



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 30 Aibreán 2013

Tuesday, 30 April 2013

Chuaigh an Leas-Cheann Comhairle i gceannas ar 2 p.m.

Paidir.
Prayer.

Ceisteanna - Questions

Priority Questions

Broadcasting Legislation

86. **Deputy Michael Moynihan** asked the Minister for Communications, Energy and Natural Resources the broadcasting legislation that he intends to introduce; the timeframe for same; and if he will make a statement on the matter. [20510/13]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): As the Deputy is aware, the Broadcasting Act 2009 was enacted in July 2009 and served to consolidate the vast majority of all previous forms of broadcasting legislation in the State.

While it is the case that I have no immediate plans currently to introduce broadcasting legislation, the continuing development and ultimate implementation of various policy positions in my Department will give rise to the necessity to introduce both new legislation and amending legislation in due course. There are several areas of broadcasting policy that are being considered actively by my Department, including most specifically the question of a broadcasting charge to replace the existing method of funding public service broadcasting. Other areas of broadcasting policy that may necessitate future legislative provision include the issue of media mergers and media ownership in the State, the function of which is to be transferred to my Department in due course, and the application of relevant measures of the audiovisual media services directive on a national level, as well as other matters relating to the continuously evolving broadcasting landscape and the convergence of technologies.

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When due consideration has been given to these issues and decisions have been made on policy, legislative measures will follow as appropriate.

Deputy Michael Moynihan: I thank the Minister for his reply and note there are a number of issues. First, the Broadcasting Authority of Ireland is conducting a review of public service broadcasting and is to submit a report to the Minister. There were indications the report was imminent and would be given to the Minister soon so perhaps he might outline the position in that regard.

In his reply concerning media mergers and ownership, the Minister stated that such functions are to be transferred to his Department. When is that likely to happen? Given ongoing advances in technology and so forth, there are various policy issues involved within the Minister's Department. For some time there has been mention of a broadcasting charge. Is there any indication when legislation on this is likely to appear?

Deputy Pat Rabbitte: My latest advice is that I will receive the Broadcasting Authority of Ireland report within the coming four weeks. The Bill on media mergers legislation is being brought through the House by my colleague, the Minister for Jobs, Enterprise and Innovation. Given it is on the A list of legislation and because, as Deputy Moynihan noted, it has been promised for some time, my understanding is that it will be published this term. The heads of the Bill to revamp competition law, as approved by Government, approve the transfer of print media responsibilities in that regard to my Department and I expect this will be dealt with this term.

I refer to the broadcasting charge which will replace the television licence and which I would like to see introduced at some stage next year. This morning I had the opportunity to speak at the annual conference of the independent broadcasters - inevitably this issue was raised. Although it may not have been readily recognised by everybody some years ago that so many people are now accessing public service content on platforms other than the traditional television set in the corner of the living room, it is now acknowledged this has become a fashion in Irish society. For that reason, and in order to diminish the current level of evasion in paying the television licence, the sooner we can make the transition the better. Even though there is much work yet to be done on this, I would like to see the charge being staggered in some time in 2014.

Deputy Michael Moynihan: It might be no harm if the Minister gave an assurance on this issue, which raised its head some months ago, to those who are now exempt from paying the licence fee, stating they will remain exempted. It is very important that those people are reassured that whatever form of licensing fee is brought in they will remain in their current category.

Deputy Pat Rabbitte: Perhaps I should tell the House, first, that it is not my intention that the charge will be greater than the existing television licence and, second, subject to study it is not the intention that the categories of people to whom Deputy Moynihan refers, who currently have free television licences, will change. I do not envisage they will.

Fisheries Protection

87. **Deputy Michael Colreavy** asked the Minister for Communications, Energy and Natural Resources if compensation will be made available to eel fishermen; if funding is available for a study of eel stocks; and if he will make a statement on the matter. [20433/13]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd) (Deputy Fergus O'Dowd): As Deputy Colreavy will be aware, the 2007 EU eel regulations, drafted in response to the endangered status of the European eel, required EU states, including Ireland, to develop eel management plans. Based on the scientific facts available, a recommendation of this plan was that Ireland close both the commercial and recreational eel fisheries in 2008.

In June 2012, the status of eel in Ireland, and across Europe, was reviewed as part of the reporting requirement for the 2007 EU regulation. This included a comprehensive scientific assessment of the status of the eel stocks nationally. Other EU member states carried out similar reviews. The review in Ireland recommended that the closure of both the commercial and recreational eel fisheries should continue in line with the conservation imperative. Inland Fisheries Ireland, IFI, has made the relevant reports on eel stocks available on its website, including the national eel stock recovery plan, the status of eel stocks in Ireland and the implementation of the eel management plan for Ireland.

The review of eel stocks in Europe is a shared concern involving many countries on a pan-European basis. As the EU regulation requires member states to report on national measures and reassess every three years, the scientific and management review is ongoing and is mainstreamed into the work of Inland Fisheries Ireland. As previously outlined in the House, no property right attaches to public eel licences and consequently the issue of compensation does not arise given that the closure of the fishery was applied for conservation reasons under the Fisheries Acts. In that context I am sure the Deputy will appreciate that in the current economic climate the Government does not have funds available to provide for compensation payments.

Deputy Michael Colreavy: I do not dispute the scientific evidence on declining stocks of eels. The evidence indicates that stocks continued to decline in 2012. What is also beyond dispute, however, is that eel fishermen have lost their livelihood by virtue of a decision taken by the Government and the EU in 2009. The price for glass eels internationally ranges between €575 and €730 per kilogram, with approximately 3,000 glass eels per kilogram. In France and Spain the glass eel is described as blue gold. The island of Ireland would require just eight to ten tonnes of glass eels to restock its waters. I remind the Minister of State that when the Shannon fisheries were closed in 1968, fishermen received compensation. There is also EU precedent for compensating eel fishermen. I ask him to reconsider the question of compensating eel fishermen. Their income has gone because of the regulations introduced by this Government and the EU. Will he consider putting in the eight to ten tonnes of glass eels needed to restock Irish waters?

Deputy Fergus O'Dowd: Deputy Colreavy acknowledged the serious situation that exists in regard to the availability of eels. By 2011, glass eel recruitment had fallen to 5% of the levels obtaining between 1960 and 1979. For every 100 glass eels available in the 1960s and 1970s, only five are available now. It is possible that the stocks could disappear and that eels could become extinct in this generation. We must conserve eels as a viable entity in the animal world. I presume that as eels become rare their price increases. Our job is to conserve and protect them on a three year cycle. If and when eel stocks recover the fisheries will be reopened but this will not happen any time soon.

I appreciate the Deputy's point in regard to the salmon hardship scheme and the compensation that may have been paid to other fishermen in the past but that was a long time ago and our economic circumstances mean that the requisite funding is not currently available. I am

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advised that IFI is investigating potential sources of EU funding but it is unable to confirm any such potential at this stage.

Deputy Michael Colreavy: I understand the economic pressures we currently face but eel fishermen are also dealing with economic pressures. Much of the available scientific data appears to indicate that the problem lies somewhere between the Saragossa Sea and Irish waters. Restocking Irish waters with eel could be a good measure to rebuild the eel population here and elsewhere. Our failure to increase stock levels means we may be losing out on an opportunity that would have benefits far beyond Irish waters.

Deputy Fergus O'Dowd: The life cycle of the eel is between 20 and 50 years. Eels leave Irish waters to breed in the Saragossa Sea, which is thousands of kilometres away, and drift back to the European landmass on the currents. The purpose of all of our actions is to conserve the eel stock and ensure eels survive and are able to get out to sea. It will take a long time for stocks to recover, which means it will not be possible to commercially exploit eels for a significant period, if ever. Our only hope for the future is to allow stocks to recover and we banned all commercial fisheries for this reason. Any decision to allow eel fishing would result in stocks being decimated.

Renewable Energy Generation

88. **Deputy Tom Fleming** asked the Minister for Communications, Energy and Natural Resources if he will outline his plan regarding the development of renewable energy scheduled year on year over the next 10 years in terms of renewable energy output meeting the energy needs of this country. [20441/13]

(Deputy Pat Rabbitte): Development in the renewable energy sector in Ireland is underpinned by a clear policy framework. Under the renewable energy directive, Ireland is required to increase renewable energy from 3.1% in 2005 to 16% in 2020, with a minimum target of 10% in the transport sector. Energy is consumed across the transport, heating and electricity sectors. Our intention is to reach our overall target through 40% renewable electricity, 12% renewable heating and 10% renewable transport.

Under the directive, Ireland was required to set out in a national renewable energy action plan the trajectory towards meeting its legally binding target. The action plan and first progress report on the plan, which are available on my Department's website, show the sectoral and technology breakdown that we anticipate in the achievement of our target. By the end of 2011, we had reached 6.4% of overall energy consumption from renewable sources and the trajectory set out in the action plan assumes we will achieve the 16% target incrementally at approximately 1% per annum. It will be achieved primarily through the support of renewable electricity from wind, hydro and biomass by way of feed-in tariffs and mandating the use of bio-fuels through the bio-fuel obligation scheme. My Department's Strategy for Renewable Energy 2012 to 2020 sets out the key strategic goals for the various renewable energy sectors.

In terms of the 40% renewable electricity to be achieved by 2020, the ability to meet this target is largely determined by the grid connection offers to renewable generators. Supervision of the grid connection process is vested in the Commission for Energy Regulation. The commission's Gate 3 direction to system operators published in December 2008 set out the list of projects to receive grid connection offers. Gate 3 was designed to ensure the 40% target for

renewable electricity by 2020 could be achieved. This was based on an assumption that 5,800 MW of renewable generation would be required. Gate 3 followed Gates 1 and 2 and provided for additional grid connection offers of up to almost 4,000 MW.

The recent conclusion of the single electricity market consultations on dispatch and scheduling affords the opportunity to move on with the wind farm developments we require. EirGrid is now in a position to commence issuing constraint reports in respect of Gate 3. This will allow developers to make decisions on their Gate 3 offers. Recent changes I announced in the REFIT 1 and REFIT 2 schemes will further facilitate this development.

As regards the structure, level and nature of targets, including those on renewable energy, the post-2020 approach has not yet been agreed. The European Commission last month published a consultation on its Green Paper, A 2030 Framework for Climate and Energy Policies, seeking views on a range of matters, including targets for designing an energy and climate framework for 2030.

Deputy Tom Fleming: We are over-reliant on imports of coal, oil and gas in the context of meeting our energy needs. We import some 90% of these fuels at present. We will be obliged to accelerate our efforts in respect of the delivery of renewable energy. The UK's reserves of gas almost ran out last month and Ireland is very reliant on the interconnector with Scotland for its gas. If there was a breakdown in supply, then we would have great difficulty meeting our gas needs. Will the Minister use his good offices to promote and, if possible, see to it that approval is forthcoming in respect of the LNG project at Tarbert? It appears that gas from the Corrib will not be brought onshore until 2015. As a result, there is a need to expedite matters in respect of the project at Tarbert. As the Minister is well aware, a huge number of jobs are at stake. Ireland has probably the greatest potential among the member states of the European Union in respect of developing sources of renewable energy. However, we are falling far behind other countries in our efforts. Outside of the motor industry, in Germany more jobs have been created in the renewable energy sector than in any other. This is in a country which is home to car manufacturers such as Volkswagen, Mercedes, Porsche, etc. Ireland has huge potential in the area of renewable energy.

Deputy Pat Rabbitte: Deputy Fleming is right about this country being overly reliant on imports of fossil fuels. As an island and as the most isolated of the 27 EU member states, Ireland is vulnerable as long as 100% of its oil and 90% of its gas must be imported. Of course, gas is used to a large degree in the generation of electricity. It is not something which keeps the citizens of Ireland awake at night but security of supply is a real issue and it must be afforded a very high level of precedence among the policy objectives of the government of the day. Earlier, I informed Deputy Moynihan of my hope that the new public service broadcasting charge might be in place before the end of 2014 and I would like to inform Deputy Fleming of my hope that gas from the Corrib will be coming ashore at the same time. I am sure Deputy Fleming would get good odds from Paddy Power on which of my hopes might prove to be wrong in this regard. The Corrib field would supply 60% of our needs at peak. That fact is not insignificant.

Deputy Fleming also inquired about the LNG project. The latter has as much support from the Government as can be given to it. The project is being navigated through the regulatory process and the Deputy may well be aware that it has recently been the subject of a court case. A decision in this regard has not yet been handed down by the court but I expect that it will be forthcoming before the next occasion on which I take Question Time.

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Deputy Tom Fleming: I will revert to the issue of the harnessing of natural elements, particularly those on the Atlantic, and the development of onshore turbines, but what of offshore turbines and wave energy? I welcome the fact that one of our 14 science research programmes is on renewable energy. It is a good initiative. The midlands scheme is an example and I hope that a good decision is arrived at in that respect. Planning processes need to be expedited in all counties. Schemes should be compatible with residents' wishes and be run in a good, organised manner that does not cause people interference. I am sure that this can be achieved. Thanks to modern mechanisms, noise levels can be kept low.

An Leas-Cheann Comhairle: I thank the Deputy, but I must call the Minister.

Deputy Tom Fleming: The Minister is on the right route and we will push the campaign ahead.

Deputy Pat Rabbitte: The Deputy is right, in that we are uniquely endowed in terms of our renewable energy prospects. We have propitious wind resources, for example. The Deputy referred to the onshore performance in that regard. Wave and tidal energy is still at research stage. It could be an important element for Ireland down the line.

The extent to which renewables can be integrated into the system is an issue. As it happens, I am meeting EirGrid, the ESB and so on today to discuss our targets and, following the single electricity market, SEM, decision, what progress we can expect to make in the next three to four years. However, the amount of renewable energy that can be integrated into the system is limited. Given our capacity to generate more than our domestic need, we could develop an export trade if there was a market. We believe there is one on the neighbouring island. Therefore, if developers of scale come forward with projects, we will have the capacity to develop an export trade in the sector to which the Deputy referred.

Energy Prices

89. **Deputy Michael Moynihan** asked the Minister for Communications, Energy and Natural Resources the way he can bring about lower energy prices for domestic and business consumers; and if he will make a statement on the matter. [20511/13]

Deputy Pat Rabbitte: Responsibility for the regulation of the retail electricity and gas markets is a matter for the Commission for Energy Regulation, CER, which is an independent statutory body. Prices in the electricity retail market are fully deregulated and similarly for gas, except in the case of Bord Gáis Electricity, BGE, tariffs for domestic consumers. Customers can therefore avail of competitive offerings from electricity and gas suppliers. Prices are set by suppliers and are commercial and operational matters for them. I do not have a statutory function in the setting of electricity or gas prices.

Electricity and gas costs in Ireland are influenced by various drivers, including global gas and oil prices, the cost of capital, exchange rate fluctuations, the small size of the Irish market, geographical location and low population density. Global gas and oil prices are by far the most significant factor. Prices have risen sharply since the start of 2011, driven by events in the Middle East, north Africa and Japan and the significant growth in demand from China and India. Ireland is at the mercy of international fossil fuel prices, which dictate the retail price of electricity. At a national level, the competitive energy market in place helps put downward

pressure on prices. In addition, we must focus on all possible additional actions to mitigate costs for business and domestic customers, including rigorous regulatory scrutiny of the network costs component of retail prices.

I am committed to working with enterprise and with the energy sector to ensure that the costs of energy are as competitive as possible. In this context, promotion of energy efficiency measures is an area within our control where action can be taken to reduce energy costs.

Additional information not given on the floor of the House

Energy efficiency represents a significant opportunity for both businesses and households to reduce their energy costs. There are energy efficiency measures in place to assist both business and domestic energy consumers, with significant funding allocated to them. The energy efficiency fund, which I announced in February and which will commence funding specific measures in the near future, will assist energy efficiency projects in the public and commercial sectors.

Promotion of indigenous sustainable sources of energy will help off-set the impact of volatile fossil fuel prices. The Government has a target of 40% of electricity being generated from renewable sources envisaged by 2020. Good progress has been made in meeting this target and its realisation will introduce more certainty in the energy fuel mix as well as boosting security of supply.

The latest analysis of EUROSTAT data on electricity and gas prices is presented in SEAI's published report on electricity and gas prices in the period January to June 2012 and is publicly available. The price statistics are presented for different business consumers, differentiated by consumption level.

The report shows that VAT-exclusive electricity prices increased for small business by 3.1%, and for medium business by 1.8% over the previous six months. By contrast, the very smallest business users saw a price decrease of 6.7%. Prices for the three categories of business consumers range from 4th to 9th most expensive in the EU, and these rankings have not changed significantly since the previous six months. The effects of the price drivers outlined earlier in this response tend to place Irish electricity and gas prices towards the more expensive position in the EU rankings.

Deputy Michael Moynihan: We have previously discussed the price of energy in both the domestic and commercial markets. We spoke in particular about the profits of the ESB. Figures released recently indicated a fourfold increase in the company's profits in 2012. It was suggested previously that the half-yearly profits were unduly high compared to what would be expected in the second half of the year. The public is under severe pressure, as the Minister is well aware, at a time when an energy company that has a fourfold increase in profits is still looking for an increase in the product it is selling on the market. One could ask whether it is time to examine the structure for the Commission for Energy Regulation, CER, and whether it ultimately provides safeguards for homeowners or businesses.

Deputy Pat Rabbitte: The matter goes back to the previous question from Deputy Tom Fleming, in that if we are to exploit our indigenous renewable resources, which will make a contribution in the area about which Deputy Moynihan is concerned, then we must generate the investment capital as best we can or ensure that we can remunerate the capital that is borrowed in the market in the normal way by, for example, the ESB. The ESB is a successful company

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and did return greater profits for last year than either the regulator or I anticipated. It has also taken a bigger hit in not just the dividend it has paid to the State but the super dividend which was part of the budget last year and which required the State companies to contribute an additional €100 million on top of that.

I am afraid it is the case, going back to the previous question, that the biggest driver in electricity costs is global oil and gas prices. The past two years have been exceptionally difficult in that regard for the reasons I mentioned about the circumstances in North Africa, the Middle East, what happened in Japan in terms of Fukushima, and the fact that both India and China have a voracious and growing appetite for energy. That has been the single biggest driver of prices.

Deputy Michael Moynihan: I understand that. The ESB is a public company and the Commission for Energy Regulation exists to protect the consumer. The Minister indicated that the profits surpassed the expectations of both the commission and the Department. Is it not the case that the commission should only sanction price increases that domestic consumers or businesses can pay that are necessary to give a profit to the semi-State company but not to give it an enormous profit?

Deputy Pat Rabbitte: That is a layman's description with which I agree. The regulator observes a model that has been laid down from the outset and it makes its own call on these matters. I accept Deputy Moynihan's contention that in circumstances where some consumers are under pressure in terms of energy prices it is difficult to reconcile this with seemingly very high profits. However, I have no doubt that the regulator is monitoring the situation. There are a number of factors, as I have said, that feed into this. Unfortunately, the global cost of gas, in particular, has had an enormous impact on prices in recent times. Our power generators are relying on gas in the main and it is hugely expensive, especially given the fact that we import more than 90% of our needs.

Renewable Energy Policy

90. **Deputy Michael Colreavy** asked the Minister for Communications, Energy and Natural Resources if there will be a development of a national wind energy strategy; and if he will make a statement on the matter. [20434/13]

(Deputy Pat Rabbitte): Development in the renewable energy sector in Ireland is underpinned by a clear policy framework. Under the Renewable Energy Directive, Ireland is required to increase renewable energy from 3.1% in 2005 to 16% in 2020, with a minimum target of 10% in the transport sector. Energy is consumed across the transport, heating and electricity sectors. At the end of 2012, we had reached 6.4% of overall energy consumption from renewable sources. Our intention is to reach our overall target through 40% renewable electricity, 10% renewable transport and 12% renewable heating, which together amount to 16% of all energy consumption.

Under the directive, Ireland was required to set out in a National Renewable Energy Action Plan, NREAP, the trajectory towards meeting its legally binding target. The action plan and the first progress report on it, which are available on my Department's website, show the sectoral and technology breakdown that we anticipate in the achievement of our target. Wind-generated electricity is expected to play a major role. At the end of 2012, 19.5% approximately of our

electricity consumption was from renewable sources. My Department's Strategy for Renewable Energy 2012 to 2020 has the strategic goal of having progressively more renewable electricity from onshore and offshore wind power for domestic and export markets.

Feed-in tariffs are the primary support mechanism for wind energy in Ireland. REFIT 2, which was launched last year, is designed to incentivise the addition of up to 4,000 MW of new renewable electricity capacity to the Irish grid from onshore wind, hydro and biomass landfill gas technologies. Plants must be new plants in all cases, neither built nor under construction on 1 January 2010. Projects must be operational by the end of 2017. The support for any particular project cannot exceed 15 years and may not extend beyond 31 December 2032.

Additional information not given on the floor of the House

The recent conclusion of the SEM consultations on dispatch and scheduling affords the opportunity to move on with the wind farm developments we require. Eirgrid is now in a position to commence issuing constraint reports in respect of Gate 3. This will allow developers to make decisions on their Gate 3 offers. Recent changes that I announced to REFIT 1 and REFIT 2 will further facilitate this development.

The Sustainable Energy Authority of Ireland, SEAI, published a report entitled, Energy in Ireland, in November 2012. That report gives an estimated figure of approximately €300 million in avoided national gas imports from the use of all renewable energies in the generation of electricity in 2011. Wind generation alone would account for an estimated €240 million of the €300 million in avoided gas imports.

The memorandum of understanding on energy co-operation that the UK Secretary of State for Energy and Climate Change, Mr. Edward Davey and I signed on 24 January will result in completion of consideration of how Irish renewable energy resources, both onshore and offshore, might be developed to the mutual benefit of Ireland and the United Kingdom. This will determine whether it is beneficial for both countries to enter into an inter-governmental agreement under the Renewable Energy Directive to provide for renewable energy trading.

If an inter-governmental agreement is entered into, there are potential significant employment opportunities. As an example, employment creation arising from a 3,000 MW project would be expected to be in the order of 3,000 to 6,000 job years in the construction phase, with the actual number dependent on the construction schedule to 2020. There would also be additional jobs created in the ongoing maintenance of turbines over a 20-year operating life. Further employment opportunities could arise if turbines or components were to be manufactured in Ireland. All relevant State agencies, particularly in the enterprise area, would have to co-ordinate their activities early in the process to ensure employment potential of export projects is maximised. This opportunity has already been identified by the Industrial Development Authority and Enterprise Ireland in their clean technology growth strategies.

A technical review of the wind energy guidelines is being overseen by officials from the Department of Environment, Community and Local Government, my Department and the SEAI. This review will examine the manner in which the guidelines address key issues of community concern such as noise, including separation distance, and shadow flicker. It will be completed this year.

Deputy Michael Colreavy: This is the second time that the Minister has told me that we have a renewable energy strategy but I contend that we do not. Any such strategy must contain

a minimum of six features. It must specify how the impact on the environment, human health and animal health will be measured and monitored. It must outline how we would measure the impact on existing major industries, including tourism and agri-food, for example. It must specify how the interests of the host communities will be safeguarded after the awarding of the licences and how community consent will be obtained. It must further specify how the level of accessible reserves can be accurately and honestly measured and reported. It must also include an approval-granting process that is open, transparent and incapable of misuse by vested interests. Finally, it must ensure that the benefits accrue to the people of Ireland in terms of revenue to the State, employment, energy security and energy price control in the State. Without all those features, we have the equivalent of requests for proposals being put at a car boot sale. We should be doing a lot better.

An Leas-Cheann Comhairle: The four minutes after the Minister's two minute reply must be shared between the two sides of the House, and that is more difficult if we have long questions.

Deputy Pat Rabbitte: To some degree there is a dialogue of the deaf between Deputy Colreavy and me. I would argue that five of the Deputy's six conditions are included in the strategy, and the impact on human health and animals is emphatically included. There are rigorous planning hurdles that must be complied with, including environmental impact assessments. The relative contribution of developing an energy sector based on renewables, or the relative impact of developing an export sector as compared with tourism contributions and so on, are a matter of judgment. For example, my colleague, the Minister of State, Deputy O'Dowd, deals with inland fisheries and must make a judgment on the contribution from angling tourism compared with the desire of my colleague, the Minister, Deputy Coveney, to develop a fish farming sector in Ireland. One makes a judgment call on such issues, as it is the only way to deal with them. The approval and granting process could not be more rigorous, and the planning guidelines are out for consultation at the moment. The renewable energy and wind energy strategy, as published, requires that developers have regard to community benefit, and there is an express statement in that regard.

I cannot answer about revenue to the State. If the Deputy is referring to the question of the export sector, the memorandum of understanding between me and my counterpart in London was signed in Dublin in January. It will take the completion of the intergovernmental agreement before one can make a stab at the commercial contracts that can go ahead as a result of that. That concerns how the State's stake reverts and whether it comes through equity participation, taxation, royalties and so on. That will be dealt with in the course of the year.

Deputy Michael Colreavy: It is interesting that although those financial matters have not yet been addressed, companies are still negotiating the lease or purchase of land in the area we are discussing. The Minister spoke about planning guidelines, and there was recently a Seanad debate on the need for statutory regulations regarding distance of turbines from occupied homes. This ranges from 500 m for those turbines under 50 m in height to 2,000 m for those turbines over 150 m in height. Should there be an effective ceiling on the height of turbines, and will the Minister consider introducing regulation rather than guidelines in this respect? There are examples of breaches of guidelines quite recently.

Deputy Pat Rabbitte: The Deputy is right and I hear that developers are proceeding to take options on possible sites for development in different parts of the country. That has been ongoing for 15 years. If the export possibility develops, the process will be on a larger scale.

Deputy Colreavy knows enough about the history of this country to acknowledge I cannot do anything about farmers who want to sign up to options with developers to use their land to erect a mobile telephone mast or build a wind turbine. There was a long history in the country of the fight for peasant proprietorship and my fellow county man, Michael Davitt, led that battle, even if that is not where he started out it is where he ended up. They would know about that in Leitrim and I suspect Deputy Colreavy knows there is nothing I can do with the farmer who wants to sell a site to a developer if he thinks he is getting an attractive enough offer.

We must wait until we see the outcome of the ongoing process in the Department of the Environment, Community and Local Government in respect of the planning guidelines. There was a substantial response to the points put out and the setbacks raised by the Deputy will be included in those guidelines but we are a bit away yet from the Minister making a decision.

Other Questions

Environmental Schemes

91. **Deputy Timmy Dooley** asked the Minister for Communications, Energy and Natural Resources the role he sees for energy crops in meeting Ireland's energy requirements; and if he will make a statement on the matter. [2021/13]

Deputy Pat Rabbitte: To meet our binding target of 16% of all our energy to be from renewable sources by 2020 as set out in the EU renewable energy directive, the Government is committed to increase renewable energy to 40% in the electricity sector, 10% in the transport sector and 12% in the heating sector. The Sustainable Energy Authority of Ireland has modelled in its energy forecasts for Ireland for 2020 that energy from biomass, or bioenergy, in 2020 will account for approximately 5% of our electricity requirements, approximately 10% of our heat requirements and, in the form of bio-fuels, will contribute around 9% of the energy required in the transport sector. This will be a significant challenge and we will need to mobilise biomass from all available sources. This means making the best possible use of forestry resources and increasing the amount of energy crops available.

The role that energy crops will play in meeting renewable energy targets will depend to a large extent on the willingness of land owners to change land use, the availability of long-term markets and the revenue generated by energy crops compared to traditional farming on the same land. The REFIT3 scheme is designed to incentivise the addition of 310 MW of electricity capacity produced from biomass technologies to the Irish electricity grid. It contains incentives for co-firing of biomass in peat powered generation plants with a premium for the use of energy crops. Also, since 2007, the Department of Agriculture, Food and the Marine has run the bioenergy scheme, which offers grant supports to incentivise new plantation of energy crops.

Before the end of June, I will publish a national bioenergy strategy which will set out in detail the actions required to facilitate as great a contribution as possible by the bioenergy sector to the 2020 renewable energy targets.

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Deputy Michael Moynihan: Will the recent decision by the European Commission to place a maximum cap of 5% of total transport fuel for bio-fuels have any impact on energy crops? Prior to converting the peat fired plants to biomass, a full cost benefit analysis of the implications for the energy generation, cost and security should be undertaken. Has the Minister any plans to carry out such a study?

Deputy Pat Rabbitte: The matter to which Deputy Moynihan referred of the change from 10% to 5% on bio-fuels is not yet a decision of the European Union. He is correct that there is a proposal from the European Commission. The proposal, known as ILUC, indirect land use change, is being progressed by the Irish Presidency, jointly between myself and the Minister for the Environment, Community and Local Government, Deputy Hogan.

Deputy Moynihan is probably correct. It probably will ultimately get approval and will be the decision. He is also probably correct that it makes sense in that one would question whether land that is capable of producing, for example, other crops, ought to be tied up producing biomass. It also makes sense to ask how we can source the raw material for some biomass otherwise. That debate is ongoing. The NGOs, for example, have strong views on it. They have strong views about the implications for Third World development, etc. Even if there is no agreement at present between the various member states, it is likely to lead to a decision. Obviously, that must be taken into account by us. We are attempting to put together a bio-energy strategy and as I stated, the hope is that by the end of June we will be in a position to advertise that.

It is part of the programme for the Government that we would examine the possibility of the development of a bio-energy company in terms of the synergies that might exist between Bord na Móna and Coillte.

An Leas-Cheann Comhairle: There are three Members offering.

Deputy Pat Rabbitte: I beg the Leas-Chathaoirleach's pardon.

An Leas-Cheann Comhairle: I will take brief supplementary questions.

Deputy Michael Moynihan: Are there advanced discussions or plans on the bio-energy company bringing the strengths of both Bord na Móna and Coillte, of which the Minister spoke?

Deputy Denis Naughten: Returning to the Minister's point, there is a significant issue of competition between poor people's food and rich people's fuel. Have any steps been taken to halt grain-based bio-fuel production because it is pushing up the price of food for the poor but also forcing up through the roof the price of animal feed? The extension into 2013 of the drought in the United States in 2012 is putting considerable pressure on grain production, some of which is going into bio-fuels and having a knock-on impact on the fodder crisis in this country because it is pushing the price of feed beyond the purchasing ability of many farmers. Wearing his EU Presidency hat, can the Minister ensure that the EU takes leadership on this issue and ban the use of grains in the manufacturing of bio-fuels, both in Europe and internationally?

Deputy Michael Colreavy: The Minister stated earlier that he was meeting ESB or ESB Networks this afternoon. I ask him to ask them to outline, if they could, the criteria used to assess and set the price for a connection to the grid. I am aware of at least three good biomass projects which are stalled because of what appears to be an extortionate request in terms of cost for connection to the grid.

Deputy Pat Rabbitte: The answer to Deputy Moynihan's question is "Yes". The possible synergies between the two companies are being explored. It would be premature to state that final conclusions have yet been reached but I think I could also speak for my colleague, the Minister for Agriculture, Food and the Marine, Deputy Coveney, in that we are probably agreed that the mooted privatisation of Coillte looks more unlikely every day. A protest in this regard over the weekend was covered in the media. We are *ad idem* on this issue, but it is premature to draw any conclusion. The prospect of the two companies being used to create a serious bioenergy company is something with which we need to persist. There are definite possibilities there.

