



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 09 Bealtaine 2013

Thursday, 09 May 2013

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

Paidir.
Prayer.

Leaders' Questions

Deputy Timmy Dooley: On Sunday public transport users are facing industrial action by hard-pressed Bus Éireann workers. As the Tánaiste knows, this action has arisen after 11 long months of deliberations, negotiations and protracted discussions between management, the Labour Court and workers. An impasse has now been reached. State subvention is down by about 15% of the company's turnover, cut dramatically under the Tánaiste's stewardship. It is the lowest level of subvention of any major national public bus company in Europe.

Workers should not be expected to subsidise the cut to the Bus Éireann subvention, and I and most people would have thought Labour in government would ensure this did not happen. The Tánaiste knows that strike action will cause considerable inconvenience to the travelling public who depend on Bus Éireann to get to work, to school and to college. The public is shocked at the apparent approval by the Minister of Bus Éireann's intention to unilaterally impose severe cuts in the pay and conditions of its workforce from Sunday next. Bus Éireann has outlined that it intends to target some €9 million of its €20 million savings target from the pay and conditions of its workforce. While Bus Éireann needs to make savings, the savings sought weigh far too heavily on the workers, who earn on average €33,000 a year. They have families and mortgages, and, like many in society, they are struggling. The Labour Court has stated that the very viability of the transport operator is under threat if something is not done, and that is accepted on this side of the House.

We know Fine Gael wants to privatise our public transport service, of which Bus Éireann is a constituent part. Where does the Labour Party stand on the privatisation of Bus Éireann?

Deputy Patrick O'Donovan: What about Eircom and Aer Lingus?

Deputy Timmy Dooley: It is estimated that approximately 114,000 secondary and college-going students will be affected if the dispute spreads to the school transport network. That should bring into stark focus for the Government the seriousness of this issue and demonstrates that action needs to be taken by the Government. Where do the Tánaiste and the Government

stand on this issue? Does the Government have a strategy to ensure the public transport network will not let down those who cannot afford private transportation during this impasse? Does the Government intend to intervene between management and staff to try to avoid a strike in the first instance?

The Tánaiste: Bus Éireann is in a very difficult financial position. It has incurred accumulated losses of €27 million in the past five years, a position which is unsustainable and which places the viability of the company at risk.

Deputy Tom Hayes: Timmy was not looking after them well enough.

The Tánaiste: According to the Labour Court and the trade unions' own independent financial assessors, Bus Éireann is in a precarious financial situation with the very viability of the company under threat. According to the Labour Court, significant reductions in the company's cost base, including payroll costs, are essential to ensure its future and protect employment within the company. The issues involved have been the subject of deliberations for 11 months and have been the subject of a Labour Court adjudication. Following this adjudication, there was further engagement with the Labour Relations Commission.

The future of the company needs to be secured for the public who depend on its services and for the benefit of its employees. Bus Éireann runs commercial expressway services, which are currently loss-making, and, legally, the State cannot support these services. The viability of these services can only be secured if these savings are achieved. Bus Éireann has confirmed to the Minister, Deputy Varadkar, and the Minister of State, Deputy Kelly, that the company remains open to engaging with the unions. I very much hope the management and the unions use the period between now and Sunday to engage in further dialogue which can ensure the necessary savings are introduced and the provision of bus services for the public is protected.

Deputy Timmy Dooley: I thank the Tánaiste. He has set out the company position. One would have thought the Labour Party in government would have looked at the workers' situation.

Deputy Brendan Howlin: The Deputy has a brass neck.

Deputy Timmy Dooley: It is all right to talk about the Labour Court and the Labour Relations Commission but, effectively, what is being unilaterally imposed on the workers, who are on an average of €33,000 a year, is a hit of €3,000. That is a phenomenal amount from the pay packets of these individuals and their families. It is not bonus pay. It is all right to take about core pay, overtime, time and a half and all that goes with it. However, a €3,000 cut to the core pay of these individuals is not sustainable. Does the Tánaiste want to put more people into hock by saying "We have to protect the company"? He should go back and fight the case at Government for increased subvention, if the Labour Party believes in the public service obligation and in the principle of an appropriate transport network.

Deputy Eric Byrne: It is Fianna Fáil that put the country into hock.

Deputy Patrick O'Donovan: They did it at Aer Lingus.

Deputy Timmy Dooley: We know where Fine Gael stands. It looks after the people over €100,000.

A Deputy: We know where Fianna Fáil stands.

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Deputy Bernard J. Durkan: It is Fianna Fáil that ruined the country.

Deputy Timmy Dooley: I would have thought the Labour Party in government would look after those on €30,000 a year but the Tánaiste seems to have just bought the company line, and he is prepared to come in here and trot it out, with no reference whatsoever to the workers.

(Interruptions).

Deputy Timmy Dooley: I look across the line of Labour people here. Many of them have worked as trade union officials-----

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

Deputy Timmy Dooley: They have turned their back on the workers and on the trade union movement. It is a disgrace they are not prepared to fight for a greater level of investment for the company to ensure it can continue to provide a public transport service.

(Interruptions).

Deputy Eric Byrne: They put the country into hock.

An Ceann Comhairle: Will the House settle down and listen to the reply?

The Tánaiste: This Government is committed to the public transport service.

Deputy Timmy Dooley: Privatised or public.

The Tánaiste: Public. That is why we want to keep Bus Éireann in existence. Does the Deputy understand that?

Deputy Timmy Dooley: I do, but who does the Tánaiste expect to drive the buses?

Deputy Brendan Howlin: Deputy Dooley should come down off his soap box.

The Tánaiste: The viability of the company is at risk-----

Deputy Timmy Dooley: What about the viability of the workers?

The Tánaiste: The Deputy should listen to the answer.

(Interruptions).

Deputy Brendan Howlin: Deputy Dooley should fall off his soap box.

An Ceann Comhairle: Will the Deputies quieten down? I would like to hear the answer as well as everybody else. We have just one minute for the reply.

The Tánaiste: The viability of Bus Éireann is at risk. It is losing money. It has lost €27 million in the past five years and that cannot continue. If Bus Éireann does not continue to exist, the people who work in it will not have jobs. We want to protect the company, the services it provides and the employment it provides to those who work in it. In order to achieve that, the company must be secured. This has been the subject of discussion and negotiation for 11 months and is now the subject of a Labour Court recommendation. What the company is doing is implementing the Labour Court recommendation, which has been the subject of discussion

over a long period of time. This is now about the viability of the company. The question of the viability of the company is itself accepted by the assessors engaged by the trade unions to look at this.

We have a period of time between now and the weekend in which further discussions can take place. The company has made it clear that it is available to have those discussions either directly with the unions or with the assistance of the Labour Court or the Labour Relations Commission. I hope such discussions will take place and that industrial action can be averted, but we all need to understand that what is at stake here is the continued existence of Bus Éireann. Deputy Dooley coming in here and crying crocodile tears will be no use to anybody if this company fails and the people in it lose their jobs.

Deputy Mary Lou McDonald: This morning I wish to raise the issue of access to resource teaching hours for children with Down's syndrome. Down's syndrome is by its nature complex and affects intellectual ability, speech, language, hearing, memory, vision, motor skills and general health. As I am sure the Tánaiste understands, Down's syndrome seriously affects a child's ability to engage with the school curriculum. The rate in Ireland is one in every 546 births. That means that about 120 children are born with Down's syndrome each year, and approximately 80 begin mainstream primary education.

Down's syndrome is by definition a complex low-incidence disorder, yet, remarkably, it is not one of the 11 low-incidence disabilities that qualify for resource teaching hours. Prior to 2005, all children with Down's syndrome received resource teaching hours, but since then children with Down's syndrome who have IQ scores in the mild range of learning disability have not qualified for specifically allocated resource teaching hours.

This is an important issue that affects no more than about 24 to 30 children each year. It could be easily resolved by simply adding Down's syndrome to the list of low-incidence disabilities. It is a small number of children but the kind of support that would be afforded to those children could literally transform their lives and learning experiences. What does the Tánaiste plan to do to address this issue? Will he speak with the Minister for Education and Skills and is he prepared to come back to the Dáil with a proposal to address unfair discrimination against a group of children with Down's syndrome?

The Tánaiste: I know that Down Syndrome Ireland organised a briefing in Leinster House earlier this week for Members at which it made the case that Down's syndrome should be regarded as a disability in its own right and that children with Down's syndrome should qualify automatically for additional resource hours and assistance in the education system. I was unable to attend the briefing but have received a report on it. The Minister for Education and Skills is already addressing the issues that were raised in the briefing. He has asked the National Council for Special Education, NCSE, to provide expert independent and evidence-informed policy on the education of children and others with disabilities. This will include the issue of whether Down's syndrome should be reclassified as a low-incidence disability in all instances regardless of assessed cognitive ability.

This advice from the NCSE on how the education system can best support children with special educational needs is expected to be published in the coming weeks. I do not think we should pre-empt what that expert advice will be because the NCSE is an organisation with the greatest expertise in this area and has been asked to consider this policy issue. I assure the Deputy and the House that the Government is very conscious that meeting students' educational

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needs is a paramount consideration and must be kept at the centre of any proposals and recommendations. As the Deputy is aware, the Government continues to spend €1.3 billion each year supporting the education of children with special needs. We are committed to continuing to explore how best to improve their experiences and educational outcomes. We have heard the case that has been made by Down Syndrome Ireland and, as I have said, the Minister is already addressing the issues that have been raised.

Deputy Mary Lou McDonald: I am sure the central concern for all of us is to ensure that all our children have the best educational opportunities and supports. I am sure the Tánaiste will agree with me that in the case of a child with a disability - for these purposes, Down's syndrome - our duty is all the greater because the need of the child is greater. I am glad to hear that the Minister will have a report on the general issue of children with disabilities and how supports for them are provided, but this is a very specific instance. Until 2005, every child with Down's syndrome was in receipt of teaching resource supports. Since then, a group of those children with Down's syndrome have been denied that very basic support.

