clonmel. It had flooded several times in its history. We got a grant of €400,000 for a new building and we got in consultants and design architects and specialists. What happened? Instead of raising the building above the floodplain as per all warnings - one could not get planning permission to build a house there - they built it at the same level. The first flood that came destroyed the whole new building and we had to look for a further €200,000 to redo the entire floor. There were consultants and architects involved and they all got paid, signed off and then left. No one was called to book or called to account. That is what happened to the VEC building in the Mall in Clonmel. It was an outrage that money was paid to consultants and architects to design a building at the same level as the building that

had been flooded for decades. That is what the consultants and architects did and they got away with it and no one was held to account. That is what is wrong with the public system. The view is that it is not the money of the Minister of State or my money. People seem to believe it belongs to no one. Anyway, we do not have the money now. I cannot understand why the troika is not getting involved in the public service in these areas. Some people tried to tell us that the troika enforced the cuts last July on disability expenditure. It did not but I cannot understand why it did not examine and establish where the waste is and where this carry on is occurring.

I look forward to working with the new entities. I always enjoyed my work with the VECs. I am a long-time member and chairman of a board and I have been on the local adult education board for years. I salute the volunteers and the voluntary tutors involved. Nothing has been more rewarding for me in public life in the past 20 years than going to the adult education awards and FETAC accreditation courses to see people from 16 to 19 years of age getting certificates. There was joy for entire families. People were getting delivery of service on slim funding which is ever decreasing.

I hope the new outfit will not be related or on the same field as Student Universal Support Ireland, SUSI, because if it is we may as well forget about it. The names of both begin with the letter S. I know something else that begins with S but I will not mention it in the House because I could not. SUSI was a disaster and it is still a disaster. I hope there is more planning in this case. I am keen to see the officials who set up SUSI and who did all the background work relating to the City of Dublin VEC brought before a committee to answer how they failed so miserably.

Until now programmes have been provided by many different organisations, including FÁS, VECs, community groups, second level schools and private bodies. I have referred to FÁS and the VECs but I wish to refer to community groups. I thank the county enterprise boards which provided funding in my county for various community groups to kit out centres and areas where they could retrain and up-skill people. Many people have been involved and we cannot forget that. We must move on but we cannot forget where we came from. Further education and training is a highly important sector and we welcome any move to strengthen it but the changes must take place and the sector must be brought into the new era. It must be brought up to modern-day needs to provide the relevant services. The Government has stated that since it came into office it has continued with a large-scale reform agenda and it has done so but it is no good making changes unless it is change for the better and unless it provides value for money. Some examples have been unfortunate in this regard.

The primary functions of SOLAS are set out in section 7 and relate to the development and implementation of a national strategy for the delivery of further education and training. We must pick it up where we got it and run with it and adapt to give the hundreds of thousands of unemployed people and those who wish to re-skill, including farmers and small business people who are not now making a feasible living, an opportunity. Such people wish to re-skill to get back into the labour market or perhaps other cottage industries. These people must be supported.

We must also tackle the army of officialdom which is prohibiting people from starting their own business and killing the entrepreneurial spirit. These people are many and varied. Today I sat in the audiovisual room and heard from shopkeepers throughout the country about the red tape they must go through. It is unthinkable and unbelievable. There was a shopkeeper sitting behind me but he has gone for the moment. Shopkeepers must have three different coloured brushes to sweep the shop floor: one red, one blue and one green. I have said it before and I say

it again with no disrespect: the lunatics are running the asylum. This has gone totally over the top with regard to health and safety and HACCP. While I support all of these things and they are very necessary and anyone who is doing wrong should be penalised, all the red tape amounts to a plague. One shopkeeper wanted to reopen his shop and had to pay €8,000 in fees to the ESB to be reconnected. He had to pay €4,000 to a newspaper company for it to supply newspapers to him. That is hello money and amounts to daylight robbery. We should encourage people to re-open shops and keep rural Ireland alive. We must get real and have some vision and passion and embrace change. However, we cannot simply throw the baby out with the bathwater.

The feedback from the consultation process was varied. I am disappointed that it was not broad enough and the next time we engage in consultation I hope the various small business groups with hands-on experience will be involved. The CEOs of companies do a good job in their own right but there is nothing like the man on the ground who opens the shop, pays the bills and looks after the customers and staff. He operates a one stop shop. Often these people need advice and support. Above all, they need a break from regulatory Ireland. They can deal with their problems locally but I urge the Minister of State to ensure that SOLAS is fit for purpose and that we do not see a repeat of the issues that arose in FÁS. The bad work in FÁS was done by a minority. I salute the many excellent officials throughout the country who worked hard for that organisation and I condemn out of hand those who blackguarded the system or let them get away with it. Where was the regulation and the bodies or people who were paid to take charge? Where were the auditors? When I was a board member of Pobal, I once spent two hours at a rural transport meeting trying to account for an underspend of €20 in a budget of €250,000. This was a community and voluntary board with statutory obligations in respect of financial and employment laws. We were, rightly, subject to audit. What went on at the top of some of these organisations was reprehensible and would not happen in Russia. I wish SOLAS well and hope it is being built on a good foundation and will be fit for purpose in terms of delivering much needed services.

**Deputy Jerry Buttimer:** I thank the Minister of State for bringing this important Bill before the House. I was not going to engage in a political rant against the Member opposite but we all know that the party which Deputy Mattie McGrath supported for most of its 14 years in Government discredited FÁS. I regret that because I agree with him about the great people who worked in FÁS and delivered a top-class service. I know many of the people working in Ross Avenue in my own area of Cork. They are outstanding public servants who deliver great training to those who need it.

I speak as a former director of adult education and someone who understands the importance of retraining, upskilling and empowering people. The value of education and training for adults can be seen in the VECs, adult education courses, community and comprehensive schools, institutes of education and universities. We have changed the model of training and provision of adult education to make it more student friendly. We have broadened its appeal and have moved to provide classes in our communities. The system now takes a more modular approach and we have removed the stigma of exams and made courses more project orientated. This allows people to return to education in order to upskill and retrain.

Bringing people back to education creates a challenge for this Government and those vested with the responsibility for implementing this new approach. In the past there was an over-emphasis on training for the construction industry but if an individual in his or her late 50s is unsuitable for a course in computing or has previously worked as a qualified engineer, how do we develop a suitable training course? The education must be specific to the needs of the in-

dividual. At times I wonder whether we have the capacity to change our thinking. Sometimes the European computer driving licence is presented as the cure for everything but it is not. I commend the Minister of State on his embrace of CoderDojo as a way of getting young people involved in changing mindsets and opening up a new form of fun and friendly exploration. We must do the same for adults. We need to build new synergies through the merger of education and training. I accept that the change is not easy and will take time but the Minister of State's task is to give people new life and opportunities. If he travels the country to engage with people, whether in constituency offices, GAA clubs or shopping centres, he will find a yearning to be involved and challenged by new ideas in education and training.

We must look to models of education and training which have been successful for other countries in encouraging people to learn new skills and change old perceptions. It is not easy but, as somebody who spent many years in adult education, I want to impress on the House the importance of this task. I am very proud of the adult education department in Ballincollig Community School and the Cork VECs under the guidance of Ted Owens and Barry O'Brien. They made education people centred and demystified the return to education. I am probably in a minority in recognising the value of the courses provided by FÁS at the coalface in Ross Avenue and Bishopstown for young and unemployed adults.

I am concerned that there is insufficient understanding of the way in which people's needs change. Their training or upskilling should be modified to suit their needs. I am delighted to see the amalgamation of FETAC, HETAC, the National Qualifications Authority of Ireland and the Irish Universities Quality Board. One of the challenges I faced in delivering adult education was the bureaucracy and paperwork required by FETAC in accrediting courses. I understand why an awarding body would require a paper trail but it must be about the person who is engaging in education.

The Minister of State referred to the amalgamation of the vocational education committees. As a Cork person I am disappointed that Cork could not have two separate VECs. Deputy McLellan will probably agree with me in this regard. Next week we are launching the lifelong learning festival in Cork city under the auspices of the City of Cork VEC and Tina Neylon. If the Minister of State gets a chance to come to Cork, he should come, because this is a model which should be rolled out across the 32 counties of Ireland, North and South. This is a project where people in every community in the city and metropolitan Cork are involved in education, from the cradle to the grave. They are involved, from learning how to turn on a computer to learning how to cook or to use an iPad.

Debate adjourned.

### **State Forestry: Motion (Resumed) [Private Members]**

The following motion was moved by Deputy Richard Boyd Barrett on Tuesday, 26 February 2013:

That Dáil Éireann:

notes, with dismay, the Government's intention, under the Troika deal, to sell the

harvesting rights to our national forests;

notes that:

— Ireland's publicly owned forests are one of our most precious natural resources and a priceless part of our culture and heritage, that must be nurtured and protected in the interests of current and future generations;

— since Coillte was created it has already sold over 40,000 acres of forest land; in 2009 it sold €33 million worth of forests, in 2010, €38 million and in 2011, €37 million;

— the national forests represent 11% of the landmass of Ireland, 745,000 hectares (1.6 million acres); and that the Coillte estate owns and runs 7% of the landmass, which includes maintaining 11 forest parks, 150 recreation sites and 23,000 kilometres of roadways;

— according to the Irish Forestry and Forest Products Association (IFFPA), in 2010 Irish forestry and the forest product sector generated €2.2 billion in annual output (1.3% of GDP) and forest products to a value of €286 million were exported;

— the sector employs 12,000 people across the State;

— over 18 million individual visits are made to the national forest estate each year and according to IFFPA total economic activity generated by domestic users is an estimated €286 million and overseas visitors a further €138 million;

— in 2008, 517,000 tourist visitors participated in forest walking while holidaying in Ireland, spending an estimated €364 million;

— according to IFFPA, for every 15,000 hectares planted, 490 jobs will be created, indicating enormous potential for employment creation;

— much of the State's forest land and associated industry and employment is based in rural Ireland and is a vital part of the rural economy;