Deputy Naughten's convenient summary of poor people's food being sacrificed for rich people's fuel is a phrase I will remember in my discussions in Europe. This is a central feature of the debate and ongoing discussion. I have met representatives of the NGOs who have elaborated on the arguments Deputy Naughten has made and they seem to make a great deal of sense. In discussions in Europe, while I have represented the views of the NGOs, I do not believe I have expressed it in terms of banning grain in the granular way that Deputy Naughten has expressed it. However, it probably comes back to the same thing. Where there is arable land that is capable of producing the raw material for food or where there is land that is capable of being made arable to produce food, is that the best use for it? In fairness to colleagues, I have to say that is well represented in the Council of Europe.

I will take up the point Deputy Colreavy raised. Based on my meetings with biomass companies, I understand they are satisfied with the REFIT 3 scheme and that is not the impediment. I will be happy to raise the particular point he raised about the price of connection to the grid this very day.

Seismic Surveys

92. **Deputy Niall Collins** asked the Minister for Communications, Energy and Natural Resources if the European Commission has asked him to explain the reason that seismic surveying, currently under way off the west coast, is not subject to the requirements of EU directives on environmental impact; and if he will make a statement on the matter. [2021/2/13]

Deputy Pat Rabbitte: I can confirm that a communication has been received from the European Commission seeking certain clarifications with regard to the implementation of the environmental impact assessment, EIA, directive and the habitats directive, in granting permission to carry out a 3-D survey over the Corrib field. The European Commission advised that it has received a complaint alleging a violation of the EIA directive by Ireland.

The European Commission operates an arbitration forum which attempts to resolve possible violations of EU law before cases escalate to the European Court of Justice. The arbitration forum is known as the EU pilot and this particular complaint is being addressed in that forum. My Department is preparing a detailed response to the specific questions raised by the Commission and I do not propose to deal with the precise content of the Commission's letter. On a general note, the complaint made relates to the question of impact on cetaceans and this is a potential impact that is considered by my Department in the case of all seismic surveys.

In the case of the survey in question my Department's assessment of the application had regard to the requirements of EU directives on environmental impact. The grant of permission for seismic surveys is always conditioned to ensure that the National Parks and Wildlife Ser-

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vice's code of practice for the protection of marine mammals during acoustic sea floor surveys in Irish waters is adhered to, together with other such mitigation measures considered necessary including a requirement to have a marine mammal observer on board the seismic vessel for the duration of the survey. I never knew that such things existed.

3 o'clock

Deputy Michael Moynihan: With regard to much development in not only the Corrib field, but also elsewhere, people are willing to add fuel to the idea that we do not comply with regulations or best practice on environmental issues. It is very important, if we are develop into other areas, that all environmental assessments and issues are taken into account so they cannot be raised as issues in other situations. The Minister outlined that the Department is compiling a response to the EU. Is the Minister satisfied no serious transgression of the environmental impact regulations and directives has taken place? One chink in the chain could be used against us in a raft of fields.

Deputy Pat Rabbitte: My advice is that there is no danger the country is in breach. One can never say so with certainty before one goes before a quasi-judicial authority, but this is not the only case where the Department has experience and it will continue to have experience as we try to accumulate a repository of knowledge on the seismic data around our coasts. The Department is insistent it has had regard to the requirements of EU directives on environmental impact and that it has had such regard in this particular case. I take the Deputy's point that it is a matter of some importance. I understand we are allotted 70 days to make our response to the Commission letter and we are in the process of preparing this. As is normal, we are liaising with the National Parks and Wildlife Service which has a great deal of knowledge in this regard.

Deputy Michael Colreavy: This question is timely and opportune because this very day as I travelled here I saw a hastily handwritten sign on the N4 on the Leitrim and Longford border which stated a seismic study is ongoing. I cannot say for certain, but I do not remember reading anything in the local newspaper about a seismic survey in this part of the country. The community is fearful that the psychological grounds, if not the infrastructural grounds, are being laid for the introduction of fracking. There is great fear the first steps in this process are being taken. I intend to contact the local authorities in Leitrim and Longford to find out what is going on. Does the Minister have information on whether a licence has been granted for a seismic study on the border of Leitrim and Longford?

Deputy Pat Rabbitte: The question raised by Deputy Moynihan really relates to the Corrib field. I suppose what is afoot is that companies are presumably taking steps to establish whether there might be adjacent resources of the same order or similar if they make a strike such as the Corrib find.

As regards fracking, which is a different issue, I would be slow to take my knowledge from signs on the N4. My colleague, the Minister of State, Deputy O'Dowd, has made it plain on a number of occasions that, other than the limited surveys authorised by the previous Government in respect of desktop study, no licences have been awarded in the Leitrim-Fermanagh area. There is no fracking going on and that is a fact. There are reputed to be not insignificant resources of shale gas in the Leitrim-Fermanagh geographical area. We will see if that is the case but the Northern Ireland authorities were also examining the matter.

The shale gas phenomenon has had a profound and dramatic impact on fuel prices in the

United States, which have dropped by almost 70% in some states. The product also contributes as a feed stock in the manufacturing sector, especially in petrochemicals. It is of huge significance. In terms of the particular question posed by Deputy Colreavy, however, there is no seismic exploration going on, to my knowledge, in respect of hydraulic fracturing in any of the counties mentioned.

Online Business Voucher Scheme

93. **Deputy John McGuinness** asked the Minister for Communications, Energy and Natural Resources the position regarding the introduction of a business online voucher scheme. [20231/13]

Deputy Pat Rabbitte: A report commissioned by the European Commission estimated that traditional enterprises with a strong online presence grow twice as fast, export twice as much and employ twice as many people as those who do not. In Ireland, Irish consumers spend almost €4 billion per annum online and yet the proportion of SMEs trading online is estimated to be as low as 23%.

One of the key objectives of the forthcoming national digital strategy will be to address this challenge, and get some 2,000 small businesses trading online. As a first step, I intend to pilot a voucher scheme that will provide upfront funding for small businesses to help them develop an online trading platform. The proposal will support, in the first instance, an independent evaluation of the business's online needs and capacity and identify what steps will be taken for that business to commence trading online. The voucher will be based on a competitive process and will be awarded to businesses which show a significant potential for developing a capability to trade online. It will support businesses where digital adoption has traditionally been weak and where the prospect for real gains in competitiveness and growth is established.

Working with Mr. David Puttnam, whom I have appointed as Ireland's digital champion, I intend to engage with industry service providers with a view to assisting small businesses in realising the full benefit of this initiative. I am aware that the commercial sector has been actively working with the business community on a variety of online initiatives and I look forward to working together to help Irish businesses gain competitive advantage by maximising online opportunities for trade.

Deputy Michael Moynihan: This is a vital initiative. Traditionally, there have been a raft of industries that would have worked very well but have been slow to move on to the digital age. There is also a generational gap. The younger generation, right up to middle age, go online to look for everything. It is vital to encourage this approach. It is the same in the marketplace. It is like the development in traditional rural communities from the fair to the mart in terms of getting one's name and business out there. I commend and support the initiative but a lot more should be done to get the message out there for small industries in order to have them completely fitted out from a technological viewpoint.

Deputy Pat Rabbitte: I thank the Deputy for that support, as it is important that Members are perceived to have a bipartisan approach in the House on this issue. As the Deputy noted, there is a digital divide but regardless of whether it is acknowledged, almost €4 billion in business was done last year through e-commerce. Moreover, approximately €3.7 billion of that goes outside the State and, in such circumstances, there is no point in complaining about the

phenomenon. The small and medium-sized enterprise, SME, sector in Ireland must prepare itself to compete for the business. In this context, the fact that only 23% of SMEs are estimated to be trading online is a matter of concern. Consequently, as Deputy Moynihan has noted, the thinking behind the initiative I have just announced is it is intended to encourage businesses that could profit from trading online to do so. As I indicated, the figures show that small enterprises which have a strong online presence grow twice as fast, export twice as much and employ twice as many. This really ought to speak for itself.

Offshore Exploration

94. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources the measures he is taking to enable job and wealth creation for the people here from potential oil drilling off the County Kerry coast and at other offshore locations; if he will take a proactive approach to this matter; if job creation in the oil drilling and pre-drilling industries feature in his priorities; and if he will make a statement on the matter. [18346/13]

102. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources the specific measures he is taking to facilitate the soonest possible job and wealth creation for the Irish people from potential oil drilling off the County Kerry coast and at other offshore locations; the number of staff in his Department assigned to oil related matters; his views on taking a proactive approach to this matter; and if he will make a statement on the matter. [19953/13]

Deputy Fergus O'Dowd: I propose to take Questions Nos. 94 and 102 together.

Ireland stands to benefit greatly from its natural resources of oil and gas both financially and through strengthened energy security of supply. In respect of financial benefits, taxation on profits from production clearly is the most significant means by which Ireland stands to benefit. Substantial benefits also would result from economic activity generated through the construction phase of any new development and the subsequent production phase. I understand that more than 1,000 jobs have been created in respect of the Corrib field.

As the Irish offshore is relatively under-explored, the potential benefits that might be realised from our indigenous resources of oil and gas are not yet known. The Government has a clear strategy to address this and is focused in the first instance on encouraging an increase in the level of exploration investment in order that the petroleum potential of the Irish offshore can be better realised. This strategy is being given effect by a combination of actions. These include the strong promotion of the petroleum potential of the Irish offshore with the aim of attracting new exploration companies to Ireland, the maintenance of an appropriate and adaptive licensing regime, the acquisition of new seismic data and facilitation of access by new companies to existing seismic and well data, and the development and support of research initiatives that deepen our understanding of the petroleum potential of the Irish offshore.

As for the number of staff assigned to this area in my Department, at present 12 people work in the petroleum affairs division, and this team is supported by a number of external consultants with expertise in a range of relevant disciplines.

Deputy Michael Colreavy: While I thank the Minister of State for his reply, he is describing a situation I do not recognise. What will come ashore here will be controlled by the com-

pany using it and not by this country. It will do nothing for energy security, as it can be sold on the open market. The Minister of State can say nothing with certainty in respect of the number of jobs because companies are quite free to bring their own teams over here.

An Leas-Cheann Comhairle: Thank you, Deputy, we are almost out of time.

Deputy Michael Colreavy: This is precisely the point of which I spoke earlier. A strategy is needed to protect, preserve and promote our interests and not those of companies.

Deputy Fergus O'Dowd: In response to the Deputy, it is clear that it will significantly increase Ireland's supply of natural gas that, for instance, will come from the Corrib. This is an absolutely undeniable fact and patently and clearly is the case. It also is a fact there is significantly increased interest in Irish offshore oil and gas. We must find the oil and gas to bring it ashore and must make it attractive to companies to invest here. In this context, I note our tax rate is pitched at approximately the same level as those of France, Portugal and Spain. Consequently, Ireland is getting increasing investment. A major regional seismic survey is about to start off the west coast, from which 18,000 km of new two-dimensional seismic data will be made available to the oil industry. This investment will cost more than €20 million and will come in here shortly. It will improve significantly the available science at which prospective companies can look. Finally, earlier this year a very important international conference was held at which new scientific data were presented on foot of collaboration between the Canadian, Newfoundland and Irish Governments in respect of the underlying geology of our countries formed many millions of years ago. These data are increasing significant interest in Ireland's offshore oil and gas potential.

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 Derek Keating - the need for a review of measures to combat the availability of illegal drugs; (2) Deputy Michelle Mulherin - special treatment services for cancer patients in County Mayo; (3) Deputy John O'Mahony - the need to locate a passport office in the west; (4) Deputy Joan Collins - the decision by the National Centre for Pharmacoeconomics, NCPE, not to make pirfenidone available to patients with idiopathic pulmonary fibrosis; (5) Deputy Noel Harrington - the need to extend, in respect of primary schools on offshore islands, the qualifying date for minimum enrolment of eight pupils from 30 September 2012 to 30 April 2013; (6) Deputy Pádraig Mac Lochlainn - the proposed closure of Gaelcholáiste Chineál Eoghain, Bun-crana, County Donegal; (7) Deputy Luke 'Ming' Flanagan - the impact of carbon tax on certain turf cutters, in particular on those who cut turf for domestic supply only; (8) Deputy Eamonn Maloney - the 2012 Revenue report; (9) Deputy Heather Humphreys - the importance of the Ulster Canal project to the Cavan-Monaghan region and the need to give continued commitment to the project; (10) Deputy Michael McNamara - regulation of small food businesses - a barrier to growth and employment; (11) Deputy Gerald Nash - the planned temporary centralisation of the national ambulance service control centre; (12) Deputy Maureen O'Sullivan - the Dublin City Council report that 90% of private apartments inspected in the Dublin area are not

fit for habitation; (13) Deputy Ciarán Lynch - the need to reconsider the policy of single country adoption; (14) Deputy Tom Hayes - the provision of high speed broadband to south Tipperary; (15) Deputy Thomas Pringle - the need to have Down's syndrome added to the "low incidence list" to ensure access to education supports for Down's syndrome children; (16) Deputy Barry Cowen - the delay in the construction of new accommodation for Scoil Bhríde, Edenderry and Gaelscoil Éadan Doire, County Offaly; (17) Deputy Caoimhghín Ó Caoláin - the decision to introduce further charges in the calculation criteria for eligibility for a medical card; (18) Deputy Mick Wallace - the need for Screen national school, Enniscorthy, County Wexford, to retain its current staffing levels; (19) Deputy Niall Collins - the comments of the president of the Garda Representative Association about the reliability of Garda crime statistics; (20) Deputy Mattie McGrath - the withdrawal of non-Irish finance houses from the market here; (21) Deputy Dessie Ellis - the need to provide young people in emergency accommodation with sufficient financial support to aid them in finding a home and moving on with education or employment; (22) Deputy Timmy Dooley - the dissolution of Shannon Development and related matters; (23) Deputy Martin Ferris - the implications for the proposed Common Agricultural Policy reform of the delay in agreeing the European Union's multi-annual financial framework; (24) Deputy Jonathan O'Brien - the erosion of teachers' employment rights through the casualisation of work practices across the second level education sector; and (25) Deputy Stephen S. Donnelly - the need to legislate to decriminalise, in limited cases, assisted suicide. The matters raised by Deputies Noel Harrington, Barry Cowen, Derek Keating and Ciarán Lynch have been selected for discussion.

Leaders' Questions

Deputy Micheál Martin: I wish to raise with the Taoiseach the issue of crime, as well as the position of An Garda Síochána. As the Taoiseach is aware, a major conference is being held by the Garda Representative Association, GRA, at present and a number of significant issues have emanated from it relating to manpower, equipment, resources and Garda morale. In tandem with these issues, the Central Statistics Office has confirmed that burglaries have increased by 17%, while robberies, extortion and hijackings have increased by more than one third. One of the more worrying statistics is that only one in four burglaries and only one in three thefts are actually detected, which comprises a significant and serious position.

In respect of equipment and resources, gardaí are stating the fleet has been reduced by more than 370 vehicles in the past three years, which is a reduction of more than 30%. Gardaí have stated that criminal gangs are conducting their crimes with high-powered vehicles while, to use a phrase employed, gardaí are pursuing them in the equivalent of lawnmowers. The fleet as it was has been replaced by commercial vans that are completely unsuitable for modern policing. On the manpower front, the remarks of the GRA president, John Parker, were quite worrying. He stated that gardaí are demoralised because manpower and resources are so depleted that even the investigation of crime itself is affected. He stated: "It's a PR exercise often where you go out and you record as much as you can and you try to allocate as much time as you can to the investigation of that crime." He went on to state:

The manpower is not there for a serious follow-up to crime. On previous occasions what you would do is door-to-door [inquiries], you would saturate the area. These facilities are

not there now.

Other gardaí say that in more than 30 years, Garda morale has never been so low. Obviously the absence of, or reduction in, resources, equipment and facilities is compounded by the manner in which gardaí were treated in the context of the Croke Park II negotiations. There were many examples of the financial predicament in which many gardaí find themselves.

Is the Taoiseach concerned about these statistics, in terms of the low detection rate in burglaries and thefts? What does the Government intend to do about that? I raised the broader issue of Garda morale previously with the Taoiseach. This is at an all-time low and I put it to the Taoiseach it needs an intervention by him personally and by broader Government to ensure the morale of gardaí can be improved significantly and also that the relationship between the Government and the Garda can be significantly enhanced.

The Taoiseach: Deputy Martin raises two issues, first, the comments about crime rates and, second, the question of transport. The Government fully understands that the Garda Commissioner runs Garda operations on a day-to-day basis. There is no interference in that regard, nor can there be, unlike what happened on a number of occasions in the past. I understand the Garda Commissioner responded this morning to allegations made in the media by the president of the Garda Representative Association, GRA. The Commissioner has no information or evidence about the allegations that were spoken about and has called formally on Garda Parker to clarify his position and provide any information or evidence he has concerning the claims he made. The Garda Commissioner has assured the public that all crimes reported to gardaí will be fully and thoroughly investigated and that, where possible, offenders will be brought to justice. The Commissioner has the full and absolute support of the Government in this regard.

The latest crime statistics show a reduction in crime under a wide range of headings, 11 out of 14. It is not a good situation to have the GRA making claims concerning which the Garda Commissioner has no evidence or facts with which to back them up. Since the enactment of the Garda Síochána Act in 2005, as Deputy Martin is aware, the Central Statistics Office is the independent national statistical agency which compiles and publishes crime statistics. The CSO has established a dedicated unit for this purpose, and to this end the Garda Síochána provides data to it concerning crime. General crime counting rules are published by the CSO as technical notes in each of its quarterly recorded crime reports. These notes explain when a crime is captured on the Garda PULSE system. The Minister for Justice and Equality is advised that supervisory ranks within An Garda Síochána review all incidents recorded on PULSE to ensure the correct crime classification is recorded. Further to this information, the Garda information service centre, the central authority for recording crime incidents on PULSE, also monitors and reviews PULSE information to ensure the crime classification is correct.

The Deputy mentioned transport, which was a problem in the past when no finance was provided for the acquisition of vehicles. I repeat to the Deputy that it is the Garda Commissioner who, entirely independent of Government and along with his personnel, decides which vehicles, according to type and specification, should be purchased. In 2012, 213 Garda vehicles were purchased at an overall cost of €4 million-----

Deputy Michael Healy-Rae: That is less than half of what was needed.

The Taoiseach: -----including, I point out to Deputy Healy Rae, those that go to Kilgarvan. A further €5 million was made available this year for the purchase and fit-out of appropriate

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Garda vehicles, as determined by the Commissioner and his staff.

Deputy Timmy Dooley: Who got the black windows for the Minister for Justice and Equality?

Deputy Mattie McGrath: Himself.

The Taoiseach: This represents a considerable investment in Garda transport, particularly at a time when the level of funding across the public sector is limited. Currently, the Garda fleet consists of 2,400 vehicles, with Garda patrol cars being taken out of commission when they reach 300,000 km on the clock. That decommissioning is undertaken to ensure the safety of Garda personnel and of members of the public.

To reiterate, the provision and deployment of Garda transport are matters for the Garda Commissioner in the light of what he considers are operational requirements. The availability of resources and responsibility for the efficient deployment of all official transport in each division is assigned to the divisional officer or the chief superintendent, who may deploy vehicles between stations in response to existing police demands. The allocation of resources across all divisions is monitored and reviewed on a continual basis. Far from a situation where previous Governments in the recent past did nothing about this, with limited cash available this Government made €4 million available last year and a further €5 million this year, which will provide a significant number of vehicles, to be determined in size and specification and scale by the Garda Commissioner.

Deputy Micheál Martin: The Taoiseach did not answer the question I asked.

Deputy Mattie McGrath: He never does.

Deputy Micheál Martin: He answered a question I did not ask. The issue of the dispute between the Commissioner and garda relates to the massaging of figures, but I did not raise it. The Commissioner clarified that this morning. The Taoiseach took up his three minutes to answer a completely different question, deliberately in order to avoid the question I asked, namely, whether the Taoiseach was concerned about the low detection rate in regard to burglaries and theft. As he correctly pointed out, the CSO has confirmed that only one in four burglaries and one in three thefts are actually solved. That was my question. It might be useful if the Taoiseach answered the questions we ask of him.

The second question was about morale. Every garda one meets - it does not have to be at a GRA conference but anywhere, even if one knocks at any garda's door throughout the country - he will tell one that morale has never been worse, in 30 years within the force. Gardaí are not entirely enamoured of the attitude and approach of the Minister. That is fine, it is a personal affair.

Deputy Michael Healy-Rae: Who is?

Deputy Micheál Martin: That is out there, but there is a combination of factors involved here. In 2009, there were 2,800 vehicles, now there are 2,444. There has been a reduction.

Deputy Alan Shatter: Did the Deputy's party allocate any of those vehicles?

Deputy Timmy Dooley: The Minister got his windows.

Deputy Micheál Martin: They are chasing criminals who have high-powered Audis and BMWs while the Garda has family saloon cars. Apparently, the Garda has bought 80 commercial vans where one has to throw a prisoner in the back and have two in the front.

Deputy Michael Healy-Rae: The vans are the new Garda stations.

Deputy Micheál Martin: It is becoming ridiculous. There is no point in trying to set up a straw man - the Commissioner versus gardaí - and then he has to discipline them. We are in a democracy and should allow people to articulate their position. I spoke about morale. Gardaí were treated very badly by the Croke Park agreement. According to the welfare arm of the GRA, every day a garda is becoming insolvent. Equally, mortgage arrears are becoming a significant problem for many gardaí.

An Ceann Comhairle: Thank you, Deputy.

Deputy Micheál Martin: What I hear from senior gardaí who have been around for a while is that morale is very low among the younger generation of gardaí who are looking for alternatives out of the force, if they can get one. That is a serious matter and I have no wish to raise it other than to suggest to the Taoiseach it is imperative for the Government to get to grips with this issue because it is wider than the Garda. It affects our society and our democracy. Gardaí are central to that and a linch pin of it.

Deputy Alan Shatter: Why did the Deputy agree with the troika to bring-----

Deputy Timmy Dooley: Why did the Minister get the windows blacked out in his new State car?

An Ceann Comhairle: I call the Taoiseach.

The Taoiseach: The Deputy must have been somewhere at the weekend. I liked the way he started, asking me to answer the question I was asked.

Deputy Robert Dowds: Have him treated for amnesia.

The Taoiseach: Did I not hear the Deputy for 12 glorious minutes on Sunday, refusing to answer a question? The interviewer asked Deputy Martin about his proposal to take €350 million from the public service although he was complaining that the Government was not being fair in dealing with the figure of €300 million. The Deputy refused point blank to answer the question so he should not come into the Chamber and tell me it would be great if I answered his question.

(Interruptions).

The Taoiseach: He must have had a little interaction. I can understand him getting buoyed up by these things.

The Garda Commissioner has challenged Garda Parker to back up his evidence for the claims he made that crime statistics are being massaged and manipulated.

Deputy Micheál Martin: I never made that point. I did not ask that today. The CSO figures were what-----

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The Taoiseach: I say to the Deputy-----

Deputy Micheál Martin: I did not ask that question.

An Ceann Comhairle: Please allow the Taoiseach to reply to the question.

The Taoiseach: This is an issue in the public interest.

Deputy Micheál Martin: I did not ask that question.

Deputy Pat Rabbitte: Deputy Martin needs to do a FÁS course on question asking.

Deputy Micheál Martin: I asked a question about the low detection rates for burglaries and thefts. Will the Taoiseach answer it?

An Ceann Comhairle: Deputy, please.

The Taoiseach: I am telling Deputy Martin that in the interest of public safety and public accuracy the Garda Commissioner has asked the president of the GRA to substantiate his claims of manipulation of crime statistics. The Government fully respects the work that gardaí carry out day and night on front-line services as the only line between the criminal and the civilian. These are difficult economic times for many people. They are equally difficult for lower paid members of the public services and front-line workers in the fire brigade, the Defence Forces and the many areas in which front-line services are provided, as well as for people in general. Nobody underestimates the scale of that. I want the Deputy to understand that the Government is fully committed to seeing that the men and women of the Garda force are given the equipment and facilities they need to do their job. This is why €9 million has been provided in the transport area in the past two years for the purchase and provision of appropriate Garda vehicles, as determined by chief superintendents and the Garda Commissioner and his staff.

Deputy Mattie McGrath: A drop in the ocean.

The Taoiseach: Unlike the situation under Deputy Martin's Government, which made very little available, the provision of facilities has increased over the past two years. When burglaries occur, it happens on a frequent basis that they destroy people's hopes when they have to enter their own homes to find them ransacked. We have evidence of this. Many of the vehicles available to the emergency response unit and the specialist units of the Garda are far from the descriptions I heard this morning.

Deputy Micheál Martin: One in four burglaries is detected.

Deputy Mary Lou McDonald: Twenty one years ago the case of a raped 14 year old child brought into being the judgment in the X case. From that time to this, we have awaited a legal clarification of an existing right for pregnant women to avail of termination of pregnancy where their lives are in danger. For 21 years medical professionals who care for those women have also waited for legal clarification and protection for their medical roles. I understand that the legislation for X was discussed today at Cabinet. Why is there an ongoing delay in the publication of the heads of the Bill? I want the Taoiseach to explain what precisely is happening at Cabinet.

Deputy Dinny McGinley: The Deputy will have to be elected to office before she gets to know that.

Deputy Mary Lou McDonald: I want him to reassure us that the legislation has not become a hostage to fortune in some kind of political stand off between Fine Gael and the Labour Party. I want him to confirm that he remains resolved to ensure this legislation is brought before the Oireachtas and put on the Statute Book by the time we rise for the summer recess. I want him to reassure medical professionals and, in particular, women of child bearing age this Government will not fail them as so many have done in years gone by. Where is the legislation and when will it be published? Can we expect it today or tomorrow, or will we have to continue to rely on media speculation as to what might be in it? When will the general public see the Bill and when can we debate it? Crucially, is the Taoiseach still committed to putting it on the Statute Book by July?

The Taoiseach: I will be frank with the Deputy. I think we had 28 items on this morning's Cabinet agenda. The Government dealt with all of them, including the approval of 1,000 to 1,500 jobs on the Kilkenny-Waterford border. This will have a significant employment impact on rural Ireland when the milk quotas are abolished. It is an example of strategic and important planning. The Cabinet began discussing the heads of the Bill dealing with the issue she mentioned but because of time constraints, including the need to be in this House, it was not possible to conclude our discussion. The Cabinet will resume its work on the matter after a little while and I hope the heads of the Bill can be published this evening. I hope the Deputy understands this is not the legislation but the heads of a Bill. They will go to an Oireachtas committee and everybody will have an opportunity to have a say on this sensitive matter. Work on the provisions of the Bill will continue both in parallel with and subsequent to the deliberations of the Cabinet sub-committee. It is my intention and hope that it will be enacted before the House rises for the summer.

As I noted previously, this is a sensitive matter which has been around for a very long time. The intention of the Government is to address it within the parameters of the Constitution and strictly within the law. No new rights will be conferred but legal clarity and certainty will be given. This is about saving the lives of women and their unborn babies, with due regard to what the Constitution says and what was determined by the Supreme Court. Work on the matter will continue later this evening.

Deputy Mary Lou McDonald: From the Taoiseach's response, I imagine that the issue of legislation on X must have been 28th on the agenda, or perhaps it was dealt with under any other business.

Deputy Pat Rabbitte: She is an absolute genius.

Deputy Mary Lou McDonald: I do not appreciate the tone of the Taoiseach's response. He knows as well as I do the urgency in bringing forward the heads of a Bill. The fact that it will not be finished legislation is all the more reason for the Oireachtas to see it and for it to proceed to committee without delay so that a full and frank debate can proceed. I have a worry, which I know is shared by others, that what is happening at Cabinet is a form of posturing, not least from the Taoiseach's political party.

An Ceann Comhairle: A question please.

Deputy Alan Shatter: Total nonsense.

Deputy Mary Lou McDonald: I understand fully that the legislation, when it comes before the House-----

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Deputy Alan Shatter: Who is posturing now?

Deputy Mary Lou McDonald: -----will simply-----

Deputy Alan Shatter: Some of the faces behind Deputy McDonald are not happy that she is raising the issue.

Deputy Mary Lou McDonald: -----legislate that which is already lawful.

An Ceann Comhairle: A question please.

Deputy Mary Lou McDonald: We are 21 years on and further delays cannot be justified in any way. Over the past week there has been a considerable amount of intemperate and inaccurate rhetoric from the Taoiseach's own benches.

Deputy Patrick O'Donovan: The Deputy must be referring to last night's "Prime Time".

Deputy Mary Lou McDonald: I hope the Taoiseach has faced that down and that we will see the heads of a Bill this evening. I ask him to make it clear that he intends to bring the legislation through the Houses of the Oireachtas and onto the Statute Book by the end of July.

The Taoiseach: Yes, it is my intention. I remind the Deputy that it has been 30 years since the amendment was first introduced in 1983 and, as she noted, 21 years since the last occasion in which people were engaged here. This matter has not yet been dealt with. The Government intends to deal with the issue within the parameters of the Constitution and the law, taking account of the obvious sensitivities of this complex and technical matter. It is about saving the lives of women and their unborn babies, and it ill-behoves Deputy McDonald to come in to this House, after all those years, to play politics with the lives of women.

Deputy Mary Lou McDonald: It ill-behoves the Taoiseach to delay the legislation. We have waited 20 years for it.

Deputy Pat Rabbitte: If she waited 20 years for it, she can wait another 20 minutes.

Deputy John Halligan: Tomorrow is May Day, a day when trade unions and workers across the world unite in solidarity and in support of workers' rights. It is also 100 years since the 1913 Lockout, when Irish workers endured great hardship to secure such basic rights as the right to join a trade union and decent working conditions. I doubt workers in 1913 could have foreseen the decimation of these hard won entitlements that is taking place today. Is the Taoiseach aware that Ireland is one of only three European Union member states in which workers do not have a statutory right to workplace representation? Whereas workers once stood up and were counted, there is now a growing culture of keeping one's head down and getting on with it for fear of being targeted by certain employers, albeit not all of them, as they take full advantage of the recession to have labour laws watered down in the name of economic recovery. Some unscrupulous employers are driving down wages, sacking workers and hiring others at cheaper rates, cutting overtime payments, demanding longer hours and ignoring trade unions. All of this is being done by stealth and the Government is doing little about it.

Is the Taoiseach aware that the Council of Europe watchdog, the European Committee of Social Rights, has found Ireland to be in breach of eight European requirements on employment rights? Far from protecting workers on low and middle incomes, the Government has aggressively gone after increments and pay for unsocial hours and is now threatening worse if public

sector workers do not agree to its plans. Will the Taoiseach make a commitment to strengthen the regulatory framework of labour legislation and collective bargaining? As many Deputies are aware from their constituencies, the regulatory framework is clearly not solid enough to deal with current levels of exploitation and marginalisation of workers. Will the Government commission the OECD to investigate the full consequences of the bailout exit strategy it is pursuing in terms of its impact on workers' rights and their quality of life?

The Taoiseach will recognise that labour rights are human rights. The failure of the Government to enforce legislation which gives every worker the right to join a trade union without being intimidated or facing the possibility of being sacked is a gross violation of workers' human rights.

The Taoiseach: The position in so far as workers and their conditions are concerned has changed radically since 1913. In the intervening period we have had the development of a unique voluntary architecture for industrial relations which has, by and large, proved itself to be outstanding when compared to legislative or statutory based systems. It is important that the concept behind this architecture is maintained.

It is the right of every worker to join a trade union if he or she so wishes and the Government is cognisant of the bargaining rights of workers. We reversed the cut in the minimum wage, removed 300,000 employees from the scope of the universal social charge and provided in the proposed Croke Park II agreement that 87% of lower paid workers on salaries of less than €65,000 would have their core pay untouched.