I fully appreciate that policy must be based on evidence and expertise but I put it to the Tánaiste that Down Syndrome Ireland has considerable expertise in this area and that until 2005, the State recognised that every child with Down's syndrome required resource support. It was wrong for the previous Administration to withdraw that and it is essential for this Administration to put things right. It affects a very small number of children but should the Government do the right thing, it will make a significant difference to those children and families. Will the Tánaiste let us know at what stage he or the Minister for Education and Skills proposes to deal with this specific issue and to reassure all of us in the Dáil that these resource hours will be afforded to every child with Down's syndrome?

The Tánaiste: As I said earlier, we have heard the case made by Down Syndrome Ireland. As the Deputy said, this organisation does know what it is talking about from experience, and we take that very seriously. I was unable to attend the briefing but received a report from my parliamentary colleagues who did attend. We are addressing it. I repeat that the assessment being carried out by the NCSE will include the issue of whether Down's syndrome should be reclassified as a low-incidence disability in all instances regardless of assessed cognitive ability. The case made by Down Syndrome Ireland is being addressed by the Minister. He expects to be in a position to publish the policy advice in the coming weeks, so we are not talking about a prolonged period of time. We have heard the case that has been made and it is being addressed. There is a process through which the Minister is looking at it. The issue of Down's syndrome is very much part of that process and we should wait to see what is that expert advice. He will publish it in a matter of weeks. We heard the case made by Down Syndrome Ireland to the all-party group at a meeting earlier this week.

Deputy Clare Daly: There is a certain tragic irony in the situation that as we sit here this morning, homeowners in Priory Hall are before the courts down the road, as Dublin City Council seeks to get out of the responsibility of paying temporary accommodation for families who had the misfortune of purchasing a home in Priory hell. These families have lived on the knife-edge for hundreds of days in insecure accommodation while continuing to pay a mortgage on buildings that are only fit to be knocked down. It is ironic that 100 years ago in this city, James Connolly, the former leader of the Tánaiste's party, fought against tenement buildings. Now, on his watch, homeowners are being treated like evacuees, paying money for properties that are death traps and a health hazard. Is it not ironic that James Connolly campaigned against William Martin Murphy and Independent Newspapers, as the mouthpiece of the employers? On

the Tánaiste's watch, the new William Martin O'Brien and Independent News and Media, get a bailout of €60 million at the taxpayers' expense. It is a real case of history repeating itself but this time around, the Tánaiste, who claims to stand in the legacy of Connolly, is on the wrong side of the barricades.

It must have been pretty nauseating to take a lecture from Fianna Fáil about workers' rights and bus workers' rights but it was even more nauseating to hear his response. He could have been Bus Éireann management; he could have been Fianna Fáil when they were on his side of the House. I ask the Tánaiste to explain the journey he has made onto the side of IBEC. The nation was treated to the views of IBEC earlier in the week when that organisation told us it wanted an end to austerity because it had gone far enough. This sounded good until one read the small print. What IBEC was actually talking about was making sure there would be no austerity for its members. IBEC said, "By all means, continue with the austerity on hard-pressed homeowners, fleece them for a home tax, go after them for a water tax." When low and middle-income earners had nothing else to give, IBEC said: "Do not go after the high-earners." Instead, it argued that the Government should go after public sector workers once again. It was ably assisted in that argument by his party colleague, Deputy Howlin, the Minister for Public Expenditure and Reform.

On what planet is the Tánaiste living? Maybe it is the one where people like David Begg, who is on €140,000, puts forward the prospect for the unions to be realistic.

An Ceann Comhairle: Please put your question, Deputy Daly, as we are over time.

Deputy Clare Daly: Is it realistic for low-paid public sector workers, who have already had their salaries reduced by 22%, to see them reduced further? Does he think it realistic for unions to go into a process where their members will come out worse off? Would it not be more realistic for the Tánaiste to target the increased number of millionaires who have got richer on his watch by progressively taxing them as he said he would? Would that not be something that a party that says it represents workers should do?

The Tánaiste: I get the impression that Deputy Daly does not think very highly of me.

Deputy Timmy Dooley: The Tánaiste should not take it personally.

The Tánaiste: I will deal first with the Deputy's specific question as to whether I support low-paid workers taking a further cut. I do not support that. That is why the agreement proposed to the trade unions did not propose a cut in pay for low-paid workers. The cuts in pay proposed are graduated above a certain level. It is also the reason this Government reinstated the cut in the national minimum wage which was imposed by the previous Government. It is also the reason we legislated to reintroduce the joint labour committee system after it was struck down by the High Court. We recognise that people who are in low-paid employment need to have a statutory framework within which their pay and conditions are protected. This Government has not reduced the basic rates of social welfare payment, something that was done by the previous Government. It is the reason this Government took more than 300,000 people out of the universal social charge. These are the people on the lowest level of pay. When it comes to protecting people who are on low pay, this Government has taken repeated action and shows exactly where it stands even in difficult circumstances.

Of course, the issue of pay only arises if one has a job. That is why the Government's priority is to ensure the protection of existing jobs. We have pursued policies which have not

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involved - as is the case in other countries - compulsory redundancies for those working in the public services. We want to protect those companies employing people in the public transport system, for example. We do not want to see Bus Éireann fail financially, which would result in the loss of jobs. It is also the reason we are pursuing an economic strategy which is aimed at encouraging investment in this country by companies who establish subsidiaries here and who employ Irish workers. I am very pleased to see that over the course of recent times we have been successful in this regard. Last week alone, for example, more than 2,000 new jobs have been announced and more than 1,000 additional jobs were created in the private sector over the past 12 months. There has been a turn in the numbers of people who are at work. However, it is not fast enough; we want to see a lot more done in terms of additional jobs. It is the reason we have put such an emphasis on youth unemployment. Young people who are leaving schools and colleges cannot get the jobs for which they are qualified. We obtained European Union agreement for the youth guarantee which is supported by a youth investment fund of €6 billion. It is all to do with ensuring that people have jobs, that those jobs are secure and are not put at risk and that the best possible pay and conditions apply to them.

An Ceann Comhairle: A supplementary question, please, Deputy Daly.

Deputy Clare Daly: Of course I have nothing against the Tánaiste personally. The point I was trying to make was that he appears to be considerably out of touch with the reality on the ground. His very reference to the idea of youth unemployment being dealt with by his Government is masked by the fact that more than 300,000 people have been driven from our shores over the past four years.

The fact that the Tánaiste is out of touch is revealed by the fact that workers in jobs in the public sector, who are glad to be in jobs, have said clearly, both in the public sector and in Bus Éireann, that they can give no more. The issue is that there is never only one way to deal with a problem. While workers' pay and conditions have been decimated, the number of billionaires in Ireland has almost doubled since the crisis. The number of millionaires has gone up to 751 and the number of people earning over €300,000 - very few of them are in the public service - has increased to almost 10,000 people. Is it not the case that a party that says it stands on the side of ordinary people should see its role as tackling inequality rather than accelerating it? Should the Tánaiste not be dealing with taxing wealth rather than decimating workers' conditions? That was my question.

Deputy Patrick O'Donovan: Does that apply to the banks?

Deputy Eric Byrne: Not if people are not living in a reality.

Deputy Joan Collins: Those workers live in reality.

The Tánaiste: I have already dealt with one end of the equation, which is what this Government has done. It is very easy to say it. It is not a case of what we say; it is also a case of what we do. I have outlined to the Deputy and the House very clearly what this Government has done in order to protect the pay and conditions of people who are low-paid workers. The same applies to the issue of wealth. In the budget, this Government introduced the largest package of taxes on wealth that I can recall in my time in this House. We have introduced a property tax with an additional tax on properties over €1 million.

I drive past some of those properties and I see the posters that the Deputy's party has put up for their consideration. These posters advise them not to pay the property tax. It is very easy to

come in here and bemoan and complain about millionaires and then put up a sign on their road telling them that they should not pay the property tax.

Deputy Joan Collins: It is a family home tax.

11 o'clock

The Tánaiste: It is what one does. Saying something is one thing and doing it is another. That is the difference between what Deputy Daly represents and what the Labour Party represents in government. We act to resolve problems and make things better rather than to go on shouting about them forever.

Order of Business

The Tánaiste: It is proposed to take No. 9a, motion re proposed approval by Dáil Éireann on the proposal for a directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management; No. 9b, motion re membership of committee; No. 20, Health (Pricing and Supply of Medical Goods) Bill 2012 [*Seanad*] - Report Stage (resumed); and No. 18, Housing (Amendment) Bill 2013 - Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, that Nos. 9a and 9b shall be decided without debate.

An Ceann Comhairle: There is one proposal to be put to the House. Is the proposal for dealing with Nos. 9a and 9b, without debate, agreed to? Agreed.

Deputy Timmy Dooley: The licensing of healthcare facilities Bill is due to provide for a mandatory system of licensing for public and private healthcare facilities. When can we expect the Bill to be introduced in the House? Obviously, it has implications, particularly in terms of the protection of maternal life Bill.

The Shannon aviation services centre Bill relates to the amalgamation of SFADCO and Shannon Airport under a new company structure. We would like to know when it will be published.

Deputy Michael Creed: Are you backing it?

The Tánaiste: I do not have a date for the first Bill Deputy Dooley mentioned. The Shannon aviation services centre Bill to establish a new State-owned commercial entity to merge the Shannon Airport Authority and the restructured Shannon Development will be published this year.

Deputy Mary Lou McDonald: When does the Tánaiste expect Mr. Justice Quirke to report back on the redress scheme for the Magdalen laundries. Can he tell the House if the Government has reached a decision on the institution at Summerhill in Wexford which has been excluded from the scheme, unlike the institution at Stanhope Street? Can he indicate what progress the Government has made on Bethany Home and set out the form of redress it is proposed to afford to its victims?

The figures on emigration have been referred to in the course of this morning's proceedings.

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Deputy Pat Rabbitte: This is not Question Time.