— the percentage of afforested land in Ireland, at 11%, is well below the European average, representing an enormous unrealised potential for the State and its citizens to generate thousands of jobs and a reliable source of income;

— Ireland has agreed to the Europe-wide target of 30% forest land;

— a country such as Switzerland, which is half the size of Ireland, through prudent and sensitive management of their forestry, employs 100,000 people in the forestry and forestry related sectors, setting a standard that Ireland should seek to emulate;

— no other country in Europe has privatised state forestry or harvesting rights and higher levels of afforestation and related employment have been achieved where the state retains substantial ownership and management of the national forests;

— in Sweden part-privatisation of state forestry was recently reversed and the sector taken back into public ownership;

— in the United Kingdom recent proposals for the privatisation of state forestry

were abandoned after there was enormous public outcry, leading to the establishment of an independent committee which recommended greater community participation and development of native species;

— there has been no consultation with stakeholders on the planned sale of Coillte harvesting rights and the potential impact of privatisation in terms of amenity loss, security of supply, environmental impact, job losses and other social and economic consequences;

— the intergenerational commitment implicit in the creation and stewardship of forests means that they are best owned by altruistic and long surviving institutions such as nation states;

— forests play a huge role in mitigating climate change and regulating the temperature of the earth's atmosphere and, as a signatory to the Kyoto Protocol, Ireland is committed to reducing CO<sub>2</sub> emissions; and that Irish forests stored 2.2 million tonnes of carbon in 2010 alone;

— the specific habitats of Irish forests will be threatened by privatisation, and it is unclear how the Government intends to address reforestation, species mix, environmental design, forestry inventories and other regulatory environmental issues which, if not planned, will have a detrimental knock-on effect on wildlife;

— privatisation of some state forests in New Zealand has led to major problems with public access, job losses and contracting of the wood processing sector;

— the 745,000 hectares (1.6 million acres) of forests in Ireland represents an integral part of our heritage which should be developed and expanded; and

— the reported valuation by NewERA of Coillte harvesting rights of €700 million, which equates to approximately €580 per acre of trees, is almost certainly a gross under-valuation of these forests;

believes that the commercial pressure to make immediate profits, that would be on any private investor who might take over the harvesting rights of Coillte, would critically militate against the imperative to maintain public access to our forests, to invest in long-term sustainable management of those forests in the interest of the public and to generate much needed employment; and

calls on the Government to:

— abandon any plans to sell the harvesting rights of public forest lands under the control of Coillte;

— maintain Ireland's public forestry in full public ownership in perpetuity;

— establish a major forum involving all stakeholders and concerned groups on the future of Irish forestry;

— rapidly accelerate afforestation in Ireland to at least the European average over the next ten years and to meet the existing targets of 30% forestation;

— establish a major programme of public investment and public works in Irish for-

estry with a view to creating jobs in this sector and boosting the ratio of forest related employment to forest acreage from the current low level to levels similar to countries such as Switzerland;

— put a particular focus on developing and expanding the cultivation of native hardwoods and developing local community involvement in the development of Irish forestry;

— improve the utilisation and development of public forestry with an emphasis on increasing our low forest cover with our native hardwood species which would help alleviate flooding, maintain soil fertility and reverse the acidification caused by conifers; and

— increase the use of timber as fuel for local communities by coppicing; protect water sources; and restore rivers and lakes to bring back freshwater fish stocks.

Debate resumed on amendment No. 1:

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

“recognises that for the duration of the EU-IMF financial assistance programme the Irish authorities have taken, and will continue to take, all the necessary measures to ensure a successful implementation of the programme and to minimise the cost to the taxpayer, while protecting the more vulnerable;

- in this context, welcomes the fact that half of the proceeds from the Government’s State assets disposal programme will be available to the Government for reinvestment in job-rich projects to help job creation, with the other half, while eventually destined to reduce public debt, also being available, in the first instance, to be constituted as a fund to underpin additional lending into Ireland, for example, by the European Investment Bank, in support of further investment in job-creating initiatives;

- further recognises that the use of the asset disposal proceeds in this way, for stimulus and, in time, for debt reduction, will support economic growth and preserve long-term fiscal sustainability, including programme targets;

- notes the Government’s decision that the harvesting rights to Coillte forests be considered for sale and, at their request, the National Treasury Management Agency, via its NewERA Unit, has been actively engaged with Coillte, the Department of Public Expenditure and Reform and the Department of Agriculture, Food and the Marine over recent months to examine the financial and other implications of a potential transaction;

- acknowledges, from evidence gathered from similar transactions completed in other jurisdictions, that a transaction can be structured in such a manner as to include provision for the maintenance of the Open Forest policy, reflecting public access to recreational land, the continuation of the existing replanting obligations and the incorporation of biodiversity requirements; and notes that it is the Government’s intention that similar appropriate provisions will be included in any sale of Coillte harvesting rights; and

further notes that:

— the process has also included engagement with potential acquirers of harvesting

rights, when requested by them in accordance with the published Government protocol; and the two Departments and NewERA have also, when requested, met with interested stakeholders to discuss their position on the sale of the harvesting rights;

— the steering group, including NewERA, is working closely with Coillte and its board in giving consideration to the implications of a transaction for the company and also for the wider forestry sector, taking account of a series of reports commissioned by Coillte in 2012 from specialist external advisers; and

— as part of this process, the steering group have met with the Coillte group of unions in January where they outlined the process involved and received the view of those unions and copies of the report by Peter Bacon, which was commissioned by the unions; and it was agreed that a further meeting could be held as and when appropriate.”

- (Minister for Public Expenditure and Reform).

**An Ceann Comhairle:** The next speaker is Deputy Mary Lou McDonald and she will share her time with Deputies Brian Stanley and Sandra McLellan.

**Deputy Mary Lou McDonald:** I commend the Deputies of the Technical Group on introducing this comprehensive motion. The motion sets out not just the considerable value of Coillte to our economy, but the importance of Coillte and our woodlands to society and our communities.

Coillte is an important rural employer. At a time when we have almost 15% of our population on the live register, Coillte’s role as an employer should not be lost. Any sale of the company’s harvesting rights or the failure to develop the massive potential of the forestry sector for timber and biomass production will be detrimental to the public interest, to the economic interests of the State and to the social interests of citizens. The company’s role in ecotourism must also be developed. With ten forest parks and over 150 recreation sites, Coillte is the leading provider of outdoor recreation in Ireland, with an estimated 18 million visits to forests under its management each year.

This motion sets out the success of the forestry industry in Switzerland in creating substantial employment and a strong export economy. Of course Switzerland invests in that sector. Sadly, Fianna Fáil with the support of both the Labour Party and Fine Gael surrendered much of its discretion and these rights to the European Union. Putting it plainly, the European Union discriminates against state companies which exist to serve the public good. In 2003, the then Fianna Fáil Government bowed to the European Union’s decision not only to cancel European grants worth €47 million to Coillte, but also forced the company to repay an additional €8.3 million received in grants. If Coillte had been a privately owned company, the European Union would have paid the grants with no questions asked. It seems, therefore, we have a bizarre position where private individuals can benefit from EU grants paid for by European citizens, but the citizens themselves cannot benefit via state-sponsored enterprises.

I find it astonishing how easily the Government has forfeited and is prepared to forfeit further indigenous industries. This goes way beyond selling off the family silver. Ideologically, the Labour Party, along with Fine Gael and Fianna Fáil, are simply opposed to the notion of State-owned enterprises, despite the immense benefits these companies have generated for the State and the people. OECD figures show that outside of energy, transport and telecommunications, the extent of State-owned enterprise activity in Ireland ranks towards the bottom in terms

of the scope of public enterprise in the economy and public ownership.

A very exciting innovation programme has been in full swing in Coillte for the past two years or so and has massive potential for jobs and added-value use of the raw materials. For example, at the nano-technology level, the crystals that make up wood are harder than steel, offering huge potential. One of the areas of innovation involves exploiting more fully the tops of mountains, the peaks Coillte owns, for telecommunications businesses.

This motion sets out in clear terms the real added value Coillte brings to the economy and society and I see no good reason for the Government to amend or oppose it. If it does, it simply reconfirms its commitment to privatisation and reconfirms its lack of imagination and ambition to developing our natural resources and their indigenous potential.

**Deputy Brian Stanley:** We are moving towards a situation where the Government is using the cloak of the recession and the troika to attempt to sell off the harvesting rights to our woodlands. I commend the Technical Group on bringing forward this motion.

The decision to sell off harvesting rights will have an immediate effect in Laois and Offaly, an effect that will be felt long into the future. I know Minister Coveney is concerned about rural jobs, but I would like to point out that the sawmills in Coolrain and Mountrath depend almost entirely on the supply of wood from the forests in the Slieve Bloom mountains, Togher, Cullenagh and similar places. These sawmills are economically sound, because the timber for them only needs to be hauled a short distance. This is important in the context of the environment and their carbon footprint. The industry in this area is sustainable because the wood can be hauled to the mills cheaply. The industry provides jobs locally and because the raw material only has to travel a short distance, costs are kept to a minimum.

These businesses in Mountrath, Coolrain and similar places will not survive if they are made uncompetitive. These sawmills are part of the national sawmills group and they operate on a very tight margin. They cannot survive if they are made uncompetitive. Therefore, we need to keep these woodlands and their harvesting rights in the ownership of Coillte. If our woodland is sold off to an international company, we will not have control over it. This will threaten local economies and local jobs. I cannot stress enough the importance of these jobs for counties like Laois and Offaly and for rural areas where there are few, if any, opportunities for other types of employment.

The Bacon report clearly shows that the sale of harvesting rights will cost the State €1.3 billion. There are a number of outstanding questions that need to be answered in this regard. How much Coillte land has already been sold and who has bought it? The Government amendment refers to investors and consultations with interested investors. Who are they? Will Coillte remain commercially viable if it sells its harvesting rights? This is the key question. If it sells these rights, the State will no longer receive the dividend it needs. I believe this decision is wrong and I hope it does not happen. I beg the Government to retain Coillte and its woodlands in semi-State ownership.