I engaged yesterday with the Prime Ministers of Spain and Portugal, two countries where the position is very different from the position here. While the Government completely understands the challenge we all face, it has been cognisant of the need to understand and ameliorate, in so far as possible in the circumstances, the difficulties and challenges faced by workers.

It is a long time since "Big" Jim Larkin did his thing for workers on O'Connell Street and we have come a long way since. We hope workers will benefit from some of the financial decisions the Government made today. I fully respect the bargaining rights of workers and the opportunities in place. It is in the interests of government and the nation to have a well run, competitive economy where employment opportunities beckon for those who have a particular talent or experience and those who are unemployed.

Deputy John Halligan: As noted by the European committee to which I referred, the human rights of workers in Ireland are being violated in three ways, namely, in respect of the failure to provide for trade union recognition and in aspects of the liquidation and insolvency processes. While I do not have any time for some of the current leadership of the trade union movement, legislation must be introduced to give workers a right to join a trade union without being vilified by the management of companies that refuse to recognise trade unions.

Is it right that when companies are liquidated workers are the last people to be paid? Whereas everyone else is paid by the liquidators, workers, even those with families, are told to go home and wait for 12, 14 or 16 weeks to receive a social welfare payment. Is it right that in the case of insolvency, a company can tell workers to take statutory redundancy, for which the State pays, before proceeding to reopen under another name and hire workers at lower wages? This is happening all over the country. I can cite four examples of this practice in my constituency and, as Deputy Boyd Barrett could tell us, workers who were sacked by a company that

subsequently reopened under another name have been on strike for four years.

I ask the Taoiseach to carefully examine the three areas I have highlighted where the human rights of workers are being denied. Workers should have the right to join a trade union. They should be looked after when a company is liquidated by being paid the wages, overtime, holiday pay and so forth that they are owed, and for which they can wait years under the current system. Furthermore, if a company becomes insolvent, it should not be permitted to reopen under another name, selling the same products, having hired workers at a lower rate of pay.

The Taoiseach: The Deputy has raised three important issues. I reiterate that it is the right of any worker to join a trade union. While it is assumed that the joining of a trade union brings with it bargaining rights, this also assumes the number of members is such that it will make that happen.

Deputy John Halligan: The Taoiseach should ask Dunnes Stores if its staff can join a trade union.

The Taoiseach: As I stated, the unique structure of Irish industrial relations has, by and large, stood the test of time and it is important that we retain the voluntary concept. It is not true that workers are always the last to be paid when companies are liquidated. While there may be challenges or competing interests from different creditors, when companies become insolvent or are liquidated it is always of critical importance that workers receive the compensation due to them and are afforded their rights. This can take time and court cases are sometimes required to validate these rights. This is obviously an issue that arises from time to time and is one that is difficult to sort out.

Ceisteanna - Questions (Resumed)

Seanad Referendum

1. **Deputy Gerry Adams** asked the Taoiseach his plans to bring forward a referendum on the future of Seanad Éireann. [2321/13]

2. **Deputy Joe Higgins** asked the Taoiseach if it is his policy to hold a referendum on the future of Seanad Éireann. [12515/13]

3. **Deputy Simon Harris** asked the Taoiseach his plans for a referendum on the future of Seanad Éireann. [20169/13]

The Taoiseach: I propose to take Questions Nos. 1 to 3, inclusive, together.

The programme for Government contains a commitment to put to the people a referendum to abolish the Seanad and the necessary Bill is currently being drafted. It is the intention to publish the Bill in the current session in order that there will be ample time for debate on it prior to a referendum later in the year.

Deputy Mary Lou McDonald: The programme for Government, when published, accept-

ed the need for further scrutiny of government, greater government accountability and reform. In reality, the abolition of the Seanad will mean there will be less rather than more accountability. In this term, the Government has consistently used its majority to ram through legislation, impose guillotines and shorten debates. In some instances we have ended up with very poor quality and flawed legislation as a result. I completely accept that the Seanad, as it is currently structured, has a democratic deficit. We are of the view that the current version needs to be scrapped and then reformed rather than abolished.

If the Taoiseach had been thoughtful and serious in respect of the Seanad, he would have referred the matter to the Constitutional Convention. As he is aware, the latter is currently meeting to consider eight - perhaps nine - different proposals for constitutional change and reform. I do not understand why the Taoiseach did not avail of the opportunity of the convention to allow citizens, alongside political representatives, to consider the matter of the second Chamber and to take a view on it. Ultimately, the Taoiseach has chosen not to do that and has indicated that he will bring forward legislation. Will he be a bit more specific and indicate the point at which that legislation currently stands? I do not know why the Taoiseach is grinning. I am asking him a serious question.

The Taoiseach: I was not grinning. I have just taken a drink of water.

Deputy Mary Lou McDonald: So the Taoiseach grins upon consuming water.

An Ceann Comhairle: Will the Deputy pose a question? This is Question Time.

Deputy Mary Lou McDonald: The people will ultimately decide should the Government put this matter to a referendum.

Deputy John Paul Phelan: Was the Deputy grinning last-----

Deputy Mary Lou McDonald: Does the Taoiseach have any idea when that referendum might take place? Does he have any intention of allowing for debate or consultation with broader sections of society prior to its being held? I presume the normal rules relating to the funding of referendum campaigns, the information provided by Government, etc., will apply. How much consideration has the Taoiseach given to these matters?

The Taoiseach: I thank the Deputy for her question. The reason this is not a matter for the Constitutional Convention to consider is because part of the programme of Government was to establish that convention in order to see how it might work. Also, we specifically decided to put to the people a referendum on the abolition of the Seanad. In March the Government commissioned the work relating to the preparation of the relevant Bill. That Bill will be published this session and a full-scale debate will take place on it.

There is broad-ranging consultation occurring in respect of this issue. Obviously, citizens cannot be left bereft of anything which might be removed from our system if the people decide to abolish the Seanad. This means that there would be changes with regard to the way the Dáil does its business. Changes would also arise in respect of the specific references to the Seanad in the Constitution. I refer, for example, to the Seanad being mentioned in the context of the removal of a member of the Supreme Court or the High Court and in respect of the Comptroller and Auditor General, the President, the determination of money Bills.

In the event that the people decide to abolish the Seanad, questions arise as to when it would

be phased out. For example, would this occur prior to the commencement of the lifetime of the next Oireachtas? Further questions arise as to what would happen to business that was under way or nearing completion if the Seanad ceased to exist. Other instances where the Seanad is mentioned in the Constitution relate to the Presidential Commission, the early signature of Bills by the President, etc.

All of these issues will be dealt with in the Bill that is to be published this session. We will make arrangements, in good time, for a proper, constructive and open debate on the matter. The referendum will take place in the autumn. It will probably be held in the month of October but I cannot be too definite on that matter just yet. There is a very busy schedule of legislation to be dealt with in October. In addition, the budget will be introduced on 15 October. This will be followed by the finance Bill, the social welfare Bill and so on. When the Bill is prepared it will come before the Cabinet which will then approve and publish it and make arrangements for the establishment of a commission to deal with the matter. We will then let everyone have his or her say.

Deputy Joe Higgins: The Socialist Party was decades ahead of the parties in government in demanding the abolition of the Seanad. The Seanad is an elitist entity, some of the Members of which are voted in by university graduates. There is no vote in the Seanad for ordinary working people who did not have the opportunity to attend third level. Even some of those who have attended college, have been denied a vote as well. The Seanad is, therefore, full of anomalies and elitism. It is a vehicle of patronage for the political parties in power and for the Taoiseach of the day. In many ways, it is a rotten borough. The vocational panels relating to the Upper House were supposed to gift to the nation legislators of particular expertise. However, this has not proven to be the case. It is high time the Seanad was abolished.

I ask that the Taoiseach be more specific. He stated that the Bill providing for the abolition of the Seanad will be published this session. Will this Bill contain all the details in respect of the legislative and constitutional changes that will have to be made if the people choose to abolish the Seanad? Will the Taoiseach indicate when he envisages that the referendum will take place?

The Taoiseach: I thank Deputy Higgins. As I informed Deputy McDonald, it is proposed to hold this and a number of other referenda in the autumn. I cannot provide a specific date as yet because the Government has not made a decision in that regard. When the Bill is published, it will deal with all the issues relating to the removal of references, direct and indirect, to the Seanad in the Constitution. It will also deal with how the consequences of the abolition will be catered for by means of changes to the Oireachtas, particularly the Dáil. The Bill will be published this session and the information relevant to it will be made available to everybody. Clearly a process must be undergone in respect of any referendum. That relating to the Seanad is one among a number that will be held. The Government decided this morning that a second referendum will be held in respect of the court of civil appeal as a result of the backlog that has built up in the higher courts. The latter is an issue in respect of which the Minister for Justice and Equality will proceed to prepare legislation.

The first report of the Constitutional Convention is due to be submitted to the Minister for the Environment, Community and Local Government shortly. Arising from that report, the Minister will bring a memo to Government for its consideration. The Government will make a decision at that stage as to whether there should be one or more referenda on foot of the first report of the convention.

Deputy Simon Harris: I thank the Taoiseach for his commitment on this issue and for the clarification he has provided in respect of it. When he placed the issue of the abolition of the Seanad on the public agenda before the most recent general election, it moved the conversation on significantly. Some 12 reports on Seanad reform were compiled in the past but no action was taken in respect of any of these. Even those about whom we read in the media and who are concerned with regard to the abolition of the Seanad would agree that a referendum will at least progress the issue of proper political reform.

In advance of the referendum, will any discussion take place in respect of changing the electoral system for membership of this House in order to ensure that the varied voices which are heard in other Chambers and who might not be elected to the Dáil might continue to play their part? A total of 14 of the 27 member states of the EU have unicameral systems. Is consideration being given to what other countries with such systems have done to ensure that there is a level of scrutiny such as that to which Deputy McDonald refers?

The Taoiseach: What was the Deputy's first question?

Deputy Simon Harris: It refers to learning from the experience of other countries. As stated, 14 of the 27 member states of the European Union have unicameral systems. Most countries with bicameral systems have populations greater than 10 million.

The Taoiseach: What was the Deputy's point about public representatives?

Deputy Simon Harris: It relates to the electoral system. Prior to the election, there was a discussion as to whether we would consider having some Members of this House elected in a way different to that in which we are all currently elected. This would ensure that there would continue to be varied voices heard within the political process.

4 o'clock

The Taoiseach: There are a number of countries, such as New Zealand, Denmark and Sweden, that have unicameral systems. The situation, in so far as people being elected by a different method to the Dáil is concerned, is that the Constitutional Convention will look at the electoral system. Clearly, it may make its views known as to the kind of electoral system, the issue of constituencies, boundaries, independent commissions and all of that, and the scale and nature of the Oireachtas, including the Dáil, how it should be constituted and the numbers to be elected thereto. These are all part of a new reflection by the combination of public representatives and ordinary people selected from the Register of Electors to give their views.

For the Deputy's information, the second report of the Constitutional Convention is due to be received by the Government by July. We will then consider that report here in public discussion and the Government will make its views known on the issues that are also considered in the second report, possibly or probably for a decision by referendum in 2014, where I would expect to have a number of other issues decided by a vote of the people also.

Deputy Micheál Martin: Previously, I asked the Taoiseach to publish the material that he has consistently stated has been prepared on a referendum to abolish the Seanad. He has now confirmed that the appeals court legislation will be laid before the Dáil. Some weeks ago, we were briefed that a referendum on the patents treaty would also be considered in the autumn. That is three referendums for the autumn, yet we are heading into May and it seems that we will have less information than we have ever received on a proposal in the past 20 years. The

timeline is important in terms of Members and the public having an opportunity to digest the issues. For example, the Taoiseach referred to issues with phasing out the Seanad and the date the decision would take effect. Does this suggest that the Seanad might not be abolished immediately following a vote and that it would be in existence for a further four years?

Deputy Mary Lou McDonald: On the same note, it is assumed that the referendum will be held in the autumn. In the event that the people decide to vote for the abolition of the Seanad, will their decision take effect immediately or will the Seanad serve out its term?

The Taoiseach: The Bill will be published this session. All of the information available will be published at the same time and will be made available to everybody. On the question of when, if the people decide in the autumn to say that they, by referendum, want to abolish Seanad Éireann, their decision will become effective, my view is that it would happen just before the commencement of operations of the next Dáil. The Seanad is a constitutional entity and the people may make their decision, but the current Seanad has work that it will have to complete and address. Let us say that the referendum is on date X. If people decide to abolish the Seanad, it will continue with its work in its constitutional position until just before the next Dáil will meet in session. All of the material that is relevant will be published.

Deputy Micheál Martin: Is there a reprieve of two years for existing Senators?

The Taoiseach: For the Deputy's information in regard to the unitary patent, the position is that the Government decided this morning that it would not be feasible to do that this year because there were a number of issues from a European perspective that were not clear yet. This will require some legislation. The Government reflected on this. It would be more appropriate to hold that referendum as one of a number next year. The unitary payment referendum will not be held this year - it will be next year. When the Government reflects on the first report of the Constitutional Convention, it may decide to hold another referendum or whatever together with the Seanad question and the question on the court of civil appeal.

Official Engagements

4. **Deputy Micheál Martin** asked the Taoiseach the bilaterals meetings he attended in Davos in Switzerland; and if he will make a statement on the matter. [5084/13]

5. **Deputy Micheál Martin** asked the Taoiseach the issues he discussed with Ms Christine Lagarde of the IMF; and if he will make a statement on the matter. [5085/13]

6. **Deputy Gerry Adams** asked the Taoiseach if he will report on his visit to the World Economic Forum in Davos, Switzerland. [5088/13]

7. **Deputy Gerry Adams** asked the Taoiseach if he held any bilateral meetings during his visit to the World Economic Forum in Davos, Switzerland. [5089/13]

8. **Deputy Joe Higgins** asked the Taoiseach if he will report on his attendance at the World Economic Forum in Davos, Switzerland. [12517/13]

9. **Deputy Micheál Martin** asked the Taoiseach if he will report on his recent meeting in Dublin with Ms Christine Lagarde. [13590/13]

10. **Deputy Gerry Adams** asked the Taoiseach if he met with Ms Christine Lagarde during her visit to Ireland on 8 March 2013. [13611/13]

11. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on all meetings he had during the World Economic Forum in Davos in Switzerland and the issues raised; and if he will make a statement on the matter. [18599/13]

12. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his most recent meeting with Christine Lagarde; and if he will make a statement on the matter. [18601/13]

13. **Deputy Paschal Donohoe** asked the Taoiseach if he will detail his engagements at the recent World Economic Forum in Davos; and if he will outline the way these meetings will contribute towards our economic recovery. [20170/13]

The Taoiseach: I propose to take Questions Nos. 4 to 13, inclusive, together.

I travelled to Davos, Switzerland, to attend the annual meeting of the World Economic Forum, WEF, from 23 to 25 January. The Minister for Finance, Deputy Noonan, was also invited by the WEF to attend the forum on this occasion, noting that it was taking place during Ireland's Presidency of the European Union. The World Economic Forum annual meeting is attended by political and business leaders and heads of international organisations from across the globe. The theme of this year's meeting was resilient dynamism.

On the Wednesday evening, I attended a function hosted by Professor Klaus Schwab, executive chairman of the forum, and also attended by other Heads of Government and the business council of the WEF. I participated in a number of formal events on the programme on prevailing global economic matters. These included a plenary panel session, entitled "Eurozone Crisis - the Way Forward", where I was a panellist alongside the then Prime Minister of Italy, Mr. Mario Monti, the Prime Minister of the Netherlands, Mr. Mark Rutte, and the Prime Minister of Denmark, Ms Helle Thorning-Schmidt. I also participated in a formal session on the theme of restoring Europe's dynamism beyond the current crisis, as well as a high-level discussion session on the prevailing global themes for 2013, such as the consequences of the US elections and China's 18th party congress, ongoing turbulence in the Middle East and the global financial issues.

During my time at the WEF, I also held bilateral meetings. I met Ms Christine Lagarde, managing director of the International Monetary Fund, IMF, along with the Minister for Finance, Deputy Noonan. We discussed progress in implementing Ireland's EU-IMF programme and noted that, in each of the quarterly reviews completed to date, Ireland was deemed to have achieved all of its commitments in terms of both policy reforms and quantitative targets set under the programme of assistance. I assured Ms Lagarde that the Government remained committed to achieving the fiscal targets set under the EU-IMF programme. We emphasised that our focus was on our exit strategy from the programme, our re-entry into the financial markets and our overall debt sustainability. We discussed progress in restructuring our banking system, including our ongoing negotiations with the ECB regarding the possible restructuring of the promissory note repayment schedule. We also discussed the Government's ambitious programme of structural reforms to support job creation and to generate economic growth.

I also met Ms Lagarde on 8 March during her visit to Dublin. We engaged in a productive and wide-ranging discussion, which included priorities being progressed as part of the Irish Presidency.

As regards other meetings while I was at the WEF, on Thursday evening, 24 January, the Minister, Deputy Noonan, and I participated in an event in Davos organised by IDA Ireland and attended by over 40 senior executives of major international companies. I outlined why Ireland remained one of the best locations in the world in which to invest and to do business. I also outlined the emphasis we would place on stability, growth and jobs during our Presidency of the European Union, which we have been doing. I acknowledged the vital contribution that many of the companies represented had made to Ireland and to our economy and urged those who were looking at potential locations for investment or expansion to consider Ireland very seriously.

The following day, I addressed the transatlantic business dialogue, which brings together leading figures from US and European business. The main focus of the meeting was to set out the priorities for Ireland's Presidency of the Union, including strengthening the EU-US trade and investment relationship. I also met individually with leaders of several major multinational firms from a variety of fields, principally in the high-tech and financial services areas.

The WEF provides an exceptional opportunity to interact with key players in the business world and I availed of the opportunity whenever possible to promote Ireland as a location for international business and investment.

Deputy Micheál Martin: The Taoiseach let it slip in the Dáil the last time this issue arose that he had been taking an active interest in the Burmese mobile telecommunications situation during the Davos forum. He did not have time to follow up on that matter in the House, but will he explain why he was having discussions on this issue? Were they entirely coincidental or was he particularly interested in the Burmese situation?

On the Taoiseach's meetings with Ms Lagarde, she and the IMF have been calling for an easing of current policies within the EU, including further debt relief for Ireland, Portugal and others. Did the Taoiseach discuss these issues with her in Davos and Dublin? Does he support those calls? There is a sense from within the IMF, added to by President Barroso more recently, that the current policies emanating from Europe are too one-dimensional and that the focus on balancing the books alone and no other strand is damaging European economies. Our retail sales fell by 2% in the past month. The IMF has asked the UK to pull back on its deficit targets because the latter is going too quickly. In the context of holding the EU Presidency, is the Taoiseach pushing for policy initiatives similar to those advocated by Christine Lagarde, the head of the IMF? Does he agree with her? Does he support her call and will he be doing anything in the remaining period of the Irish Presidency to advance the issue?

The Taoiseach: In respect of telecommunications and Myanmar, I had a visit from a company interested in Irish potential in the area. I had an engagement with it about the possibilities it sees for Irish involvement in trading with a country that has enormous resources and has distinct possibilities for a trading nation such as this country. I have never been there. I discussed the matter briefly with a member of one of the international telecommunications companies in Davos, who attended the IDA-sponsored function where there were 40 chief executives of international companies. In Myanmar, less than 2 million people have had access to mobile communications out of a population of 60 million. A quantum leap will be involved in going from no communications to all the modern methods of communication. In many ways it will be a social experiment for a people who have had centuries of limited capacity to connect around the world.

I and the Minister for Finance, Deputy Noonan, met Christine Lagarde, the director of the IMF, and we discussed the issues of the day, namely, the promissory notes, debt reduction and the ongoing programme with this country of troika visits, including the IMF. We also referred to the decision of the European Council of 29 June 2012 to break the link between the sovereign and bank debt, the importance of the single supervisory mechanism being set up by the Ministers and approved by the European Council, with the architecture to be available by June of this year and to take effect on 1 March 2014. We discussed the question of banking union and the impact that could have on fractured systems throughout Europe which are very important for all the economies. It is clear that will be a test of credibility for the European Council meeting in June of this year, which is now being pursued by us as Presidency in respect of resolution and the issues that will have to be decided in that regard.

On whether I share the director's view, the meeting was in advance of the promissory notes and we made the point about the difficulties it was causing for this country's economy and people. We have already availed of a one-year extension. We have clearly set out our plan to have our deficit below 3% by 2015 and we intend to stick to that target. The IMF has in general been most supportive of this country's claims for dealing with debt levels and the challenges we have and will face in the future. In that sense, it was a general discussion about European issues - our incoming Presidency; the priorities for us of growth, stability and jobs; the co-operation of the IMF in seeking to get the agreement and consent of our European colleagues for debt reduction in the extension of maturities, which has now happened; the question of the promissory notes; the structure of banking union; and how it might be possible to construct a situation where we could get money back for taxpayers arising from the recapitalisation this country was required to make a number of years ago.

Deputy Mary Lou McDonald: In recent times President Barroso of the European Commission thought out loud and said in his view that austerity had reached its limits. Prior to that a former employee of the IMF, Ashoka Mody, said that reliance on austerity is counterproductive. Did the Taoiseach discuss any of those matters with Ms Lagarde or did he draw her attention to the huge dilemma we face within the domestic economy? Did he discuss with her growth-focused initiatives and policies that would be most suited to this country? Did the Taoiseach tease out with Ms Lagarde that people are now saying that the view within officialdom is that austerity has either run its course or is in some cases deepening problems? He knows as well as I do that as long as domestic demand and confidence are on the floor, we have a big problem in the domestic economy and, by extension, in respect of employment and unemployment rates. Did the Taoiseach explore any of those issues with Ms Lagarde?

The previous time the Taoiseach referred to discussions in Davos with people about the opening up of telecommunications was in the context of the G8 summit. I remind him that he said:

When speaking to people in Davos, the issue of the opening up of Myanmar, the former Burma, arose. It is a country of which we do not have great knowledge, although there were real connections between Ireland and Burma as it was called. That country of 60 million has a huge range of natural resources, yet some 58 million of its people have never had access to communications. That country will move from what might be termed ground zero to cloud computing and cloud access straight away. The scale of the investment there will be enormous.

That is what the Taoiseach said on 12 February. He clearly recognised a big investment

opportunity in that regard. Will he elaborate a little more on whom he discussed those matters with in Davos? He said it was a member of an international company. Does he recall who it was or who they were? I ask that because I understand that Digicel, the company controlled by Denis O'Brien, is pursuing one of the two telephone licences currently on offer in Myanmar. Did that form part of the discussion?

The Taoiseach: No, I did not discuss the questions Deputy McDonald raised arising from Mr. Barroso's comments or the comments of Mr. Ashoka Mody, the former IMF employee, because they had not been made at that time. As I indicated to Deputy Martin, we discussed the range of priorities for our Presidency, the challenge for this country and the difficulties people were experiencing because we did not have a resolution on the promissory note, nor indeed a resolution in respect of an extension of lower maturities to flatten the debt profile. Neither did we have any real fix on the single supervisory mechanism. At that time, not much progress had been made on banking union, which will have an important part to play.

I made the point previously that when the gentleman from the IMF was in this country as one of the lead persons, he spoke in a very different way about the issue and the challenge arising from the much abused term, austerity. It is clear that one can neither tax one's way back to prosperity nor achieve it through austerity. The challenge for us is to stimulate the indigenous economy and to restore a sense of confidence. In that sense, decisions made by Government have impacted on competitiveness, which has increased by 20%. We are creating 1,000 jobs per month in the private sector, which is important when compared with a loss of 7,000 a month for a number of previous years. An example of the progress made is the major announcement today by Glanbia of a significant investment which will create 500 jobs on the construction of the new plant in the south Kilkenny-Waterford area, which will provide up to 1,500 jobs on family farms from north-east Cork up to Louth, with the abolition of milk quotas. They are important signs of confidence. One should also note that a contract was signed this morning for the N11 and the Newlands Cross junction, which is a significant road development that will provide both transport links and contract jobs. It will allow the Government to move on to the next public private partnership priority, which is the road from Gort to Tuam. I could not have discussed the question referred to by the Deputy with Mr. Barroso or Mr. Ashoka Mody. However, I did discuss the issue with Ms Lagarde.

In response to another of the Deputy's questions, I had no meeting or connection with Digicel in Davos. The chief executive that I spoke to was from a different company, from a northern European country with very significant international and Irish interests in telecommunications. Our discussion arose at the IDA-sponsored investment and continued investment in Ireland event. The company in question is Ericsson.

Deputy Mary Lou McDonald: What was the name of the company?

The Taoiseach: Ericsson.

Deputy Joe Higgins: The foundation that organises the World Economic Forum is funded by about 1,000 of the biggest multinational corporations, typically grossing more than \$5 billion in turnover annually. The gathering in Davos that the Taoiseach attended is by invitation only, bringing together the world's biggest capitalists, quite an array of leading right-wing politicians, including the Taoiseach, and the media. When the Taoiseach went strolling around the streets, if he had any spare time, he would be unlikely to run into a few plumbers from Castlebar or shop stewards from the local factory. It is fat cats all the way, representing big business

interests and the philosophy emerging is overwhelmingly to propagate neo-liberal, right-wing economic policies. The philosophy is pro-privatisation and pro-race-to-the-bottom in terms of workers rights. What is the purpose, therefore, of the Taoiseach visiting Davos and spending taxpayers money rubbing shoulders with these people? The taxpayers funding his trip are the victims of this whole system. I have no doubt that many of the biggest financiers and bondholders who crashed the world economy and financial system, and who were doubtless investing here and gambling on the Irish property bubble, were rubbing shoulders with the Taoiseach as well. I ask him to desist from attending this particular forum in the future. Perhaps he could redeem himself by saying that he got some big, new idea coming home from Davos to transform our situation here but I cannot see any evidence of that, given that he is continuing the disastrous austerity policies right up to this moment. I ask the Taoiseach to explain himself and we can see if there is any justification for this visit.

The Taoiseach: The World Economic Forum in Davos was in operation long before I occupied these benches. It is an opportunity to meet chief executives and senior business personnel from around the world, many of whom have investments in this country and who create jobs as a consequence, which is very important for our economy. It is not a case of rubbing shoulders with superior capitalists, as Deputy Higgins would call them. I did actually walk down the street to get something to eat in a non-exclusive restaurant. The Swiss manager there told me that he only serves Irish beef to his customers-----

Deputy Joe Higgins: Without added horsemeat, one hopes.

The Taoiseach: -----which is an indication of his connection with Ireland. He had been here on holidays on a number of occasions. It was far from the Deputy's vision of me rubbing shoulders with the elite, eating caviar and drinking wine because I know where I come from.

Deputy Micheál Martin: So does the Minister of State, Deputy Ring.

The Taoiseach: Deputy Higgins asked if I learned any new ideas at Davos and the answer is "Yes", quite a number. I did not meet any plumbers from Castlebar but the chief executive of the World Bank said in his contribution to the meetings that in the next 30 to 40 years, water will be one of the most critical issues, globally. In fact he argued that it's shortage, use or misuse will be a cause of international concern within the next decade or so. It is also evident that Europe needs to get its act together in terms of developing an energy grid for the continent. The extent of drilling for shale gas in the United States is causing energy prices to drop there while in Europe, prices are 300% higher. This is of enormous significance, in terms of huge investments by international companies. That is why it is important that the inter-connector between Ireland and Britain is now up and running. Furthermore, the memorandum of understanding signed by the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, and his British counterpart recently for the sale of Irish renewable energy directly into the British market is also significant. I spoke to the Prime Ministers of Portugal and Spain yesterday about the importance of interconnection between both countries and connection on into France. This is an issue that cannot be allowed to drift on for years because it is very important for jobs in all of those economies.

The real value of Davos is the importance that others attach to discussions with them about their industries here, the productivity of the Irish work force and the extent of their public proclamations about doing business in a country like Ireland and the fact that they consider it important that one takes the time to talk to them about any concerns or anxieties they might

have about corporate tax rates or other issues. It is important that one can provide reassurance to companies so that they will continue to want to invest here. The forum also allows one to meet particular chief executives or business people who are considering investing in Ireland. In conjunction with the IDA, it is important to be able to make a strong sales pitch for investment in Ireland.

When I had the privilege of opening the e-Bay-Paypal facility in Dundalk recently, the chief executive spoke to me of the company's happiness with the workforce, their productivity and the general business environment in Ireland. Positive comments about the workforce coming from individuals like that are much more important than similar comments coming from politicians. They are, after all, the front-line investors who actually make the decision to invest in this country, as distinct from others. It is all part of the programme to make us the best small country in the world in which to do business by 2015.

Deputy Richard Boyd Barrett: Last weekend I was involved in organising a protest in Wicklow that saw 4,000 people come out and demonstrate at the Avondale Forest Park, the former home of Charles Stewart Parnell, against the Government's plan to sell off the harvesting rights to Ireland's forestry. In that context, while the Taoiseach was in Switzerland, did he speak to any foresters or anyone in the Swiss Government involved in the area of forestry? Had he done so, he might have discovered that the Swiss have a flourishing forestry sector and that a country half the size of Ireland has over 100,000 people working in forestry and would not dream of selling that resource to anyone. While the Taoiseach was rubbing shoulders with the great and the good at Davos, did he meet any representatives of Helvetia Wealth, the Swiss bank, a subsidiary of which is chaired by the former Taoiseach, Mr. Bertie Ahern, which has expressed an interest in taking over our forests? The Swiss certainly seem to understand the value of forestry. The Taoiseach, while in Davos, should have examined the question of how to manage public forestry properly and how to harness the value of public forestry for the economy.

In the Taoiseach's discussions about Ireland's economic plight and debt position, did he point out to Ms Lagarde, the people from the European Central Bank and those who are overseeing the austerity programme in this country that this year and for the following three years, 20% of all tax revenues in the State will be used to pay off debts? As of next year, this country will bring in more in tax than we are spending, meaning that 20% of all revenues will purely be used to pay off debts. It will not be used to pay nurses and doctors or front-line public sector workers, as the Taoiseach has claimed so often, but for next year and for many years after, we will borrow billions of euro purely to pay off debts, which were largely incurred as a result of the activities of private financial institutions.

Did the Taoiseach make that point to people like Ms Lagarde? We are paying our way and by next year we will be more than paying our way. It is grossly unjust, in that context, for a fifth of our tax revenues, according the Department of Finance figures, to be paid out in meeting the debts of private institutions. Did the Taoiseach point out the gross injustice and economic stupidity of this? Did he tell these people that the process is not sustainable?

The Taoiseach: I am glad the Deputy was down in Avondale, which is a beautiful place, with a wonderful arboretum. It is a great place to go to reflect on the uncrowned high king of Ireland. In times to come, when the Deputy is sitting at the Cabinet table, he will be able to see the portrait of Mr. Parnell on the wall. The Deputy should think about that.

Deputy Richard Boyd Barrett: He would turn in his grave if he thought the forests were

being sold.

Deputy Michael Ring: He would turn in his grave if he thought the Deputy was there.

The Taoiseach: The Deputy can take up his discussions with our former Taoiseach, Mr. Bertie Ahern, who has some involvement in the matter, if he wishes to do so.

Deputy Richard Boyd Barrett: I was just wondering if he was at Davos.

The Taoiseach: I had no meeting with foresters in Switzerland but I did notice snow on the pine trees high in the mountains. The Government has not yet made a decision on the sale of State assets, including Coillte. I know that every weekend thousands of people avail of the beautiful opportunity to use the State forests for recreation purposes, including the trails, waterfalls, pathways, stiles and gates. I have been through many of them. When the Government makes its decision, is there a serious suggestion that all these amenities will be cast aside? We are talking about the potential that would arise from a cash crop of timber, and that clearly does not include the recreational areas of which people avail every weekend.