Deputy Mary Lou McDonald: In the last four years, 300,000 people have emigrated. Does the Government have any plans to bring forward a strategy for Irish emigrants and the diaspora now that so many of our young people are forced to live overseas? Perhaps, that is the youth employment initiative to which the Tánaiste alluded earlier.

The Tánaiste: I do not have a date for Mr. Justice Quirke's report. As I have said to the Deputy previously, the Bethany Home issue is under consideration by the Minister for Justice and Equality, Deputy Alan Shatter, and the Minister of State, Deputy Kathleen Lynch.

I have a strategy to support Irish emigrants abroad. I would be very happy to answer a question in detail on the emigrant support programme if the Deputy were to table it to me in my capacity as Minister for Foreign Affairs.

Deputy Mary Lou McDonald: What about Summerhill?

The Tánaiste: Summerhill is also under consideration.

Deputy Peter Fitzpatrick: When can the House expect the publication of the health information Bill to provide a legislative framework for the better governance of health information and related issues, including data matching, population health resources and identifiers for use in health services?

The Tánaiste: The health information Bill will be published in early 2014.

Deputy Seán Ó Feargháil: The Minister for Arts, Heritage and the Gaeltacht has many reforms in store for the cultural institutions. When will the national cultural institutions (amendment) Bill be forthcoming?

The Tánaiste: The national cultural institutions (amendment) Bill to give effect to actions arising from the Government's reform programme on certain national cultural institutions will be published next year.

Deputy Bernard J. Durkan: Can the Tánaiste indicate to the House what progress has been made on the pyrite levy Bill? Is it expected that the heads of the Bill will be dealt with by Cabinet at an early date? To what extent is it hoped to deal with the Bill during the current session?

Current bail law was set in the 1960s and there is a general recognition of the need for reform. When is the bail Bill likely to come before the House?

The Tánaiste: The heads of the pyrite levy Bill were approved by Government on 30 April 2013 and it is expected that the Bill will be published later this year. The draft heads of the bail Bill are at an advanced stage but it is not possible to indicate a date on which it will come before the House.

Deputy Eamonn Maloney: When will the Taxi Regulation Bill 2012 become law?

The Tánaiste: I understand the Bill will be in the House next week. It will be in the hands of the House.

Deputy James Bannon: When will the much-needed education (admission to school) Bill

be published in light of the ongoing problem many parents are experiencing in trying to access places for their children? It is a particular problem in rural areas where small schools have ceased to operate.

A number of people have contacted me about the state of our national monuments and archaeological heritage, in particular people who have come back here for The Gathering. Can the Tánaiste update me as to when a national monuments Bill will come before the House?

The Tánaiste: The heads of the education (admission to school) Bill are being drafted and it is expected that the Bill will be published later this year. The heads of the monuments Bill have been approved by Government and it is expected in the middle of next year.

Deputy Mattie McGrath: On the geothermal energy development Bill, can the Tánaiste ask and assist the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, to appoint a mediator in respect of a situation that has developed in south Tipperary relating to STEP insulation and the homes of vulnerable people?

An Ceann Comhairle: Have a chat with Deputy Rabbitte after the Order of Business.

Deputy Mattie McGrath: They might appoint a mediator to mediate between SEAI and Muintir na Tíre in south Tipperary to keep that organisation afloat.

The Tánaiste: I do not propose to act as a mediator between Deputy Mattie McGrath and Deputy Rabbitte.

Deputy Mattie McGrath: Unlike Deputy Daly, I have good time for the Tánaiste.

The Tánaiste: I am sure they are well able to deal with each other directly.

Deputy Mattie McGrath: It is a serious issue.

The Tánaiste: I appreciate that, which is why Deputy McGrath should discuss it directly with the Minister and, with all due respect, leave me out of it. The heads of the geothermal energy development Bill have been approved and it is expected that it will be published in the middle of next year.

Deputy Finian McGrath: Does the Tánaiste have any plans to introduce education legislation to resolve the issues of discrimination against children with Down's syndrome and resource teaching hours? If not, can the Minister for Education and Skills deal with these issues as these children need support and resources and to have their rights vindicated?

An Ceann Comhairle: Deputy McDonald raised this issue already.

The Tánaiste: I have already answered this question.

Deputy Finian McGrath: There will be no legislation, is that it?

The Tánaiste: My answer is on the record. The Deputy knows the answer.

Deputy Michael McCarthy: When can we expect Committee Stage of the autism Bill to be scheduled?

The Tánaiste: My understanding is the arrangements for the debate on Committee Stage must be made by the committee.

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Deputy Joan Collins: I asked the Taoiseach this question yesterday and, seeing as the Minister for Public Expenditure and Reform, Deputy Howlin, is in the Chamber, maybe he can throw some light on it. I am not asking where negotiations are on Croke Park II. Has legislation been drawn up to introduce cuts of €300 million on 1 July as was the case with IBRC when it was wound up? There was legislation waiting. How soon does must it be brought into the Dáil if talks do not take place?

The Tánaiste: The Taoiseach answered this question yesterday. The position is that the chief executive of the Labour Relations Commission has been given additional time to have direct discussions with individual trade unions. He will report to the Minister for Public Expenditure and Reform on Monday and the Minister will report to the Cabinet on Tuesday. Then it will be a matter for the Government to decide what is to be done.

Statistics (1926 Census) Bill 2013: First Stage

Deputy Seán Ó Fearghail: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Statistics Act 1993, in relation to the first census of population of Ireland taken since the establishment of the State; to afford that census a special heritage status and to have such released to the public for genealogical, historical and other research.

An Ceann Comhairle: Is the Bill opposed?

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

Question put and agreed to.

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

Deputy Seán Ó Fearghail: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Housing (Purchase of Voluntary and Co-Operative Housing) Bill 2013: First Stage

Deputy Seán Ó Fearghail: I move:

That leave be granted to introduce a Bill entitled an Act to make further provision for purchase by existing tenants of dwellings owned by voluntary housing bodies, under incremental purchase arrangements, in circumstances where the voluntary housing body and the local authority agrees that it would be beneficial to a tenant and a relevant local authority area to dispose of a particular dwelling; the ringfencing of the proceeds of the sale of such a dwelling towards the provision of additional housing by approved bodies and, in exceptional cases, to upgrade existing housing stock in the relevant local authority area and

related matters.

An Ceann Comhairle: Is the Bill opposed?

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

Question put and agreed to.

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

Deputy Seán Ó Fearghail: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Health (Fluoridation of Water Supplies) (Repeal) Bill 2013: First Stage

Deputy Brian Stanley: I move:

That leave be granted to introduce a Bill entitled an Act to repeal the Health (Fluoridation of Water Supplies) Act 1960, to provide for offences for the fluoridation of water and to provide for related matters.

An Ceann Comhairle: Is the Bill opposed?

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

Question put and agreed to.

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

Deputy Brian Stanley: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

EU Directive: Motion

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

That Dáil Éireann:

1) notes the agreed Report of the Joint Committee on Agriculture, Food and the Marine under Standing Order 105 on the Proposal for a Directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management (COM (2013) 133) which was laid before Dáil Éireann on 7th May, 2013 in accordance with Standing Order 105(3)(b);

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2) having regard to the aforementioned Report, and in exercise of its functions under section 7(3) of the European Union Act 2009, is of the opinion that Proposal for a Directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal management (COM (2013) 133), does not comply with the principle of subsidiarity for the reasons set out in paragraph 5 of the Report; and

3) notes that, pursuant to Standing Order 105(4), a copy of this Resolution together with the reasoned opinion and the aforementioned Report shall be sent to the Presidents of the European Parliament, the Council and the Commission.

Question put and agreed to.

Membership of Committee: Motion

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

That Deputy John Halligan be discharged from the Select Committee on Jobs, Enterprise and Innovation and that Deputy Tom Fleming be appointed in substitution for him.

Question put and agreed to.

Health (Pricing and Supply of Medical goods) Bill 2012 [Seanad]: Report Stage (Resumed) and Final Stage

Debate resumed on amendment No. 4:

In page 14, between lines 23 and 24, to insert the following:

“(3) The Board shall, in determining an application under *subsection (2)*, have regard to the desirability with respect to efficacy and safety of refusing to add medicinal product in the anti-epileptic drug class, used in the treatment of persons with epilepsy for the purpose of preventing seizures, to the List of Interchangeable Medicinal Products.”.

- (Deputy Caoimhghín Ó Caoláin).

Minister of State at the Department of Health (Deputy Alex White): In the course of the debate, Members have raised serious related issues with regard to anti-epileptic drugs, AEDs, and the general issues common to this group of amendments. Deputy Caoimhghín Ó Caoláin reminds me that we are dealing with amendment No. 4. On the last occasion, I was making the point that when issues are raised opposite, they are taken seriously, listened to and considered. That they are not accepted does not mean the respect Deputies are entitled to from the Government in this House is not accorded to them; it is. These issues have been carefully considered. I met the Irish Epilepsy Association and I have taken the steps anyone would expect a Minister of State to take in order to understand and assess the case made.

I have said that I am not disposed to hollowing out one area of medicine from the application of the Bill. I urge the House to trust the regulatory body charged with making these decisions, the Irish Medicines Board. No one should assume all the information, insight and studies the Deputies have assiduously raised are not available to the Irish Medicines Board. I assume the Irish Medicines Board will approach this and deal with it in the expert way it always does in respect of matters with which it is charged. I have no doubt that will be so if the question of AEDs and substitution were to arise in the context of the work of the Irish Medicines Board. At the risk of irritating my colleagues opposite, the point must be made that we are not substituting any drugs in this legislation. If the House agrees to it, we are setting up a statutory regime within which substitution can occur were the Irish Medicines Board deems it appropriate in any instance. Having come all this way with generic pricing and substitution legislation we are now close to passing, it would not be a good idea to put in place a regime and then include in the Bill an exception for one area of drugs. Deputies made the point that they supported, accepted and agreed to the general thrust of the Bill and agreed with the generalities of the provisions of the Bill.