**Deputy Sandra McLellan:** Sinn Féin is absolutely opposed to the Government's proposal to sell off the harvesting rights to our national forests. That the troika prompted the sale of such an important national asset to proceed is, to say the least, simply shocking. It is shocking from a number of aspects, economic, environmental and recreational. More importantly, in the context of employment, the sale of Coillte makes absolutely no sense.

In his report on the proposed sale of Coillte's harvesting rights, Peter Bacon looks in some detail at all of these areas. He concludes: "The economic rationale for the proposed sale of harvesting rights no longer stands up and cannot be justified." Coillte is wholly owned by the Irish State and its job is to manage the nation's forests, which make up 11% of the landmass of Ireland. As a wholly owned State company, Coillte accounts for more than 80% of all timber that is sold on the Irish market each year. As Bacon noted: "Coillte output will remain vital to timber processing operations in Ireland as it will comprise almost the only source of supply of large diameter mature timber for many years to come."

What is even more worrying is that the proposed sale is not based on the performance of Coillte or on the market value for timber. In other words, no efficiency audit of Coillte was undertaken by the Government to ascertain whether the proposal to sell one of the nation's most valuable assets made any sense. The sale of Coillte would make no sense because it would ultimately have an adverse impact on direct employment in this sector and in tourism industry. The Coillte annual report estimates that visits to forest sites deliver in excess of €270 million to the tourism sector each year. The sale of Coillte makes no economic or environmental sense and should be abandoned by the Government immediately.

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** I would like to share time with Deputies Martin Heydon, Ann Phelan, Eamonn Maloney and Michael McNamara.

**Acting Chairman (Deputy Catherine Byrne):** Is that agreed? Agreed.

**Deputy Simon Coveney:** I thank the Technical Group for bringing this motion before the House and giving me an opportunity to speak on the issue. I was not present for the start of the debate yesterday because I was in Brussels. I am pleased to be in the House this evening to contribute to this important debate which, however, may be somewhat premature. There is an assumption that a decision has been made and it is a matter of time before the sale takes place, but that is not necessarily the case. I want to explain what is happening. The Government decided some months ago to investigate the possibility of selling harvesting rights in our forests, as opposed to the sale of land or the company. We made it quite clear that during the process, we would protect the public good elements of Coillte, including the guaranteed public access onto Coillte lands, and that we would insist on maintaining the crucial importance of Coillte for the country's timber industry.

I wish to deal with some of the issues that have been raised so far in the debate. This is not a question of ideology. A company can function perfectly, employ people and make good use of natural resources in a sustainable, competitive and profitable way, regardless of whether it is State-owned or in the private sector. In the agri-food sector companies such as Kerry Group, Glanbia and Dairygold are spending hundreds of millions of euro to enable them to expand, grow and employ more people. Many are employed in private sector companies in the forestry and timber sector, including Glennon Brothers. These competitive and well run businesses are major clients of Coillte. I accept the point that we should proceed with caution in this regard, given that more than 80% of the commercial timber provided for the sawmills industry in Ireland comes from Coillte.

We need to do a number of things before we proceed with any sale. We have undertaken not one but a number of audits to establish the value of the rights about which we are talking. We have been accused of not doing so. We need to audit the company independently to ensure what

we do safeguards its future. If we remove the harvesting rights which comprise a significant asset, we must not fundamentally undermine the ability of Coillte to survive, grow and expand. My Department and the Department of Public Expenditure and Reform have been doing a great deal of work with NewERA under the National Treasury Management Agency to inform our consideration of whether we should proceed with the sale of harvesting rights, whether it makes sense to sell a State asset and use 50% of the proceeds to stimulate job creation and whether this can be done without damaging the broader timber industry or the company and its subsidiaries, including SmartPly and Medite. All of these questions are being discussed in some detail. That is why we are not in a position to say a clear decision has been made on if, when or how we will proceed with the sale of harvesting rights. The decision will be taken by the Cabinet when the Minister for Public Expenditure and Reform, Deputy Brendan Howlin or I - or, more than likely, both of us - have brought a report and recommendation to our ministerial colleagues, which will happen in the not too distant future. At that time, we will make a decision and will stand over it.

The Government is committed to the forestry and timber sectors. The former Minister of State, the late Shane McEntee, did an extraordinary job in protecting the budgets of this sector and getting to know the personalities, companies and people involved, including in Coillte. It is worth noting that despite all of the expenditure reductions which have had to be imposed by all Ministers in recent years, no reduction in expenditure in the forestry sector has been provided for in either of the last two budgets, with the sole exception of a tiny reduction in capital expenditure for forestry roads. We are spending well over €100 million on forestry each year. That money is spent on premiums and afforestation, for example. We planted 7,000 hectares of trees in each of the last two years and will do the same this year. The programme for Government contains a very strong commitment to the sector. When we get an opportunity to spend more money on it and plant significantly more trees than we are currently able to, for reasons of affordability, we will do so.

Ireland is catching up with other European countries in terms of the percentage of land covered by forest. We want to use wood for good purposes - for the timber industry, obviously, but also for the energy and bioenergy industries. We want to use the lands that Coillte owns and for which it is responsible for other good purposes - for wind farms, telecommunications masts and recreation, etc. Some other countries that give an equal level of priority to their forestry sectors have decided to sell forestry rights in certain segments. It happened most recently in south Australia. In doing so, they have protected the timber industry in the local area. They have built into the sales process a requirement to offer to sell timber to local sawmills before the option to sell outside the locality can be considered. One can build whatever one wants into the sales process. I accept the impact of doing so can be to undermine the value of that sale. We are going through a process. We are looking at the viability or non-viability of proceeding with the sale of a very significant asset. When we complete that process, we will be open about how we have arrived at our conclusions. We will then proceed with whatever decision we have made.

I emphasise the Government's commitment to supporting Coillte as a semi-State company. We will proceed carefully with the finalisation of any decision made on the sale of harvesting rights. We are determined to continue to protect the public value that Coillte offers by maintaining public access to its forests and supporting the broader timber industry. As I have said, we should be more ambitious with regard to the potential future uses of Coillte lands. Equally, we should be more ambitious with the dividend we demand from a company as large as Coillte which is responsible for managing 7% of the land mass of the country. It is not good enough

that just two financial dividends have ever come back to the State from Coillte which is a good company. Many really good people work for it and there is a great deal of expertise in it. We must demand of Coillte what we demand of all of the other arms of the State. As a country, we need all semi-State companies to perform as well as they can. They need to return a dividend to the State when it needs cash and protect all of the things they are charged with protecting, building and growing. There has been a great deal of innovation within the company. It is examining new ways of carving out profits and creating businesses and jobs through the use of timber, the asset for which it is primarily responsible.

It is important for me to say one more thing about the sale of State assets before I conclude. It has been suggested the only reason this is being considered is that it has been foisted on us by the troika. It is true that pressure from the troika to consider the sale of State assets has certainly been one of the main drivers that has forced the pace in this regard. However, Fine Gael had a NewERA policy when in opposition which was not driven by ideology, as perhaps Deputy McDonald would suggest, because we were talking about creating new State companies as well as potentially selling some of the existing ones. We have followed through on that. We are setting up a semi-State called Irish Water at the moment, while we are potentially looking at selling a semi-State, Bord Gáis Energy. Any sensible country must look at its portfolio of assets every now and again and make a judgment call as to whether some of those assets should be sold because they are no longer strategically in need of State ownership, and it should look at raising money that can be pumped into building the new assets that are needed to progress an economy. That is what we are doing when setting up the semi-State Irish Water.

It is in that context that we have looked at all of the assets the State owns, both companies and the physical assets themselves. We then have to make a judgment call and a political decision, as a Government, as to what the State strategically needs to own and what the State could perhaps sell to raise money to be able to build the new assets the State strategically needs, given the pressures we are under at the moment. That is the context under which we are considering the sale of harvesting rights. However, at the moment, that is all we are doing. We are considering the sale and we must then make a decision. I might add that it will be an informed decision. There have been at least three audits and reports, including valuations, in regard to this decision, one undertaken by Coillte and two by NewERA. At the end of this process, we will have a recommendation coming to Government, and when we make that decision, we will of course come back into the House and defend it.

**Deputy Martin Heydon:** I am delighted to have an opportunity to speak on this important motion. As someone who, when I had more time on my hands, enjoyed many days hill walking in the Wicklow mountains from Glendalough to Lugnaquilla, I am very conscious of the many and varied benefits and uses of our natural forests, the Coillte estate in particular. In one way, while it is a deeply rural issue, it is one part of rural life which can be and is enjoyed by many urban dwellers, particularly in areas like Wicklow, which is so close to the city of Dublin.

I acknowledge there are many genuine concerns surrounding the decision to consider the sale of harvesting rights from Coillte. These include open access to a recreational amenity which is used by many, such as hill walkers, as well as security of supply to the timber producers and sawmills, which is a crucial factor for the people involved in that sector because Coillte provides 80% of their supplies. The direct jobs at Coillte and those in related companies are a consideration, as is the need for a continued afforestation programme and replanting. In addition, the impact on our climate change targets is also important.

The Minister, Deputy Howlin, while speaking in the House yesterday, recognised all of these concerns and confirmed they were all factors that would be taken into consideration in any final decision. This decision is only being considered in light of our current economic plight and shows an analysis of all alternative sources of funding for job creation and infrastructure projects, given the large shortfall in our annual public finances. I accept the Minister, Deputy Coveney's, point that, in our NewERA programme, we showed an openness while in opposition to look at the role all State assets could play. We have to look at value for money and consider any return that can be made. As a Government, we would not be following our mandate if we did not fully consider all options open to us to generate additional revenue.