We discussed the question of debt sustainability and repayment with Ms Lagarde, as I noted in answer to Deputies Martin and McDonald, and we also discussed the question of having a requirement of borrowing €3.1 billion every year for ten years to deal with the promissory notes, which matter is now dealt with. The IMF was very favourable towards this country because of the steps being taken by the Government and the people to deal with these challenges. On every occasion that she could, Ms Lagarde was very forthright in her support for Ireland and in getting economic concessions from European colleagues.

It is true that we have made some improvement in the debt position and flattening the debt profile. Given our overall debt, there are serious challenges ahead, and we will not be able to deal with that until we get our public finances right and further increase our competitiveness and restore a sense of confidence to the national economy. The Government will continue to focus on access to credit for small and medium enterprises, SMEs, and opportunities to open those doors for those SMEs to feed off larger enterprises. We support the setting up of new businesses very strongly. I will meet the chief executive of the European Investment Bank later this afternoon to discuss further investment in potential infrastructure and, as a consequence, job opportunities in Ireland.

Deputy Paschal Donohoe: I have three questions on the Taoiseach's engagement in Davos. The first relates to changes taking place in other countries with regard to corporation tax rates and the taxes levied on businesses. Were the investors to whom the Taoiseach spoke asking questions about our plans for the future, recognising that the environment in which we operate is getting more competitive by the month?

My second question relates to the meeting with the managing director of the IMF and what discussion is being given to allow countries successfully exit and stay outside bailout programmes. This Government will ensure that Ireland exits the bailout programme but we will do so in a very uncertain and volatile international environment. What planning is being done by the IMF to ensure that countries meeting programme requirements can stay outside bailout programmes when they are completed?

My third point relates to deficit reduction. The Taoiseach made a very fair point that the report from President Barroso that set off some debate on austerity came after the meeting in

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Davos. The same report and the table within showed that Ireland is one of the few countries that have been successful in reducing the amount it needs to borrow every year. This Government inherited an unsustainable borrowing requirement from Deputy Martin's party and, year on year, we are reducing that cost. It is down €3 billion from last year. What recognition is being given by the IMF and other bodies for the progress being made?

The Taoiseach: With regard to speaking to investors about their views on Ireland as an environment for investment, they like clarity, decisiveness and a horizon against which they can plan. For that reason, the Irish corporation tax rate of 12.5% is a cornerstone that can be taken as fixed. It is not the only issue on which investors place importance as they take into account technology and our capacity to measure up to certain expectations, our track record on productivity and output and, most importantly, the real emphasis on the talent pool. The world is changing at bewildering speed with nanotechnology, robotics, genetics, biotechnology and other areas, so the bar being set higher in an international context is always measured up to by young Irish. I have seen this personally when I visit places like Microsoft, Intel, Dell or EMC. People have extraordinary vision as to where the next wave of investment and employment will happen. The areas of tax, track record, technology and talent are the considerations sold to potential investors by the IDA. When speaking to investors, whom I meet pretty regularly, I know they are extraordinarily committed to what they find here when they set up companies in the country. It is an important issue.

Ms Lagarde and I discussed the question of Ireland's exit from the programme. Clearly that is not going to be just a black and white cut where we exit the programme and fly on our own. The discussions the Minister for Finance is having now are concerned with the contingency operations that will be made available in the event some international shock happens with a direct impact on Ireland. It is not just a clean cut where we are in a programme one day and out of it the next day. This is part of the discussion that is taking place at the ECOFIN meeting and with the IMF. The Minister for Finance was in Washington in the past fortnight speaking to the second in command at some length about this and other issues.

The point is well made on deficit reduction. We are still borrowing more than €1 billion per month to pay public salaries and hopefully the discussions now taking place between the Labour Relations Commission and the trade unions might result in some progress being made in view of the fact that the Government has a requirement for an extra €300 million in savings this year. The Deputy rightly points out the continuing trend of reduced borrowing by the country, which is critical to get us back on the path to recovery. It is difficult for people but the prize is great at the end.

Legislative Programme

14. **Deputy Micheál Martin** asked the Taoiseach his legislative priorities for 2013; and if he will make a statement on the matter. [9701/13]

Enda Kenny: The legislative priorities of the Government for the current Dáil session are set out in the legislation programme which was published on 16 April last. The Government will as usual publish its legislation programme at the beginning of each session throughout the remainder of the 31st Dáil.

With regard to my Department, the legislative priority will be the preparation of legislation

to enable a referendum to be held on the abolition of the Seanad later in the year. That Bill will be published in this session.

My Department is also preparing proposals to place the NESC on a statutory basis, thereby dissolving the NESDO.

Deputy Micheál Martin: On the sale of Coillte and State forests, and forthcoming legislation to give effect to that, I read at the weekend that sources in the Department of Public Expenditure and Reform are now indicating the Government may have reversed its decision to proceed with the sale of woods owned by Coillte. Is that now off the table? It would be a retrograde step; the forests are an enormous economic and a significant environmental resource with implications in terms of meeting climate change targets in future. Thousands of families and walking clubs enjoy the amenities the forests provide. The sense is that once the sale of forests starts, the freedom to enjoy those amenities will be extremely limited and it might not be the most economic use of a valuable medium to long-term resource, as pointed out in the report in *The Sunday Times*. A reply to a parliamentary question on the privatisation of State assets did not mention the sale of forests. The Minister said in the last hour that he still supports the sale of Coillte's forests. Will the Taoiseach confirm that is on the legislative programme?

The Taoiseach: The Government set out its stall in respect of the memorandum of understanding about the possibility of the sale of State assets. Originally, the troika required that any revenue coming from the sale of State assets would have to go in its entirety to debt reduction. Following a number adjustments to the programme and having built up a strong relationship between the troika and both Ministers, that was changed. The Government has since approved the setting up of the NewERA entity to deal with evaluations and assessments for potential sales of State assets. The Government has not made any decision about the decision to sell, other than to list a number of opportunities for the sale of State assets. One of those, of course, was Coillte. Work is proceeding on the assessment and valuation of this and a number of other assets. I would not be too far gone on reports in the newspapers.

Deputy Micheál Martin: So the policy is to continue with the sale?

The Taoiseach: The Government set out a list of potential assets that could be sold, including Coillte. That situation has not changed.

Deputy Stephen S. Donnelly: Is any legislation planned in light of the Supreme Court judgment yesterday in the case of Marie Fleming, a constituent of mine, on the assisted suicide issue? It clearly seemed, as the Chief Justice stated in his summation, that the ball is firmly back in the court of the Oireachtas.

The Taoiseach: No legislation is contemplated in that area.

Deputy Richard Boyd Barrett: I met the troika on Friday and it stated that as far as it understood it, there was a commitment to sell off the harvesting rights to Coillte.

The Taoiseach: Correct.

Deputy Richard Boyd Barrett: The Taoiseach is saying it is being considered. Could the Taoiseach clarify for the House if it is a commitment or a consideration of a commitment? That is what we want to know and, more importantly, that is what the thousands of people who came out to Wicklow from all over the country at the weekend want to know. Is the Government re-

quired to do this under the troika programme? If so, when? Will there be legislation to do this? We would like to hear the Government is not required to do this but the troika told us on Friday that it is in the programme and the Taoiseach had not given any indication that commitment was changing. Could the Taoiseach clarify this? Is the Government going ahead with the sale of the harvesting rights of our public forest estate, which the people do not want the Government to do, or is it not? If it is, when will happen and when will the legislation come forward?

Deputy Micheál Martin: The article on Sunday said the Minister was pulling back from the sale of the harvesting rights. Fianna Fáil met the troika on Friday and it said in the second memorandum that was negotiated, it was clarified that the sale of State assets is entirely a matter for the Government. The first memorandum only talked about a review of the situation but stated that it was entirely up to the Government to decide what assets to sell, if it wanted to sell them. I would like clarification on whether it is Government policy to proceed with the sale of the harvesting rights of State forests to private companies. That has wider implications than we might think, given what we have read from the sources close to the Minister for Public Expenditure and Reform who seem to be endeavouring to pour cold water on the idea. Clarity is urgently required on the Government's priorities in that regard because many people are concerned about this, including those who use the forests for recreational, sporting and outdoor pursuits who feel their rights will be traversed. If this proceeds, the economic dimension has not been fully fleshed out and the environment damage remains unquantified. The State forestry is one of the most important climate change abatement instruments we have.

Deputy Emmet Stagg: Would the Taoiseach agree the position is that the policy has been declared that the harvesting rights of Coillte might be sold? That has been examined by the Government to see how it is possible and if it is feasible. The Minister, when he was questioned in detail in the House on this recently, outlined the real difficulties that had been found in seeking to implement that policy. The difficulties were such that he was doubtful the policy could be implemented. I am perhaps putting words in his mouth, but that was the thrust of his remarks. There are real difficulties in implementing this policy and they are still being examined.

Deputy Micheál Martin: I am on to something so.

An Ceann Comhairle: I call Deputy McDonald.

Deputy Emmet Stagg: Deputy Martin was not here the day that happened.

Deputy Mary Lou McDonald: We know that-----

An Ceann Comhairle: Through the Chair. Deputy McDonald, without interruption.

Deputy Emmet Stagg: There is a good man here.

An Ceann Comhairle: I call Deputy McDonald. The time is up.

Deputy Mary Lou McDonald: We know that the troika has made clear from the get-go in respect of the sale of any asset or licence on behalf of the State that the decision rests entirely with Government and any attempt to seek refuge behind the cloak of the troika or to insinuate that it is making the Government sell off Bord Gáis Energy or any of the other assets is not true. It has been remarked in recent times that the Minister for Public Expenditure and Reform, Deputy Howlin, has backed off the issue of selling the harvesting rights of Coillte and-----

Deputy Micheál Martin: He has not told the Taoiseach.

Deputy Mary Lou McDonald: -----I can only surmise from the conditionality that the Taoiseach is building into his responses, echoed by Deputy Stagg, that in fact there is a change of heart afoot within Government. If that is the case, it is very much to be welcomed but it would be great if the Taoiseach could say that out loud here today in the Dáil.

The Taoiseach: I am not sure what Deputy McDonald means by convictionality. It is an unusual term.

Deputy Mary Lou McDonald: Conditionality.

The Taoiseach: Of course, when shortened, it means something else. In any event, the position here is that the Government set out a list of potential assets belonging to the State that could be sold to help deal with our debt problems and whatever. These were discussed by the troika. The NewERA entity has done much work in evaluating the potential of the sale of the list of assets that were deemed liable for consideration in that regard, and that work continues. It will be a matter for the Government as to what assets are sold and it will be a matter for the Government as to when they should be sold and, if the Government decides to make that decision, in what fashion.

I take Deputy Stagg's point of view. As these matters evolve and are evaluated and discussed, the situation can become clear or whatever else.

Deputy Micheál Martin: The Minister, Deputy Howlin, did not tell the Taoiseach.

Deputy Timmy Dooley: The Taoiseach is getting flaky.

The Taoiseach: There will be no decision to the contrary in any of these until the Government considers the evaluations carried out by the NewERA entity in these matters-----

Deputy Richard Boyd Barrett: When will that happen?

The Taoiseach: -----and that work is still ongoing.

Written Answers follow Adjournment.

Order of Business

The Taoiseach: It is proposed to take No. 9, motion re referral to joint committee of proposed approval by Dáil Éireann of a directive of the European Parliament and of the Council on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA; and No. 3, Land and Conveyancing Law Reform Bill 2013 - Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that No. 9 shall be decided without debate. Private Members' business shall be No. 102, motion re organ donation.

An Ceann Comhairle: There is one proposal to be put to the House. Is the proposal for dealing with No. 9, inclusive, without debate, agreed to? Agreed.

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Deputy Micheál Martin: Two years ago, promises were made in the programme for Government on reforming how lobbying is done and a Bill was promised. We have just been talking about the sale of State assets. The legislation on selling the national lottery has gone through the House. Other State assets are for sale. There have been recommendations from tribunals on a lobbyist Bill to regulate the role of lobbyists. In the context of the sale of State assets, one would have thought that such a Bill would be enacted in advance of the sale of any State assets to regulate the activity surrounding those endeavouring to make presentations, representations etc. My understanding is the Bill is on the C list. Can the Taoiseach indicate when he expects that Bill to be published?

The Taoiseach: The heads of the Bill were approved by Cabinet this morning. The Minister was given authorisation to go ahead and draft the Bill and that work has commenced.

Deputy Micheál Martin: Would it be possible to send the heads of the Bill to the relevant committee straight away?

The Taoiseach: Yes. The Minister intends to attend at the committee to deal with Deputies' issues.

Deputy Micheál Martin: Will he forward the heads of the Bill before drafting?

The Taoiseach: Yes. The heads of the Bill were approved today. They will go off to the committee and the Minister will attend there.

Deputy Mary Lou McDonald: On 14 April, the Constitutional Convention recommended that the Constitution be changed to allow for civil marriage between same-sex couples. As the Taoiseach will be aware, the result of the convention was decisive. I believe it represented a landmark moment for equal rights in Ireland. I ask the Taoiseach to set out for us the timetable he envisages for the consideration of this decision of the convention and when he imagines this issue might go to referendum for decision by the people.

The Taoiseach: The Constitutional Convention will have to send two reports to Government. The first is in respect of the number of issues that it discussed in the first draft. I expect the Minister for the Environment, Community and Local Government to bring a memo to Cabinet on the first report dealing with those number of issues, probably next week. The Government will decide at that stage what response will be given to the issues that were discussed and decided upon by the convention and what we should do about them.

The second report is due by July of this year. That will include the discussions and the decision that the Constitutional Convention made in respect of gay marriage.

I stated all along that if Government responded to a report and indicated that it might decide to hold a referendum on any particular issue, it would indicate a timeline as to when that might be so. In the event, when the Government considers the immediate report, it may be possible for Government to hold another referendum this year in conjunction with those of the Seanad and the court of civil appeal.

The discussions on the second report will be probably towards the end of this session. In that event, if in any of those matters were to be agreed by Government and that a referendum should be held, it would be sometime next year, whenever Government would decide to do that.

Deputy Peadar Tóibín: The county enterprise board sector has been in limbo since 2008

when the former Minister, Mr. Batt O’Keeffe, signalled that it was going to come to an end. Since then, the sector has been rudderless and morale has been low. The Government promised legislation on this to which the SME sector is opposed. When will this legislation come before the Dáil?

The Taoiseach: That will be this session. I expect there will be two or three pilot schemes operational very quickly.

Deputy Peter Fitzpatrick: When does the Taoiseach expect the publication of the criminal justice (legal aid) Bill to provide for amendment of the Criminal Justice (Legal Aid) Act 1962?

The Taoiseach: That will be later this year.

Deputy Timmy Dooley: On 20 December last year, during the course of a debate on the Houses of the Oireachtas Commission (Amendment) (No. 2) Bill 2012, the Minister of State, Deputy Alex White, who was taking the Bill, stated:

the Minister for Public Expenditure and Reform intends to bring forward legislation early in 2013 to ensure the modernisation of the senior management structures of the Oireachtas Service. These are specifically recognised in the Staff of the Houses of the Oireachtas Act 1959. It is accepted that the configuration in that Act, particularly in terms of senior management structures, needs to be modernised.

An Ceann Comhairle: Of what legislation does Deputy Dooley speak?

Deputy Timmy Dooley: The Minister of State put that on the record of the House and the expectation from this side of the House was that legislation would be brought forward early in the new year. We are into the second semester and there is nothing on the published list to state that this legislation is due to come. The Taoiseach will be aware that a senior position in the services of the House will become vacant later this year. The question would be whether that position will be filled under the 1959 Act or under the modernised Bill, which was promised at the time. At the time, we accepted that amending legislation would be brought forward and we expect that the Taoiseach will give us a commitment on that.

The Taoiseach: I was a little confused by Deputy Dooley’s question. I thought he was referring to inquiries, the legislation on which is due shortly. The Bill in respect of the Houses of the Oireachtas Commission is scheduled for later this year.

5 o’clock

An Ceann Comhairle: I call Deputy Tom Fleming.

Deputy Timmy Dooley: Will the position that is due to become vacant later this year be filled under the 1959 Act-----

An Ceann Comhairle: I ask Deputy Dooley to resume his seat. We are not having a debate on it.

Deputy Timmy Dooley: -----or under the new legislation?

Deputy Tom Fleming: Will the Government introduce new legislation to address emergencies in agriculture? I request that the Minister for Agriculture, Food and Marine, Deputy Cooney, extend the closing date for the fodder crisis transport subsidy from Friday, 3 May until

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at least the middle of May.

An Ceann Comhairle: Sorry, Deputy-----

Deputy Tom Fleming: It should also be extended to the livestock marts-----

An Ceann Comhairle: That is not-----

Deputy Tom Fleming: -----and private merchants.

An Ceann Comhairle: It is a very important issue.

Deputy Tom Fleming: It is a wonderful scheme and I thank the Government and the Minister in particular for introducing it. The Government should consider extending the scheme.

An Ceann Comhairle: However, we cannot deal with it on the Order of Business.

Deputy Tom Fleming: In some areas it is only hitting the tip of the iceberg.

An Ceann Comhairle: The Deputy will need to find another way to raise the issue.

Deputy Tom Fleming: It is working and I ask that extending it further be considered.

An Ceann Comhairle: I call Deputy Mattie McGrath.

The Taoiseach: The Minister is monitoring this very carefully. Even with a burst of heat at this stage it will still take a few weeks for grass to grow.

Deputy Tom Fleming: Not in Kerry.

The Taoiseach: The Department and the Minister are conscious of the crisis for many people and it is monitored on a daily basis.

Deputy Mattie McGrath: The continuing cold weather is appropriate to my question. STEP is providing insulation for hundreds of houses in County Tipperary and has a contract with the Department of the Environment, Community and Local Government. Its funding has been frozen.

An Ceann Comhairle: That is very interesting. Does the Deputy have a question on legislation?

Deputy Mattie McGrath: The next time the you are down in Tipperary, a Cheann Comhairle, you might see some of the nice houses it has insulated-----

An Ceann Comhairle: I go down there regularly.

Deputy Mattie McGrath: -----under the geothermal and energy Bill.

Deputy Paul Kehoe: Tom spoke to me this morning.

Deputy Mattie McGrath: I appreciate that he did and I hope Tom or the Minister of State, Deputy Kehoe, can do something about it if he can because 50 jobs are on the line here.

Deputy Micheál Martin: All over the country.

An Ceann Comhairle: Can the Deputy put his question?

Deputy Mattie McGrath: I was going to, but I was not allowed by the Whip. Will the Taoiseach investigate the matter to ensure that Muintir na Tíre and other groups can continue to provide the service they are providing allowing people to insulate their homes?

An Ceann Comhairle: The Bill.

Deputy Mattie McGrath: The Bill is the geothermal energy development Bill.

An Ceann Comhairle: When is that due?

The Taoiseach: The Minister for Communications, Energy and Natural Resources is working on the issue of retrofit for energy saving in residential homes. The geothermal energy development Bill that the Deputy mentioned is not due until the middle of next year.

Deputy Mattie McGrath: Jobs are at stake.

Deputy Michael Healy-Rae: As we approach May Day it is particularly cruel that the Government is imposing carbon tax on solid fuel, which will hurt the old, the vulnerable and the disabled as they go into next winter. Will the Government do a U-turn on this-----

An Ceann Comhairle: The Deputy should not mind his U-turns and should tell us the legislation in question.

Deputy Michael Healy-Rae: -----under the environment (miscellaneous provisions) Bill?

An Ceann Comhairle: The environment miscellaneous provisions Bill.

Deputy Michael Healy-Rae: If the Taoiseach were relying on buying bags of coal to keep a little fire going, he would hate to think the bag of coal was going up by €1.25, would he not?

An Ceann Comhairle: I call the Taoiseach.

Deputy Michael Healy-Rae: It is very mean on the part of the Taoiseach, his Government and those who support it.

The Taoiseach: The Minister for the Environment, Community and Local Government was given authorisation to produce that Bill this morning.

An Ceann Comhairle: Excellent.

The Taoiseach: The Deputy will have ample opportunity to state his case here in the House when it is discussed.

An Ceann Comhairle: Exactly.

The Taoiseach: The Minister will produce the Bill as quickly as possible.

Deputy Mattie McGrath: Was it frosty in the Cabinet room this morning?

Deputy Stephen S. Donnelly: I apologise to the Taoiseach. When I asked my previous question on the Marie Fleming judgment, I thought the Order of Business had started. It must have seemed a very odd question to be asked in the context of a discussion on Coillte.

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An Ceann Comhairle: It was.

Deputy Timmy Dooley: Deputy Boyd Barrett would not have got away with it anyway.

Deputy Stephen S. Donnelly: I appreciate the Taoiseach's answer that it is not on the legislative agenda. In light of the ruling on this very important issue, would the Taoiseach commit to considering putting it on the Government's legislative agenda?

An Ceann Comhairle: We only deal with promised legislation here so the Deputy will need to table a parliamentary question.

Deputy Stephen S. Donnelly: Is there any chance-----

Deputy Patrick O'Donovan: When will the maritime area development and foreshore (amendment) Bill be published given its importance in the development of ports?

The Taoiseach: Is the maritime area development and foreshore (amendment) Bill the one dealing with foreshore licences?

Deputy Patrick O'Donovan: Yes.

The Taoiseach: The heads of that Bill came before Cabinet before Easter and work is ongoing on it. I expect it to be published later this year. It is an important Bill in the sense of investment in terms of marine activities and connections to the shore.

Deputy Jerry Buttimer: Given the importance of the noise nuisance Bill to people in Cork city, when will the Bill be introduced? It affects rented accommodation and the role of landlords with enforcement powers being given to local authorities. Landlords have responsibility as do tenants. In residential areas they are causing mayhem to local residents in the area around UCC and Bishopstown.

The Taoiseach: The Deputy is well aware of the local legislation that applies here where nuisance occurs. No date has been fixed for publication of the noise Bill.

Deputy Seán Kyne: When will the Report and Final Stages of the Criminal Justice (Spent Convictions) Bill be taken in the House? It was on the Order Paper and I believe it has been removed. A number of people are waiting to have their minor convictions expunged.

The Taoiseach: That Bill is awaiting hearing at Report Stage. It is a matter of working it through the process now. It should not be too long.

Deputy Billy Kelleher: Some time ago a commitment was made to publish a White Paper on universal health insurance. There was an interim report but when will the actual White Paper come before Cabinet and be published or has the policy on universal health insurance changed?

The Taoiseach: I cannot give the Deputy a date, but I will follow up with the Minister and maybe give him an indication as to when we might expect it.

European Union Directives: Motion

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

That the proposal that Dáil Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

Proposal for a Directive of the European Parliament and of the Council on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA,

a copy of which was laid before Dáil Éireann on 15 February 2013, be referred to the Joint Committee on Justice, Defence and Equality, in accordance with Standing Order 82A(4)(j), which, not later than 7 May 2013, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

Topical Issue Debate

School Enrolments

Deputy Noel Harrington: I thank the Ceann Comhairle for selecting this matter for discussion. I ask the Minister for Education and Skills to recognise the special position of primary schools on our offshore islands by extending the qualifying date for minimum enrolment from 30 September 2012 to 30 April 2013 so that some unique factors in island communities can be taken into account fully. I am not sure if the special position of national schools on the islands off our coast has been factored into the staff allocations the Minister's announced in recent months.

As the Minister is aware the population of our islands is in decline and has also varied considerably throughout the years. Those islands have unique challenges. I ask the Minister to consider the impact enrolment assessments have on island life. By allowing a second enrolment count to take place on 30 April - which by coincidence is today - where an island school is in danger of losing a second teacher and becoming a single-teacher school the Minister would ensure that these variable factors are fully taken into account in determining the number of teachers allowed in our island schools. This refers to the recent Department of Education and Skills circular 13/2013 on staffing arrangements in primary schools, specifically section 3.5 on island schools.

I have been made aware of the drastic consequences which could negatively impact our island schools if their numbers were below eight students on 30 September last, as they would lose their second teacher forever. The numbers would have to rise above 20 before a second teacher would be reinstated. This figure would raise the barrier too high and would make maintaining a national school on most of our islands unsustainable. If we cannot continue to

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keep national school children living and going to school on an island we will make our islands uninhabitable for anyone with children aged younger than 12 years. Nobody here wants to see our island populations decline further. They are a resource and not a millstone and it would be great if they could be treated as such. The children of the islands are the future of the islands. I call for tolerant flexibility in considering teacher numbers in island schools. Not only would the schools close but ultimately the islands would shut down.

These schools do not have the option of a merger as schools on the mainland do. I take the point that options exist for national schools in rural and remote areas where student numbers are falling, and schools have always closed in rural Ireland because of a lack of children. It is different on the islands where the option of a merger or an amalgamation does not exist, and it is quite a serious issue. If a school was reduced to a single teacher and this teacher fell ill I do not need to explain to the Minister of State the consequences this would have in a national school in a remote area would be particularly exacerbated on an island. Getting a substitute teacher to an island is more difficult than getting one to a remote mainland area. I would like to think this would be considered in the execution of these staffing arrangements.

The circular was issued long after the day the enrolment count was taken. I ask for a recount to be taken to ensure a fair figure is arrived at so the special position of our island schools is maintained and they can be given every opportunity to continue to educate our young islanders on the islands. I have a particular example in mind of how this issue will possibly impact an island. It is appropriate to enlarge the debate and broaden it out to offshore islands. There are seven inhabited offshore islands off the coast of my constituency of Cork South-West. There are also islands off the coast of Galway, Donegal and Mayo which will be particularly hard hit by this issue.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I thank Deputy Harrington for giving me the opportunity to outline to the House the position regarding staffing in primary schools, and in particular in our island primary schools. The Department treats schools fairly and objectively in allocating resources to them. This is done in a transparent manner using published criteria. Teaching resources are allocated to schools on a school-year basis.

The criteria used for the allocation of teachers to schools is published annually on the Department's website. The key factor for determining the level of staffing resources provided at individual school level is the national staffing schedule for the relevant school year and the specific pupil enrolments in the school in question on the previous 30 September. The staffing schedule sets out in a fair and transparent manner the pupil thresholds for the allocation of mainstream classroom posts for all schools. These arrangements include the provision whereby schools experiencing rapid increases in enrolment can apply for additional permanent mainstream posts on developing grounds, using projected enrolment based on 30 September of the coming school year.

Special provisions are in place for island schools which take account of the circumstances that arise, as the Deputy has outlined, in providing education in an island setting. This means that, unlike the generality of schools, in the event a reduction in the pupil numbers of an island school will result in the loss of the second or third classroom teaching post in the school, the post may be retained subject to certain pupil retention levels. In the case of the second mainstream post the total number of pupils must be at eight or above and the school must be the only primary school remaining on the island. In all other two teacher schools the number of pupils

required to retain a second teacher is far higher, at 17. This shows how favourable the staffing arrangements in place are for primary schools which are the only school on an island.

The enrolment date of 30 September is the date used for allocating resources to all schools. I do not see any need to introduce a system of allocating resources based on a later date in the school year for certain schools such as that suggested by the Deputy. This is not practical and would impact negatively on the allocation and redeployment process and timeframes.

Deputy Noel Harrington: I thank the Minister of State for his reply. Scoil Náisiúnta Inis Arcáin was below the designated number of eight for the retention of its second teacher on 30 September last, but this number has now increased to ten. This is why I ask the Minister of State to allow the enrolment figure on 30 April to be taken into account before the school would lose its second teacher. It is unfair to write the rules in a circular issued after the qualifying date. The most up to date figures could be used before the circular has a very drastic and negative impact on life on Sherkin Island.

Typically islanders have been dealt with favourably, and the Minister of State is aware of this, with regard to social protection and payments from the Department of Agriculture, Food and the Marine, in an effort to progress, promote and incentivise local people contributing to island life. In this regard I appeal to the Minister of State to consider the negative impact this would have. I would not expect the Minister of State to allow a school with four, five or six pupils to benefit because I know the line must be drawn somewhere. Schools which dropped to such numbers would not be sustainable and would be detrimental to the students themselves. In this particular case the school is making an effort to bring in students and it is doing so. If it loses a teacher it will never get that second teacher back. The island has a population of 114 so the idea of coming up with 20 national school students is a bridge too far. It will remain cut off and it will have a very negative effect for the school and the general population of the island as it will suck the life from the island. It is not like the mainland where there are options. I agree with the Minister of State that some options, such as amalgamation, are not available. I thank the Minister of State for his response.

Deputy Ciarán Cannon: As the Deputy is aware, we are at a time of great strain on our public resources. The significant concessions made to island populations in terms of the numbers they need to retain a second teacher are very significant and favourable, as they should be, to try to retain a strong presence and community structure on these islands. The Deputy suggests in this one instance to change the date for determining the teacher allocation for a particular school in a particular location, but the system of teacher allocation does not allow for this process. Allocating teaching resources throughout the entire school system is very complex and time-consuming. The cut-off point of 30 September was chosen with this particular challenge in mind. If the Deputy wishes to raise this issue with me afterwards I will discuss it further and in more detail with him, and work with him in trying to alleviate his concerns to a certain extent. I must point out the criteria applying to the case are quite rigid and this is for a good reason.

School Accommodation

Deputy Barry Cowen: It is with great regret I am compelled to raise this matter. I have sought to do so in this forum and in this manner for the past three weeks and I am glad to have this opportunity to elicit answers from the Minister of State. I thought the Minister, Deputy

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Quinn, might make himself available, but I expect the reply the Minister of State will give is based on consultation with him. I hope his reply will address the disappointment, frustration and despair evident among the staff, pupils and parents and the extended community of Edenderry with regard to Scoil Bhríde and Gaelscoil Éadan Doire. Such emotions result from recent contact made by the Department to the two principals concerned. They were asked by the Department to apply for increased temporary accommodation to meet their enrolment needs in September 2013.

Such requests are normally sought and made in January of the preceding year, at the latest. Even more alarming and galling, however, is that these schools had been included in the rapid delivery programme in December 2011. In the first instance, they followed applications highlighting the request for their establishment to meet the demand arising from population growth in Edenderry. Subsequently, Scoil Bhríde was established in 2007 and located on temporary accommodation in the grounds of Edenderry GAA club. The school's pupil numbers have grown annually to a current total of 333, with 70 new pupils enrolled for September 2013.

In addition to the mainstream school, there are four autistic spectrum disorder, or ASD, special classes. The new school was designed to accommodate two more ASD classes with waiting lists already in place for them.

Gaelscoil Éadan Doire was founded in 2008 and operates in an old factory which is both dangerous and unhealthy. Many classrooms have no windows and no yard outside. The space available cannot be further partitioned. The staff are struggling on a daily basis to keep the school open.

The beauty of these projects was, and is, that they are to be built on one site. The site was purchased by the State and appropriately zoned by Offaly County Council. It was to be serviced by a new link road, which was agreed in conjunction with the locality and the local authority. The schools were designed by the relevant section in the Department of Education and Skills. School accommodation was agreed, while planning was sought and granted. Tenders were sought and agreed, while contracts and schedules were agreed by the OPW in conjunction and co-operation with the schools and their boards of management. This was before the bombshell decision which I mentioned earlier.