That is not to say the issues raised by the Irish Epilepsy Association are not reasonable. Their concerns, as a patient advocacy group, should be taken seriously and I believe they will be. None of the issues that group, or the Deputies here, have raised are issues to which the Irish Medicines Board is oblivious. I refer particularly to the expert scientific material Deputies say is compelling and important. I am sure it is also available to the Irish Medicines Board if and when it comes to address the issue of AEDs.

The Irish Medicines Board has a list of medicines that it will, in all likelihood, be starting with as priorities. There are 20 priority drugs the Irish Medicines Board intends to address if the legislation is passed. I could read out the list but one would need five minutes to rehearse the pronunciation of many of the medicines so I will not do so. The list of 20 priority medicines does not include AEDs and that is where the Irish Medicines Board proposes to get involved if the House sees fit to pass the legislation.

Deputy Catherine Murphy raise an issue in respect of Canada in the course of the debate on the previous occasion. Deputy Catherine Murphy referred to an article published in 2009 in the *Neurology* academic journal and another published in *The Lancet* in 2010. The articles do not contain any reference to the repeal of legislation in Canada. When people say AEDs are not substituted in certain countries, they may be correct. Deputies might be correct that the equivalent of the Irish Medicines Board in another country might have determined that AEDs should not be substituted. It is entirely proper that this should be so and it might well be the case that it will happen here too. All I am saying is that it is not appropriate or necessary to hollow out an entire group of drugs from the remit of the statutory regime we are putting in place.

Deputy Róisín Shortall asked about guarantees. The guarantees are the safeguards we are putting into the legislation and the criteria that must be applied by the Irish Medicines Board. The safeguards we are putting in place mean the board must operate within the context of what is provided for in the legislation.

The article in *The Lancet* in 2010 referred to a Canadian study of generic drugs. The article stated doctors, patients and advocacy groups in England and elsewhere were concerned that generic anti-epileptic drugs might not be therapeutically equivalent to branded drugs, which could put patients at risk of breakthrough seizures or adverse events. Deputy Murphy stated the Canadian study which appeared in a neurology academic journal had concluded that multiple

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generic substitution was significantly associated with negative outcomes such as hospitalisation, injuries and increased health care costs. It is worth noting that the study also concluded that similar increases in risk and cost were not found for patients receiving a single generic version of the drug in question.

Legislation in a number of jurisdictions, including Canada, was reviewed as part of the work of the joint Department of Health and Health Service Executive working group on reference pricing and generic substitution. In addition, the Irish Medicines Board has reviewed the policy on interchangeability of antiepileptic drugs of a number of countries, including Denmark, Sweden, the United Kingdom and the Netherlands. A recent search of the Canadian legal database, www.canlii.org, has not thrown up any reference to a Canadian province repealing its substitution legislation. The article in the *The Lancet* was written at a time when the United Kingdom was considering introducing generic substitution. This did not proceed because the United Kingdom already had a very high level of generic substitution at 83%. The article in question went on to state:

Seizures are unpredictable and can occur at random, and it is difficult to establish a cause and effect relation between switching drugs and breakthrough seizures ... Prescription of generic drugs per se is not unacceptable - indeed, many patients are treated successfully with generic drugs; however, maintaining consistency of formulation is crucial. [That appears to be common to all of these studies] We should err on the side of caution and ensure that AEDs are excluded from any sweeping policies that promote automatic generic substitution.

The Irish Medicines Board advises us that in the United Kingdom there is no official list of medicines considered unsuitable for generic prescribing, but the National Prescribing Centre makes the following comments on antiepileptic medication:

Loss of seizure control has been reported in patients after switching brands of epileptic medicines. Continuity of the same brand or the same generic preparation is recommended.

The Bill does not promote automatic generic substitution. Section 5 sets out the statutory procedures to which the Irish Medicines Board must adhere in maintaining the list of interchangeable medicinal products under the legislation. The Bill does not provide that a group of medicinal products will be included or otherwise in the list of interchangeable medicinal products. The fact that there is no exemption from substitution for a specific class of medicinal products does not mean this class of medicines will automatically be included in a group of interchangeable products. The Bill provides that the Irish Medicines Board has a statutory responsibility to decide which medicinal products will be included in a group of interchangeable medicinal products. In doing so the board is required to have regard to a comprehensive set of qualifying conditions, all of which must be complied with before a decision is taken to make a group of medicinal products interchangeable. In this regard, section 5(8) provides that the board shall not add a group of medicinal products to the list of interchangeable products if it is satisfied that any of the products cannot be safely substituted for any one or more of the other medicinal products.

I am satisfied that the provisions of the Bill address the concerns raised regarding the substitution of antiepileptic drugs. I have met the Irish Epilepsy Association. It is an important advocacy group and I understand it is intended, although I am not sure if a date has been set, that the Irish Medicines Board will meet it. That will be a useful context for an exchange of views and the issues the association has raised to be communicated to the board.

Deputy Caoimhghín Ó Caoláin: I had hoped that with the passage of a couple of weeks since we last debated the issue on Report Stage the Minister of State might take a different view. I regret, however, that he remains solid in his opposition to the proposed amendments from me and my colleagues in this regard. I draw to his attention what amendment No. 4 states. It proposes to insert the phrase, “The Board shall, in determining an application under subsection (2), have regard to the desirability with respect to efficacy and safety of refusing to add medicinal product in the anti-epileptic drug class...”. The phrase is “shall ... have regard to”. This was a compromise draft following what I had argued for on Committee Stage. What I presented on that Stage was far more specific and firm in its intent. I cannot understand why there is no inclusion of an acknowledgement of the special concerns that are particular and, I believe, unique to people with epilepsy. In this instance, the amendment only affirms that the need for due regard in terms of efficacy and safety would be incorporated in the legislation. It is not a lot to ask. It would not, of itself, lock those responsible into specific actions. However, it would require due regard in terms of efficacy and safety. These are at the core of the concerns of people with epilepsy and at the heart of the campaign of the Irish Epilepsy Ireland with regard to this legislation. It supports the legislation, but, as we do, it wishes to have it fit for purpose and applicable in all situations. It is not as if we are looking at a case of “what if?” As I told the Minister of State previously, there is ample evidence that substitution or the provision of interchangeable medicines has led to adverse consequences, not only in the international experience, which has been cited to us, but also domestically in relatively recent times. It is incumbent on us, as legislators, to ensure the legislation properly reflects the combined knowledge and wishes of Members of the House. The Bill without a reference to this very important concern gives no such indication in this regard to those who will be responsible for implementing its provisions.

I appeal to the Minister of State to reconsider amendment No. 4. Its wording would not place anybody in an uncomfortable or unreasonable position but would properly recognise the special case real concerns of epilepsy sufferers and their families regarding AEDs and their substitution and interchangeability.

An Ceann Comhairle: I remind Deputies that they are restricted to two minutes in the second round of debate. I call Deputy Bill Kelleher who will be followed by Deputy Denis Naughten.

Deputy Billy Kelleher: I will be brief and not delay the passage of the Bill.

An Ceann Comhairle: Members who have tabled amendments are entitled to a further reply.

Deputy Billy Kelleher: I endorse everything Deputy Ó Caoláin said with regard to anti-epileptic drugs. There are fundamental fears and concerns and they are well vindicated and validated by the expressions of eminent consultants, who have made passionate pleas to us to raise this issue to allay any fears arising among epileptics because of this legislation. This amendment, coupled with the preceding amendments, is simply trying to allay the fear that drugs will be substituted.

Patients may be on a generic drug already. We are trying to protect, in law, their entitlement to stay on that drug because it may be the most suitable for dealing with their condition. That is the point at stake in the amendment. I endorse everything that was said. The point raised in the amendment is critical to the very principle of fairness in allowing epileptics who have their condition under control to live independent lives without fear of seizure. The Bill, if enacted as

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it stands, could and probably will further epileptics' concerns about living normal, independent lives with security of supply of a medicine that treats their condition.

Deputy Catherine Murphy: I believed that a week or a week and a half might have been enough time for the Minister of State to reflect on this matter.

Deputy Denis Naughten: A week is supposed to be a long time in politics.

Deputy Catherine Murphy: The Minister of State said consistency of formulation is crucial. That is the point we are all trying to make; it is not that there is a problem with generic drugs. There will be competition in respect of generic drugs because, once a patent expires, it opens up that possibility. We are all trying to achieve consistency. Since we last debated this issue, constituents have contacted me about studies that were carried out showing the same kind of pattern as the one in Canada. There have been studies in the United States, Germany and Switzerland. The pattern involves people missing work, breakthrough seizures and injuries. The studies refer to substitution and a loss of consistency.

I do not know how Canada organises itself, nor do I have the ability to research it in a thorough way, but I am sure, based on the fact that the Canadians identified the problem, that there would have been a response to it. When somebody is diagnosed in this country, he or she is automatically given a monthly prescription. We make sure this happens. The regime has resulted in some very good outcomes but we are potentially going to interrupt that. If the Minister of State does not consider making some changes in primary legislation, he might make a small change that would allow for a ministerial order or other such approach.

There will not be a problem for those who are very switched on regarding their medication and the fact that it should not be changed. The problem will arise for medics and newly diagnosed patients as the latter may not be as keenly aware of the need for consistency as others. They may not be aware of the difference that even a small change in the make-up of a medicine can have. Are there additional resources, perhaps made available through the Irish Medicines Board, to ensure the most up-to-date position will be made known to those who will be prescribing and dispensing medications? This will be critical in ensuring people are not exposed to risk unnecessarily.

Deputy Denis Naughten: I support my colleagues on this issue. We have teased it out at length and I will not dwell on it to any great extent. In fairness to the Minister of State, it is clear on all sides of the House that in practical terms we will not see the interchanging of anti-epileptic drugs, considering the risk it poses to those who rely on them for the treatment and management of their epilepsy. Anti-epileptic drugs, be they generic medicines or some of the more expensive medicines, are not ideally suited to substitution because of the difficulties associated with their formulation. We have had this debate.