The process that led to the current consideration of the sale of harvesting rights has already recognised the intrinsic value of the land. I believe we should review all potential sales of State assets to ensure we find the best way of generating these much needed funds, and I make no apology for that. The Government amendment confirms the renegotiated troika position that half of the proceeds from the sale of State assets can be used for re-investment in job-rich Irish projects. It also confirms that while the other half is destined for debt repayment, it could also be available for use in a fund to underpin additional lending in Ireland to fund infrastructure projects and a stimulus package.

These projects are vital. We cannot debate this motion in isolation but must also consider the wider return that could be generated from the proceeds of any sale. In my constituency, there are two projects in particular that are obvious for strategic funding in order to proceed, namely, the southern distributor ring road around the town of Athy and a new primary school in Crookstown. While that school is at an advanced stage of planning and is much needed, it is not currently on the five-year building programme. Additional strategic funds would help it proceed at a much quicker pace. The southern distributor route has been assessed as having an extremely high cost-benefit ratio and would turn around many businesses in the town of Athy that are currently struggling due to the town being clogged with traffic. The €35 million cost needed to progress this project must be found. I am sure there are projects like the southern distributor route and Crookstown school in every area of the country. Their progress would create jobs and economic activity in local towns, as well as providing much-needed facilities.

I am very aware that the whole issue regarding Coillte is one that needs to be got right, all the more reason why we need a calm and thorough debate around all aspects of the proposal. I welcome the commitment of the Minister, Deputy Howlin, last night to proceed with great caution throughout this consideration phase and, in particular, his comment that this sale will only proceed if it makes economic and strategic sense for the Irish people.

I note the report of Mr. Peter Bacon, commissioned by IMPACT, and I am aware of his findings. However, I am cautious of reports that are commissioned by such an interested party. Many of his outcomes were based on assumptions and historical information, without any detailed knowledge of the potential structure of any proposed transaction.

The Government recognises the importance of forestry. The Minister touched on the work done by the late Minister of State, Mr. Shane McEntee, in maintaining funding levels in the industry in the past two years. I welcome a thorough review of the Coillte business, irrespective of the outcome, because a review of Coillte's business is warranted and may bring benefits in other areas.

As a member of the Oireachtas agriculture committee, I agree with the views of Deputy

Andrew Doyle that the committee is the proper forum to discuss this proposal and the industry in general in a lot more detail with the stakeholders. I look forward to those discussions as a means of shaping this debate further and ensuring that all stakeholders have a detailed opportunity to have their say. Let us use this period as an opportunity to reflect on the value of our forestry assets, how best we can utilise them and if an improved return can be generated, whether that is through the sale of harvesting rights.

**Deputy Ann Phelan:** I am grateful for the opportunity to speak on this extremely important topic. I welcome the comments of the Minister, Deputy Coveney, given the sale of the harvesting rights of Coillte has created much concern in the community and has been contentious, with many concerned about different aspects of such a sale and the knock-on effect to society in general. However, the point should be made that the proposal only involves the sale of the timber, not the land. This is very important. From what I know of Coillte, its business is in planting trees, harvesting them and selling them on - that is how it has always done its business. I know that if one sows a crop, the only way to make money out of it is to harvest it. The reality is we must deal with that situation.

Nonetheless, I accept there is a wider picture. Like many others, I hope there will be guarantees to re-plant the land from which the trees will be harvested. When communities have been looking at a wooded area for 25 or 30 years, it causes concern when, all of a sudden, the forest is razed to the ground. We should certainly take that on board.

The forests are an amenity in themselves. Deputy Wallace is probably aware of the constituency I represent. The Barrow valley is wooded on both sides as far as St. Mullins, which is getting towards Deputy Wallace's constituency. Part of that woodland has not been cut down for centuries and, if we were to cut it down or alter it, this would have a significant effect on what is one of the most protected views in the whole of Europe.

The forests also have an economic value, not just in the value of the trees, but in the tourism market we hope to attract. However, in times of economic difficulty, we must examine more ways of generating much needed income. It is the job of this Government to look constantly for new ways of redressing the gaps in our finances. Most importantly, the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, made a commitment in the House last night that this will only happen if it makes economic sense, which should allay some of the fears people may have.

*8 o'clock* Guarantees regarding continued public access to the forests, with further commitments to the upkeep of the amenities, have been made by the Minister. Woods and forests that are harvested will be replanted. It has always been the policy that in order to maintain the forests we have, full replanting takes place when an area has been cleared through felling. There will also be specified volume limits for harvesting and guarantees as to the continuity of supply of timber to the markets here, which rely on it. The only trees being targeted are evergreen, non-hardwood trees. These trees do grow very quickly in Ireland. I believe they grow here at double the pace they grow anywhere else. Should the area be re-sown after harvesting, these trees would cover the land very quickly once again. The Government has made commitments not to do anything that will undermine or significantly damage the timber industry or sawmill sector in this country and that position remains unchanged.

If I were to give a personal story about woodlands and community, it would be that of Silaire Wood in Graiguenamanagh in County Kilkenny.

**Acting Chairman (Deputy Catherine Byrne):** The Deputy's time has expired.

**Deputy Ann Phelan:** Twenty-five years ago, Coillte decided to harvest the crop of trees it had sown in Silaire Wood. However, the community was very aggrieved by this. Coillte insisted that it was its commercial crop and it needed to realise the value of it. The community came together and decided to buy the crop for £18,000, and we have never looked back. I am delighted to hear that the Minister is proceeding with caution.

**Deputy Eamonn Maloney:** Historically, we do not have a great record in the development of forestry. I say that in the context of what other European countries have done. I know other speakers alluded to this yesterday and earlier this evening. We are coming from a country with such huge tracts of virgin soil that there is much potential to develop forestry. We have not managed to do it so far and we certainly have not managed to do it at the speed that some of us would like. I am one of the people who admire the work Coillte has done. In particular, I am very impressed by the publication from IMPACT entitled Save Our Forests. It is a fine piece of work and anyone who has an interest in this should read it. It is a pretty good argument in terms of developing forestry.

Some of us get ourselves knotted up in a great ideological defence that any State asset should not be questioned. If there is a possibility of any sort of job, it matters very little to most people on the dole whether it is in a semi-state company, a communist commune or a private entity. I am glad the Minister stated earlier in his contribution that no decision had been made on this. Nobody on any side of the House can make that claim because it is just a bit of rhetoric. There are two or three fundamentals. People would like Coillte to be more commercially successful because this would be a good thing. Being commercially successful means a better dividend for the taxpayer, saving existing jobs and creating additional jobs. That is what most ordinary people would wish for in this debate.

I do not believe in blowing ourselves apart over State assets. I am not suggesting a blanket sale of State assets but if a private operator in some circumstances can save and expand jobs, that should be looked at. My preference is for Coillte to be able to do that. There is certainly plenty of potential for it to do so and I would like to see it go down that road.

**Deputy Michael McNamara:** Deputy Maloney praised Coillte quite highly in his speech. I share some of his praise but I also share some concerns. The last time I addressed this issue was the last time the former Minister of State, Shane McEntee, addressed this House. One of the last things he said in the House was how difficult it was to get information from Coillte. We are talking about State assets and I am someone who takes State assets very seriously. Coillte is the guardian of a State asset and the degree of difficulty even Ministers encounter in getting information from it needs to be addressed. Obviously, Coillte has a commercial remit. It is tasked in legislation with making money, but it could also benefit from a much greater degree of openness.

There is a presumption that because all of these assets rest in a semi-state or State body such as Coillte, they are being used for the benefit of the State and communities. I am not convinced that is so; nor am I convinced to the contrary. Clare has one of the highest rates of afforestation in Ireland. I believe it is the third highest rate of afforestation in the country both in terms of the proportion of the county that is forested and the size of the forestry block in the county. Seán Lemass's industrialisation policy came to east Clare and my home town with the creation of a chipboard factory in the 1960s. Much of the forestry planted was on Slieve Aughty and Slieve

Bearnagh, which, prior to that, had generated considerable tourism revenue because they were areas for grouse and partridge shooting. Hunting parties came over from London and various parts of the British Isles to exploit that and locals were employed in that business. All of that more or less came to an end with the planting of forests on those mountains. The chipboard factory is no more, as it closed just before the last election. Obviously, it was a victim of the downturn in construction. People simply do not need to buy chipboard in the quantities they did before, either here or in the UK, which were its main markets. One of the great difficulties in finding something to replace that is the fact that Coillte, which has so much of the forests, will not engage in a long-term supply contract with anybody. It will not even discuss the possibility. Due to the necessity of earning money, it will not engage in a 30-year, 50-year, 20-year or even ten-year supply contract because it is determined to sell its crop on a year-by-year basis for the most it can gain. Of course, that does nothing to create employment and an industry that could be built around our assets.

I am not inherently opposed to the sale of the harvesting rights, because all of this forestry was planted as a crop to be harvested and will be harvested. While I am not inherently opposed to it, we need to consider what will generate employment, which we so badly need. There has been a very small drop in unemployment in Clare this year for the second year in a row. If an industry can be based around forestry, surely it can happen in Clare, which is the third most forested county in Ireland? Despite the fact that Coillte is there and all this land is in State ownership, it is not being used to create employment.

As I mentioned previously in the House to the former Minister of State, the late Shane McEntee, the amenity value is very important. Some reports are casting very serious doubt on the economic benefit which could accrue from the sale of the harvesting rights so I am glad the Government is not going full steam ahead with any sale. If it is to be sold, then the amenity value must be maintained because, for example, Limerick city is situated on the edge of Slieve Aughty. Thankfully, the amenity value of the forest walks and the potential for mountain biking has been explored by Coillte but there is room for further exploration.

**Acting Chairman (Deputy Catherine Byrne):** Deputy Joan Collins is sharing time with Deputies Clare Daly, Wallace, Donnelly, Luke ‘Ming’ Flanagan and Seamus Healy.

**Deputy Joan Collins:** I refer to the Minister’s statement that this is not an ideological debate. In my view, the debate is ideological from the point of view of the potential value of this State company to the people of this country and the benefits which would accrue from the economic effects of afforestation. There is never much debate about a State asset which is not making money but that changes when it has the potential to make money. This is an asset that could be developed into something for the country and it should remain in State hands.