The rapid delivery programme was developed in 2007. It was an innovative response to the need to deliver schools quickly in areas of population growth and where existing provisions could not meet demand. In a press release last September, the Minister for Education and Skills, Deputy Quinn, celebrated a number of projects under this scheme. For example, the 2012 programme involved four new Dublin schools in Mulhuddart, Balbriggan, Swords and Lucan, as well as two new extensions in Swords and Portarlinton. They delivered 1,700 additional places with pupils benefiting from modern, efficient buildings with an improved learning environment. I have seen this at first hand in Tullamore where an Educate Together facility was built in this format.

The Minister of State and his Government colleagues know the costs and benefits involved. They also know the strains concerning increased school numbers, as evidenced by today's CSO report. Last September, the Minister, Deputy Quinn, stated that rapid delivery programmes provide fantastic, modern school accommodation. If that is so, why have the Minister and the Minister of State turned their backs on these schools, given the commitments, temporary rental accommodation costs, poor conditions and *bona fide* efforts by school management?

I am asking for this situation to be resolved forthwith. The Department should re-engage with the commitment that was given for September 2013. Even at this stage, if the agreed contracts and tenders were put in place, we could have that facility by October or November. I ask the Minister of State to respond positively considering that he has had three weeks' notice of my intention to raise this matter concerning the current situation in Edenderry.

Deputy Ciarán Cannon: I thank the Deputy for raising this matter as it gives me an opportunity to outline to the House my Department's position regarding the construction of new accommodation for Scoil Bhríde, Edenderry and Gaelscoil Éadan Doire.

My priority is to ensure that there is sufficient school accommodation to meet projected pupil enrolment increases into the future. The five-year capital investment programme announced in March 2012 outlines all the major school projects that will commence construction over the duration of that plan. The investment in that programme is of the order of €2 billion.

My Department is endeavouring to maximise the efficient use of all available capacity in the public sector to assist in the delivery of the schools programme. In that context, the Edenderry projects referred to by the Deputy are two out of 15 schools where responsibility for the delivery of these projects was devolved to the Office of Public Works.

A service level agreement is in place between my Department and the Office of Public Works which outlines the roles and responsibilities of each of the parties in the delivery of education projects. It is a central tenet of devolution that responsibility for the delivery of these projects, within certain agreed parameters as laid down in the service level agreement, rests with the Office of Public Works.

The Edenderry school projects were tendered by the OPW in early 2013. The OPW recently forwarded a tender report for these two school projects to my Department together with two other schools. My Department, in consultation with the OPW, is currently considering these documents. These projects are categorised on the five-year capital programme as projects due to go to construction in 2013.

There will be some delay in the projects going to construction, but I can assure the Deputy that they are being progressed so that the accommodation required for the two schools will be provided at the earliest possible date within the five-year construction programme. I also want to assure the Deputy that my Department is in contact with the schools concerned to ensure that there is sufficient accommodation for September 2013.

I thank the Deputy again for giving me the opportunity to outline the current position to the House.

Deputy Barry Cowen: I thank the Minister of State for his response, but I know it was in the five-year building programme. The students, staff and local community also know this. That is why the council designated the site and why planning was agreed. That is also why the local authority made a commitment to a contract to provide a link road. The Minister of State should not tell me what I already know. I know those two schools were among the 15 approved. I also know there was a service level agreement between the Department and the OPW. I know the OPW agreed a tender document and sent it to the Department.

What I cannot understand, however, is why all of a sudden the Minister of State is saying it will be built within the five-year programme. It is far removed from the commitments that he,

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his party and the Government made to the people of that town when they said it would be up and running in September this year. That is far removed from the commitments the principals made to the staff, the community and parents when they referred to the enrolment prospects for September 2013. What about the people who enrolled their children for ASD classes? The Minister of State should explain the delay. Is there a problem with funding? Did the Department not provide adequately for these schools which were given commitments? I want straight answers. I do not want to hear that they will be built within the five-year programme. Everybody knew that. The Minister of State was glad to announce that they would be built by September 2013. He asked the principals, boards of management, the local authority and the community to live up to his expectations. They did so but the Minister of State should now live up to theirs. He should take the responsibility he has been given by the Taoiseach and live up to the commitments he has made. God knows, he has made enough U-turns in the last two years. He should be honest and tell me what is causing the delay. If we know what the delay is, let us deal with it and put the facility in place this year rather than within the next four years.

Deputy Ciarán Cannon: As the Deputy is aware, the OPW entered into a service level agreement with my Department to deliver these and a number of other schools nationally. The reason the expertise and capacity within the OPW for the delivery of buildings of this kind was exercised and used was because we wanted to ensure that all schools outlined in the five-year capital programme would be delivered within that five-year timeframe. The Minister and his officials in the building unit in Tullamore were innovative in bringing in the expertise, knowledge and capacity to deliver from the OPW to assist in this ambitious five-year building programme.

As regards the Edenderry issue, the OPW has submitted the outcome of that tender process to my Department. It is being actively considered currently by the Department. It is untrue, as the Deputy said, that the Department has turned its back on this community. It most certainly has not. The Department is actively engaging with the OPW and it is more than confident that the schools will be delivered to this community. It is acknowledged that the community badly needs this investment. The delivery of the schools will happen, albeit not within the original timeframe envisaged, but certainly as soon as is physically possible.

Drug Crime

Deputy Derek Keating: I thank the Ceann Comhairle for allowing me to raise this important issue. I also thank the Minister of State, Deputy McGinley, for his attendance, as I understand the Minister, Deputy Shatter, is otherwise disposed at a Cabinet meeting. I am greatly concerned by the significant number of murders, attempted murders, robberies and severe assaults on people that have taken place recently and particularly in my Dáil constituency of Dublin Mid-West. I believe there should be an appropriate response at particular times. I note the availability of an armed response unit, and included in that unit's name is the word "response". It is appropriate that the aforementioned unit should respond in particular circumstances. It should be assigned in particular cases, including in my Dáil constituency, which encompasses Clondalkin and Lucan, in which events have taken place that require such a response. I am concerned for the welfare of the gardaí and for the welfare, safety and protection of local residents.

In recent months, a number of people have been arrested because of their so-called terrorist activity and I acknowledge they are before the courts. There also has been a significant and increased number of drug raids in both Clondalkin and Lucan, involving substantial volumes of

illegal drugs being seized by the Garda that were ready for production and circulation. This is a good news story for the Garda and I note there have been a significant number of such stories. However, that threat continues, as does such activity. There have been a number of shootings in Dublin Mid-West, including attempted murders, murder and an increased number of gun crimes. I acknowledge we live in changing times and in the course of an earlier debate I had some time ago with the Minister for Justice and Equality, he announced there has been substantial investment in the purchase of new equipment, including Garda patrol cars. While this is welcome, I believe there is a growing problem, for which evidence exists within my constituency. My concern is that innocent life will be put at risk more in the future.

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley): First, I am speaking on behalf of the Minister for Justice and Equality, who is unable to be present, as Deputy Keating has noted, due to Cabinet business this evening. The Minister wishes to thank the Deputy for raising this matter.

Tackling the issue of drug misuse in society remains one of the most complex challenges the Government faces. The national response to the problem is set out in the national drugs strategy for the period 2009 to 2016. The strategy provides a co-ordinated and comprehensive response to the drugs problem and is founded on a partnership approach. The roles of the Department of Justice and Equality and An Garda Síochána under the strategy are primarily, although not solely, concerned with the drug supply pillar. The Government's drugs law enforcement response in targeting those involved in drug-trafficking remains a fundamental feature of its overall approach and continues to be a key priority area. This is reflected in An Garda Síochána's policing plan for 2013, which highlights a strong focus on combating serious crime in all its forms, in particular organised crime and its close links with drug trafficking. Work in this area is led by the Garda national drugs unit which, in working with dedicated drug units across the country and other national units, including the organised crime unit and the Criminal Assets Bureau, targets those involved in the illicit sale and supply of drugs.

The specific strategies put in place by An Garda Síochána to address the sale, supply, importation and distribution of illegal drugs include the establishment of targeted intelligence-led operations focused on specific facets of the drugs trade. A further feature of the Garda response is the continued and close co-operation with the Revenue Commissioners' customs service, as well as with other national drug law enforcement agencies, such as the Irish Medicines Board, in tackling drug supply. The Minister wishes to assure Members that this approach is yielding significant results. An Garda Síochána advises that drug seizures for 2012 are valued at approximately €115 million, with seizures totalling an estimated €20 million also being recorded for the first quarter of 2013. In addition, there have been some highly significant drugs seizures and related arrests being made by Garda authorities this month including, for example, a major heroin seizure with an estimated value of €750,000 made in Virginia, County Cavan. There also have been ongoing large-scale cannabis seizures achieved in recent days and weeks through targeted operations, some of which are ongoing, conducted in the Kells, Tuam, Ballyvourney and Lucan areas.

The Minister would like me this evening on his behalf to acknowledge publicly and to commend the law enforcement agencies on continuing to achieve such results. These seizures are, in effect, preventing considerable volumes of drugs from ending up for sale in our communities, drugs which invariably bring with them a wide range of associated destructive consequences. The Minister also advises that such law enforcement measures are, in practice, subject to ongoing review. The illicit drugs market is a dynamic phenomenon that is constantly adjusting to

market influences, including drug availability, consumer preferences and so on. New trends emerge from time to time, with users often trying different combinations of drugs, which sometimes involves the mixing of legal and illegal drugs, as well as various modes of consumption. In meeting the challenge posed by the changing drugs landscape, the Government's legislative controls and law enforcement approach remain under continual review to achieve optimum results. The State's comprehensive response to the recent headshop phenomenon is a case in point.

The recent emergence of large-scale cannabis cultivation sites in the State, a previously unseen phenomenon in the drug supply environment in this jurisdiction, similarly has seen a highly determined response by An Garda Síochána. Operation Nitrogen, which is an intelligence-led Garda Síochána operation targeting cannabis cultivation, continues to be highly successful in identifying and dismantling cannabis cultivation sites across all areas of the country. Given the global nature of the drugs trade, international law enforcement co-operation remains a key element of the overall response. An Garda Síochána has strong and strategic partnerships in place at international level targeting drug-trafficking. An Garda Síochána works closely with relevant law enforcement agencies such as Interpol and Europol in monitoring and responding to the illicit drugs market. In addition, An Garda Síochána participates in the work of the Maritime Analysis and Operations Centre for Narcotics based in Lisbon. Those involved in drug law enforcement efforts appreciate fully that the nature and scale of drug-trafficking is such that one must constantly be vigilant to emerging trends and must adjust one's responses accordingly. In conclusion, the Minister would like to assure Members of the continued commitment of An Garda Síochána, in co-operation with law enforcement colleagues, to tackling the illegal trade in drugs and that they may be assured of the full support of the Government in this regard.

Deputy Derek Keating: I thank the Minister of State and join him and the Minister in acknowledging and congratulating the Garda on the many successes, some of which have been outlined in this extensive report. I have had the opportunity recently in a number of different fora to comment on some of the report's aspects, including what the Minister of State has referred to as the "recent emergence of large-scale cannabis cultivation sites" in Ireland, which is a matter of great concern because those with whom I work perceive cannabis now to be the drug of choice, whereas heroin now is perceived to be an ageing drug.

I wish to make a couple of points in conclusion and ask the Minister of State to take him back to the Minister, who perhaps could follow up at a more convenient time. As I noted at the outset, I am concerned about the growing number of elements in the community who operate under a so-called republicanism and the threat they pose to that community. They also are engaged in serious crime which puts people's lives at risk through drug trafficking, terrorising and robbery. I have two questions for the Minister. First, I refer to my original question pertaining to an appropriate response from the armed response unit, that is, that measured response I believe to be appropriate in some cases. Second, I reiterate a question I previously posed to the Minister, which is whether he is satisfied the Garda Commissioner has adequate resources to deal with the rising outbreak of gun crime, serious crime and drug crime in the streets and neighbourhoods. I would be grateful if the Minister of State would follow that up with the Minister for Justice, who might in due course supply me with the answer.

Deputy Dinny McGinley: I will certainly convey the Deputy's concerns and queries to both the Minister and the Department. Since his appearance on television last Friday night we are all aware of the Deputy's personal interest in this scourge in our community. We watched with great interest, and I commend the Deputy, without being patronising in any way. He is at

the coal face, knows the problem and has a great understanding of it. We will continue to pursue those involved in drug trafficking vigorously but we must also be conscious that there remains a demand for drugs in our society. This is a problem we cannot solve by law enforcement alone. However, we can all act together at community level, whether in the forces or otherwise and even as concerned citizens. We need to muster a wide range of interests to counteract this scourge.

Again, I thank the Deputy for raising the issue. His queries will be conveyed to the Minister, who unfortunately could not be present.

Deputy Derek Keating: I thank the Minister of State.

Inter-Country Adoptions

Deputy Ciarán Lynch: I thank the Minister of State, Deputy McGinley, for coming to the Chamber to address the issue I raise concerning Irish couples who seek international adoptions and the difficulties present in the existing system. To begin, I offer some background. Irish people who wish to become adoptive parents rightly must go through a rigorous approval programme as part of an international commitment Ireland made as a signatory to international agreements on this issue. As part of the criteria required, such couples must complete forms in order to get Garda clearance and medical and financial approval. They are also required to attend an adoptive preparation course because the children they adopt may be from a different jurisdiction and there are certain requirements with regard to cultural necessities which must also be addressed. Garda and other clearances are valid for a year only but may be repeated. Applicants must select a single country from which they wish to adopt. I will return to the particular problem of the single country approach. If the couple are deemed eligible and suitable, they are given a declaration of eligibility and suitability and go on a waiting list. The declaration of eligibility and suitability is valid for two years only, although in exceptional circumstances a one year extension may be granted. However, if a suitable adoption cannot be completed within this time, the whole cycle must be restarted and the adoptive parents must go through the process again from the beginning.

I offer some examples of the current situation in Ireland among couples waiting to adopt a child. The information given to me indicates that five couples are awaiting Indian adoptions since 2010, in Bulgaria there is a waiting time of more than three years, and in the Philippines 21 Irish couples are on a waiting list, a number for more than two years. One couple currently going through an assessment process has no country available to them although they have had a declaration since 2011.

I have something to propose today for the Minister of State to take on board, although I do not ask him to give me a determinate and substantive reply today, and I acknowledge that some of the information I may give him is new to his ears. I would be grateful, however, if he would return to the Ministers for Health and Children and Youth Affairs with this issue. Further detail can be supplied if required. I propose that the validity period of the declaration of eligibility and suitability be increased to four years, with the possibility of a one year extension, or to allow for a reduced assessment if such must be repeated. Rather than have the period of two years end with the couple obliged to commence the cycle again, there might be a system of minor adjustment or assessment that would continue for another two years. The reason I ask this is that the waiting time for inter-country adoptions has increased to more than three years

and most applicants expect to be assessed twice as standard practice under the existing regime.

There is a second issue involved. The adoptive parent is rightly required to demonstrate sensitivity to the culture and ethos of a child's birth country, because of the international context. However, applicants must choose a single country. If a child is being adopted from India or parents wish to adopt an Indian child, there is a single application whereby the cultural focus is on India. The difficulty is that the declaration is also valid for only one country. It is not the case that a couple can hope to adopt a child from India, Bulgaria or wherever. They are locked into one country, which limits their options, especially if a difficulty arises. This has been indicated at present in the case of Russia, where certain civil and human rights issues have been raised and President Putin has indicated he will cut off adoption ties to countries that have signed the signatory process.

I request two changes. First, that applicants be permitted to choose more than one country at a time or to be able to move between countries. Sometimes countries suspend adoptions, even for valid reasons. Second, recognition should be given to candidates who are capable of appreciating more than one country at a time and who would be most likely to succeed with a valid declaration if they were given a greater choice.

Deputy Dinny McGinley: I am taking this issue on behalf of the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald. The adoption process, in Ireland and worldwide, has undergone a great deal of change recently. The primary catalyst for this change has been worldwide efforts to adhere to the principles of the Hague Convention on adoption. In Ireland, this change can be attributed to comprehensive amendment of our adoption legislation that was initiated not only in an effort to prepare for Ireland's 2010 ratification of the Hague Convention but also in an effort to consolidate the existing legislation and to reflect social change that had taken place since the implementation of the original 1952 Adoption Act.

The rigours of the Hague Convention, and the Adoption Authority of Ireland's compliance with that convention have been demonstrated, as membership of the convention is a mechanism for improving standards in inter-country adoption. All players in the adoption process now have a responsibility to ensure that child-centred adoption is the core of all the elements of the adoption process. This will change the adoption landscape and will also require Irish adopters and, possibly, prospective adopters in our neighbouring European countries to adjust and, perhaps, change their expectations.

The implementation of the Hague Convention by sending countries has inevitably led to a change in the timescale for adoption and also to the age and needs of children available for adoption. If the core Hague principles such as informed and considered parental consent and subsidiarity in the adoption processes are adhered to, the timescale for adoption and the age and needs profile of children who become eligible for adoption must also change.

The expiration of declarations of eligibility and suitability, DES, is covered under section 41(1) of the Adoption Act 2010. The section provides that a DES expires after 24 months from the date of issuance of the declaration, or after a further period of not more than 12 months that the Adoption Authority may specify. The Minister, Deputy Fitzgerald, understands that at the time of drafting of the legislation, it was felt that this provided an adequate period, following the initial assessment of applicants, to complete an adoption. Given the changing landscape of inter-country adoption, this may no longer be the case.

The Minister is examining a number of proposals in respect of amendments to the Adoption Act 2010, and intends to bring forward any changes to the legislation in conjunction with the draft adoption (information and tracing) Bill 2013 which it is proposed to bring before the Oireachtas in the coming months. However, any change to the length of validity of a declaration must be weighed up against the necessity to ensure that an applicant's current situation in regard to suitability to adopt is taken into account in the adoption process.

In regard to choice of country, the Minister is aware of the difficulty this issue causes for potential adoptive parents. The Minister has visited Vietnam, with which Ireland has an administrative arrangement, and it is anticipated that adoptions will commence from Vietnam in the coming months. In mid-March the Minister also visited India and gained clarification on a number of issues to allow for inter-country adoption between Ireland and India to commence. The Adoption Authority of Ireland will also finalise administrative arrangements in the coming weeks with the USA.

As part of the assessment process in respect of an application for a declaration of eligibility and suitability to adopt, applicants are required to select a country from which they would like to adopt. They must research the country and the specific needs in regard to adopting a child from this country. The social worker assesses applicants with reference to the known needs of children from different countries and the specific capacities of these particular applicants to meet the needs of a child adopted from this area. Following the issuance of a declaration to adopt, should applicants wish to change to another country, they may contact their social worker for an updated assessment in this regard.

Deputy Ciarán Lynch: I thank the Minister of State for his reply. What I am proposing is not in conflict with the Hague Convention. In fact it would enhance the measures that Ireland has signed up to in the convention. I agree that the convention has moved toward a more child-centred adoption policy in which the child's interest is central both at the beginning and the end of the process. However, the difficulty we face in Ireland is that the single country adoption process is causing problems for parents who are seeking to adopt and give a good home to children. As they are dealing with one country, the timeframe sometimes expires or is exhausted and the prospective parents have to commence the entire process anew. Furthermore, the country from which they are seeking to adopt may close its adoption options for a period of time and the prospective parents are thereby locked out of the adoption process.

I welcome that the Minister, Deputy Frances Fitzgerald, is preparing to examine the way in which the structures are being operated out of Ireland, but I ask that the Minister of State bring the points I have raised to her attention. I would be most grateful if I could get a response to them.

Deputy Dinny McGinley: I assure the Deputy that the points he has raised will be brought to the attention of the Minister, who is familiar with the difficulties he outlined. I hope some of the problems arising will be addressed in the adoption (information and tracing) Bill 2013, which the Minister intends to introduce in the coming months. I cannot be more accurate than that at this stage.

30 April 2013

Land and Conveyancing Law Reform Bill 2013: Order for Second Stage

Bill entitled an Act to provide that certain statutory provisions apply to mortgages of a particular class notwithstanding the repeal and amendment of those statutory provisions by the Land and Conveyancing Law Reform Act 2009, to provide for the adjournment of legal proceedings in certain cases and to provide for related matters.

Minister for Justice and Equality (Deputy Alan Shatter): I move: “That Second Stage be taken now.”

Question put and agreed to.

Land and Conveyancing Law Reform Bill 2013: Second Stage

Minister for Justice and Equality (Deputy Alan Shatter): I move: “That the Bill be now read a Second Time.”

This is a very short Bill, with the key purpose of restoring our law on aspects of repossession to where it was intended to be under legislation enacted in 2009 and sponsored by the then Fianna Fáil Minister for Justice, Equality and Law Reform. The Land and Conveyancing Law Reform Act 2009, while introducing major reforms in the law, intended also to save certain provisions of old legislation in relation to repossessions under pre-2009 mortgages. However, in the case of *Start Mortgages v. Gunn*, Mr. Justice Dunne in the High Court determined that this saver did not have the intended legal effect. As a result, there is now an uncertainty in the law on repossessions in relation to pre-2009 mortgages, and the removal of this uncertainty is the main purpose of the short Bill before the House.

For a lender to seek a court order to repossess the home of a mortgagor who has defaulted in repayments should be a last resort when all other avenues to resolve the arrears situation have been exhausted. However, when the recourse to court action for repossession becomes absolutely necessary, it is also necessary that our legal system provides, and is seen to provide, processes which work properly to give effect to a lender’s age-old right to repossess where there is serious default. In passing the Land and Conveyancing Law Reform Act 2009, it was always the intention of the Oireachtas to ensure that our legal system did in fact provide for this. The primary purpose of the 2006 Bill, which became the 2009 Act, was to introduce major reform and modernisation of our land and conveyancing law. Part 9 of the Bill contained proposals to simplify the law relating to mortgages, especially mortgages on unregistered land, clarified the respective rights of borrowers and lenders and strengthened the rights of borrowers, while safeguarding a lending institution’s right to protect its security.

In passing the 2006 Bill into law, the Fianna Fáil led Government and both Houses of the Oireachtas clearly determined that the repossession arrangements which had existed for centuries should remain in place. Even in the latter stages of the passage of the Bill in July 2009, after it had become clear that the property bubble had burst and the Celtic tiger had expired, various changes and amendments were proposed by the previous Government and made to Part 9 of the Bill, but nothing was done to alter the security of a lending institution. However, the High Court decided in 2011 that the law is now not as it was intended to be under the 2009 Act.

There is, as one High Court judge put it, a lacuna in the existing law and this must be corrected. The High Court interpretation has left us in a situation of doubt regarding the availability of the intended legal repossession remedies. This must be corrected simply because our legal system has to provide legal certainty in relation to the repossession rights of lenders when there is a serious default by a borrower.

I have to say that, sadly, it came as no surprise that the current leader of Fianna Fáil, in his recent Ard-Fheis address to the party faithful, committed his party to opposing this Bill. Essentially, what the Fianna Fáil Party is doing is opposing the reinstatement of provisions in our law that it proposed, drafted and supported during the passage of the 2009 Act through the Oireachtas. It is political opportunism and hypocrisy of the worst kind for Fianna Fáil and Deputy Martin to oppose this Bill. It is the type of politics in which Fianna Fáil has specialised over the years but which Deputy Martin assured everyone he was abandoning. He is feigning a concern for the plight of home owners burdened by unsustainable debt and in mortgage arrears and whose difficulties Fianna Fáil ignored following the property collapse in 2007 and the fiscal and economic crisis of 2008. In this context, no one should forget that in its 14 continuous years in government and, more particularly, in the 2007 to 2011 period when Deputy Martin was a senior Minister, he and his Cabinet colleagues did nothing to reform our outdated insolvency laws to assist those in unsustainable debt. Moreover, when enacting the 2009 Act, the then Fianna Fáil dominated Government failed to include protective measures such as those contained in the Personal Insolvency Act for people overwhelmed by debt and at risk of having their homes repossessed and being evicted. This Bill contains the necessary protective measure. It is of immense importance to mortgage holders struggling under the burden of unsustainable debt that the provisions of this Bill are linked to the possibility of entering into a personal insolvency arrangement and a person so indebted continuing to reside in his or her family home.

Unfortunately, we are becoming all too accustomed to this type of strategy from a Fianna Fáil Party which presents with political amnesia with regard to its period in office as it desperately tries to persuade or seduce the people into believing that it should at some future time be again elected to government and entrusted with stewardship of the economy. In his disingenuous Ard-Fheis critique of this Bill, Deputy Martin dishonestly engaged in a game of political charades and attempted a confidence trick at the expense of those for whose indebtedness he and his party are substantially responsible as a result of their cataclysmic failures in Government. This is the man who promised constructive opposition. On this particular Bill, no credibility should be given to any commentary by Fianna Fáil either inside or outside this House. I have great confidence that the electorate will see through the type of self-serving politics currently practised by Fianna Fail. Deputy Martin, having asserted he would no longer engage in a parliamentary Punch and Judy show, presented himself on this issue last Saturday in the guise of Pinocchio.

6 o'clock

As I stated, it is clear that the intention of the Oireachtas, during the passage of the 2009 Act, was to ensure our legal system had repossession processes in place. However, the High Court interpretation of the legislation enacted in 2009 has left us in a position of doubt in this regard. The main purpose of the legislation before the House is to restore the position to where the law intended it to be.

In addition to correcting the legal uncertainty to which I have referred, the Bill will ensure that, in any future repossession proceedings concerning a borrower's principal private resi-

dence, the court may adjourn proceedings in order that a proposal for a personal insolvency arrangement, PIA, may be fully explored as an alternative to repossession. This will mean lending institutions will not be allowed to proceed directly to the repossession stage without first engaging in good faith in the alternative measures provided for in the Personal Insolvency Act 2012. Where they do not do so, they will know that, should they seek to repossess a family home, the court may adjourn court proceedings in appropriate circumstances to enable the possibility of the difficulties being resolved by the conclusion of a personal insolvency arrangement.

Current uncertainty about the remedies available to lending institutions in the case of mortgages created prior to 1 December 2009 originated in the 2011 case, *Start Mortgages v. Gunn*, which I mentioned earlier. In this case, the High Court found that the repeal in the 2009 Act of section 62(7) of the Registration of Title Act 1964 in the 2009 Act had the unintended consequence in certain cases of restricting lending institutions from exercising their repossession rights via the courts. The judgment in this case has been appealed to the Supreme Court, which has not yet heard the appeal. While later High Court judgments in similar cases appear to have limited the potential impact of the judgment, the resulting uncertainty is undesirable to say the least and represents, as stated, a lacuna in our law. The Bill before the House confirms the simple point that the law in force prior to commencement of the 2009 Act on 1 December 2009 should continue to apply to mortgages created prior to that date.

Mortgages provide lending institutions with security for their loans. This is a centuries old principle and the basis of all mortgage law. Without lending institutions obtaining such security, loans would and could not be given for home or other property purchases. Such security is a normal part of all such loan transactions throughout the world.

The Land and Conveyancing Law Reform Act 2009 was the result of a joint law reform project undertaken by the Department of Justice and Law Reform Commission. It repealed approximately 150 pre-1922 statutes, the earliest of which dated from the late 13th century, and replaced them with updated provisions. The statutory provisions on mortgages, which had been contained for the most part in the Conveyancing Acts of 1881 to 1911, were repealed and replaced by the provisions set out in Part 10 of the 2009 Act. Chapter 3 of Part 10 of the Act contains provisions relating to the obligations, powers and rights of lenders. Section 96 of the 2009 Act confirms that these apply in the case of mortgages created after the commencement date, that is, 1 December 2009. As regards mortgages created prior to that date, the intention behind the 2009 Act was that the law applicable on the date of their creation would continue to apply by virtue of section 27 of the Interpretation Act 2005. Section 27 provides, *inter alia*, that where an enactment is repealed, the repeal does not “affect any right, privilege, obligation or liability acquired, accrued or incurred under the enactment”. However, in the *Start Mortgages* case to which I referred, the High Court interpreted this provision of the Interpretation Act in a manner which restricts the application of the law in force prior to 1 December 2009 to certain cases where both default by the borrower had occurred prior to that date and demand for repayment had also been made before that date. As I stated, a Supreme Court appeal is pending in that case. Section 1 of this Bill, therefore, is the key provision in this context and it does nothing other than restore the position intended by the Oireachtas and then Government when enacting the 2009 Act.

As a specific late intervention provision to protect a borrower who is in court facing a repossession action involving a principal private residence, the Bill also provides for the adjournment of the action where the court considers that the matter could be resolved through recourse

to the mechanisms set out in the Personal Insolvency Act 2012. This provision is in line with the commitment I gave in the House in the course of discussions on the Personal Insolvency Bill last year.

As I stated, the clear intention is that repossession will continue to be a last resort. For this reason, there has to be strong focus on what is done to help with and manage mortgage defaults before repossession arises. One of the main priorities of the Government is to put in place the best solutions we can for people living under the burden of unsustainable debt. When I took office as Minister for Justice and Equality in March 2011 it became immediately clear that little work had been undertaken to reform or modernise legislation in the areas of bankruptcy and insolvency, despite the enormous financial difficulties being experienced by so many people.

The introduction of a modern, practical and humane insolvency and bankruptcy process, through the Personal Insolvency Act and the establishment of the Insolvency Service of Ireland, were necessary priorities in our path to recovery and growth. The recent launch of the public information campaign by the Insolvency Service of Ireland is another major step forward in the Government's plan to deal with debt and help people in distress.

The three new insolvency arrangements offered through the Insolvency Service will be of substantial assistance to thousands of individuals and families. The new insolvency arrangements have the capacity to provide certainty for those crippled by unsustainable debt. They provide fair and equitable solutions for those who have no prospect of repaying their debt. The guidelines on reasonable expenses provide an essential defensive shield to ensure that neither financial institutions nor other creditors attempt to deprive debtors of funds they need for reasonable household and family expenditure or deprive debtors in employment from benefiting from continuing in employment where a debt settlement or personal insolvency arrangement is completed.

Included in the Personal Insolvency Act 2012 is a specific provision for a personal insolvency arrangement involving a resolution process for secured debts of up to €3 million and any unsecured debts. There is also a provision in the Act which protects the family home of a debtor where this is possible and feasible. For debtors to be in a position to seek a personal insolvency arrangement, they must also demonstrate that they have had prior engagement with the creditors in attempts to resolve the situation under the arrears resolution process.

The Government believes it is important that all households can contribute to our economic recovery and all those currently affected by unsustainable debt have real hope for the future. Under the new arrangements, people will be given the opportunity to start again, relieved of the financial pressure of unsustainable debt.

In addition to bankruptcy and insolvency reform, Deputies will be aware that extensive other measures are also in place, including the statutory Central Bank code of conduct on mortgage arrears, CCMA, and, within that code, the mortgage arrears resolution process known as MARP. The recent Government statement on resolving the mortgage arrears crisis outlines a range of actions that have been taken or will be taken, including the setting of time-bound targets for the banks to make arrangements with mortgagors in default.

As the House will see, by providing a range of interconnecting measures which are well upstream of repossession, the clear intention of the Government is that repossessions will be the last resort, as I referred to, and will only be sought as such. However, when repossessions are

sought, as I have also stated, there is a necessity that the law provides the working processes for dealing with repossession actions.

Nobody in this House can be unaware of the issues that arise where repossession proceedings relate to family homes. It is understandably an emotive and sensitive topic and one to which I and the Government have given extensive consideration in formulating this short Bill. For this reason, in the course of preparing the Bill I sought and obtained Government approval for inclusion of section 2, which will allow a court to adjourn repossession proceedings in such cases to explore whether a personal insolvency arrangement under the Personal Insolvency Act 2012 would be a more appropriate and acceptable alternative to repossession. Section 2 will apply only to the principal private residence of the borrower and will not apply to buy-to-let or commercial properties.