Neither the Minister of State nor I believe anyone would deliberately substitute one anti-epileptic medicine for another, given the associated risks. General practitioners and consultants will, as a matter of form, state on the prescription "Do not substitute". This will happen consistently across the board in regard to anti-epileptic drugs but human nature is such that mistakes do happen. A consultant or general practitioner may forget to write "Do not substitute" in a particular month. A new pharmacist may read the prescription and give the patient a generic substitute. This amendment is about preventing fear in this regard among those with epilepsy.

I have no doubt that the vast majority of people with epilepsy will be very conscious of

the risk and careful when picking up their medicines. However, we are relying heavily on the patient, who trusts the general practitioner and pharmacist. The difficulty arises where older patients with epilepsy may be in receipt of a series of medications, in that they may not spot that their anti-epileptic drug has been changed. Alternatively, a person with an intellectual disability may be relying on a relative, parent or sibling to ensure he or she receives the right medicine. What happens where there is an older person with epilepsy who is relying on an elderly parent to pick up the prescribed medication? The parent may not identify that the medicine has been changed, with the result that the epileptic will end up being hospitalised.

We are trying to avoid fear by removing anti-epileptic drugs from the provisions of this legislation. We all believe the Irish Medicines Board will not approve anti-epileptic drugs for substitution or interchangeability but the risk and fear will always arise if the safety net is not in place. Even at this eleventh hour, I urge the Minister of State to reconsider his position.

Deputy Alex White: Deputy Denis Naughten was not here when I made the point about listening to and respecting people, which I do. I have listened carefully to every word stated about this issue. I am not persuaded by the Deputy and other colleagues that the way to proceed is to provide for a hollowed out statutory exemption.

On the point made by the Deputy about human error always being a possibility in these cases, what is proposed does not arise in circumstances other than where the generic product is already on the list. The question of the consultant also does not arise, although that is an additional safeguard in circumstances where a decision has been made to substitute a medicine. There is no requirement for the protection of the “do not substitute” clause, unless the medicinal product concerned is on the list in the first instance. The safeguards are set out clearly in the legislation.

Deputy Caoimhghín Ó Caoláin has asked why I cannot accept amendment No. 4 because all it does it seek that the board have regard to the desirability with respect to efficacy and safety. With respect to the Deputy - I say this with some force, justifiably so - the criteria set out in section 5 are stronger than what is proposed in amendment No. 4, which seeks that the board have regard to the desirability with respect to efficacy and safety. Section 5(7) states:

The Board shall not under *subsection (2)(a) or (4)(a)* add a medicinal product to a group of interchangeable medicinal products if the Board is satisfied that—

(a) there is a difference in bioavailability between the medicinal product and the interchangeable medicinal products which currently fall within the group of interchangeable medicinal products which may lead to a clinically significant difference in efficacy between them,

(b) the medicinal product contains more than 2 active substances...

Subsection (7)(e) states:

...the medicinal product cannot be safely substituted for each of the interchangeable medicinal products which currently fall within the group of interchangeable medicinal products.

The precise reference to “efficacy” also occurs in the course of the section. The concern which the Deputy’s amendment seeks to address is, with respect, better dealt with in the body

of the Bill than, perhaps, he accepts.

Deputies Billy Kelleher and Catherine Murphy spoke about fear. Fear is real in the sense that people have reason to be fearful in respect of their own health and well-being and they look to politicians and the Government to allay these fears. I accept this. We do this not by shying away from legislation because it might be better not to address an issue in an Act but by putting in place systems which ensure trust in public institutions, particularly regulatory bodies, established by the House. Fear should be addressed by having in place robust, expert public institutions such as regulatory bodies such as the Irish Medicines Board. I sympathise with Deputy Catherine Murphy in having assiduously researched this issue. While we have a great deal of expertise - or at least claim to have - we are not scientists. We are giving responsibility for this matter to the Irish Medicines Board and should join together and trust it, as an institution, to do what is required. In that way, we will allay people's fears.

It would not be appropriate to include an authority in respect of a ministerial order. What would that achieve? It would mean we would be contemplating a situation where the Minister should step in to overrule the IMB. In other words, the IMB would do something which the Minister thought was wrong and would have to overrule. That is the wrong way to go about processing legislation. We must trust institutions but set down in legislation onerous criteria to ensure they do the job we want them to do.

Deputy Caoimhghín Ó Caoláin: Nobody is proposing to delete any part of subsection (7), as cited by the Minister of State.

Deputy Alex White: I know that.

Deputy Caoimhghín Ó Caoláin: However, it does not cite the special case in relation to anti-epileptic drugs, AEDs. Amendment No. 4 does not seek to create exemptions; rather it seeks that due regard be had to the exceptional situation applying to people with epilepsy. There is no point in trumpeting language used elsewhere in the legislation that is not particular to the set of drugs about which we are speaking, namely, anti-epileptic drugs. It is important that the Minister of State appreciate that our persistence reflects our understanding of what is required, nothing more. We have not protracted this engagement in order to spend more time in this sorry Chamber.

Deputy Alex White: I accept that.

Deputy Caoimhghín Ó Caoláin: We represent a broad range of political opinions and I know that our concerns are shared by members of the Government parties. It is tragic that this is not being taken on board by the Minister of State and those with whom he has engaged in preparation for the taking of these amendments. Amendment No. 4 does not seek to alter the intent of the legislation but carefully and with full appreciation of the circumstances involved would require due regard in this area. I do not propose to protract this debate any further. We have explained our point *ad nauseam* and it is regrettable that the Minister of State will not accept it.

Amendment put:

The Dáil divided: Tá, 42; Níl, 70.	
Tá	Níl

Dáil Éireann

Adams, Gerry.	Bannon, James.
Boyd Barrett, Richard.	Barry, Tom.
Broughan, Thomas P.	Butler, Ray.
Browne, John.	Buttimer, Jerry.
Calleary, Dara.	Byrne, Catherine.
Collins, Joan.	Cannon, Ciarán.
Colreavy, Michael.	Carey, Joe.
Cowen, Barry.	Coffey, Paudie.
Crowe, Seán.	Collins, Áine.
Daly, Clare.	Conaghan, Michael.
Doherty, Pearse.	Conlan, Seán.
Donnelly, Stephen S.	Connaughton, Paul J.
Dooley, Timmy.	Conway, Ciara.
Ellis, Dessie.	Coonan, Noel.
Ferris, Martin.	Corcoran Kennedy, Marcella.
Halligan, John.	Costello, Joe.
Healy, Seamus.	Coveney, Simon.
Kelleher, Billy.	Creed, Michael.
Kitt, Michael P.	Daly, Jim.
Mac Lochlainn, Pádraig.	Deasy, John.
McConalogue, Charlie.	Doherty, Regina.
McDonald, Mary Lou.	Dowds, Robert.
McGrath, Finian.	Durkan, Bernard J.
McGrath, Mattie.	English, Damien.
McLellan, Sandra.	Farrell, Alan.
Martin, Micheál.	Feighan, Frank.
Murphy, Catherine.	Fitzgerald, Frances.
Naughten, Denis.	Fitzpatrick, Peter.
Ó Caoláin, Caoimhghín.	Flanagan, Charles.
Ó Cuív, Éamon.	Flanagan, Terence.
Ó Fearghaíl, Seán.	Hayes, Tom.
Ó Snodaigh, Aengus.	Heydon, Martin.
O'Brien, Jonathan.	Howlin, Brendan.
O'Sullivan, Maureen.	Humphreys, Heather.
Pringle, Thomas.	Humphreys, Kevin.
Ross, Shane.	Kehoe, Paul.
Shortall, Róisín.	Kenny, Seán.
Smith, Brendan.	Lawlor, Anthony.
Stanley, Brian.	Lynch, Kathleen.
Tóibín, Peadar.	Lyons, John.
Troy, Robert.	McCarthy, Michael.
Wallace, Mick.	McEntee, Helen.

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	McHugh, Joe.
	McLoughlin, Tony.
	Maloney, Eamonn.
	Mathews, Peter.
	Mulherin, Michelle.
	Murphy, Dara.
	Nash, Gerald.
	Neville, Dan.
	Ó Ríordáin, Aodhán.
	O'Donovan, Patrick.
	O'Dowd, Fergus.
	O'Mahony, John.
	O'Reilly, Joe.
	O'Sullivan, Jan.
	Penrose, Willie.
	Phelan, John Paul.
	Reilly, James.
	Ring, Michael.
	Ryan, Brendan.
	Spring, Arthur.
	Stagg, Emmet.
	Stanton, David.
	Timmins, Billy.
	Tuffy, Joanna.
	Twomey, Liam.
	Wall, Jack.
	Walsh, Brian.
	White, Alex.

Tellers: Tá, Deputies Seán Ó Feargháil and Aengus Ó Snodaigh; Níl, Deputies Paul Kehoe and Emmet Stagg.

Amendment declared lost.

12 o'clock

An Leas-Cheann Comhairle: Amendments Nos. 5 to 9, inclusive, and 11 are related and will be discussed together.

Deputy Caoimhghín Ó Caoláin: I move amendment No. 5:

In page 19, to delete lines 1 to 21.

My position on this group of amendments is contingent on how we deal with amendment No. 6. The Minister of State might appreciate that I am in a little dilemma because we must discuss amendment No. 5 and others, yet the fate of amendment No. 6 determines whether I press for the deletion of Chapter 2 and the first paragraph of Chapter 4. I hope the Minister of State can follow my point. For the sake of argument, however, the Irish Pharmacy Union, IPU, has proposed simplifying this Bill, particularly Chapter 2, the opening paragraph of Chapter 4, and subsequent sections that I also propose to delete. The IPU points out that in a report published by the European Commission in January 2013 as part of the assessment carried out every three months by the troika it was recommended that doctors be required to write prescriptions using the active ingredient rather than the name of the drug, patented or otherwise. It was argued that modifying the Bill in this way would assist in significantly increasing the level of generic substitution. I believe this to be a reasonable proposition and that is why I have tabled these amendments.