I refer to a meeting yesterday attended by Impact, the Woodland League and Dr. Peter Bacon, at which the free access campaign was discussed. If the Minister had attended that meeting it might have caused him to change his mind, and the case is likewise for Deputy Stagg. Now is the time to develop Coillte into something much better.

This issue sums up all that is wrong with the approach of this Government, the previous Government and the troika to dealing with the crisis. Austerity and a fire sale of State assets are not the solution. NewERA should be constituted as a body to develop a strategy for the State sector as well as developing natural resources as wealth regeneration for the Irish people and a sustainable green industry which will create employment. This requires a strategic plan for the

State sector and investment by the State.

Coillte is an excellent example of how a State company can provide secure jobs and sustainable industry while at the same time creating a significant dividend for the State such as social and tourism amenities, a reduction in greenhouse emissions and the preservation of wildlife and biodiversity. It can play a key role in the rural economy.

This country is committed to the EU target of 30% forestation of land which is currently only 11%. The proposal to sell Coillte will most likely mean a reduction rather than an increase in this percentage. Why will the Government not publish its own report on a strategy for the forestry sector? Is it the case that this report will undermine the proposed sell-off of our timber rights? The economics do not add up and this was the evidence provided by Peter Bacon at yesterday's meeting. The sale of forestry rights will effectively liquidate Coillte as a commercial entity. What will this mean for other Coillte projects and jobs in telecommunications, wind farming, board mills and biomass supply? The Coillte report should be made public to allow for a proper debate.

According to Peter Bacon, €1.3 billion will be the necessary price to make up for the loss of 80 years of profits from Coillte. The estimated value of this potential deal is €400 million to €600 million, one third to a half of the figure estimated by Peter Bacon. The top estimate of €600 million is about two to three weeks' interest on the debt. It is a drop in the ocean. Coillte's debt is €172 million plus a pension fund deficit of €130 million. That is the other half of €600 million and it amounts to very little for job creation.

I agree that not everything is all right with regard to Coillte. I acknowledge the points made by other speakers. I refer to how Coillte was established, how it acquired land and how it is not accountable when questioned. Coillte has been privatised by stealth. It has sold 40,000 acres from 2009 to 2011. I refer to the case of Chevy Chase in Galway, a popular amenity for local people who were horrified to see that logging was being carried out even though this is an area of special protection. The Chevy Chase deal was made with the Irish Forestation Unit Trust, IFUT, made up of Coillte, AIB and Irish Life. It has links with the International Forestry Fund of which Bertie Ahern is a member. He got the job while he was a Member of this House. There is a need for democratic control of State companies as the way forward rather than closing the door on them.

**Deputy Clare Daly:** Nine thousand years ago, before the first settlers came to Ireland, the whole island was practically covered in forests. One hundred and ten years ago, that had been reduced to about 1%. Gradually over the past period it has grown to about 10%, which is well below what it should be for any sustainable and desirable afforestation policy. It is laughable to listen to Labour Deputies say that it does not really matter whether something is in State hands and that whether it is a semi-State or a communistic facility does not make any difference to job creation. Has this person heard of Telecom Éireann, the decimation of jobs which took place in that enterprise as private concerns sold and resold the asset, sweated it of any value and depleted its workforce? It is no accident that the forestry which has developed in Ireland has taken place under planned investment and under State investment. That is a sustainable way of going forward. To jeopardise that to commercial capitalist interests is something which will undermine the well-being of our forestry in the future.

**Deputy Simon Coveney:** Coillte is not deforesting at all.

**Deputy Clare Daly:** I will deal with Coillte now. The reason we are very suspicious about a continuation of the sale of our harvesting rights is precisely because of the role of Coillte to date. The history of this organisation has been one of intrigue since its inception. It was set up by Haughey, Burke and MacSharry. The Irish forestry service was handed over to businessmen to run it with a commercial remit. That sounds good on paper except when one knows that this activity is taking place behind closed doors without any transparency, and without it being open to freedom of information or anything like that. Desirable forestry policy should be about a strategic goal to develop our environmental targets and job creation, for example. Instead there has been a selling off of harvesting rights on 40,000 acres. The money gained from that selling off was used to shore up bad pension decisions made by the same organisation. Not only that, the organisation sold it back to itself under a different guise with other private concerns without the public having any access to that information.

I fully and clearly support the calls of the Woodland League that Coillte should be subject to a public inquiry and that there should be a suspension of all sales until these matters are investigated. That is the only way to begin to develop our forestry properly as a proper public concern, one which would be run in the interests of the population and which has massive potential for job creation. It is ironic that this Government is discussing this matter in the same week as we were all given a glossy booklet about action on jobs. What a joke in terms of this Government's record on jobs. Meanwhile, we have a vital potential amenity and resource which is totally under-utilised and underdeveloped. Points have been made in this Chamber that Switzerland, a country half the size of Ireland, has double the amount of forestry. They employ ten times as many people in this industry as we do in Ireland. That is the way forward if we are to talk about job creation, sustainability and environmental commitments. The first step is to democratise Coillte, to hold it to public account. To date, it has failed miserably in the task which it was set up to undertake.

**Deputy Mick Wallace:** When the UK Government proposed to dispose of its public forests there was a public outcry in England. An independent panel was established to review the proposal and to consult the people concerned. It now appears that the proposal will not proceed. Consulting people is not something we do very well. I attended a meeting in Gorey on Monday last at which people were protesting about the downgrading of the Garda station in the town. Those who were present and who will be affected by this decision were extremely angry that the Government never thought to consult them. There was no consultation whatever. One could be forgiven for thinking that we live in a democracy.

Coillte is a major employer and it is particularly important at present given that employment opportunities are scarce. The Bacon report estimates that job losses in Coillte could cost the State in the region of €19 million. The ten companies which comprise the Irish Timber Council are 100% dependent on Coillte for the raw materials necessary to run their businesses. Some 2,500 people are employed in the timber sector in areas where employment prospects are poor. The Irish Timber Council has highlighted the fact that the purchase of harvesting rights could export some or all of the product which emanates from our forests, thus depriving the sawmill sector of critical raw material. The council has argued that "Allowing a purchaser to export significant volumes of unprocessed sawlog would force the closure of every sawmill in the country with consequent job losses in rural communities, deprive the Exchequer of revenue and force the building materials sector to import higher cost materials".

The assessment carried out by Peter Bacon & Associates on behalf of IMPACT indicates that the sale of harvesting rights would cost the State €1.3 billion and concludes that the eco-

conomic rationale for the proposed sale of those rights no longer stands up and cannot be justified. In London last year, President Michael D. Higgins stated that privatisation of public services is the road back to autocracy. Surely it would make more sense to resist pressure from the troika to sell the harvesting rights relating to our forests, reform a badly-operated Coillte and strengthen this valuable asset for the benefit of the State and its citizens.

**Deputy Simon Coveney:** We might do that.

**Deputy Mick Wallace:** I hope that proves to be the case. I would applaud it for doing so.

**Deputy Joan Collins:** Does the Minister have any idea-----

**Deputy Richard Boyd Barrett:** The Minister should vote for the motion then.

**Deputy Simon Coveney:** We might well decide to do what Deputy Wallace suggests. The motion indicates that we are committed to a course of action. We have not yet committed to anything. That is the whole point.

**Acting Chairman (Deputy Catherine Byrne):** The Minister should not interrupt. Deputy Wallace has one minute remaining.

**Deputy Mick Wallace:** I will have to be given extra time as a result of all the interruptions.

The election held in Italy at the weekend was a triumph for democracy. The outcome is an antidote, not just in respect of Italy's corrupt politics but to the dogma of austerity which has Europe's economies by the throat. Mario Monti was pushed into office by the banks a year ago to impose unlimited suffering on the Italian economy, so as to shore up the euro and thus protect German and other bank loans from devaluation. Super Mario was the darling of the banks. Like Greece and with no local currency to take the strain, the Italian economy had to be waterboarded. It shrank by at least 2.2% last year, with official unemployment at 10%. Prime Minister Monti promised to hold the Italian economy in its downward spiral, without growth and ever less able to repay its mounting debt. Future generations of Italians will be in perpetual bondage to German banks. It is not surprising that only 8.3% - fewer than one in ten - of Italians voted for Mr. Monti in last weekend's election.

Is Ireland going to continue down the road of austerity? Will the Government continue to threaten to sell some of the State's assets or will it consider investing again? Might we consider standing up to our masters in Europe? Despite all the talk to the contrary, there is no evidence that extra borrowing for growth would lead to a confidence crisis. The Government seems to have no intention of fulfilling its election promise to establish a new State-controlled strategic investment bank, a matter which I have raised on approximately six occasions in the House. Perhaps it is time this Administration began to tell the so-called pillar banks what to do. Our fear of owning AIB and our enthusiasm to get it back into private hands borders on madness, particularly as taxpayers have already paid out multiples of that institution's value. Despite best economic practice, the Government is considering selling the harvesting rights to Coillte's forests. That would be a poor economic decision and, more importantly, a poor social one. This Administration - the Minister for the Environment, Community and Local Government, Deputy Hogan in any event - wants to further erode any remaining semblance of local government. It continues to undermine the public service and is hitting the less well off. Do those opposite wish to be remembered as being members of the Government which championed outsourcing and decided that the best approach was "To hell with the State sector, let the private sector con-

trol everything”?

The financial crisis has been ongoing since 2008. The fiscal deficits incurred by most countries are largely due to the fall in tax revenues following the collapse of private financial institutions. This is a financially-induced recession and it was not caused by the public sector or high welfare spending. Attacking the poor and the public sector, undermining the welfare state and selling our State assets will not cure the underlying causes of this recession. Those on the other side of the House are behaving like disciples of neoliberalism. That is the wrong route to take. Do we want a society where - as is the case in Greece, Spain and Italy at present - 50% of young people are unemployed? Our rate of youth unemployment only stands at 38% because we export so many young people by the planeload each weekend. Do we want a society which takes best care of those who least need the Government's protection, while everyone else becomes poorer?