In line with the aim of the Bill, as I set out earlier, section 1 seeks to ensure continued application of certain repealed provisions of the Conveyancing Acts 1881 to 1911 and Registration of Title Act 1964 to mortgages created prior to 1 December 2009, the date on which the repeals took effect on commencement of the 2009 Act. As I indicated, the intention is to remove the uncertainty which has arisen in relation to lending institutions' remedies in cases of default.

Section 1(1) provides that the section shall apply to mortgages created prior to 1 December 2009, the date on which the 2009 Act came into operation. Mortgages created after that date are subject to the provisions of the 2009 Act. Section 1(2) provides that the statutory provisions referred to in subsection (6), which were repealed by the 2009 Act, may be invoked or exercised by a person as if those provisions had not been repealed in the 2009 Act.

While the High Court judgment in the *Start Mortgages* case dealt specifically with the unintended effects of the repeal of section 62(7) of the Registration of Title Act 1964, the opportunity is being taken to make it clear that mortgage related provisions in the Conveyancing Acts 1881 to 1911 will continue to apply to mortgages given out prior to 1 December 2009.

Section 1(3) provides that provisions which were amended by the 2009 Act may be invoked or exercised by a person as if those provisions had not been amended by that Act. These statutory provisions shall apply to mortgages created prior to the commencement of the 2009 Act, notwithstanding their amendment by the 2009 Act.

Section 1(4) is a without prejudice provision which provides that subsections (1) to (3) will not affect the ability of any person who is in a position to rely on other rights or entitlements to exercise those rights or entitlements. In short, a lender which is already in a position to seek and obtain repossession within the limits of the *Start Mortgages* judgment will not be affected by the provisions contained in subsections (1) to (3).

Section 1(5) provides that the section will not apply to any proceedings already before the courts. This is in compliance with the separation of powers principle in our Constitution and in accordance with case law as delivered in judgments handed down by the courts. Section 1(6) is an interpretation section which contains relevant definitions.

Section 2 provides that in repossession proceedings involving a borrower's principal private residence, a court may, where it considers it appropriate or on application by a borrower, adjourn the proceedings to enable the parties to consider whether a personal insolvency arrangement, PIA, under the Personal Insolvency Act 2012 would be a more appropriate alternative to repossession. The intention is to ensure that lending institutions do not resort to repossession

proceedings without considering the PIA option under the 2012 Act. The section will not apply to investment or commercial properties. There is, of course, nothing to stop an individual with an investment or a commercial property from seeking to use a personal insolvency arrangement, where the value of that investment or property in question is within the prescribed limits relating to personal insolvency arrangements, outside any provisions contained in the Bill before the House.

Section 2(1) makes it clear that the provision relates only to principal private residences. It also covers situations where the mortgage is in the name of one person only but where that person has, for whatever reason, ceased to reside there and the Family Home Protection Act 1976 applies. Section 2(2) allows the court, either of its own motion or on the application of a person, to consider an adjournment for a period of two months to enable the parties to explore the possibility of a personal insolvency arrangement as an alternative to repossession.

Section 2(3) outlines certain matters the court may take into account in its consideration of an application for adjournment. These include whether the borrower has engaged in a process relating to mortgage arrears, whether payments have been made by the borrower in the preceding 12 months, whether the matter has been adjourned previously and the conduct of the parties to the mortgage in seeking to resolve issues concerning arrears on the mortgage. Bad faith on the part of either party may be taken into account by the court. If, for example, either the lender or borrower has not engaged meaningfully in attempts to resolve the arrears issue, this can be taken into account by the court.

Section 2(4) provides that at the end of the adjournment period, the court may grant a further adjournment if it considers that significant progress has been made in preparing a PIA. Section 2(5) provides that the section will apply to mortgages created both before and after the coming into operation of Part 10 of the 2009 Act on 1 December 2009 and section 2(6) contains relevant definitions. Section 3 is a standard provision containing the Short Title and a commencement provision in respect of section 2.

As stated, this is a short but important Bill. It will not, as erroneously and disingenuously suggested by the leader of the Fianna Fáil Party in his recent address to that party's Ard-Fheis "make it easy for the banks to repossess family homes". The Bill makes it no more easy for a lender to repossess than did our law up to 2009 or than did the 2009 legislation, which was enacted during the term of the previous Fianna Fáil-led Government. In circumstances in which cases before the courts have raised doubts with regard to specific statutory provisions, this Bill, in section 1, simply restates the law that has existed for the centuries and which enables a lending institution to rely on its security in respect of a mortgage.

I reiterate that home repossessions should be a last resort. Financial institutions have an obligation to engage constructively with home owners whose mortgage payments are in arrears. It is crucial that they do so and that full information on the options available to them are provided to people who find themselves in such difficulties. It is also of importance that letters sent by such institutions to indebted home owners in mortgage arrears detail the options available to them in dealing directly with the financial institution and, where appropriate, in engaging with a personal insolvency practitioner to consider the possibility of negotiating a personal insolvency arrangement. It is also crucial that those in genuine financial difficulty with mortgage arrears engage with their lenders and I again encourage them to do so.

Section 2 seeks to ensure that where repossession proceedings concern a principal private

residence, full account is taken of the alternative options now available under the Personal Insolvency Act 2012. This Bill will restore legal certainty, promote utilisation of the options available under the personal insolvency legislation, enhance protection levels for borrowers and provide certainty for lenders. On this basis, I commend it to the House.

Deputy Niall Collins: Behind all the legal jargon contained in the Title, the Bill is purely and simply a mechanism to allow for home repossessions. No amount of legal gymnastics on the part of the Minister can hide from the tens of thousands of struggling home owners throughout the country the fact that this legislation jeopardises their family homes. It places power over family homes firmly into the hands of the very banks which brought this country over the edge. The Bill follows hard on the heels of personal insolvency legislation that shifts the balance of power towards the banks and gives them an effective veto over debt negotiations. It further compounds that shift in power and tightens the vice-like grip banks hold over struggling families. The legislation threatens to open the floodgates of repossessions at the whim of the calculations of the very financial institutions whose predatory lending practices have trapped countless families in the mire of debt in the first instance.

Power over the future of family homes will be placed in the boardrooms and back offices of bankers who are desperately trying to cover up the greed and recklessness they displayed in the past. The impact of an acceleration of repossessions on the fabric of society and on the families concerned will be of little consequence to them. Power will be shifted to balance sheet-driven bankers who have already been bailed out by the taxpayer but who pay no heed to their social obligations.

The term “moral hazard” has been widely used to justify the legislation. However, the moral hazard I see is the sheer immorality of bailed-out banks repossessing family homes. The moral hazard I see is that relating to bonus-laden bankers on more than €200,000 per year making life and death decisions with regard to family homes. The moral hazard I see involves the banks which fuelled a property boom placing the burden of their mistakes on the shoulders of ordinary families. Moral hazard has been exploited as a form of hand wringing on the part of the Government and has been used to depict struggling home owners as being complicit in their financial difficulties. It conveys a sense that home owners are strategically defaulting and avoiding their financial obligations. In my experience of dealing face to face with hard-pressed families in Limerick and across Ireland, I am aware they are not the cold calculating defaulters the concept of moral hazard implies. In reality, which is a long way from the ivory tower, they are ordinary families trying to make ends meet in the midst of an unprecedented recession. They are trying to find a light at the end of the tunnel but are now faced with the banks’ forthcoming veto over personal insolvency arrangements and the new arrangements under which the latter will be empowered to repossess their homes. Their fight should be the fight of every legislator in this Chamber but instead the Government has shifted more power into the hands of grossly irresponsible financial institutions.

What of the obligations of the banks which aggressively financed the property boom in the first instance? They are not subject to any moral considerations. Ethical considerations seem to begin and end at the front door of mortgage holders. They do not apply to those in the banks in which those mortgages were given out. At the behest of boardrooms and back office executives, ordinary staff in branches across Ireland will find themselves chasing struggling mortgage holders out of house and home. In my county of Limerick, I all too regularly meet families that are trying to keep their heads above the rising waters. The crisis represents a major burden on the national economy. More importantly, the statistics are a chronicle of human misery. The

emotional and psychological exhaustion owing to the ongoing toll of grappling with apparently unending debt is quietly devastating lives in homes. The untold damage of grave financial difficulty will be further compounded by the impact of this Bill.

Statistics published by the Central Bank on 7 March indicate that, of the 792,096 mortgages for primary residences, 143,851 were in arrears on 31 December 2012, with 94,488 - 11.9% - more than 90 days in arrears. This 90 days plus figure represents an 11.5% increase on the end of quarter three in 2012. A further 28,421 mortgage loans secured on buy-to-let properties were also more than 90 days in arrears on 31 December, representing 18.9% of all residential mortgages secured on buy-to-let properties. These statistics are exacerbated by the fact that the types of mortgage restructuring arrangements agreed to date by banks with distressed borrowers have largely been of a short-term nature, with almost half being interest only or less than interest only. Problems have been temporarily buried but will re-emerge.

Behind the figures, mothers and fathers, husbands and wives, couples and ordinary workers in kitchens and sitting rooms in every community are trying to make the numbers add up. Today's Bill is another direct blow to them and their fight to keep their homes. The Government needs to take steps to protect them rather than the banks. Instead, it has fundamentally tilted the balance of power in favour of the financial institutions. Last week, we witnessed the unedifying spectacle of a partly Government-owned bank that received €5 billion in taxpayers' money to bail it out from its self-inflicted financial woes rewarding its chief executive with an €843,000 per year pay deal. This issue is not about cruel populism or bank bashing, but about fairness. For any society to work, there must be a degree of solidarity among people. In hard times of severe cutbacks, wage reductions and high unemployment rates, we must ensure that everyone plays a part. The appalling vista of chief executives in Government-supported banks being paid extraordinary amounts while the Government empowers the very same institutions to repossess family homes is a step too far. The bonds of solidarity cannot withstand such gross unfairness.

The Government has already refused to place an extra charge on people earning incomes of more than €100,000 per annum in order to help meet our fiscal requirements fairly. The implementation of this legislation marks another departure from the concept of fairness. The image of exorbitant wages paid to bailed out bankers overseeing family home repossessions is a damning indictment of the Government's failure to follow a fair road to recovery. Instead, it has trod a path strewn with broken promises.

Tomorrow is 1 May, the date upon which some 1.6 million households across the State are due to be evaluated for the imminent property tax. For the families close to the edge, the raft of additional charges coming down the line will be the straw that breaks the camel's back. For the homes mired in negative equity and grappling with the burden of mortgage arrears, the property tax on the family home is the wrong tax at the wrong time in a way that is far more immediate than the Government seems to understand. The impact of additional charges will push them over the edge while the future prospect of onerous water charges will keep them there. This legislation is another step by the Government towards the abandonment of the route of fairness. It will throw struggling home owners over the edge. The plethora of charges placed upon families will fatally undermine their capacity to continue to make ends meet while this Bill will take away their security.

The Government's financial strategy is condemning more embattled homes to its equally flawed personal insolvency process and the cold arms of the banks. The much vaunted personal insolvency regime is running months behind schedule. All the while, thousands await

the chance for a fresh start to end their financial nightmare and the country awaits the boost of removing the crippling millstone of unsustainable debt from its neck. The black morass of debt facing home owners throughout the country is a deeply personal crisis for those families struggling to keep things together in tough times amid a national crisis that is dragging the economy down in a vicious spiral. Instead of a personal insolvency regime that gives home owners under pressure a fighting chance to come to terms with their banks, the Government has given all of the cards to the financial institutions. The process is fundamentally flawed, as it has no commitment to an independent process at its heart. Instead of an independent arbitrator and appeals mechanism, the Government has created a banker's veto on progress in tackling debt.

Today's Bill is yet another step in that direction, placing additional power in the hands of the banks. Home owners will be left with only the final desperate nuclear option of bankruptcy to save themselves if the banks wield their powerful veto over any arrangement. Home owners now face the real prospect of losing their family homes.

I wish to address a number of issues raised by the Minister. He has outlined the origins of the Bill in terms of the 2010 Dunne judgment and a lacuna in the original Land and Conveyancing Law Reform Act 2009. It is not necessary for me to thrash out the finer detail of that judgment, but it is important to address the context of the original Act and the Minister's complacent dismissal of this Bill as simply addressing a legal oversight.

The 2009 legislation was a sweeping Act reforming many areas of land law, including ownership, trusts, co-ownership, conveyances and, relevant to the current Bill, mortgages. The purposes of doing so were to simplify existing land law, which stretched back into the mists of feudal times, and to enable the introduction of e-conveyancing. The Act was a product of a detailed Law Reform Commission, LRC, project undertaken by Mrs. Justice Catherine McGuinness and Professor John Wylie. The LRC project began in 2003, with the Bill introduced in the Oireachtas in 2006 with all-party support. Mortgages were one part of a major overhaul of a complex set of law. The Bill was a product of a different economic and social context of a country experiencing high levels of economic growth. The prospect of a collapsing housing market and a mortgage arrears crisis on the scale that we are now witnessing was never considered by any party in this House.

Deputy Alan Shatter: The housing market collapsed in 2007, in case the Deputy did not notice. The economy collapsed in 2008 and the Act was passed in 2009.

Deputy Niall Collins: We are living in a changed country. Our laws must reflect the dramatically transformed economic context and the sheer scale of the mortgage arrears crisis. Addressing the oversight in the original Act is one matter, but empowering the banks to pursue wholesale repossessions is another matter entirely. The need to address the law and the problems with the Government's approach will be dealt with in our amendments, to which I hope the Government will give genuine consideration. Our amendments will level the playing field and balance proceedings in favour of the ordinary householder in difficulty.

Fianna Fáil will table amendments to the Bill to give the courts the power to consider refusals to accept the proposals of personal insolvency practitioners relating to family homes and to help rebalance the system in favour of home owners. Such a measure would provide a roadblock to banks intent on repossession. It is vital that in addressing the lacuna in the law we recognise the current reality and strengthen the position of struggling home owners. We will seek to lengthen the time period available to seek a personal insolvency process to ensure

that the time limits do not act as a barrier to a fair resolution. We will put forward amendments to make the code of conduct on mortgage arrears admissible in court proceedings and ensure that lenders comply with it, thereby strengthening the hand of mortgage holders. Our amendments will also impose a limit on costs for debtors in court proceedings to level the playing field between banks with big legal teams and ordinary mortgage holders already struggling to keep themselves going. The information deficit that undermines debtors will also be addressed. Amendments will require that debtors have adequate legal and financial information and advice in legal proceedings.

The prospect of a wave of repossessions across Ireland cannot be defended morally. We in Fianna Fáil are committed to pursuing constructive opposition and we will put forward meaningful amendments that address the lacuna in the law but also ensure that power is not completely shifted to the very bankers who generated the crisis. The integrity of the family home must be paramount. No amount of legal jargon and manoeuvring can be allowed to obscure that goal. Our job as legislators is to protect ordinary citizens in the name of the common good. No good can come from wholesale repossession of family homes, and the Bill in its current form cannot be supported by anyone committed to help ordinary home owners struggling to make ends meet. For the Government it appears the path of broken promises is irrevocable and it is ordinary home owners who are bearing the burden of its mistakes.

Deputy Alan Shatter: On a point of order, a Leas-Cheann Comhairle.

Deputy Niall Collins: There are no points of order.

Deputy Alan Shatter: On a point of order, a Leas-Cheann Comhairle.

Deputy Niall Collins: On another point of order, I am very happy that the Minister took time on Saturday night to look at the Fianna Fáil Ard-Fheis. I do not know whether it says more about the Minister or about Fianna Fáil.

An Leas-Cheann Comhairle: Deputy Collins should allow the House to hear the Minister's point of order.

Deputy Niall Collins: It was very good of the Minister to look at proceedings.

Deputy Alan Shatter: On a point of order, do we know whether there is a procedural mechanism whereby we can refer a performance in this House for the possibility of an Academy Award, because the Deputy deserves one for fiction?

An Leas-Cheann Comhairle: That is not a point of order. I call Deputy Mac Lochlainn.

Deputy Alan Shatter: He should be congratulated-----

An Leas-Cheann Comhairle: That is enough. Deputy Pádraig Mac Lochlainn has the floor.

Deputy Alan Shatter: -----for keeping a straight face as he managed to stagger his way through his script.

Deputy Niall Collins: On a point of order.

An Leas-Cheann Comhairle: What is the point of order?

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Deputy Niall Collins: It is very interesting to hear that the Minister had to spend his Saturday night watching the Fianna Fáil Ard-Fheis. That speaks volumes about him.

An Leas-Cheann Comhairle: Okay. I thank the Deputies. Neither of the points raised was a point of order.

Deputy Alan Shatter: I had a very pleasant Saturday night out. I just read about the Ard-Fheis the following morning.

Deputy Niall Collins: I would say the Minister did.

An Leas-Cheann Comhairle: I call for silence for Deputy Mac Lochlainn.

Deputy Pádraig Mac Lochlainn: Prior to speaking about the specifics of the Land and Conveyancing Law Reform Bill placed before us today, I wish to outline yet again to the House the reality of mortgage difficulty. I am not convinced that the Government grasps just how dire the situation is for tens of thousands of households across the State. As I speak, almost one in four households is in mortgage distress. That is more than 180,000 households, which is a huge number. It is important to remember that this is not just a number or a statistic. These are real people, most with real families to take care of. That means hundreds of thousands of citizens - men, women and children - feel the impact of mortgage distress. Since the Government came to power, the number in arrears has almost doubled, just like it did in the last 18 months of Fianna Fail's tenure.

As we witness an increasing number of people fall into mortgage arrears, we also witness a change in the demographics of those who are in mortgage arrears. We are seeing people from all walks of life struggling to keep up with their mortgage repayments, not just those at the very bottom of the ladder. It is not just younger people who bought during the boom. We are now seeing more middle-aged and elderly people in mortgage distress. A report by the money advice and budgeting service, MABS, published just two weeks ago found that clients in mortgage difficulty are primarily households with children, located in urban areas and headed up by people between the ages of 45 and 65. These are all families who put their faith in politicians, economists and the great and the good. Let us not forget the newspapers, radios and TV channels with their property supplements and programmes which fed the message that we all needed to get our foot on that ladder and to do it now before prices increased further. That was the environment and the culture that fed this mess we now have to untangle as a people.

I listened to reports from the Garda Representative Association's annual conference yesterday and the stories of many rank and file gardaí who are no longer able to pay their mortgages. The people who are at the front line of protecting the citizens of this State can in some instances no longer pay their mortgages. That is what Ireland has become in 2013. It is a shame the Minister was not present to hear the stories. I hope the relationship will build again in the near future. One could ask what we do to resolve the situation. Let us examine the action that has been taken. We look after the banks, yet again, and make it easier for them to repossess family homes. We are now, as a modern society, putting people out of their family homes in order to help the banks, as if we had not done enough for the banks.

The Fine Gael and Labour Government is turning its back on people, while supporting bankers at State-supported banks to pay themselves grotesque salaries. Before I speak to the details of the legislation, it is important to put it in the context of the soon-to-be up and running Insolvency Service of Ireland, ISI. My party and I have a number of problems with the

system. First is the bank veto, which means that people who are struggling with high debts are effectively barred from entering the insolvency process if their bank, which accounts for most of people's debts, disapproves of it. With so many people struggling under the weight of unsustainable mortgage debt, there is an onus on us to come up with a response to the crisis which does not put banks in control. It is not the right response for banks to be in control and to have a veto. Remarkably, in today's Ireland the banks still rule. We paid the price to bail them out and yet they are just not stepping up to the mark to resolve the crisis, one they had more than a hand in creating. Sinn Féin has called for an independent body that would force banks to accept reasonable arrangements on a case-by-case basis. That could include write-downs in some instances. It is important to remember that write-downs must be part of the solution in some cases.

We also have concerns about the role of personal insolvency practitioners, PIPs. There are genuine concerns that the private sector route that has been chosen will mean that many personal insolvency practitioners will cherry-pick cases with greater opportunities to make money, which means that those who are in the greatest need will not be able to get access to a PIP. Sinn Féin has long advocated for a public insolvency service. I fail to understand why the Minister did not consider making MABS the practitioners, and resourcing it accordingly. It has respected mediators of long standing and it has contacts throughout the State. The service would be well placed to deal with the issue.

I wish to reiterate a point that has been made many times previously. The rushing of the personal insolvency legislation through both of these Houses with inadequate time for a more thorough examination of the Bill was wrong. Given the scale of the crisis, the fact that it is getting worse, and the major flaws in the personal insolvency system, now is not the time to make it easier for the banks to evict people from their homes. The biggest problem with the Bill before us is that it will result in an increased number of people being put out of their family homes. However, that is not the only thing that this legislation will do. It is important to bear in mind all that goes with the family home being repossessed. I refer to the stress, strain and anxiety it places on people, relationships, the impact on children who live in such homes and the huge negative effect on families. That cannot and should not be underestimated. The Bill has the potential to break up families and to ruin people's lives.

Another important point relates to the large number of mortgages which are with sub-prime lenders who are no longer operating in the State. Certain banks, such as Bank of Scotland, have left this country and just want to cash in. There is no incentive and nothing in the Bill that would force them to make sustainable arrangements. Section 2 of the Bill allows the court, either by its own motion, or on application by a relevant person, to adjourn repossession proceedings for a maximum period of two months to allow for the consideration of the making of a proposal for a personal insolvency arrangement. What will this mean in reality? Why two months? Why not four or six months, to give real time for people to put in place a plan B? Two months is no consolation to someone who is about to lose his or her home and may eventually do so. Sinn Féin will continue to argue that a different approach is needed. We would make protection of the family home the priority and establish an independent body to force banks into pursuing reasonable arrangements. Sinn Féin is opposed to this Bill as it stands and will not be voting for it. One thing we can agree on is that relying on a loophole in the law is never a good way to do business. However, in the current crisis, this loophole has been a relief for many. My party agrees, as do I, that a loophole in the law is not acceptable moving forward, but until such time as the necessary safeguards are put in place, we should not close it. As long as the banks have

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the final say, as per the Personal Insolvency Act, and as long as this Government does not force the banks to deal reasonably with people who are doing their best to pay their mortgage, then we will not support this Bill which will make it easier for banks to repossess the family home.

We are particularly concerned about the bank veto and the fact that there is no incentive to engage with the personal insolvency process in a fair and reasonable manner prior to seeking repossession. We believe that the code of conduct is skewed against the mortgage holder and that there are insufficient protections for families who are in the most distress. We are also concerned about the fact that there is not sufficient scope in this Bill for judges to assess whether the banks are being reasonable in their assessment of cases. I intend to table amendments on a number of these issues, to be discussed on Committee Stage in what I hope will be a reasonable manner. I want to amend this Bill to make it a solution and not part of the problem.

Deputy Catherine Murphy: I wish to share my time with Deputies Donnelly and Boyd Barrett, with the agreement of the House.

This Bill has been described as a technical one but there is nothing technical about it for the people to whom it will apply, especially those on the borrower rather than lender end of the spectrum. It would be remiss of us not to draw attention to the nightmare scenario before us. The measures that are coming before us now might not have seemed draconian had they been put in place ten years ago, before the crash happened, but because they are being introduced at a time of crisis for so many people, they add to the problem. The Personal Insolvency Act was heralded as a great solution for people, but for many, the harsh process will not seem to be a solution at all. It is amazing how people at the end of the spectrum, who seem to be carrying everything, have the spotlight on them while the big institutions that could not predict what would happen are still respected. We continue to rely on institutions such as Fitch, Standard and Poor's and Moody's, one of which made predictions on the Irish property market today. I would not believe anything those people say because they have been so discredited in recent times. Despite that fact, their international reputations are, somehow, still intact.

We all know that there was very little effort by the banks to tackle the mortgage arrears problem in a sustainable manner. They have been dragged, kicking and screaming, into action. The Taoiseach has been in the House on numerous occasions saying that he and the Minister for Finance were frustrated with the delays, but they did not seem to be able to force the banks, into which we put so much money, to do anything about this enormous problem.

The proposed code of conduct on mortgage arrears will not be admissible in legal proceedings, which is a major omission. The Government may say that the Personal Insolvency Act will prevent a flood of repossessions but, in truth, there is no onerous legal requirement on the banks to engage with debtors on any realistic footing. We know that the balance is in their favour. There is a very lopsided power imbalance sewn into the Personal Insolvency Act, which is also sewn into this Bill. Banks can and will repossess homes and we will most assuredly see that, once this Bill is passed, which it will be, given the enormous Government majority.

There is no doubt that the banks behaved recklessly during the property boom, facilitated by a lack of regulation, the political culture and the Government of the day. However, all of the difficulties emanating from the crash are being picked up by those on the other end of the spectrum. We never hear of moral hazard except in the context of ordinary people and their lives. An issue of natural justice is not being properly considered here. Most distressed mortgages are with the covered institutions which received €32 billion in taxpayers' money. Those

same banks are not meeting their lending targets, have failed to pass on interest rate reductions and have actually increased their variable interest rates, despite reductions in the ECB rates. In many cases, they have pushed more people over the edge and into mortgage distress. We have seen massive write-downs for big borrowers, the most recent example being Independent News and Media, to the tune of €138 million. The arrangement involves the lenders taking a stake in that business, including AIB and Bank of Ireland. There was much talk of swapping debt for equity in people's homes at the onset of this crisis. It seems that equity swaps can be done for big institutions but not for ordinary individuals and their homes. The large NAMA developers are getting, in some cases, lotto-type payments to resolve their debts. That process is completely beyond public scrutiny, while at the same time the personal insolvency process is entirely public, about which many people feel aggrieved. Indeed, the public nature of that process is one reason people will not engage in it.

If the Government was seen to put the public interest ahead of the interests of the banks, trust in politics would be restored. The Government should be approaching this in a much more balanced way. Some of the suggestions made by the Free Legal Advice Centres, FLAC *vis-à-vis* this Bill would considerably improve the situation. People who are currently in arrears must be provided with certainty that their mortgages will have the code of conduct applied to them and not just those who obtain mortgages in the future. The overriding imperative must be to prevent large-scale repossessions by the banks, but that imperative is not guaranteed through the Personal Insolvency Act. There has been no acknowledgement by the Central Bank or the Government that the banks are not engaging honestly or fairly with borrowers. There is no acknowledgement that in some cases banks have acted in an extremely harsh manner towards borrowers. I have come across many such situations, including attempts by some banks to take people off tracker rate mortgages, although I know there have been some improvements in that regard lately.

The Government frequently refers to the low level of repossessions, many of which occur by consent. However, in reality it was the Dunne judgment and the defects in the 2009 legislation that restricted wholesale repossessions. The case in question was *Start Mortgages Limited v. Gunn*, and according to the court documentation, the sums in question had not been demanded before 1 December 2009 and, therefore, the right to apply for a summary order no longer existed following the repeal of section 62(7) of the Registration of Title Act 1964. Of course, there were other methods of securing payment but the one that was favoured was the one that put people under most pressure.

FLAC has made a number of very reasonable suggestions regarding this Bill. I tend to listen to organisations that have been involved for a long time in the resolution of these kinds of issues with people in debt and distress. The Bill will effectively make it easier for lenders to process repossessions through the courts, according to FLAC, and the organisation is anxious that there should be a balance in the powers. It seeks an amendment to the legislation so that the court examining an application to repossess a family home could also examine whether a lender had fully complied with all the steps of the Central Bank's code of conduct on mortgage arrears. It is not an unreasonable request. If it is not satisfied by the compliance, it could refuse the application until such time as the lender could demonstrate full compliance. As the Minister stated earlier, the Bill proposes a two month adjournment to allow a person explore a personal insolvency arrangement. As mentioned by a previous speaker, and as argued by FLAC, the two month period appears very limited. A period of four months - or six months, as advocated by FLAC - would give people time if they enter the process in good faith.

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Currently, many lenders bring proceedings to the High Court, which is easier administratively for lenders but it makes the process much more expensive. In FLAC's view, section 101(5) of the 2009 Act envisages that all repossession proceedings on foot of a housing loan mortgage would take place in the Circuit Court, and this should be the preferred position, rather than requiring borrowers countrywide to go to the High Court in Dublin. However, section 96 of the 2009 Act raises some doubt about whether the exclusive jurisdiction of the Circuit Court applies only to mortgages entered into after 2009. FLAC is seeking that this Bill would clarify the position, and such clarification would be an improvement.

Section 94 of the 2009 Act permits a borrower to apply and a court to grant an order for sale, with the terms envisaged being practical and technical matters. They do not cover a position where a borrower might seek an order that the lender was responsible for all or part of any shortfall in the debt on sale. It has been indicated that this has arisen in circumstances where lenders refuse to permit a sale with a reasonable offer having been made and later agreed to a sale at a lower price. It would be helpful to clarify that one of the terms of an order for sale would be to allow the court to determine the responsibility for the shortfall.

Section 97 of the 2009 Act provides for borrowers to sign a consent for repossession. Some of the forms seen by FLAC are complex and impose considerable financial responsibility on the borrower. It would be helpful if this section included a requirement that the borrower would have access to adequate legal and financial advice and assistance where a lender proposes a form of consent. This is likely to be a growing problem, as one can imagine, and FLAC has a general concern about the lack of adequate legal and financial arrangements. I see Mr. David Hall in the Visitors Gallery and some organisations are providing *pro bono* assistance to some mortgage holders in distress. We can by no means rely on that arrangement, and we must properly resource the likes of the money advice and budgeting service, MABS, and FLAC in facilitating their work in this regard.

My major concern is with the balance and timing of the Bill. The balance gives the lender far too much additional power, although it is addressing a defect in the 2009 law. If change is to be made, it should be done in a balanced fashion that considers the borrower in a more comprehensive manner than the current Bill does. I hope the Minister will make changes to help that balance. The word "floodgate" has been used and misused in recent weeks, but it is appropriate to say at this point that the floodgates could very easily open, and we could see large-scale repossessions. None of us wants that.

Deputy Richard Boyd Barrett: Considering the context of this Bill, it proves to me and most people in the country that there is one law for the billionaires and another for everybody else. At the weekend, Independent News and Media, owned by a billionaire, Mr. Denis O'Brien, had €138 million of debt written off by a consortium including Allied Irish Banks and Bank of Ireland. If a billionaire owns a company, the banks that are owned by us or which have been bailed out by us - with the Government either having a controlling or significant stake - will write off €138 million at a stroke. In the same week, the Government wants to bring forward a Bill that will allow the wild dogs of the banks to be unleashed on distressed mortgage holders to facilitate the repossession of their homes. That is absolutely extraordinary, proving entirely the dictum that if a person owes a bank €100,000, it is that person's problem, but if a person owes €100 million, it is the bank's problem. It is a clear case of one law for the rich and another for everybody else.

Under troika pressure, this is a way to facilitate opening the floodgates of home repossession

for people, with the vast majority in mortgage distress not because of anything they did but because of what the banks and developers - along with the politicians who facilitated them - have done. The Government, under the diktat of the troika, is pushing legislation that will facilitate banks hounding people with a view to getting back the homes of ordinary people, taking the roof from over people's heads. It is extraordinary.

I am sure the Minister knows of the horrendous experience of Spain, where there have been 400,000 evictions and homelessness has gone through the roof. There is a dire crisis facing ordinary working class and middle class families as they are evicted from homes. In many cases it is leading to desperate action from people facing eviction from homes. These include 53 year old Amaya Egaña, who threw herself from the window of her fourth floor apartment in the Basque country as court officials were coming up the stairs to evict her. That is just one case but we have 180,000 families out there in distress, suffering, with the vast majority doing so not because they did anything wrong.