I will be interested to hear the Minister of State's view of what I have said and I hope he can be accommodating because, as he will appreciate, dealing with amendment No. 5 separately from amendment No. 6 will not make much sense. We need to consider seriously the broad proposition of general practitioners prescribing active ingredients, because our common aim is to increase generic substitution. The by-product of all that is to greatly reduce the high cost of medicines bought privately and using medical cards at significant cost to the Exchequer. If the means proposed in these amendments are unworkable I will revisit them. I would like to hear what the Minister of State has to say on this if he is not going to allow these amendments, arguing that they are impracticable or whatever, and on the arguments in support of general practitioners' prescribing the active ingredient of the drug as against the branded name in patented medicines, or, if it is the case, the generic substitute.

Deputy Alex White: During research and development a pharmaceutical substance is given an international non-proprietary name, INN, or a generic name. This INN is generated by the World Health Organisation for all pharmaceuticals worldwide. Each INN is a unique name that is globally recognised and is public property. The method used for assigning each INN promotes the identification of the drug class by the use of common stems for medicines within the same class. These factors reduce the potential for confusion when prescribing a medicine or when seeking to identify a drug that the patient has been taking. INN prescribing is supported as it is widely recognised as a means of promoting safer and clearer prescribing.

Greater levels of INN prescribing can and should be achieved in Ireland. Irish medicines law, however, does not currently mandate INN prescribing by medical practitioners for several reasons. First, many exemptions would need to be included in law for all of the circumstances in which INN prescribing is not appropriate. Second, the enforcement of such a requirement under law would be either ineffective or have consequences for patient care. I am satisfied that the provisions of this Bill will ensure that patients can access the most cost-effective and appropriate medicines available. Part 2, Chapter 2 sets out the duties of pharmacists regarding prescriptions for interchangeable medicinal products which are written under a brand name. The purpose of this chapter is to provide clarity to both pharmacists and patients in terms of how the provisions of the Bill will apply in four different scenarios. While I do not intend outlining in detail how generic substitution will operate under these four different scenarios, on Committee Stage I agreed with Deputies on the importance of communication in ensuring the successful implementation of the Bill's provisions. In this context, I am of the view that the professionals

involved - the prescriber and the pharmacist - will communicate with the patients concerned so people know what is being done. The provisions contained in Chapter 2 provide clarity to both pharmacists and patients on how the rules about substitution will apply in these four important scenarios. This will ensure that both parties are clear on the application of the rules and will enable the pharmacist to offer to dispense the interchangeable medical product which is the least expensive to the State and the patient, thereby delivering on one of the key objectives of this Bill. For these reasons, respectfully, I do not propose to accept these amendments.

Deputy Caoimhghín Ó Caoláin: While the Minister responded to all the amendments, the hook on which I hang my case is contained in the broad thrust of amendment No. 6. I am not asking that the order of the amendments be changed. However, will the Minister indicate his Department's view of the argument that it would aid the objective of increased generic substitution if general practitioners were to prescribe on the basis of the active ingredient rather than the branded product? There may be a variety of situations in which that prescribing methodology does not suit. Will the Minister assist the Deputies in determining whether to proceed with the amendments that seek to delete a whole chapter and other sections? It is not the Deputies' fault that we have to address this matter earlier due to the sequencing of amendments. Will the Minister give us an insight into the Government's position on the thrust of amendment No. 6? That would be helpful in deciding whether I should proceed with amendment No. 5 and the other amendments grouped with it.

Deputy Alex White: For the information of the House I must indicate, at the risk of irritating Deputy Ó Caoláin, that I was addressing all of the amendments - amendments Nos. 5 to 9, inclusive, and 11.

Deputy Billy Kelleher: This goes to the heart of what the legislation is about. Fundamentally, the Bill's purpose is to save taxpayers' money with generic substitution where practical and possible. The question is whether prescribing on the basis of INNs should be mandatory or whether, as Deputy Ó Caoláin said, prescriptions should be based on the active ingredient.

We all know the pharmaceutical industry is an important component of the economy. It invests significant amounts of money into the economy through infrastructural development, employment and research and development. It has been a key component of government strategy over many years to attract inward investment in research and development. While this is welcome, equally, we have an obligation to save taxpayers' money in certain areas. This is one of these areas.

I am concerned that the Bill does not sufficiently encourage prescribers to prescribe medicines in the form of INNs as opposed to branded products. This is at the heart of what we and the Minister of State are trying to achieve. Compared to any OECD country or Western economy with a similar health system, on a *pro rata* and *per capita* basis this country pays an enormous amount of money for medicines. We have to go to the core of why we are paying too much. These amendments would address the issue.

While we did not convince the Minister on anti-epileptic drugs, these amendments would genuinely benefit the Department and the taxpayer in delivering real and substantial savings that could be invested in other health areas. I do not believe they would damage or impinge on what is an integral part of the broader economy - namely, the pharmaceutical industry. I do not believe pharmaceutical companies based in this State are here because the Department of Health purchases their products at an inflated price. The economy is too small to make it

relevant to them as they are global companies. They are here for many other reasons, such as corporation tax, our highly motivated workforce and the fact that we have a skill set built up over many years. This needs to be parked as an issue. We need to ensure we save as much money as possible in certain areas so it can be spent in the areas of greatest need. Generic drug substitution is recognised as an integral part of the Government's policy. I am trying to help the Minister in delivering on savings so I can highlight other areas where the money saved could be spent.

Deputy Denis Naughten: I support these amendments. Amendment No. 6 makes much sense and the Minister agrees in principle with the thrust of it, as he made clear in his response. The issue he has is one of timing. The amendment makes sense not only for the reasons given by my two colleagues, as well as the fact that it would ensure consistency from prescriber to pharmacist, but also because it would follow through on the label for the patient and lead to consistency across the board. The substitution of medicines will cause confusion for members of the public when they pick up their prescription or someone is doing that for them. If there is consistency in labelling across the board people will know their medicine is the same medicine they got last month even though the brand name is different. That is important not just in terms of efficiencies and streamlining the entire process but also in terms of compliance with taking the particular medicine. As we know, compliance is a particular difficulty with any medicine in terms of ensuring people take it at the appropriate time and that they know the reason they are taking it. It would also help to identify where a mistake has been made because if a person's drugs are being changed from one month to the next, even though they are for the same purpose, there is a risk that someone along that chain will make a mistake, and that most likely will be the person who must take the medicine because the tablet may be similar to one they took the previous month for a different purpose. If there was consistency regarding the name of the product across the board, it would assist in that regard.

I heard what the Minister said and I understand the timing challenge he faces but I suggest as a solution that he accept the principle of the amendments tabled by Deputy Ó Caoláin and Deputy Kelleher, make specific provision for the international non-proprietary name and bring it in by ministerial order at a later date. The Minister can bring in the other aspects of the legislation straight away. He can then sit down with the general practitioners and ensure that this new process is put in place as soon as possible, and then bring it in by ministerial order. The Minister said this is a place he would like to get to, therefore, he should now make the statutory provision for that in this legislation. It also has the added advantage that if it is already in primary legislation it might be easier to encourage GPs and pharmacists to begin implementing this on the ground of their own volition on the basis that if they do not get their act together now, this legislation will be introduced anyway and it is important to work on that basis.

The difficulty, as we are aware, is that GPs have been conditioned over the years to name a particular product, and we had many debates in this House and elsewhere on that issue. Perhaps we should start conditioning them the other way by including this in the primary legislation and bringing it in by statutory instrument separately from the other aspects. It meets with the argument we are making on this side and provides the Minister with a vehicle to ensure this is implemented as soon as is practical.

Deputy Alex White: The Deputies make some compelling points on this issue, and I thank them for doing so. I thank Deputy Ó Caoláin for raising the issue in the manner in which he has done.

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I indicated in my response my view of the INN, international non-proprietary name, and the practice of using the non-proprietary name, or the generic name, in the circumstances we are dealing with here. However, I would not be disposed to accepting this amendment from Deputies Ó Caoláin and Kelleher, notwithstanding that I am persuaded to consider this question of the INN in the context of further changes that we may be required to make or may decide to make in future in this area of prescribing and medicines. I do not need to repeat what I said about the INN. It has a huge value. Internationally we can see that, and there is no doubt that the literature points to the value of the INN.

Deputy Naughten comes close to the truth in the point he makes, which is that there is an issue of timing with regard to this but I would prefer to examine this particular proposition as a specific objective. If we decide to bring it into our law, we should do so as a specific objective. I would prefer, and this is not a criticism of Deputy Ó Caoláin or Deputy Kelleher, if we were doing this by way of legislation to have the opportunity to consider carefully its undoubted implications. One example that occurs to me is where we talk about “in the opinion of the prescriber”. When a discretion is put into law it always has implications, although not necessarily bad or sinister. When a discretion is accorded to someone, how does that operate? How do they exercise that discretion? When should they exercise it? Is there a legal framework for them exercising it and so on? All of these issues would have to be addressed if we are to put this into our law.

I am not disposed to accepting the amendment. However, I repeat the points I made in my initial response. We do not currently mandate the use of INN in this country for the reasons I outlined earlier. There is an additional factor of which the House is aware because I indicated it by way of responses to Deputy Kelleher and others in the course of parliamentary questions, that is, that as part of the EU-IMF programme of financial support for Ireland, the Department and the Health Service Executive commissioned a study on pharmaceutical prices, prescribing practices and the usage of generics in Ireland compared to similar EU member states.

The ESRI was commissioned to examine this issue. Originally, its report was targeted for completion by the end of March. However, issues arose around the processing of some technical data which delayed it. These technical issues are now in hand and the report will be finalised in the coming weeks. That report will fulfil a requirement of the seventh update of the memorandum of understanding, MOU, on specific economic policy conditionality, which is part of the EU-IMF programme of financial support for Ireland. The eighth update of the MOU requires a setting of high level annual targets for increasing the share of generic drug usage in the medium term. The deadline for this commitment is the end of September 2013. These targets will be informed by the findings of the report currently being completed by the ESRI.