**Acting Chairman (Deputy Catherine Byrne):** The Deputy's time has expired. He should conclude because he is eating into the time allocated for his colleagues.

**Deputy Mick Wallace:** The Italians said “No” at the weekend and given the chance to do so tomorrow, the Irish electorate also would give a massive “No” to austerity and all it represents.

**Deputy Stephen S. Donnelly:** The motion calls on the Government not to sell the harvesting rights to State forests. In half an hour Dáil Éireann will do what it normally does. All of the Government backbenchers, despite what they feel and the views they may want to represent, will do exactly what they are told and the motion will be defeated. That is parliamentary democracy as it operates here.

I hope this debate will at least help to inform the decision the Minister, Deputy Coveney, and the Cabinet are ultimately going to make in respect of this matter. I listened carefully to the arguments put forward by Members on both sides. Two arguments have been put forward in respect of selling the harvesting rights. The first of these is practical and states that pressure from the troika means that we must proceed with the sale. The second is economic and states that the sale will generate much needed cash, some of which can be directed towards job creation.

I have no sympathy with the argument relating to the troika. I have met representatives from the troika several times and on each occasion they went to great lengths to explain that while they insist on the budget deficit targets being met, how a sovereign nation meets those targets is an issue for it to deal with. Let us assume that those in the troika are coddling us and that when they meet the Government they insist on certain things about which they do not inform us. Even if that were true, the troika will be gone in ten months. The sale can be delayed until they are gone and, therefore, the argument relating to the troika holds no water.

In the context of the economic argument, the Minister has suggested that the sale value might be in the region of €500 million. We know from the amendment to the motion that the troika is suggesting that half of this amount could be used for investment in job-rich areas. Let us place that in context. We are talking here about the sale of the harvesting rights to our national forests for a potential €250 million worth of investment. This year's budget makes provision for €700 million in increments which have been paid since the economic collapse. That is €700 million we pay every year. The €250 million would be a one-off benefit. That is the scale of the benefit from the sale.

What about the costs involved? We know that the industry is modernising. I agree that it

has a long way to go. However, opportunity exists because it is modernising. We are aware that 12,000 people are employed in the forestry sector. The sale of the harvesting rights would mean that the State would forego any future profits from Coillte. We also know that there are outstanding pension and debt liabilities which the State would still hold if it sold off the harvesting rights. Furthermore, we are aware that the sawmill sector, in which 2,500 people are employed, is reliant on a steady stream of high-quality product from Coillte in order to operate. As several previous speakers indicated and as Peter Bacon's analysis suggests, the total cost to the State in respect of this matter would be approximately €1.3 billion. Offset against this would be the €500 million which would potentially accrue the sale of the harvesting rights. We could do something useful with half of the latter amount while with the other half we would be forced to use to write down banking debt.

**Deputy Simon Coveney:** The Bacon report is not the only one relating to Coillte and the Deputy is aware of that.

**Deputy Stephen S. Donnelly:** The Government has stated that it will not sell off any strategic assets. I put it to the Minister that the monopolistic nature of this asset - and its importance in terms of tourism, the environment, farming and a large range of other considerations - makes it a strategic one. As the Minister is aware, I do not have much of an ideological position in respect of the State owning all manner of factors of production. However, there is a small number of the latter which any state should possess. For example, I am of the view that we should retain control over our water resources. There is no economic argument which trumps that. The same is true of our forests. That is why I signed up to the motion. I did not put my name to it for economic reasons. I do not care if the Government manages to sell the forests or the harvesting rights to them for €1 billion or €2 billion.

I discussed this matter with a Government Deputy a while back and he said to me, "Stephen, it is just a crop". To him it is just a crop and I accept that. However, it is not just a crop to me and the people I represent. I grew up walking the mountains of Wicklow. To the people of Wicklow, the national forests are not a crop - they are part of our identity and of who we are.

Listening to this debate is like listening to a debate on whether we should sell access to Achill Island. It is a preposterous debate that fundamentally misunderstands what the national forests mean to us. It is not an economic debate for the people of Wicklow and, I imagine, for people throughout the country.

I do not care if an international logging company gives us assurances that we, the people of Ireland, would still have access to the land under the trees. I do care that we would have to ask them for the assurance or for permission.

**Deputy Simon Coveney:** We would not because we are not selling the lands.

**Deputy Stephen S. Donnelly:** As an Irish citizen the Minister may or may not understand what the forests mean to the people I represent. It does not matter if he does not understand it. What matters is that he appreciates that there are many of us who feel like that.

**Deputy Luke 'Ming' Flanagan:** I believe it makes sense to sell the family jewels when times are tough, but it does not make sense to sell the cow, and that is the equivalent of what the Minister is doing. The sale of the harvesting rights makes no sense from an economic, financial or moral point of view. The 12,000 jobs, the €2.2 billion in annual revenue generated, and the €1 billion invested in private forestry in the past ten years will all be lost.

If the Minister persists with this lunacy and follows through on selling the harvesting rights, certain caveats must be included to protect our sawmilling sector. It is interesting to note that the Government's amendment to this motion acknowledges and confirms the concerns of the recreational bodies and the replanting and biodiversity requirements that will be catered for in the sale of Coillte's harvesting rights, but there is no mention of the concerns of the sawmilling sector being catered for. That makes a nonsense of the Minister's statement in the Dáil in September 2012 that it will be necessary to protect the supply arrangements which sawmills have with Coillte in the event of a sale of harvesting rights, and "one can stitch it into any sales process". There is no logic in this process, and therefore it is time to move on.

What do we need to do with Coillte? Our nation's forestry sector must be supported, enhanced and expanded to generate significant returns in the form of an annual dividend to be paid to our Government on behalf of the people. The sawmilling sector has been successful in developing and growing export markets to combat the sharp fall in domestic demand due to the demise of the construction industry. However, that success has not been mirrored in resource expansion, which is at a critically low level.

The sector's job creation potential has been clearly articulated to the Government. Every 15,000 hectares planted will generate 490 direct jobs. Furthermore, for every 100 jobs generated in the sawmill sector, a further 70 full-time equivalent jobs are created elsewhere in the economy. A steady supply of raw materials from Irish forests could generate some additional 7,000 jobs by 2015.

If that revenue and jobs generation is to materialise and be successful, our nation's forests need to be managed properly. That has not been done to date. Coillte, which manages and is responsible for our forests, was given 7% of this country's land for free and it has only paid one dividend to the Government - €10 million in 2011. That is a diabolical return for our country, despite the fact that over the years Coillte had been paid the highest stumpage prices in Europe for equivalent timber.

Coillte is a hugely inefficient and very poorly managed organisation. Successive Coillte management have presided over an organisation that has failed to deliver a proper return for the national assets entrusted to it. The Minister might listen to me. Over the years, Coillte has continually sold land instead of planting it. If that land had been planted, it would have provided essential raw materials for a vibrant timber industry. Historically, the money from these land sales was used to cover up the inefficient operating structures while more recently, the revenue from those land sales has been used to plug the hole in the company's pension fund.

This is very important. Coillte management have refused to order a Garda investigation into volume weight fraud, despite being requested to do so on numerous occasions. That has cost us, the country, tens of millions of euro. Surely it is incumbent on the management of that organisation, with the responsibility of one of the country's most significant natural resources, to properly protect that resource on behalf of our citizens, and the smoking gun is there to prove it. The Minister should follow up on that.

Since becoming involved in the boardmills sector in recent years, Coillte management have allowed and been responsible for poor harvesting practices in our nation's forests, to the detriment of the sawmilling sector, because it suited their boardmills to do so. That is a blatant abuse of its near monopoly position. If the Government wishes to raise immediate revenue, it should sell the boardmills, especially in view of the fact that the SmartPly plant is suffering from metal

fatigue, and Coillte is looking for €85 million from the Government to invest in it.

Coillte management is holding the sawmilling sector to ransom to pay the highest prices in Europe for its raw material because there is excess primary processing capacity in Ireland, as the sawmilling sector invested in its business on the back of incorrect forecasts by Coillte. Issuing blatantly incorrect information was an abuse of its monopoly position.

If this Government wants to do the right thing for our country, the harvesting rights to our country's forests will not be sold but the management of those forests will be changed, and the organisation ran as it should be to generate a proper return for this country from one of its most significant resources. Over the years, Coillte has lost its focus on its main core business, forestry, and has moved towards areas such as wind energy and biomass, all the while becoming more inefficient every day.

A good starting point would be to publish the long overdue review of the forest sector. That review has been completed but not yet published. We paid for it, and we cannot even see it. The Minister should publish it.

**Deputy Seamus Healy:** This proposal or any proposal to sell the Coillte harvesting rights is madness on a number of counts. It shows again that this Government has lost touch entirely with the people of Ireland because access to the forestry and woodlands, and to mountain areas through those woodlands, is part of what we are as Irish people; it is certainly part of what I am. I was born in a place called Scrouthea, on the northern slopes of the Comeragh Mountains. There were Coillte woodlands east, west and south of where I lived. I was reared in that area. I engaged in walking, hiking, camping, cooking and fishing in those areas. I have 50 years experience in Scouting Ireland, with access to all those woodlands. Generations of young people have enjoyed the access to those woodlands. Their sons, daughters, grandsons and granddaughters are using those woods today. Very large numbers of visitors use the woods. It is a huge recreational and tourist facility, and it should be developed rather than sold off.

South Tipperary, Tipperary in general and the borders of Waterford is probably one of the most wooded areas in the country. The Comeragh Mountains, the Knockmealdown Mountains, the Galtees, the Glen of Aherlow, Glengarra Wood, Hollyford hills and a range of other areas are part and parcel of the people of south Tipperary and west Waterford. There is a major opportunity, not just for recreation or tourism, but for job creation in this area.