7 o'clock

They simply sought to put a roof over their head in a market that was rigged by the banks and the developers, with the encouragement of the politicians. It was stoked up while these innocent people sought to put a roof over their heads. They were not out to profiteer or enrich themselves, they were not out to get the obscene bonuses bankers paid themselves to sell these mortgages, they were just trying to put a roof over their heads. In some cases, the banks would tell people that if they had spare savings, they should invest them in property and borrow money to purchase an investment property for their old age or for their children. Why on earth, then, would the Minister introduce legislation to give further powers to the banks? Why would he remove an obstacle to home repossessions by the banks?

The Minister might argue that in normal times perhaps the banks should have the power to repossess, although I would not agree because I do not believe banks should have the right to repossess homes from ordinary people, particularly not in these extraordinary times of crisis created by those banks and developers. In the current situation, however, why would the Government add to the armoury of the banks? I do not understand why it would do that. Could it not at least use this as a bargaining chip and say to the banks that we would consider removing this legal loophole that acts as an obstacle to home repossessions if we see real movement on the restructuring of unsustainable mortgages for ordinary people in distress through no fault of their own? If there is real, tangible progress by the banks in this regard, writing down unsustainable debt and taking some responsibility themselves for the dire situation these tens of thousands of families are in, the Government could say it will think in a year or two about doing this. Why do it now? It is like unleashing the wild dogs and saying we have a plan to house train them. Surely some house training before they are unleashed would be a better idea, rather than opening the floodgates for them to take people's homes from them. I do not understand it.

I would like to hear an explanation from the Government. The only argument I have heard from the Minister when this point is put to him is that there are those who cannot pay but there are also those who simply will not pay. First, I do not see much evidence of that; most people I come across are making extraordinary efforts to meet their mortgage obligations when they would be better off telling the bank they cannot continue such is the level of suffering when trying to meet unsustainable mortgage repayments. That is the reality for the vast majority of people in distress but the banks do not care about that. They want their pound of flesh and the Minister is giving them more ammunition, empowering them to get that pound of flesh from

people who are overwhelmingly innocent victims of a crisis created by others.

If the Minister is going to invoke moral hazard as an excuse, where is the moral hazard for billionaires like Denis O'Brien? Not only did he have €138 million of debts written off for INM this week, previously Anglo Irish Bank wrote €110 million of his debts off. That amounts to debts of €240 million being written for a company owned by one of the richest people in this country at the stroke of a pen. At the same time, the Minister wants to empower the banks to repossess the homes of people who can barely put bread on the table.

Deputy Alan Shatter: The Deputy is confused and while I do not want to get engaged with this, it was INM that had the debts written off. The Deputy is obsessing about a particular individual but Independent News and Media had its debts written off. That was the legal framework for what occurred.

Deputy Richard Boyd Barrett: That is semantics. He is the biggest shareholder.

Deputy Alan Shatter: The company had debt written off that was incurred over the preceding decade. I am not disagreeing with the Deputy in the context that everyone should be treated equally but I just wanted to make that point.

Deputy Richard Boyd Barrett: Fair enough but he is the majority shareholder.

Deputy Alan Shatter: It is just the company that would have debt written off. I am not making any particular point about that.

Deputy Richard Boyd Barrett: I am genuinely at a loss, as is the public. Someone sat down with the board of the AIB and I do not know what influence that person used. Perhaps it was the influence of someone who is very wealthy or several people who are very wealthy or perhaps there was a genuine consideration that this media company should survive and job losses should be avoided. That would be a reasonable basis for the writing off of debts, although there should be a *quid pro quo* for that. There is talk of the bank taking equity, although it goes from-----

Deputy Alan Shatter: Perhaps some of the *Sunday Independent* journalists will investigate this for us.

Deputy Richard Boyd Barrett: Perhaps they would but in a situation where we own AIB and a significant portion of Bank of Ireland, do we not have a responsibility to ask why different standards are being applied? A major company like INM, with massive debts, can go before the board of a bank that we own and have those debts written off. We do not know why; it could be a favour for friends or to keep the business going or it could be a combination of both.

Deputy Alan Shatter: Deputy Ross is on the inside track. Deputy Boyd Barrett could get him to dig into this.

Deputy Richard Boyd Barrett: I would be very pleased if he did but I am asking the Minister, and the Government, as the majority shareholder in AIB, how is it acceptable for a bank that the public owns to write off all this debt while the banks, under pressure from the troika and facilitated by the Government, are being allowed to repossess the homes of people who cannot make their mortgage repayments. The reason most of those people cannot make their mortgage payments is because their incomes have been slashed or they have lost their jobs as a result of circumstances beyond their control. Where is the leeway for them?

Why did the Minister not at least hold this back? The only argument he has put forward is about moral hazard, that there must be some power for the lender-----

Deputy Alan Shatter: I did not mention moral hazard.

Deputy Richard Boyd Barrett: In previous debates we have had the Minister has mentioned it.

Deputy Alan Shatter: The Deputy should read my speech. I did not say anything about moral hazard.

Deputy Richard Boyd Barrett: Then I do not understand why the Minister is doing this. Why is he empowering the banks now when he could have used this leverage over them to do what he says he wants them to do, which is to restructure debts for people so they become sustainable? Then, after a year or two, if there is tangible evidence the banks are being fair with people, we might consider removing the legal obstacle. That is what he should do.

It is difficult for people not to conclude the Government is being disingenuous on this, that it says it is concerned for distressed mortgage holders and will do something about the problem but it is not the Government's fault how the banks behave, there are legal issues and pressure from the troika. In reality, the Minister is making this decision the net effect of which is to give more power to the banks to seize people's homes. Why would the Minister possibly do that? He should explain, not only to me but more importantly to the 180,000 families who are in serious distress - one could probably add to their number the 1,000 a week who are falling into arrears - why there seems to be two different laws and two different standards when it comes to being in debt in this country.

Deputy Joe O'Reilly: At the outset, I welcome the legislation and congratulate the Minister, Deputy Shatter, not only on this legislation but, more importantly in the context of our overall ambition, on the insolvency legislation that preceded it. The two together represent a realistic effort on his part to have the question of personal indebtedness and mortgage distress dealt with. They represent a reasonable effort to achieve that. The two pieces of legislation, combined with the Central Bank recommendations and targets set on the banks, will have the desired effect. It is critical that we deal with mortgage distress and personal debt issues, not only for the individuals concerned which in itself would justify it, but also for the well-being of the economy. We will not be fit to regain normal economic activity and have a normal economy functioning again until we deal with personal debt, whether in the form of mortgage distress or other personal debt. All of us in this House will be aware that what has distinguished this recession from previous recessions is the degree of personal indebtedness which has matched the overall societal debt in national sovereign debt. There is personal indebtedness and then, of course, the structural problems within the banks.

I am happy to speak on this Bill. Last year the Government made a commitment to introduce legislation to remedy the loopholes identified in the Land and Conveyancing Law Reform Act 2009. This came on foot of an inherited mortgage arrears crisis which is an ongoing problem, not only for the banks but for the wider economy. An ESRI statement in the latter end of 2012 reinforces this fact. In this statement, mortgage arrears were seen to be a challenge to bank profitability, apart from any other personal issues involved. Some 95,000 mortgage accounts were in arrears over 90 days at the end of 2012. Central bank figures for mortgage arrears show there has been an increase of 8.6% in those in arrears between 2009 and 2012. We cannot

continue to ignore the fact that this is a real crisis. In light of this, I commend the Minister for bringing forward the legislation to deal with this issue for once and for all.

The Bill deals with two main provisions. It seeks, first, to provide statutory provisions on repossessions for mortgages created before 1 December 2009 and the repeal and amendment of the provisions in the Land and Conveyancing Law Reform Act 2009. This arises from the decision of Mr. Justice Dunne in *Start Mortgages v. Gunn*, which demonstrated unintended effects of the 2009 Act.

Second, and importantly in the context of what we all are seeking to achieve, it provides for the adjournment of repossessions relating to the family home where the matter could be resolved by referring back to the terms of the Personal Insolvency Act 2012. Basically, that allows the courts to exercise their discretion and insist on a personal arrangement being made between the financial institution and the borrower.

I will briefly touch on the first provision of the Bill. Section 1 deals with the new safeguards for mortgages created before 1 December 2009. It addresses the current uncertainty in law where, under existing legislation brought in in 2009, lending institutions were restricted from asserting their repossession rights. Historically, this comes out of the High Court case, where it was found that where a *Start Mortgages* mortgage was created before 1 December 2009, the banks would only have the legal right to seek a summary repossession when the principal sum was due and was demanded prior to 1 December 2009.

It is important to stress that this legislation will not make it easier for banks to repossess family homes. Any efforts by Opposition spokespersons to create a smokescreen or an illusion around this are wrong. Everyone knows that the approach taken is the same one. Unfortunately, we cannot write a charter that writes off debt. Unfortunately, we cannot create a mythical fairyland type of response. Unfortunately, the response that we create must be grounded in reality, must have a factual basis and must have a structured basis. As was implicitly recognised by Deputy Boyd Barrett, the question of moral hazard must arise because one must take account of the reaction of those who see a neighbour being dealt with differently. All of that still must happen, but it cannot be done in an unstructured way. The introduction of this legislation is to address the area of uncertainty around the loophole and comes out of a revised memorandum of understanding between Ireland and the troika. It certainly firms up the position taken by the previous Administration when it enacted the 2009 Act. I remind Deputy Niall Collins that such was the purpose of the 2009 Act until Mr. Justice Dunne's judgment in *Start Mortgages v. Gunn*.

The second provision of the Bill is addressed in section 2. This section provides a specific safeguard for borrowers in repossession actions, subject to certain conditions. Under the terms of section 2(2), the court is allowed to adjourn repossession proceedings, for up to two months, regarding the family home-principal residence, in other words, the court can and will stop repossession proceedings. This is in order to ascertain whether or not a personal insolvency arrangement, as per the terms of the Personal Insolvency Act 2012, would be a better option for all concerned. I welcome this provision. In many cases, a personal insolvency arrangement is a better option, from both the bank and the borrower's perspective. Repossessions are costly procedures from a financial and emotional perspective and the financial costs involved usually diminish the amount of money the lender can recoup, and obviously, with awful implications for human beings and for communities and fractious relationships arising from sale of the property, etc. Under current legislation, provisions exist to ensure that borrowers can continue to maintain ownership of the family home in cases where this is appropriate. This is always seen

to be the best option.

While repossessions are seen to be a last resort, it is vital that legislation is tightened in this area in order to deal with unsustainable legacy debts. I believe that in most cases arrangements will be put in place. In a few cases, as we all will be aware from cases we come across in clinic work, it would be better for the individual where his or her mortgage is so distressed and where the circumstances are so difficult and in such an unmanageable condition that, from a psychological, family welfare, basic needs and children's education point of view, holistic consideration would suggest the logical course of action would be for the person to take rented accommodation or that the local authority purchase the property. The latter is the ideal outcome where, if the person was due to come back into social housing, the option to purchase the property would be taken by the local authority and the person would become the tenant. In an absolutely distressed position that is the correct solution. There are no magic solutions to this. Nobody can sustain individual malpractices, including favouritism to certain people as alluded to by Deputy Boyd Barrett. Nobody would support that in any circumstances. Having said that, one cannot extrapolate from a few bad situations and a few wrong calls that it is right to create mayhem with the generality of cases. We need legal parameters, structures and a methodology for the good of all concerned. It is illogical and disingenuous to suggest the contrary.

Repossessions are seen as a last resort. The Governor of the Central Bank, Professor Honohan, shares the view that repossessions should only be exercised in extreme cases. There are many cases where people who through no fault of their own - unemployment, illness, etc. - fall into arrears in their mortgage repayments. There were many cases where people were lulled into making, or were allowed to make, poor decisions. While everyone has personal responsibility for his or her actions, some people were in a weaker or disadvantageous position in evaluating the loans and options presented to them. There are many people - young and not so young - who have inappropriate mortgages simply because they had wrong information or because wrong lending principles were applied. One has to be cognisant of that in any evaluation of and response to the situation. I believe Professor Honohan is also saying that clearly.

Many people in such situations are trying their best to meet their repayments. In these cases repossessions should be avoided and a practical yet humane approach should be taken instead. Professor Honohan argues that "a debt modification [system] that enables them to stay in their home will often be the best solution all around". From a practical point of view, if a borrower and lender can work out a sustainable revised repayment system, then the borrower is paying back an affordable loan, which will undoubtedly be of greater value than the value of the property.

I had the privilege of speaking at a meeting of the Oireachtas Joint Committee on European Union Affairs today when Professor Honohan and his team were giving evidence on the proposed banking union that is in the process of construction as well as the implications of economic and monetary union for the Irish economy. I made a point to Professor Honohan which he received very well. I believe we should consider intergenerational loans. We should turn a number of the distressed mortgages into much longer-term loans - what is called a split mortgage or a mortgage over a period longer, by 20 or 30 years, if necessary. Why not have a house passed from one generation to another with a level of debt on the house that is sustainable and realistic? It is not an unreasonable proposition that a child or another generation would acquire a family home with a level of indebtedness but yet the person inheriting the family home would have significant equity in the home. The banks would get a constant amount of money from the repayments and it is a much better option from a humane and societal point of view than repos-

session and sale. We should consider that.

As I said to Professor Honohan today, we should consider the Japanese model where mortgages continue for 25 or 50 years as the case may be. The mortgage fits the individual and is intergenerational. There is no reason that should not be the case here. Given the level of subsidisation and support the banks have received and the fact they are effectively nationalised, we should persist with the banks to ensure we get intergenerational mortgages, split mortgages and a sensible and humane solution. That is different from some of the poppycock suggested that banks should basically write off everything, which is not sustainable. We cannot have fantasy economics applied to this. The solutions need to be gradual, realistic and involve responsibility on the part of the borrower and lender. They need to be tapered in such a way that the normal economy can return to the country.

The lender will recoup more money under this arrangement than if it was to seek repossession. Borrowers will also get to benefit in that they will get to keep their homes and make reasonable repayments on their loans, thereby having more money to spend in the wider economy.

We can no longer turn a blind eye to the mortgage arrears crisis. We need to face it head on in a real and practical way and I believe this Bill seeks to do so. It is great that the Central Bank, in conjunction with Government, has set mortgage arrears resolution targets for 2013. By the end of June, banks should have proposed sustainable mortgage solutions for 20% of distressed borrowers. The effect of that over the coming six or eight months will be enormous. By September 2013, this will have been achieved for 30% of distressed borrowers and, by the end of 2013, for 50%, and so on.

The dealing with individual debt at a micro level will be matched with the major achievement of the promissory note deal, which will save the country having to pay €3.6 billion each year, putting the payment out to 2038, which is effectively almost a write-off of that debt in real terms. The reductions in interest rates achieved since the bailout, which are very considerable, come on top of the recent achievement - another in a sequence of achievements - of the Minister for Finance, Deputy Noonan, in getting a seven-year extension of the period to pay off the bailout debt. That is a very significant achievement. Those macro achievements will match the micro achievement of dealing with individual loans.

When a bank deals with an individual person's distressed mortgage, a number of simple objectives are achieved. I again call on the banks to act properly to do this. I also call on Government to be vigilant in the area. When a long-term solution to an individual distressed mortgage is reached, a number of things are achieved. The quality of life and well-being of the borrower and his or her family are enhanced. Such people come back into the real economy because they are fit to conduct normal business in society and are not handcuffed financially in the sense that they can build a normal extension to their house, educate their children, have holidays and do the things normal people do. That gets a normal economy returning.

We have had an abnormal, ill economy for a number of years. We need to return reality to the economy and matching that, as we are doing, with structural achievements and investment from abroad. The people with savings - we should remember there is some €100 million in savings in this country - will then begin to get confident about reinvesting those savings in initiatives locally in local businesses, in their own businesses and in the economy generally, and then we return to a normal economy again.

Dealing with distressed debt and mortgage arrears with personal indebtedness, which is a unique dimension with this recession here, is a critical part of the reparation of the economy and our society. Debt is inherent in this legislation in that under the second part of the legislation, the courts have the power to intervene in a repossession and insist that an arrangement be worked out between the lender and the borrower. Courts will have that prerogative and discretion. The courts will exercise that discretion and the existence of that discretion will bring the banks to work on that as the insolvency legislation does prior to that point. I thank the Leas-Cheann Comhairle for his indulgence and I welcome the legislation as another brick and important milestone on the road to recovery.

Debate adjourned.

Organ Donation: Motion [Private Members]

Deputy Tom Fleming: I move:

That Dáil Éireann:

notes:

— the life-saving and life altering gift that is organ donation;

— the incredible generosity such gifts represent on the part of families of donors at times of great loss, and of those individuals who make their wish to be donors known during their lifetimes; and

— the significant contribution made to the lives of organ recipients by those involved in operating, supporting and advocating for organ donation and transplantation services;

recognises that not only do organ donations offer life-changing outcomes for recipients but also represent the potential for significant savings to the State through reduced dependency on services such as dialysis and other acute supports, as proven in the Spanish and Croatian experiences; and

calls on the Government to immediately devise and implement a multi-pronged approach aimed at improving donation services through legislation that will:

— institute a system where everybody is deemed to have opted-in for organ donation, and if any person opts not to be part of that system they sign themselves out of the automatic donor involvement scheme;

— provide for sufficient numbers of specialised donor coordinators to be put in place in all major hospitals of Ireland to create a national network of expert personnel charged with operating this vital service;

— establish a national donor registry that facilitates engagement among prospec-

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tive donors and is accessible by all acute hospitals; and

— initiate a nationwide and effective public information and education campaign that will promote the vital importance of organ donation, the very real and life-changing difference it can and does make for so many and, most vitally, the urgent need for an increase in donation levels in Ireland.

I wish to share time with Deputies Richard Boyd Barrett, Mattie McGrath, Catherine Murphy and Michael Healy Rae.

In 1999, on average 100 patients were on the waiting list for renal transplant and 145 transplants took place. Today more than 600 people are on the waiting list and at best it is expected that 180 renal transplants will be achieved by the end of 2013. This is the statistic on patient demand in one area of organ donation in Ireland. Numerous patients are awaiting suitable organs which can transform their lives. Transplantation has proven to be so successful on a worldwide basis and developments have occurred through research and various new techniques, which means more and more patients have a chance of benefiting from transplantation. Unfortunately there are not enough donors to match the number of patients awaiting transplants and the numbers have spiralled upwards over the past five to ten years in particular.

Ireland is lagging behind the rest of Europe with regard to proper infrastructure and a lack of public awareness regarding organ donation. I very much commend the Irish Donor Network and the Irish Kidney Association for their tremendous work and endeavours to get the message across to the general public. They have very restricted budgets and resources but they also have wonderful staff and personnel who are very proactive and perform excellent public relations work. Their efforts have been rewarded with almost 5,000 transplant operations since they were established. These include 3,800 kidney transplants, 280 heart transplants, 650 liver transplants, 120 pancreas transplants and 25 lung transplants.

Live organ donors make the ultimate gesture and are true examples of unselfishness and generosity towards their fellow man. They are an inspiration to all citizens to come forward and give their consent in the event of a fatality or a life-ending situation. They give their consent unconditionally and wholeheartedly which benefits the recipient who, in most cases, gains a completely new lease of life.

The Irish active transplant waiting list increases by approximately 10% each year, and the ageing population and increasing incidence of type 2 diabetes are both factors in exacerbating the shortage of available organs. Approximately one in ten people on the waiting list for transplantation will die. This is the stark reality. This figure does not include those who have become untransplantable because they have become too ill for transplant, perhaps because they have developed additional antibodies, and are removed from the waiting list.

In this country in 2011, 165 deceased kidney donor transplants were carried out. To service the needs of renal patients alone, at least 250 to 300 deceased organ donors are needed per annum. This statistic demonstrates very clearly the seriousness of the situation and the vast room there is for dramatic improvement. The annual cost of dialysis coupled with medication is almost €70,000. Over 15 years, which is the average lifespan of a deceased kidney donor transplantation, saves the Exchequer approximately €750,000. In addition, 80% of transplant patients returned to work. This is a very significant matter also which provides a huge boost to the Exchequer and the taxpayer.

There is a need to develop the required infrastructure in the Republic of Ireland. Intensive care donation personnel would be assigned across the health service in line with international practice and the EU Commission action plan. These medical and nursing personnel would underpin the organ donation process by protecting the interests and welfare of those families who chose to donate organs in very difficult circumstances. Historically Ireland has performed proficiently with regard to organ donation and transplantation. However the unmet need of patients requiring organ transplantation continues to grow. A fall in organ donation rates, as witnessed in 2010, would have a negative act on the lives of many of our citizens. The recently enacted EU 2010 directive on organ transplantation requires a strong national organ donation and transplantation system with documented protocols and clear standards of governance and accountability. Recognising the substantial health benefits of organ transplantation, the EU Commission Action Plan on Organ Donation and Transplantation 2009-2015 emphasises a requirement for all European states to identify potential organ donors and support their conversion to being actual organ donors. The programme for Government commits to complying with the EU directive. As a member of the EU we support the Commission's 16 point action plan on organ donation and transplantation.

The Republic of Ireland has three distinct transplant programme. These clinical units are unique in the Irish health service in that although located in three teaching hospitals in Dublin they deliver services for the entire nation. They are distinctive in being the only service providers with the critical mass and expertise to deliver organ transplantation. They are located in, and compete for, resources in acute hospitals which also deliver regional and local services. Most importantly, these programmes are underpinned by the death of an Irish citizen whose family chooses to donate organs in difficult circumstances. This highlights the unique position of these transplant units in the health care sector.

The national renal and pancreatic transplant programme is the longest established and largest transplant programme in Ireland. It is based in Beaumont Hospital. To date it has completed 3,866 renal transplants and 126 pancreas transplants. The Beaumont Hospital transplantation staff also provide paediatric transplantation in Temple Street University Hospital. The renal transplant co-ordination office in Beaumont Hospital serves a dual role, providing renal transplant co-ordination and a procurement service for liver, lung and heart transplantation. The increased number of patients undergoing dialysis has inevitably resulted in a dramatic rise in the number of patients actively awaiting renal transplantation. At present 1,768 patients are being treated by dialysis of which 1,557, which is 88%, are treated by centre-based haemodialysis. In 2000 the waiting list for kidney transplantation was 150, while in 2010, 620 people were awaiting kidney transplantation. By necessity, increasing demand for renal transplantation has seen the re-emergence of living kidney donation. The live kidney donor programme is expanding and is planning to conduct up to 60 transplants per annum in five years time. If Ireland is to achieve the activity levels of the top European countries such as Norway, Austria, Croatia and the Netherlands, we would need to perform 220 to 250 transplants annually, including deceased and living donation transplants, or 50 to 60 renal transplants. Ireland is ranked eighth in Europe for deceased renal transplantation.

The national liver transplant programme is located in St. Vincent's University Hospital. Since 1993, some 800 liver transplants have been completed. There are currently 22 patients awaiting liver transplantation. Paediatric liver transplantation is managed via Our Lady's Children's Hospital in Crumlin and is conducted in various UK hospitals on their behalf. Ireland is ranked 12th in Europe for liver transplantation.

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The national heart transplant programme is based in the Mater university hospital. Since 1985, 300 heart transplants have been performed. There are currently 15 patients awaiting heart transplants. Paediatric heart transplantation is managed via Our Lady's Children's Hospital, Crumlin, and is conducted in various UK hospitals on their behalf. Ireland is ranked 24th in Europe for heart transplantation.

The lung transplantation programme is also located in the Mater university hospital. Since its inception in 2005, some 57 lung transplants have been completed. There are currently 49 patients awaiting lung transplantation in Ireland. Historically, a "buddy" arrangement with the Freeman Hospital in Newcastle, UK, has existed for patients requiring lung transplantation. This is a costly arrangement and the full repatriation of this service should be completed. Ireland is ranked 15th in Europe for lung transplantation.

Organ donation in Ireland is based on a voluntary donation system and occurs in 22 intensive care units throughout the country. Developing a modern organ donation structure would be a significant positive advance in the Irish health service. Historically, there has been no specific investment in organ donation in Ireland. Currently, for instance, there are no key donation personnel deployed in Irish intensive care units. This is a major deficiency that will have to be corrected. There are voluntary link nurses in a proportion of intensive care units across the country who laudably try to foster organ donation.

The three transplant centres have developed independently of each other and have different requirements in regard to organ donation. Each transplant centre has its own organ retrieval team which provides a 24-7 service and travels nationwide to retrieve organs. No formal organ procurement service exists in Ireland. The renal transplant co-ordinators have historically provided procurement - that is donor - co-ordination services for liver and lung, and heart transplantation, as well as its original primary function of co-ordinating renal and pancreas transplantation. They deliver a 24-hour on-call service for the three transplant centres and deal with all organ donor referrals. The renal co-ordinators are responsible for registering each donor, the allocation of organs nationally and abroad and traceability of donated organs thereafter. The co-ordinating teams consist of five wholetime equivalent co-ordinators working a one-in-five on-call rota to provide this service. Therefore, the current transplant co-ordinators have a dual role and carry both donor and recipient co-ordination responsibilities. As well as all the donors, I wish to commend everyone else concerned in this professional service. I also compliment all those engaged in this demanding work on the wonderful medical service they provide across the board.

The European Union has given particular priority to transplantation because of its compelling health benefits and cost effectiveness. This culminated in the 2008 ten-point EU action plan. This action plan proposes that member states should appoint key donation personnel in all hospitals where there is potential for organ donation. Public health and safety concerning organ transplantation has been addressed by EU Directive 2010/53/EC, which was transposed into Irish law in August 2012 by the Minister for Health. That directive requires a strong national transplantation system with documented protocols and clear standards of governance and accountability. The system proposed will give assurance to the public that organ donation and transplantation are national priorities and should help to encourage a greater proportion of the population to be organ donors.

Deputy Richard Boyd Barrett: I commend Deputy Fleming on proposing this motion on what is a tremendously important subject. I understand this is the first time it has been dis-

cussed in the Dáil. It has only been discussed on one previous occasion in the Oireachtas when Senator Feargal Quinn raised the matter in the Upper House. This is, therefore, a first for the Dáil and Deputy Fleming is to be commended on that. We are talking about organ donation which can be life changing for many people. While I am not an expert in this field, I have come across people who have been waiting many years for vital organ transplants. They have suffered considerably in the interim while awaiting transplants, and when they get them it utterly transforms their lives.

There are few things more worthy of debate here than a move to improve a situation that can change thousand of lives for the better. It is tremendous that we are talking about this subject and I hope that as a result of this debate the Government will take action to change the lives of so many people who could benefit from the proposals contained in this motion.

The motion proposes that we should have presumed consent, which is a no-brainer. Currently, however, if there are disputes within a family as well as uncertainty and delays, an adjudication of no consent is given. Where somebody or their family say they do not want to give consent, it is right that they should have that choice for whatever reason they choose. In other circumstances where it is less clear, however, it could make a significant difference if the consent was presumed and people had to make a conscious choice to opt out of organ donation. We should all support that.

In so far as I have acquainted myself with this subject, everybody with detailed knowledge of the issue will say that presumed consent is not enough. It is just the first step and we need to go further. The model in Europe is Spain where they have presumed consent which was introduced a number of years ago. In addition, the Spanish authorities discovered that even when presumed consent was introduced it did not make a significant difference to the level of organ donations. It was found that there were many other issues which caused problems in increasing the number of organ donations. Deputy Tom Fleming's motion also rightly addresses these issues. In Spain, it no longer is simply described as "presumed consent" but now is described as "informed consent". In other words, in addition to having in place that system in which one is presumed to opt in, one also has a major education programme in respect of organ transplantation and its importance, as well as programmes in schools and so on, in which this issue is discussed by children, families and so on. In consequence, people are familiar with it and with the importance of organ donation for saving or transforming the lives of those in need of such organs.

While this aspect of the motion is important, the question of the system for managing organ donation also must be addressed. It is suggested that a system of regional donor co-ordinators is required or possibly even specialised donor nurses in hospitals who are trained in this area. This is to ensure the optimal retrieval of organs in situations in which a possibility might arise to talk to the families involved and to ensure the optimum level of organ retrieval. It also is suggested there should be an independent national donor office to co-ordinate at a national level, but that underneath such an office, the regional co-ordinators and possibly the specially trained donor nurses would operate in the hospitals. Another issue raised in this regard concerned the question of the air ambulance service and the limitations on it in the context of ensuring the rapid and efficient transport of organs to where they are needed. It is a resource issue to ensure the transport capability exists to get organs quickly to where they are needed. On all these fronts, the Government should consider what it can do to provide the requisite resources and back up a clinical and administrative system that can ensure the efficient retrieval of organs and their transportation to where they are needed.

In addition, there should be no question of any cuts. I believe there may have been some cuts to some organisations such as the Irish Kidney Association, which has done such tremendous work on this issue. However, I reiterate there should be no question of any cuts to voluntary organisations or NGOs that are working in this area. All the necessary resources should be provided to ensure the implementation of the best possible system in organ transplantation and donation. Consequently, the Government should take on board these suggestions made by Deputy Tom Fleming and the organisations that are pushing for these measures in order that they truly can offer a life-changing or lifesaving option to as many people as possible, many thousands of whom are currently waiting for such operations.

Deputy Mattie McGrath: I compliment Deputy Tom Fleming on tabling this Private Members' motion and on the work, effort and research he has put into this subject. It is interesting to note there is another function on the playing fields of Páirc an Chrócaigh anocht freisin at which this issue is being discussed with Mr. Joe Brolly. Deputy Fleming has engaged deeply on this issue and, with the help of Ms Yvonne Murphy in the Technical Group office, has worked very hard on it. I also am glad to have some time to speak on the issue. I also understand its value and know a good number of people who have benefited over the years from organ donations and transplants. The joy and physical and mental relief it brings to those people, their families and their loved ones are very important. However, it is a subject on which I am not 100% clear and this is the reason I thank and compliment Deputy Fleming on raising the topic for debate. I hope the Government will be magnanimous and will be forthcoming with a reasonable response to what is a reasonable, well-prepared and carefully crafted motion. No one can really argue about this issue because, as I noted, all Members know people from their constituencies or personal lives who are waiting for such donations.

The issue of education and educational programmes has been mentioned. A huge educational effort must be made to educate everyone and I am first to put up my hand and state I also have a lot to learn about the subject. On the available figures, while they are small by international standards, Ireland has quite good ratings for what is a kind of a fledgling service. I salute all the hard-working consultants, nurses, voluntary groups and NGOs who work in this area and who try to ensure there is good co-operation. While the motion calls for an implied opt-in for everyone, in tandem with an opt-out system, I have an open mind about that. There are some fears given the situation in some countries regarding organ stealing. I refer to people with money, as the dreaded word "airgead" can come in and organs can be very valuable. While this must be described as being completely reprehensible and such acts defy logic anywhere in the world, unfortunately, it has occurred and one must be absolutely sure to be sure in that regard. Were the system to be introduced in which everyone was deemed to have opted in but an opt-out clause system was in place, it would be necessary to run a huge education programme to educate people in order that they understood this point.