This commitment also requires that enabling measures such as compulsory prescription by international non-proprietary name, INN, by the end of 2013, where appropriate, required for the achievement of these targets, will be put in place and kept under further review. For that reason, the inclusion of the INN name on prescriptions is being considered.

Deputy Caoimhghín Ó Caoláin: I hear what the Minister is saying and it is a clearer response than what I was picking up in the first instance. That may be as much my fault, or mine alone, but what I read from what the Minister is saying is that it might be a good idea, and then there is a “but”. We need to recognise that this Bill is about encouraging and facilitating the greatest possible generic substitution and all of the consequent savings that can be made both in terms of the public purse and the private pocket. At some point along the way, in terms of

preparing legislation, we have got to make calls in regard to all of these issues. It can be very frustrating. It might be a good idea and it might actually work. We must be able to make the transition from one to the other. Kicking the can down the road is an oft-trundled out phrase but we must prepare legislation that will, to all the best information available, do its job, and I believe there is a strong case to be made for this particular change. The Minister indicated in his last remarks that this is being carefully considered rather than will be considered and on that basis I am willing to accept that that is where we are at now and trust in the Minister of State's efforts to ensure that will produce the required change at the earliest opportunity. I welcome that and will be guided on my position *vis-à-vis* Chapter 2 and the other chapters. Accordingly, I will withdraw amendment No. 5.

Deputy Billy Kelleher: I should have paid more attention to the Minister's final summing up, but am I correct in understanding that the use of INNs in prescribing is being considered? Will primary legislation will be required if a decision is made to include INNs?

With regard to what the Minister of State said regarding discretion and reasoned opinion, there are always consequences when these are included in legislation, but we have this all the time. We allow discretion and reasoned opinion to many people in legislation and my amendment does no more and no less.

Deputy Alex White: I did not say it could not be done.

Deputy Billy Kelleher: I know. Of course there are consequences, but we trust the people to whom we allow discretion and reasoned opinion. Such legislation is currently before the health committee and discretion will be given to medical professionals in determining the outcomes for patients on a continual basis. I do not accept the argument regarding discretion where there is a reasoned opinion of a prescriber. They are entitled to that much independence anyway. All this amendment suggests is that there should be mandatory generic prescribing using INNs and that if this is not done a reason should be provided - for example, if the prescriber, on the basis of his reasoned opinion, provided the branded product because he deemed it was best for the health, safety and welfare of the patient, nothing more or less.

This amendment relates to the core principle of the Bill. We have talked around the edges of what the Bill is trying to achieve, but that is what is in my amendment. The same point was made by Deputy Ó Caoláin in the context of his amendment. I cannot understand why the Minister does not embrace this and thank us for supporting his legislation and attempting to make it more definitive in its outcomes by obliging prescribers and dispensers, where possible, to substitute and prescribe generic products. That is the essence of the Bill.

The Minister of State mentioned the review of INN prescribing and that primary legislation might be needed. He has the opportunity to get ahead of himself by accepting this amendment.

Deputy Alex White: If the requirement in respect of INNs was to be put into law, it would need to be included in primary legislation. It would not be appropriate for it to be included in this legislation. It would be necessary to amend the medicines legislation in order to achieve what the Deputies' amendments propose.

With regard to discretion, I did not say one could not have legislation that gives doctors discretion but that, looking at the particular amendment, I see a number of issues that require careful consideration before I could agree to its inclusion in primary legislation. I am sure also that this is something that would require consideration by the Attorney General to assess the impact

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and effect of the exercise of discretion. When speaking earlier I just picked one example, but I was not saying we could not allow discretion. I was simply saying it is something we want to get right. Deputies Kelleher and Ó Caoláin have been very assiduous and have been helpful in their contributions to this debate, but if I was to do this by way of primary legislation, which is what would be required, I would rather give it closer consideration. I accept that the INN issue is live and it is being considered in the Department.

Amendment, by leave, withdrawn.

Deputy Billy Kelleher: I move amendment No. 6:

In page 19, between lines 3 and 4, to insert the following:

“7.—The prescriber shall ensure that he/she prescribes in the most cost-effective manner by only writing the common or International Non-proprietary Name of the medicinal product on the prescription except where in the opinion of the prescriber it would be inappropriate to do so from a patient safety and welfare perspective.”.

Amendment put:

The Dáil divided: Tá, 36; Níl, 78.	
Tá	Níl
Boyd Barrett, Richard.	Bannon, James.
Broughan, Thomas P.	Barry, Tom.
Calleary, Dara.	Butler, Ray.
Collins, Joan.	Buttimer, Jerry.
Colreavy, Michael.	Byrne, Catherine.
Cowen, Barry.	Byrne, Eric.
Crowe, Seán.	Cannon, Ciarán.
Daly, Clare.	Carey, Joe.
Doherty, Pearse.	Coffey, Paudie.
Dooley, Timmy.	Collins, Áine.
Ferris, Martin.	Conaghan, Michael.
Halligan, John.	Conlan, Seán.
Healy, Seamus.	Connaughton, Paul J.
Kelleher, Billy.	Conway, Ciara.
Kitt, Michael P.	Coonan, Noel.
McConalogue, Charlie.	Corcoran Kennedy, Marcella.
McDonald, Mary Lou.	Coveney, Simon.
McGrath, Finian.	Creed, Michael.
McGrath, Mattie.	Daly, Jim.
McGrath, Michael.	Deasy, John.
McLellan, Sandra.	Doherty, Regina.
Martin, Micheál.	Donohoe, Paschal.
Murphy, Catherine.	Dowds, Robert.
Naughten, Denis.	Durkan, Bernard J.

Dáil Éireann

Ó Caoláin, Caoimhghín.	English, Damien.
Ó Cuív, Éamon.	Farrell, Alan.
Ó Fearghaíl, Seán.	Feighan, Frank.
Ó Snodaigh, Aengus.	Fitzgerald, Frances.
O'Sullivan, Maureen.	Fitzpatrick, Peter.
Pringle, Thomas.	Flanagan, Charles.
Ross, Shane.	Flanagan, Terence.
Smith, Brendan.	Gilmore, Eamon.
Stanley, Brian.	Griffin, Brendan.
Tóibín, Peadar.	Hannigan, Dominic.
Troy, Robert.	Harrington, Noel.
Wallace, Mick.	Harris, Simon.
	Hayes, Tom.
	Heydon, Martin.
	Howlin, Brendan.
	Humphreys, Heather.
	Humphreys, Kevin.
	Kenny, Seán.
	Kyne, Seán.
	Lawlor, Anthony.
	Lynch, Kathleen.
	Lyons, John.
	McCarthy, Michael.
	McEntee, Helen.
	McFadden, Nicky.
	McHugh, Joe.
	McLoughlin, Tony.
	Maloney, Eamonn.
	Mathews, Peter.
	Mitchell O'Connor, Mary.
	Mulherin, Michelle.
	Murphy, Dara.
	Nash, Gerald.
	Neville, Dan.
	O'Donovan, Patrick.
	O'Dowd, Fergus.
	O'Mahony, John.
	O'Reilly, Joe.
	O'Sullivan, Jan.
	Penrose, Willie.
	Phelan, John Paul.
	Rabbitte, Pat.

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	Reilly, James.
	Ring, Michael.
	Ryan, Brendan.
	Spring, Arthur.
	Stagg, Emmet.
	Stanton, David.
	Timmins, Billy.
	Tuffy, Joanna.
	Twomey, Liam.
	Wall, Jack.
	Walsh, Brian.
	White, Alex.

Tellers: Tá, Deputies Seán Ó Fearghaíl and Aengus Ó Snodaigh; Níl, Deputies Joe Carey and Emmet Stagg.

Amendment declared lost.

Amendments Nos. 7 to 9, inclusive, not moved.

Deputy Denis Naughten: I move amendment No. 10:

In page 21, between lines 18 and 19, to insert the following:

“12.—(1) The prescriber shall detail the purpose of each medicine on the patient’s prescription.

(2) The pharmacist shall include the purpose of each medicine on the label when dispensing the medicine.”.

This amendment arises from the discussions on Committee Stage. On foot of those discussions, I tabled this amendment which states that the prescriber, who is the doctor, shall detail the purpose of each medicine on the patient’s prescription, and the pharmacist shall include the purpose of each medicine on the label when dispensing the medicine to the patient. It comes back to the point I made when discussing the last amendment, as well as on Committee Stage, which is that there is an issue of familiarity with regard to the medications people are prescribed. They may only know it is, say, a pink tablet of a particular name that they have been taking for their heart condition for perhaps five or six years. It is important that we not only look at the issue of trying to save money through generic prescribing but also that we try to save money in regard to compliance by patients with the instructions for a particular medicine, for example, that they take it at the proper time. In order for them to do that, however, they need to know what the medicine is for. It would improve compliance if people knew exactly what their medicine is for, and this would also ensure that if there is a mistake on the prescription, the person will see this very quickly.

I know the Minister of State will say the pharmacist has to explain to the person that this is a replacement for a previous medicine they had, and that everything will be hunky-dory as a result. As we know, the biggest current problem with medicines is in regard to people complying with the instructions for taking them. If we could improve that, people would not have to be admitted to hospital on as frequent a basis. There is also a huge potential saving in the long term for the Exchequer if we could have a greater level of compliance in regard to medicines, and one way of ensuring this is if people know exactly why they are taking the medicine.