We should use the woodlands and the forestry to create jobs because the private sector has not, is not and will not create the jobs we need. The private enterprise is effectively on an investment strike. It is simply not in a position to create the jobs we need if the 430,000 people unemployed are to go back to work. Other countries have ensured job creation from forestry - up to ten times more than what we have created.

As I said, this is madness on a number of counts. There are a number of reports, of which Dr. Peter Bacon's is only one. Another came out yesterday from the Irish Timber Council which clearly showed that even on a very short term and short-sighted economic basis, there was no advantage to be gained in selling harvesting rights. As Dr. Bacon said, the case no longer stands up and cannot be justified. He said it would cost the State €1.3 billion, but the Minister has told us the most the State will get for these rights is approximately €500 million. The figures simply do not add up. A number of reports have stated this is the case; this confirms that what is being suggested is madness and the proposal should, therefore, be withdrawn. The Minister should

start tonight by withdrawing his amendment and supporting the motion.

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** I welcome the useful debate last night and tonight. As the Minister said, there is no proposal to be put to the House because the Government has not come to a view on the matter. The way in which the Minister has handled the issue in looking for expert opinion and advice is the way to go. I very much agree with Deputy Stephen Donnelly who claims he has no ideological bent on this issue. We must do the right thing for the country at a very difficult time. When we were in opposition, we spent a considerable period of time working on solutions to problems, rather than just producing speeches and an analysis of problems. One of our concrete ideas was-----

**Deputy Richard Boyd Barrett:** Is that a dig?

**Deputy Brian Hayes:** The Deputy should not be so touchy. One of our clear ideas - I encourage the Deputy to do the same as it always helps to be positive - was the creation of NewERA. It was not an ideological view but a clear view that if we had a commercial State company with significant assets, we could use part of the assets to rebuild the country in circumstances where they were not of strategic use to the country. We are going through that process in government, as we said we would do in opposition.

The Government has not taken a view on this issue, which is why the debate has been useful. However, I agree with what Deputy Luke 'Ming' Flanagan said-----

**Deputy Luke 'Ming' Flanagan:** That is a first.

**Deputy Brian Hayes:** -----that monopolies, whether public or private, are bad for competition and consumers. It is the fundamental responsibility of any Government where it sees a monopoly to do its best to break it up in the interests of the people.

I accept what colleagues have said that there is a very strong connection between the forests and the people, not only in terms of leisure activities and amenities and all of the great recreational pursuits which go with them, but also in terms of the huge potential of the forests into the future in the context of exports. I understand Coillte, on behalf of the State, owns approximately 7% of the total landmass of the country, but up to 20% to 25% of this is used for non-commercial purposes. We will address this issue not only on a value for money basis but also on the basis of what is in the interests of the country.

We have taken the view that some of the assets of Bord Gáis should be used for the purpose of providing a stimulus in terms of job creation, investment and providing opportunities. That is the way to go. In the decision taken to establish Irish Water, a concrete idea, we are using public assets for the purpose of creating other public assets and utilities.

There is no proposal, but if one is made, it will be brought to the House, as the Minister said. While the debate has been useful, we must be realistic about what can be obtained. Whether it can be obtained is a matter which needs to be debated, which is why I welcome this debate. However, people should withhold judgment until we have a proposal, about which the House will be informed.

**Deputy John Halligan:** I am ideologically opposed to the sale of State assets. Any car boot sale of the nation's assets is a sell-out of workers and taxpayers alike. Placing some of our

key State assets in private hands would confer on the owners an unwarranted and a potentially hazardous degree of economic and social power, as has happened in other countries, not to mention augmenting the wealth of these private owners, diminishing the public treasury, impeding the public good and suppressing the rights of the people. Given the economic situation and the severe pressures on the public finances, what we should be doing is giving consideration to making public utilities more efficient and using what we have to drive the economy, but instead the Government is insulting people's intelligence by leading them up the garden path with promises of a job creation fund which would be nothing more than false economy. The Government exercises its ownership rights in these businesses on behalf of the people. The people own the land, not Fine Gael, the Labour Party, Independent Members, Fianna Fáil or anyone else. History has shown us that the sale of assets further destabilises the country and put thousands of people out of work.

Somebody mentioned the troika. We should not fudge on the facts. The provision for the sale of State assets is not coming from the troika but from the programme for Government, with an ambition to raise approximately €3 billion or so in hard cash. The EU-IMF memorandum of understanding does not mandate privatisation in whole or in part. What is more, the discussion on the sale of State assets in the memorandum does not take place in the fiscal section but rather in the section dealing with obstacles to competitiveness. I hope the Minister has read it because that is exactly what it states. Hence should any sale of assets take place, the object will be to improve our competitiveness, not to write down debt.

Selling harvesting rights will be a disaster for the economy and the environment in the long term and could have serious social consequences. Before any sale takes place, what consultations will take place with the shareholders - the people: rural communities, walkers, sports societies, environmentalists and workers in Coillte? The Minister has no right to sell anything or even negotiate its sale of without engaging in consultation with the shareholders. He knows as well as I do the history of harvesting rights. The prices achieved would be understated and understate the worth of the State's assets. All he has to do is look at what has happened in countries such as New Zealand and Sweden. This is one of the few countries in the world which is attempting to sell its forests, apart from some in South America. Why should we go down that road when the policy has failed? Sweden sold off a figure of 62%, but it took it back again because the privatisation of its forests had failed. The British Government abandoned proposals to sell off state-owned forests. I remind the Minister of the history of privatisation and the sale of forests throughout the world. It has resulted in diminished income for governments and poor working conditions for workers.

In 2009, the EU funded research project, Privatisation of Public Services and the Impact on Quality, Employment and Productivity, known as PIQUE, examined the impact of privatisation of public services in five European countries. It concluded that privatisation was achieved primarily at the cost of workers, mainly through the worsening of working conditions. Where the quality of services depended on a certain level of labour input the project found that service quality suffered as a result of privatisation. I want no hand or part in that legacy.

**Deputy Richard Boyd Barrett:** I hope I will get the Ministers' attention for this last few minutes, as the author of this motion. A great deal of work has gone into it. It is a very serious issue. I thank my colleagues in the United Left Alliance and other Independent colleagues who signed the motion and spoke so well and passionately on it. I also thank Members on all sides of the House who have spoken on it and taken the issue seriously.

I wish to give the greatest amount of credit to the groups outside this Parliament who have brought this issue to the top of the agenda. They include environmental groups, walking groups and people involved in the timber industry. I had a group of scouts from Delgany in Greystones in the House today. The group was not here specifically for this debate, but was in the Visitors Gallery for some of it. Both the scouts and their leaders said they were utterly opposed to the sale of Coillte harvesting rights, because they are the forests in which they walk and hike. I particularly pay tribute to the Woodland League, which protested with us outside the Dáil today. Tragically, its spokesperson, Andrew St. Leger, was barred from coming in to attend this debate because he spoke at a protest outside the Dáil at 5 p.m. It was a shocking decision.

**Deputy Finian McGrath:** Disgraceful.

**Deputy Richard Boyd Barrett:** He and his group have collected over 30,000 signatures in opposition to the sale of any part of Coillte harvesting rights or any other asset.

The reason there is such a broad coalition of opposition to the sale of Coillte harvesting rights is itself indicative of how many different reasons there are for opposing the sale. Every sector and stakeholder and anybody who has any concern with this issue has stated their opposition to it. It ranges from economists to scouts, the timber industry, trade unions and rural communities. Nobody supports it, because there is no good reason for it.

The troika and, it appears, this Government are only interested in the bottom line, that is, deficit and financial targets. The Minister made clear last night that this is the territory on which this decision will be made. I take heart from the fact that the Government is clearly shifting its position on this. Last night, the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, stated that the Government agreed in principle in June last year to the sale of the harvesting rights of Coillte. The Minister of State has said it is being considered.

**Deputy Simon Coveney:** Read our amendment.

**Deputy Richard Boyd Barrett:** I have read it, and it is contradictory. The Government agreed it last June and now it is being considered. I am glad the Government is shifting its position. I believe it is doing so because all the evidence is piling up, as is the public pressure. The Government knows there is no justification for doing this, except to meet the targets of the troika to pay off the gambling debts of bankers and speculators. There is simply no argument for this.

It is unfortunate, as Deputy Donnelly said, that we must argue this in terms of economics and finance. It should not be argued on those terms. The forests are our heritage and history. They are a critical part of what it is to be Irish. They are linked indissolubly to our rich literary heritage, and are indistinguishable from what it means to be Irish. That they should be given away to a private entity concerned with profiting from them rather than remaining fully the property of the public is an utterly appalling proposal. Private for-profit entities are always about making profit, often short-term profit.

**Deputy Simon Coveney:** The commercial forests of Coillte are for profit too.

**Deputy Richard Boyd Barrett:** The Minister had his chance to speak.

By definition those entities are not concerned with public access. That is not their job. I am not making a moral statement, just an objective statement of fact. They are interested in mak-

ing money. Public access, maintaining biodiversity, meeting climate change targets, creating jobs for the economy or creating revenue for the State will not be their priorities. Those are our priorities, as a society, but a private company's priority is to make money for the company. That priority will conflict with the objectives we as a society would have for forestry, to protect its environmental integrity and to protect it as a piece of our heritage and history and, yes, as an economic asset, but for every citizen of the country and not just for one or a number of private entities.

In the forestry sector there is perhaps no clearer example of where environmental, heritage and social concerns cross over directly with economic interests. In Ireland, more than any other country in Europe, our environment is our economy, and forests are a critical part of it. The forests, the sea and the land are our economy, or a critical and indistinguishable part of it. Historically, the State has recognised that in the case of farming, but, sadly, we have not recognised it in the case of forestry and perhaps fishing, to the detriment of those sectors. The evidence is clear - 12,000 jobs, 18 million tourist visits, approximately €0.5 billion in revenue generated from domestic and foreign visitors and €2.2 billion in annual output from the forestry sector. The Minister will be familiar with the statistics.