Deputy Fleming also presented figures indicating the annual cost of dialysis for patients is €70,000. I acknowledge it is life-saving for them and, yesterday evening, I visited the house of a lady in my constituency who has been getting dialysis for years. While dialysis provides her with life and gives her help in respect of her quality of life, it certainly is a huge expense and a huge challenge for such patients. I note that particular patient is obliged to travel three days a week to Waterford Regional Hospital, which is quite a spin and takes a lot of time. I also have encountered some cases recently involving home dialysis, which is a wonderful achievement. I refer to one of the gentlemen who visited Leinster House ten days ago with the groups that made a presentation in the audiovisual room seeking greater awareness and greater promotion

of organ donation and transplants. It was wonderful to talk to a man at that meeting who was able to self-regulate and get his dialysis at home. While his name eludes me at present, it is wonderful that he could do this.

Although the figures are growing slowly, unfortunately, they are not growing quickly enough for those people who do not receive a donation of a kidney or any other badly needed organ. The Joint Committee on Health and Children also invited professional people to appear before it last week to discuss this issue. They comprised quite a spectacular team of highly qualified and trained practitioners in the field. At that meeting, joint committee members learned that co-operation with the United Kingdom and other European countries is very important, as is co-operation with all the hospitals. In their presentation, those expert witnesses also made it clear to committee members that were they to get a huge influx of organs, which is the stated intention of the mover of the motion, Deputy Fleming, and on which everyone is speaking in favour, they lack the facilities, finance and capabilities to harvest them. Consequently, although there are problems in many areas of the health system, Members must ask the Minister for Health to up the ante in this regard, to spare this area from any cuts, to have more specially trained nurses and have in place all the different qualified people.

8 o'clock

No time should be lost when an organ transplant is possible, when a person loses his or her life tragically, dies suddenly, by accident, or whatever the circumstances may be. There should be air ambulances and plenty of road ambulance personnel to ensure that if there is that gallant gesture on the part of a person who wanted to donate organs to save somebody else's life then every effort will be made by everybody concerned, with no red tape or bureaucracy. No lack of funding should be allowed to interfere with that outcome, in any place or any way. We must salute the non-governmental organisations and, above all, the families of the many deceased persons who perhaps die suddenly or are killed in a road accident. They have taken that magnanimous and worthy gesture in a family decision to have their relative's organs harvested in order to save the lives of others. We have heard countless people testify to that and have seen the joy it gives to both sets of parents. Unfortunately, we have occasionally seen the sad situation when there is organ rejection, after all the good will and effort on the part of the clinicians and medical personnel, and all the joy this has brought and the hope it has given to the person waiting for the organ, and to the parents. We have seen false alarms and alerts, and rejections but we will have those in spite of the best medicine in the world and the best medical people. However, the joy of saving even one life - and there are countless lives - is so much worth looking for and striving towards rather than having negativity or blockages.

I compliment Deputy Fleming and his staff for introducing this motion today. It will enable Opposition Members and those in the Government to consider it in all seriousness and in the responsible way we should, so that we can ensure there is funding and that there are no roadblocks in this situation.

Deputy Catherine Murphy: I too thank Deputy Fleming for tabling this motion. As others have noted, when something of this kind is tabled it forces one to look at the situation and some of the things one finds are astonishing when one thinks one has an idea of how things are. I hope the motion will be supported by all sides tomorrow.

One aspect I find astonishing is that Ireland has never provided any legislative basis for organ donation. We are the only European country not to do so, which I find incredible. It is

true that organ donation rates in Ireland are nowhere near the rates we need to cover comfortably all the scenarios that arise annually. At present donation rates can fluctuate wildly. There can be reasons for this, but in 2010 alone organ donation rates spontaneously dropped by 28%. Unfortunately those who were waiting for organ donations were particularly affected in that year but the list also builds up because there is a backlog of those who are well enough to stay on the list while at the same time there is a rapidly growing waiting list. Take, for example, one of the most common procedures in the transplant family - renal transplants. Since 2000, the number of people on waiting lists has risen by 413%, an astonishing rise, yet donation rates have fluctuated throughout the decade.

The move to an opt-out system as recommended by the motion is one we should consider for Ireland if it will increase donation rates but this should not be attempted if done in isolation. It is important to note that much of the medical and expert opinion in this country claims that improvements in clinical practice have far greater consequences for raising organ donation rates than a simple switch to an opt-out system would have. I am glad to see that the motion supports what the medical experts are saying in this respect. That is where we need to focus our attention because those people who are at the coalface and who see what works are the ones to whom we should pay attention.

Many of the experts who gave evidence at a recent health committee meeting told of how a move to an opt-out system would likely be beneficial to their work but some of them stressed that they would prefer a soft opt-out option because the family of a deceased relative would have the final say. Above all other concerns, what has been very clear is that clinical practice is the key element which needs to be properly resourced in order to achieve an increase in donation rates. That is something I urge the Government to take from this debate. Whatever system we eventually move to, and it is imperative that we change how we do things, we need to have, at the same time, a prominent public awareness campaign about donations. We need to tell people just how bad the situation is. People are very generous. Even if the system is not changed we must continue to remind people about donations.

We must also look at the resources given to organ donation services. Currently, as referred to, there is the National Organ Procurement Service, based in Beaumont Hospital, which has six transplant co-ordinators. That is all there is available nationally. We must look at putting transplant co-ordinators in all acute hospitals in the State, or at least regionally, a point recently made at the health committee. In the United Kingdom, which remains an opt-in system, donation rates have increased by 50% in the past five years, an outcome primarily put down to the deployment of 250 specialist co-ordinators throughout that country.

Money may have been spent unwisely in this country. Right now it costs €70,000 every year to keep a person on dialysis. We need to deal with prevention. Our diabetes rate is one cause of the problem. Other countries have impressive organ transport systems, with those in Scandinavian countries being a case in point. They cover 25 million people and extend as far as Greenland. Ireland has a very dedicated transport unit. We have seen situations where this did not work to the optimum, as in the case of Meadhbh McGivern from County Leitrim who, thankfully, did in the end get a donation and received her transplant. An organ donation register is important. There are significant advantages to having a list of pre-approved donors who are cross-matched. Many things can be done.

Again, I thank Deputy Fleming for tabling this motion. I acknowledge the work Joe Brolly, himself a live donor, is doing in terms of raising the profile. The GAA is a very good partner in

ensuring this issue is brought to every town and village in the country.

Deputy Michael Healy-Rae: I thank Deputy Murphy and the Technical Group for allowing me some of their time to speak on this very important motion. I also thank and compliment my colleague, Deputy Fleming, for his research and the work he has put into this very important subject.

There are many different facets to this debate and I hope the Government will see the merit in this motion. I certainly hope it will see its validity and sincerity and that there should be no requirement for a vote tomorrow. There should be cross-party agreement on the thrust of the motion. Every one of us knows people who have been waiting for years for an organ transplant, people who are on dialysis or suffering really bad health. I wish to put on the record of the Dáil that I had a very close friend who was waiting for a transplant. A call came in the middle of the night and this person got as far as making it to England for the transplant but unfortunately it was cancelled at the last minute. That was a tragedy, and it was her last chance. She was a beautiful young girl and she never got her transplant. Very sadly, she lost her life while waiting for it.

That returns to the issue of whether one is included “in” unless one opts out. I have an open mind on it. We would have to give the matter careful consideration and allow all sectors of society to participate in a wide-ranging debate on whether we should go down that road. I can see the benefits it would bring to those waiting for transplants by making more organs available, but we would have to decide whether it was something with which society would be happy.

Thanks to Deputy Tom Fleming, we have an opportunity to debate these issues tonight and tomorrow night. This is the first step in deciding whether to make such a change. We are all concerned about the people who are ill and awaiting transplants.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan): I welcome the opportunity to address the House on this important issue and thank the Deputy Tom Fleming for tabling the motion.

We are all aware of the enormous difference an organ transplant can make to a recipient’s life. However, we are also aware of the worldwide shortage of organs available for transplantation and the significant challenge this poses to health services both in Ireland and throughout the world. That is why we must all do our part in encouraging organ donation in order that more organs become available for those who need them. Ireland has a good history of organ donation and transplantation. A total of 5,182 transplants were performed to the end of 2012. The first renal transplant took place in January 1964 and we will be celebrating 50 years of renal transplantation next year. During 2012 there were 78 deceased donors and 32 living kidney donors. A total of 239 solid organ transplants were performed in the three transplant centres in Ireland. These centres are the Mater hospital for heart and lung transplants, Beaumont Hospital for kidney and pancreas transplants and St. Vincent’s University Hospital for liver transplants. However, the Joint Committee on Health and Children was informed last week that over 650 people were awaiting organ transplantation.

The success of any organ procurement and transplantation system is contingent on its capacity to fulfil the following three interconnected objectives: good outcomes in terms of quantity and quality of organs; maintenance of public trust in the transplantation system; and respect for ethical principles. A priority for the health system is to ensure every link in the donation

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and transplantation chain is safe. EU Directive 2010/53/EC on the quality and safety of organs intended for transplantation which was transposed into Irish law by SI 325 of 27 August 2012 sets standards for quality and safety. In its role as competent authority under these regulations, the Irish Medicines Board is working with the HSE's national organ donation and transplantation office to ensure organ procurement and the activities of the three transplantation centres meet these standards.

In addition to mandatory standards for quality and safety, the European Union has set out a ten point action plan on organ donation and transplantation which aims to strengthen co-operation between member states in order to increase organ availability and enhance the efficiency and accessibility of transplantation systems, while at the same time improving quality and safety. Ireland is prioritising areas for attention from this action plan, particularly those relating to donor co-ordination and public awareness of the benefits of transplantation which will positively impact on organ donor rates. As the need for organs increases, various strategies are being explored in order to increase donation rates. These strategies include the expansion of the criteria for declaring death, increased living donation, opt-out policies and economic incentives. The strategies have the ultimate goal of saving lives and improving the quality of life of transplant recipients. However, all of the strategies are morally debatable and if they are to be pursued, it is important that they do not violate socially accepted ethical norms.

In Ireland, when a potential organ donor is identified, the person's family is asked for consent to allow organ donation to take place. This is known as express consent or an opt-in process to becoming an organ donor. In other words, the decision to become an organ donor rests with the family of the deceased. The programme for Government envisages the introduction of an opt-out system of organ donation with a view to improving the availability of organs for patients in need of transplantation. The introduction of this opt-out system will mean that the consent of an individual to organ donation is deemed or presumed to have been given, unless he or she objected during his or her lifetime. If a person does not wish to become an organ donor after death, he or she will need to register an objection during his or her lifetime, a process known as opting out. The deceased's family or next of kin will still have an important role to play in the process of organ donation. While the next of kin will not be required to give consent to the donation itself, he or she will be asked to provide as much information as possible on the deceased's medical and social history. I wish to stress there will be no instance where organ donation will proceed against the wishes of the deceased's family. The system to be introduced could, therefore, be described as a soft opt-out system.

The logistics of establishing an opt-out system of consent are complex. A secure IT system must be established and maintained. Hospitals will need to have reliable and continuous access to the latest recorded wishes of potential organ donors. The system will need to define who is responsible for the documentation, who is allowed to enter records and who has access to the information recorded. It will also need to ensure records are valid and correctly assigned. In the absence of a personal unique health identifier, the identification of individuals and the maintenance of a national registry of either potential donors or those who opt out is problematic. An extensive and well resourced communications strategy will be required. Measures will have to be put in place and sustained to protect the rights of vulnerable groups and marginalised members of society.

The Department of Health will commence a consultation process on the introduction of an opt-out system of consent in the next few weeks and will be inviting interested parties to submit their views on the practical aspects of introducing the new system. We will pose a range of

questions, allow approximately six weeks for consultation, distil the information received and then organise a focused workshop on the findings of this consultation. The workshop will allow clinicians, Irish donor network representatives and other relevant parties to give direction to the next steps in terms of the shape of the legislation and what is needed in the health system to implement a soft opt-out system.

The introduction of an opt-out system is an integral element in changing our cultural attitude towards organ donation. We need to make organ donation the norm in Irish society and the default position for those who die in circumstances where donation becomes a possibility. Ireland is among a minority of EU member states, including the United Kingdom, the Netherlands and Germany, that do not have an opt-out system. However, changing the system of consent is just one aspect of a package of measures required to increase organ donation rates. In this regard, the Department of Health, in conjunction with the HSE's national organ donation and transplantation office, is considering what practices and organisational changes, alongside changes to the consent system, could further improve donation rates in this country. The director of that office is working with relevant experts in the HSE and hospitals to develop a plan for the introduction of changes and improvements in donation and transplantation systems and practices in order that as many patients as possible benefit from a proactive and successful programme of organ donation. This includes the identification and deployment of donor co-ordinators in hospitals across the country. The director also regularly interacts with the Irish donor network in order to take account of patients' needs. The Minister for Health has also met representatives of the network and assured them that they will play an active role in shaping policy and actions in this important area.

I support the motion and assure the House the Department of Health will continue to collaborate with the HSE, voluntary organisations and health professionals to raise awareness of organ donation and enhance donation and transplantation rates for both living and deceased donors.

Acting Chairman (Deputy Peter Mathews): We are expecting a couple of Deputies in the Chamber to make their contributions in the next few minutes. Perhaps we will suspend for five minutes.

Deputy Mattie McGrath: This is very disappointing.

Acting Chairman (Deputy Peter Mathews): It was a matter of timing; the Minister of State concluded her contribution in half the allotted time.

Deputy Mattie McGrath: I am aware of that.

Acting Chairman (Deputy Peter Mathews): Is it agreed to suspend for ten minutes?

Deputy Mattie McGrath: While I agree to the suspension of the House, I find it disgraceful that, apart from the Minister of State, no other Deputy on the Government side has bothered to come to the Chamber to speak on such an important issue. It is an insult to the Technical Group which tabled the Private Members' motion, in particular to Deputy Tom Fleming, who moved it. Surely the issue of organ donation is worthy of debate and discourse.

Acting Chairman (Deputy Peter Mathews): It is regrettable that we must have a short interlude.

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Deputy Mattie McGrath: It is more than regrettable. Not one Government Member has been present throughout the discussion.

Acting Chairman (Deputy Peter Mathews): One of the Deputies who was due to speak approached me a moment ago to ascertain the timing of contributions. It is understandable that speakers chose to anticipate when they were due to contribute. We will suspend for eight rather than ten minutes as I have spent two minutes explaining the position.

Sitting suspended at 8.22 p.m. and resumed at 8.30 p.m.

Deputy Regina Doherty: I welcome the opportunity to contribute to the debate on an issue which must be close to everyone's heart. As a member of the Oireachtas Joint Committee on Health and Children, I thank the individual organisations and lobby groups that made such valuable contributions to the committee's hearings on this matter during the past two weeks. I take this opportunity to acknowledge the excellent standards observed by and dedication of our transplant co-ordinators, surgeons and teams. I also wish to acknowledge the work of the transplant teams in our hospitals. Without their dedication and skill and the support of the patient groups, particularly in the context of promoting transplantation, donation and transplantation rates would be considerably lower than they are at present.

There is little doubt that an increase in access to organs suitable for transplantation would improve the prospects for survival, rehabilitation and quality of life of many more patients. Such an increase would also be beneficial to the health service as a whole and, ultimately, to the taxpayer. The proposed change to a soft opt-out model is a development I wholeheartedly support but only if it is part of a package of measures designed to improve organ donation and transplantation in Ireland. It would be wrong to represent an opt-out system as a panacea for improving donor and transplant rates without addressing the gaps and weaknesses in the existing system. Legislation and education alone are not enough. More resources are required in order to deal with the potential expansion in the service and a robust infrastructure must be put in place to ensure that discussions with families in respect of organ donation are carried out in the right way, at the right time and by the right people.

The principal question which must be addressed is how we might best achieve this. A variety of potential solutions have been advanced by different individuals, organisations and the health care profession. The evidence and experience relating to various jurisdictions suggest that a suite of measures might be used to significantly increase the level of organ donation. Such measures might include the appointment of an appropriate hospital-based specialist, educational measures directed at the public and the medical community, better access to intensive care beds and measures to improve organ donation after cardiac death.

The package of essential measures to accompany a change in donor law should contemplate a number of things, including the appointment of a network of donor co-ordinators being assigned to the major intensive care hospitals. These medical and nursing personnel will underpin the organ donation process by protecting the interests and welfare of those families which choose to donate organs in difficult circumstances. The national organ donation and transplant office should be given sufficient resources and status in order to allow it to undertake its functions. The office's existing level of resources is inadequate. A national online organ donor registry should be established in order to provide potential donors the opportunity to indicate if they wish to opt out of all or some forms of organ donation. For example, a person may wish to donate one organ but may be reluctant to donate others. The process should be allowed to

facilitate such individuals. Specific measures to improve the rate of lung and heart transplantations are needed. A national organ procurement office, independent of all the hospitals, should be established in order to accommodate the transplant standards required under current EU directives. In addition and irrespective of the change to an opt-out model, greater support must be provided by the Government in respect of the annual public awareness campaigns relating to organ donation. Such campaigns must be undertaken in partnership with the patient groups.

Legislation is extremely important. However, I wish to strongly associate myself with the view expressed by others to the effect that, in the absence of robust organisational and infrastructural development to support this endeavour, any legislative framework is unlikely to achieve its maximum potential in increasing donations. It is incumbent on the Government to ensure that there is a dedicated IT system in place and that this will be accompanied by the necessary strategic infrastructure. Above all, without national monitoring there can be no measuring of the system when it is implemented.

I am humbled by the wonderful families which make the very unselfish decision to donate their loved ones' organs in very difficult and traumatic circumstances. Without those families, we would not even be engaging in this debate and countless numbers of people would not be able to continue to lead healthy and fulfilling lives. I am happy to support the motion.

Deputy Anthony Lawlor: I thank Deputy Tom Fleming for tabling this very worthwhile motion. I hope it will result in the human tissue Bill being brought forward much more quickly.

I must admit that those who donate and who are still living are extremely brave and courageous individuals. James Nolan's sister donated her kidney in order that he might survive. I am also aware that Joe Brolly, a high-profile individual, donated one of his kidneys. I did not realise until four hours ago that I could become a donor simply by completing the form on the back of my driving licence. All people who wish to become donors need to do in this regard is what I am doing now, namely, putting an X in the multi-organ donor box and signing the form. I am happy that I am now a donor, although this may mean that I might be more use dead than alive. In the case of the new credit-card style licences, inclusion of the code 115 on the back indicates that a person is a donor. I hope that by means of my contribution to this debate, people will come to realise the simple way in which they can become organ donors and quite possibly save the lives of others when they themselves have passed away.

Deputy Martin Heydon: I welcome the opportunity to contribute to the debate on the motion. This matter is close to my heart, particularly as I work closely with the Punchestown Kidney Research Fund and am aware of the great work done for it by James Nolan and others. One of the reasons this matter is so close to my heart is that I lost a kidney when I was 18. Thankfully, and touch wood, I am in very good health and I hope to remain so. However, one never knows when one might need an organ donation. It is amazing when one realises the sacrifices which live donors make. The Punchestown Kidney Research Fund has been up and running for 24 years and has raised €1.2 million by holding the charity kidney race on the final day of the Punchestown racing festival each year. While that money has been really well spent, equally important is the additional awareness that has been created on foot of the publicity relating to the race.

I agree with the concept of the opt-out clause. I commend people such as Joe Brolly who have raised the profile of this issue in recent times. However, we must be careful that we do not suggest that one simple measure will solve all of our problems. If an opt-out clause were put in

place tomorrow, then the number of suitable donors who would die in the next few weeks would be greater than the total number of transplantations carried out last year. We need to work towards introducing such a clause and doing so will put pressure on the relevant individuals to ensure that there will be a sufficient number of teams available to harvest and retrieve organs. In addition, there must also be a sufficient number of co-ordinators to deal with the process relating to approaching families. The worst time to broach the subject of organ donation with a family is when it has just lost a loved one. Doctors or surgeons who lose patients and who are obliged to break the news to the families involved may not always raise the subject of organ donation. That is where specially trained co-ordinators come into play. I am of the view that we need more such co-ordinators and more specialist teams.

The unit in Beaumont Hospital is extremely impressive but it would not be able to deal with the consequences of an opt-out clause. This is something we must be cognisant of, although I am not stating that what is proposed is not worth doing. The current annual cost of dialysis for one patient is between €65,000 and €70,000. The cost of a transplant is in the region of €45,000 to €50,000. The annual costs thereafter would be €10,000 and these would relate to hospital visits, paying for immunosuppressant drugs, etc. I know people in Kildare who have undergone extremely successful transplant procedures. They have benefited hugely from these transplants, particularly in the context of the obvious improvement in their quality of life. These individuals were previously in receipt of illness benefit because they could not work and had to claim from the State in order to survive. I refer, in particular, to a couple of people in the Newbridge area who have returned to full-time employment and who are happy to be paying PRSI and PAYE. They now have a great outlook on life. Above and beyond the various human considerations, the financial benefits of moving towards an opt-out model are obvious. I am aware that the Minister is very much on board in this regard and I look forward to progress being made in the coming years.

Deputy Tony McLoughlin: Since 2005, 121 people who would otherwise have died due to vital organ failure have been able to lead active lives because of the generosity of donors and their families. A couple of miles away lies Beaumont Hospital, which has for many years taken into its care people who have suffered serious brain injuries resulting in there being no hope for their survival. Eventually, decisions are taken by their loved ones to switch off their life support, which was artificially keeping them alive. Many of those loved ones must decide on whether to allow the deceased's vital organs to be used for transplantation. Thankfully, many make this decision, but many more do not, perhaps because of immense grief or a lack of knowledge of the deceased's wishes.

I understand the Government is supporting this motion. I welcome its commitment to introduce an opt-out system of organ donation with a view to improving the availability of organs for patients in need of transplantation. The opt-out system of consent will ensure the health professionals involved will not actively need to seek the deceased's family's express consent for organ donation. Instead, consent will be presumed unless the person has, while alive, registered a wish not to become an organ donor after death. People will be reassured by the fact that families will be consulted. If they have objections, the donation will not proceed. This is a welcome provision.

I welcome the new initiative from the Department of Health and the Road Safety Authority, RSA, which will allow people to indicate on their driver licences if they are willing to be organ donors. While the number of donations has been increasing in Ireland in recent years, we are facing a constant challenge to increase the number of people who carry organ donor cards.

Many people may be willing to be organ donors, but they might not have donor cards or have discussed the topic with their families.

The year 2011 was a landmark one for organ donation, with 93 deceased organ donors allowing for 248 organ transplants to take place. This record will improve in the coming years, something that will be allowed for by the Government initiatives to which I alluded as well as others that I do not have the time to cover. I commend the motion to the House. I also commend my colleagues in the Technical Group for using their time to highlight an important issue.

Deputy Billy Kelleher: I welcome the opportunity to elaborate on this matter following the health committee's discussions on it in recent weeks. The presentations made by various witnesses were interesting in that, while there was no unanimity, they all shared the same perspective - how best to increase the number of people who are willing to donate their organs and get donor cards. Even if nothing comes of this debate other than the fact that it highlights our need to become more aware of the opportunities that we could provide people by becoming organ donors when we pass away, it would still be worthwhile. In the coming weeks, the Government will start a discussion process with society and stakeholders to determine the best way to encourage as many people as possible to donate organs.

Interesting points were made at the committee hearings and varying views were expressed on the soft and hard opt-outs and whether it should be left to people to acquire donor cards. One point made by all groups that presented was that the family should always be consulted. Regardless of whether a soft or hard opt-out was taken, the family would decide. However, if an individual insists on his or her organs being donated, should we not be compelled to comply? We should debate this matter. A will involves many testaments, which are carried out as planned when a person leaves this Earth. In terms of organ harvesting, the family is still consulted. I would like to believe that the opinion of a person's family would be taken on board, but if I was determined to have my organs donated, I would argue that my wish should be complied with regardless of my family's opinion.

This should not be a divisive issue. Society, stakeholders, voluntary organisations and those who have been at the coal face for many years should be involved in this discussion if we are to raise awareness and encourage as many people as possible to donate their organs.

Let us consider Ireland's ranking in terms of organ donation. We are well placed, but we could be much better. Significant advances have been made at St. Vincent's and Beaumont hospitals in terms of the ability to transplant. It would be upsetting for society if, having made considerable technological and medical strides in saving people's lives, not enough organs were available to meet demand. The committee and, in terms of this debate, the House have been unanimous and to the fore in this regard.

We can all endorse this motion to varying degrees. Given some people's opposition to it, however, dividing the House - this would not necessarily happen, as there is broad agreement - will not be helpful if we want to bring them around. The Government's consultation process in the coming weeks should be broadly based and hear all opinions. We should drill down through the statistical data, given the various opinions on the most successful method of encouraging people to donate. I examined this question during the committee's hearings in light of the statistics presented. The committee probably does not have the resources to investigate. We heard from witnesses with contrary views and statistical interpretations, but it would be worthwhile if the HSE or another body could examine other countries - Spain and others have been mentioned

- in terms of whether the soft option or presumed consent is the way to go.

The fluctuations in organ donation rates and donor numbers in recent years are interesting. Perhaps this is because the number of people involved is small, there are no trends and the fluctuations are owing to other reasons. I have spoken to a number of live donors. It is probably the bravest act possible. The thought of donating an organ makes me queasy, to say the least, but it is magnificent and exhilarating that a human being is willing to donate, in life, his or her kidney to save someone else. However, there are many others. They may not have been fully aware of the importance of organ donation or just have never thought about it in any way. Many people pass away whose organs could have been used but were not used because we do not have the critical infrastructure based around trauma centres, cardiac units and intensive care units to approach families in a structured way to discuss the issue with them. It is important to consider the point.

One of the main points made was that regardless of the recommendation that results from the consultation process, the key issue is the provision of resources. Allocations must be made to the centres for organ harvesting and it is also necessary to work with the families of the deceased. Resources must be put in place to provide co-ordinators who can take a compassionate approach to the families of donors and potential donors.

Consultants in various hospitals do their best to save their patients and when it becomes obvious that there is no hope they approach families to discuss with them the possibility of organ donation. Consultants are exceptionally busy people who work at the coalface and are under constant pressure. Further supports are required for medical professionals. For example, bereavement counsellors should be available to talk with families as well as co-ordinators trained in the area. It is too much to expect that the doctor or surgeon dealing with the patient must also deal with the family. It is important to provide supports to facilitate organ donation and to liaise with families in a meaningful way.

Cé mhéad nóiméad atá fágtha agam?

Acting Chairman (Deputy Peter Mathews): There are strictly five minutes left.

Deputy Billy Kelleher: Are you being strict, a Chathaoirligh?

Acting Chairman (Deputy Peter Mathews): Deputy Colreavy will follow with five minutes and we adjourn at 9 p.m.

Deputy Billy Kelleher: I would like the Government to introduce a number of changes but I do not wish to place the onus on the Government as it is a societal issue. We should discuss the matter as a Parliament and as a people, especially those involved in advocacy, those who have benefited from an organ transplant and living donors. We must come to a mature decision on the best way forward. I would welcome the provision of empirical evidence to establish whether we should introduce the soft option – presumed consent, and whether hard consent or the current arrangement works best in similar countries.

I spoke about illegal organ harvesting in the committee last week. It is shocking to read some of the stories in that regard from other parts of the world. We must examine the issue. We must put pressure on the European Union to get it on the agenda internationally. We have a huge problem across the world with people being kidnapped and murdered in order to harvest their organs. In some cases vulnerable, poor people sell their organs. The trade is despicable

and must be examined. Organs are being taken from people under duress through financial inducements in many cases or the threat of a gun or knife. It is happening on a daily basis. The organs are being implanted in people in First World countries because the necessary technology is not available in the countries where they are harvested.

We must examine the trade in illegal organs. I have read frightening reports, for example, that in Somalia and elsewhere in the Horn of Africa, people are being kidnapped and botched surgery is carried out to remove kidneys resulting in the death of victims. Such a practice is abhorrent. In some countries in Latin America and Asia people are induced to sell their organs, for example, a kidney. That is something we cannot tolerate. The more people that are aware of the value of organ donation and the life-giving chance it can provide the more likely they are to donate organs.

The debate is worthwhile. Varying views are held. I hope the debate does not become divisive. We have enough such debates in this House. It would be unfortunate if the views of one side or the other became entrenched because the winners are those who receive the organs and in many cases the donors, as we heard from the presentation by the Irish Kidney Association. We must strike a balance. Whether the donor is alive or deceased the gift of an organ can make such a difference. I heard Joe Brolly and others speak about the campaign on presumed consent and the soft opt-out. Regardless of what emerges from the discussions and the subsequent Government decision, the debate has raised awareness levels. I was previously unaware of the impact such decisions have on people's lives.

I met people who have had transplants. Dr. Patrick Hennessy, a GP, was a dialysis patient for many years. He publicly advocated for organ donation. His family has been supportive of the Irish Kidney Association and of what needs to be done. Families derive great benefit from knowing that in hopeless cases when their loved one passes away that hope has been transferred to someone else who gets an improved quality of life. I commend the broad thrust of the motion to the House. I hope the debate does not become divisive and that we reach a situation where everyone in this country would want to donate their organs when they pass on.

Acting Chairman (Deputy Peter Mathews): Deputy Colreavy has five minutes but the clock might be against us because we are adjourning at 9 p.m.

Deputy Billy Kelleher: I am sorry.

Deputy Michael Colreavy: I thank you, a Chathaoirligh.

Acting Chairman (Deputy Peter Mathews): I am willing to go the extra two minutes with the agreement of the House.

Deputy Michael Colreavy: I might not need it. I apologise as I missed much of the debate as I was at another meeting. I am at a disadvantage as I do not know whether the Government has agreed to accept the motion.

Deputy Jan O'Sullivan: Yes. The Government has agreed to accept it.

Deputy Michael Colreavy: I am delighted to hear it. I compliment the Technical Group on tabling the motion. I would have been disappointed and somewhat perplexed if the Government had contested it.

The vast majority of people in this country would agree to donate their life-saving organs

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post mortem. I will confine my remarks due to the lack of time and the fact that one goes through an established process for the donation of living organs. Despite the fact that most Irish people would probably be willing to donate their organs post mortem, we continue to have a serious problems with the supply of organs. It is undoubted that people are dying and suffering unnecessarily and that their quality of life is diminished because the State has not got its act together on consent for organ donations.

Current legislation, policy and practice dictate that citizens must opt into agreements to donate their organs. The motion seeks to change that so that a person who dies and is deemed to be suitable for organ donation would be deemed to have opted in unless he or she had opted out. That would reflect the fact that the majority of Irish people would be prepared to have their organs used to save and improve the lives of others but that many among them simply neglect to opt in. Another consequence of the current opt-in requirement is the need for medical staff to broach with relatives the delicate subject of organ donation immediately prior to or following the death of a loved one. That should never have to be done. I suggest a caveat in the legislation and policy to the effect that family wishes should never be overruled, even in an opt-out scenario.

9 o'clock

The transition to an opt-out system of organ donation would have to be well publicised and handled with great sensitivity. Those who wish to opt out must not be made to feel like lesser human beings. People have and should continue to have the right to opt out.

I am delighted to hear that the Government is accepting this motion. I am also delighted that there is all-party consensus on the issue. Where organs were scarce, we could not blame a lack of infrastructure or a shortage of qualified professionals to use those organs. In the hopeful event that organs now become more readily available, we will have to put in place the infrastructure that is needed to make sure that the organs can be harvested and used in a timely fashion in order to dramatically cut the waiting lists for transplants that we currently have. At the end of the day, an opt-out system is not of much value unless people who need organ transplants get them as speedily as possible.

I thank the Technical Group for tabling this motion. I also thank the Minister of State for indicating the Government's willingness to accept it.

Debate adjourned.

The Dáil adjourned at 9.05 p.m. until 10.30 a.m. on Wednesday, 1 May 2013.