**Deputy Simon Coveney:** Nobody disputes that.

**Deputy Richard Boyd Barrett:** This is a major asset but, as the Minister correctly said, it has not been properly developed by Coillte. We are not here to stand up for Coillte as it is currently constituted. The reason that Coillte has underdeveloped our forests is that it has been preparing them for privatisation since Ray Burke, Bertie Ahern, Frank Fahey and Ray MacSharry established it. That is why it has been clouded in mystery. One cannot get any information about it. It has sold 40,000 acres of forestry to the Irish Forest Unit Trust, which is made up of Bank of Ireland, Allied Irish Banks and Irish Life and Permanent.

**Deputy Simon Coveney:** What about the acreage it has acquired?

**Deputy Richard Boyd Barrett:** Here is the supreme irony. The Minister says we must sell the harvesting rights to our forests because we must pay off the gambling debts of banks, yet those banks or a Swiss bank such as Helveta Wealth, with its subsidiary headed by the former Taoiseach, Bertie Ahern, may end up owning the forests.

The choice we are putting forward is very simple. Should the people or the banks own the forests? We say the people should own them. Please do not tell me that Helvetia Wealth or the Chinese, who have also expressed an interest, or Allied Irish Banks and Bank of Ireland will develop our forests in the interests of the public and in the interests of public access, environmental integrity and protecting our heritage.

*9 o'clock* They will not. They will take what they can get from the forests, make as much money as possible for shareholders and probably sell them on in a few years. Forests, more than anything else, require long-term management and stewardship in the interests of future generations.

**Deputy Brian Hayes:** So do banks.

**Deputy Richard Boyd Barrett:** The Minister of State can say that about the banks too and that is why he should assert some control over them.

**Deputy Brian Hayes:** I do not think they would be buying the forests if I did.

**Deputy Richard Boyd Barrett:** He does not exert any control over the banks and cannot even give them the instruction to write-down unsustainable mortgages. I certainly do not trust him to ask the banks to manage our forests for us.

**Deputy Brian Hayes:** They might do better with the forests.

*(Interruptions).*

**Deputy Richard Boyd Barrett:** Look at the heckling.

**Deputy John Halligan:** Deputy Boyd Barrett is right in what he is saying.

**Deputy Richard Boyd Barrett:** We are asking the Government to keep these assets in public ownership and develop them the way they are developed elsewhere in Europe. Switzerland is half the size of Ireland with roughly the same acreage under forest and it has 100,000 forestry-related jobs. We could do that. We could get money from the European Investment Bank to do it. It is money in the bank and it would protect our forests and our heritage for the people.

Amendment put:

The Dáil divided: Tá, 85; Níl, 45.	
Tá	Níl
Bannon, James.	Adams, Gerry.
Barry, Tom.	Boyd Barrett, Richard.
Breen, Pat.	Broughan, Thomas P.
Butler, Ray.	Calleary, Dara.
Buttimer, Jerry.	Collins, Joan.
Byrne, Catherine.	Colreavy, Michael.
Byrne, Eric.	Cowen, Barry.
Carey, Joe.	Crowe, Seán.
Coffey, Paudie.	Daly, Clare.
Collins, Áine.	Doherty, Pearse.
Conaghan, Michael.	Donnelly, Stephen S.
Conlan, Seán.	Ellis, Dessie.
Connaughton, Paul J.	Ferris, Martin.
Conway, Ciara.	Flanagan, Luke 'Ming'.
Coonan, Noel.	Fleming, Tom.
Corcoran Kennedy, Marcella.	Grealish, Noel.
Costello, Joe.	Halligan, John.
Coveney, Simon.	Healy, Seamus.
Creed, Michael.	Healy-Rae, Michael.
Creighton, Lucinda.	Higgins, Joe.
Deasy, John.	Kelleher, Billy.
Deering, Pat.	Kirk, Seamus.
Doherty, Regina.	Lowry, Michael.

Donohoe, Paschal.	McDonald, Mary Lou.
Dowds, Robert.	McGrath, Finian.
Doyle, Andrew.	McGrath, Mattie.
Durkan, Bernard J.	McGrath, Michael.
English, Damien.	McGuinness, John.
Farrell, Alan.	McLellan, Sandra.
Feighan, Frank.	Mac Lochlainn, Pádraig.
Fitzpatrick, Peter.	Murphy, Catherine.
Flanagan, Charles.	Naughten, Denis.
Flanagan, Terence.	Ó Caoláin, Caoimhghín.
Griffin, Brendan.	Ó Cuív, Éamon.
Hannigan, Dominic.	Ó Fearghaíl, Seán.
Harrington, Noel.	Ó Snodaigh, Aengus.
Harris, Simon.	O'Brien, Jonathan.
Hayes, Brian.	O'Sullivan, Maureen.
Hayes, Tom.	Pringle, Thomas.
Heydon, Martin.	Ross, Shane.
Hogan, Phil.	Shortall, Róisín.
Humphreys, Heather.	Stanley, Brian.
Humphreys, Kevin.	Tóibín, Peadar.
Kehoe, Paul.	Troy, Robert.
Kelly, Alan.	Wallace, Mick.
Kenny, Seán.	
Kyne, Seán.	
Lawlor, Anthony.	
Lyons, John.	
McCarthy, Michael.	
McGinley, Dinny.	
McHugh, Joe.	
McLoughlin, Tony.	
McNamara, Michael.	
Maloney, Eamonn.	
Mathews, Peter.	
Mitchell, Olivia.	
Mitchell O'Connor, Mary.	
Mulherin, Michelle.	
Murphy, Dara.	
Murphy, Eoghan.	
Nash, Gerald.	
Neville, Dan.	
Nolan, Derek.	
Ó Ríordáin, Aodhán.	

O'Donnell, Kieran.	
O'Donovan, Patrick.	
O'Mahony, John.	
O'Reilly, Joe.	
O'Sullivan, Jan.	
Perry, John.	
Phelan, Ann	
Phelan, John Paul.	
Rabbitte, Pat.	
Reilly, James.	
Ryan, Brendan.	
Shatter, Alan.	
Stagg, Emmet.	
Stanton, David.	
Timmins, Billy.	
Tuffy, Joanna.	
Twomey, Liam.	
Varadkar, Leo.	
Walsh, Brian.	
White, Alex.	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Catherine Murphy and Richard Boyd Barrett.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 86; Níl, 42.	
Tá	Níl
Bannon, James.	Adams, Gerry.
Barry, Tom.	Boyd Barrett, Richard.
Breen, Pat.	Broughan, Thomas P.
Butler, Ray.	Calleary, Dara.
Buttimer, Jerry.	Collins, Joan.
Byrne, Catherine.	Colreavy, Michael.
Byrne, Eric.	Cowen, Barry.
Carey, Joe.	Crowe, Seán.
Coffey, Paudie.	Daly, Clare.
Collins, Áine.	Doherty, Pearse.

Conaghan, Michael.	Donnelly, Stephen S.
Conlan, Seán.	Ellis, Dessie.
Connaughton, Paul J.	Ferris, Martin.
Conway, Ciara.	Flanagan, Luke 'Ming'.
Coonan, Noel.	Fleming, Tom.
Corcoran Kennedy, Marcella.	Grealish, Noel.
Costello, Joe.	Halligan, John.
Coveney, Simon.	Healy, Seamus.
Creed, Michael.	Healy-Rae, Michael.
Creighton, Lucinda.	Higgins, Joe.
Deasy, John.	Kelleher, Billy.
Deering, Pat.	Kirk, Seamus.
Doherty, Regina.	Lowry, Michael.
Donohoe, Paschal.	McDonald, Mary Lou.
Dowds, Robert.	McGrath, Finian.
Doyle, Andrew.	McGrath, Mattie.
Durkan, Bernard J.	McGrath, Michael.
English, Damien.	McGuinness, John.
Farrell, Alan.	McLellan, Sandra.
Feighan, Frank.	Mac Lochlainn, Pádraig.
Fitzpatrick, Peter.	Murphy, Catherine.
Flanagan, Charles.	Ó Caoláin, Caoimhghín.
Flanagan, Terence.	Ó Fearghaíl, Seán.
Griffin, Brendan.	Ó Snodaigh, Aengus.
Hannigan, Dominic.	O'Brien, Jonathan.
Harrington, Noel.	O'Sullivan, Maureen.
Harris, Simon.	Pringle, Thomas.
Hayes, Brian.	Ross, Shane.
Hayes, Tom.	Stanley, Brian.
Heydon, Martin.	Tóibín, Peadar.
Hogan, Phil.	Troy, Robert.
Humphreys, Heather.	Wallace, Mick.
Humphreys, Kevin.	
Kehoe, Paul.	
Kelly, Alan.	
Kenny, Seán.	
Kyne, Seán.	
Lawlor, Anthony.	
Lynch, Ciarán.	
Lyons, John.	
McCarthy, Michael.	
McGinley, Dinny.	

*Dáil Éireann*

McHugh, Joe.	
McLoughlin, Tony.	
McNamara, Michael.	
Maloney, Eamonn.	
Mathews, Peter.	
Mitchell, Olivia.	
Mitchell O'Connor, Mary.	
Mulherin, Michelle.	
Murphy, Dara.	
Murphy, Eoghan.	
Nash, Gerald.	
Neville, Dan.	
Nolan, Derek.	
Ó Ríordáin, Aodhán.	
O'Donnell, Kieran.	
O'Donovan, Patrick.	
O'Mahony, John.	
O'Reilly, Joe.	
O'Sullivan, Jan.	
Perry, John.	
Phelan, Ann.	
Phelan, John Paul.	
Rabbitte, Pat.	
Reilly, James.	
Ryan, Brendan.	
Shatter, Alan.	
Stagg, Emmet.	
Stanton, David.	
Timmins, Billy.	
Tuffy, Joanna.	
Twomey, Liam.	
Varadkar, Leo.	
Walsh, Brian.	
White, Alex.	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Catherine Murphy and Richard Boyd Barrett.

Question declared carried.

27 February 2013

The Dáil adjourned at 9.20 p.m. until 10.30 a.m. on Thursday, 28 February 2013.