The Bill will add to the confusion. I know the pharmacist will explain to the patient, or the person picking up the prescription for them, what is the purpose of this measure. However, in many cases concerning compliance issues, we are dealing with older people who may get confused due to having to take a whole series of medicines. They will ask what the pharmacist has told them to do and wonder whether they should take the medicine at a certain time, even though this may be written on the label. It is not the case that we are dealing with just one medicine in isolation. It is not uncommon for people to be taking 15 or 20 different tablets a day for different medical conditions. I will use the example of an older person, Mrs. Murphy, who has been taking a particular branded product for her heart condition for six years. Following the introduction of this legislation, she will be told by the pharmacist when she goes to pick up her medicine that there is a cheaper substitute and that, while she can continue to get her branded product, she will have to pay the difference, or she can have the cheaper alternative. If she also uses a cholesterol medicine or coagulant, the option to use a cheaper generic alternative will be given to her. Older people will have to try to remember what each medicine is for and remember exactly what the pharmacist told them about each one. In practical terms, that is what is going to happen on the ground.

What I propose in this amendment is that the GP would write out the purpose of the medicine, whether it is for a heart condition, cholesterol or otherwise, and the pharmacist would ensure this is put on the adhesive label on the outside of the receptacle containing the medicine. This would deal immediately with the confusion that can be caused by the substitution of medicines but also, more important, it would have an impact in regard to compliance with the taking of medicines, which would be an added benefit. In addition, it would also help in regard to the issues raised on the previous set of amendments in terms of consistency. It would help to identify where mistakes are made because patients can identify whether they have, for example, received their heart condition medicines correctly, or, alternatively, that they had received cholesterol medication when they do not have a problem with cholesterol. There would also be a benefit in that people may be taking medicines unnecessarily because they have always been prescribed it by their GP but do not actually need it.

There are potential savings to be made, as well as dealing with compliance issues and addressing the issue of familiarity that people have with a particular medicine. We must address some of the confusion that will be caused due to the introduction of this legislation, even taking into account the checks and the safety net the Minister has included in the legislation. We have to remember we are talking about people, many of them older people who get confused easily and who are dealing not just with one or two medications but with many. The amendment would help in achieving the purpose of the legislation. The Minister of State agreed with the principle of my point on Committee Stage and I hope he can now accept the amendment.

Deputy Caoimhghín Ó Caoláin: I support Deputy Naughten's proposal and believe the amendment is eminently sensible. I would like to offer one additional observation and, by doing so, suggest it does not discount the case. In the instance Deputy Naughten has cited

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of people on up to 15 or more tablets per day, invariably, and particularly in the case of older people, they are not looking at 15 separate vessels of whatever description because the tablets are usually provided through what are known as blister packs that are designated for “morning”, “lunchtime”, “teatime”, “bedtime” and so on, and they work through the blister pack groupings, as prescribed by the GP. Despite the fact one is looking at a cohort of tablets with varying roles, the cover of the blister pack that describes the content can accommodate exactly what Deputy Naughten is arguing for.

I know from personal experience, in particular for older people and those who are coping with early Alzheimer’s disease, where there is difficulty remembering what any given tablet or group of tablets are for, that it would be hugely beneficial and helpful in reminding them why they are taking any particular number of tablets at any given time.

1 o’clock

It is eminently sensible and there should be no resistance to it. It should be done in the entire context of transparency and the provision of information for patients. This is something we need to work towards. The amendment would undoubtedly provide for that change and the consequences would be beneficial on a range of levels.

Deputy Alex White: The proposed amendment would require that the clinical indications be included in both the prescription by the prescriber and the medicine label by the pharmacist. Two mandatory requirements are suggested in the amendment. It is important to note that many medicines have multiple clinical indications. I fully appreciate the importance of patients having full information on the correct use of medicines. We had a discussion about this issue on Committee Stage and I understand and agree with the principle elucidated by Deputy Denis Naughten.

The current legislation on the prescribing and control of supplied medicines, the Medicinal Products (Prescription and Control of Supply) Regulations 2003-2011, sets out the minimum requirements relating to the dispensing of prescriptions and the information the pharmacist must record on the label. In addition to these requirements, pharmacists are not precluded from including additional information where this is deemed appropriate. It is open to them to record the indications on the label, where appropriate. This is considered best practice for certain vulnerable groups. In addition to the information provided on the label, pharmacists are also obliged under the Retail Pharmacy Business Regulations 2008 to provide information and counselling for the patient. This ensures patients receive all information relevant to their medicines. The regulations also provide that the pharmacist must review the prescription having regard to the pharmaceutical and therapeutic appropriateness of the medicine for the patient. This provision can be an important step in the safe use of certain medicines. In view of these requirements and also recognising the wishes of some patients who may not wish to have a clinical indication recorded, I do not propose to accept the amendment.

Deputy Denis Naughten: The Minister of State has made the argument for me. As he notes, a particular drug can be used for a number of purposes. For the pharmacist to explain to the patient, he or she needs to know what the drug is for in the first place. He or she must ring the GP to find out. What we are talking about is the GP stating, possibly in generic form, what the medicine is for, but, at least, the patient would know why he or she was taking a particular medicine. It would significantly improve compliance and the information should be provided on the label to provide that clarity because the Minister of State is right - drugs can be used for

different purposes. We heard that argument in respect of anti-epileptic drugs which are used to treat a series of neurological conditions, not necessarily just epilepsy. It is important, when one is talking about medicines that are interchangeable, that people know exactly why they are taking a particular tablet which differs from the one they have been taking for the past six years. I again urge the Minister of State to reconsider the amendment on that basis.

Deputy Alex White: It is simply one line. Of course, the patient would be taking the substituted generic medicine for the same reason they would have previously taken the branded one. The reason they are taking it does not change.

Deputy Denis Naughten: Exactly. Again, the Minister of State is making the argument for me.

Deputy Alex White: There is no new information provided.

Deputy Denis Naughten: The Minister of State is right. That is where one has consistency, which is the point I am making. With generic substitution, one does not have consistency from the patient's perspective. The Minister of State is not listening to me.

Deputy Alex White: I am listening and I disagree with the Deputy.

Deputy Denis Naughten: The Minister of State is wrong to disagree with me. For example, medicine A, manufactured by White Pharmaceuticals, is used to treat a heart condition. After this legislation goes through, the decision will be taken by the Irish Medicines Board that the same medicine manufactured by Naughten Pharmaceuticals is 50% cheaper. The elderly person who has been taking the medicine manufactured by White Pharmaceuticals for six years knows that this medicine is his or her heart medicine to treat an irregular heart beat or a cholesterol problem. Now all of a sudden, he or she will go to the pharmacist and receive a number of replacement medicines. The pharmacist will explain that he or she will not give the patient the traditional medicine manufactured by White Pharmaceuticals because it is too expensive and will instead give the medicine produced by Naughten Pharmaceuticals. The elderly person will go home and a week or fortnight later will go through his or her medicines and wonder what a particular tablet manufactured by Naughten Pharmaceuticals is for. He or she will have to work out, by a process of elimination, what the new tablet is for, go back through the other 14 or 15 medicines and say, "Well that one must be for my heart condition." That is where the difficulty lies. The Minister of State is right. In saying a medicine is used to treat a heart condition, one has a level of consistency. Regardless of what generic medicine one is taking, one knows it is to treat one's heart condition, regardless of whether it is produced by Kelleher Pharmaceuticals, Ó Caoláin Pharmaceuticals or White Pharmaceuticals. It makes no difference because one knows it is one's heart medicine. That is the one issue that will arise with generic substitution. There will be a difficulty in respect of compliance. The amendment would assist in dealing with that compliance issue, clarifying the position and ensuring people knew exactly what a medicine was for.

Deputy Alex White: I understand the point the Deputy is raising, but I do not think his case is strengthened because of the requirements under the legislation. In so far as he has a case to make for the amendment, it is already dealt with. A person will have new medicines for the same purpose; therefore, if he or she has one, two or three branded medicines, one, two or all three might be replaced in the future. They will still have three medicines. If the Deputy has a case to make for having a more rigorous information regime, it is already made. They are

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replacement drugs. Does the Deputy understand the point I am making?

Acting Chairman (Deputy Robert Troy): I understand the Deputy has contributed three times.

Deputy Denis Naughten: The Minister of State has also contributed a third time.

Acting Chairman (Deputy Robert Troy): As we allowed him some leniency, we will also allow the Deputy some leniency.

Deputy Denis Naughten: I will make my point briefly. If all of a person's medicines are replaced - sadly, it is not just three, as many people have many more - ten days down the road, he or she will not know what each of them is for. He or she knows there is an anti-coagulant, a medicine to treat a heart condition and another to treat a cholesterol problem, but he or she will not know which is which. That is the point I am making.

Acting Chairman (Deputy Robert Troy): The Minister of State cannot reply.

Deputy Alex White: Patients will not be any less informed than they are currently.

Deputy Denis Naughten: I disagree.

Amendment put and declared lost.

Amendment No. 11 not moved.

Acting Chairman (Deputy Robert Troy): Amendments Nos. 12 and 13 are related and may be discussed together.

Deputy Billy Kelleher: I move amendment No. 12:

In page 25, line 33, after "decision" to insert the following:

"and to prescribers, pharmacists, the Irish Pharmaceutical Union and the Irish Medical Organisation".

I do not expect the Minister, the HSE or anyone else to baby-sit pharmacists, medical practitioners or others who are commercial entities and highly qualified professionals. Those who are obliged to keep themselves informed need to have the information as much as the Minister and the HSE. The manufacturer of a medicine is informed of the removal of any medicine from the medical reimbursement scheme. However, the prescribers, pharmacists and the IPU are not informed. Pharmacies and GP surgeries need to be run effectively and I would expect them to be informed when a particular medicine or brand is removed from the reimbursement list. If a pharmacy is unaware that a medicine has been removed from it, it may be left with unused stock. A centralised electronic system to inform the IPU, pharmacists and GPs would be preferable, nor would it be onerous. It would make sense in order that pharmacists and others would not continue to dispense medicines for which the patient would not be reimbursed. I will not go into the trenches over this. There may be practical reasons the Minister of State cannot accept the amendments, but I would like to hear why they are not acceptable.

Deputy Alex White: Part 4 of the Bill sets out statutory procedures for the supply and reimbursement of medicines and other items to patients under the GMS and community drug scheme. Section 19 sets out the action to be taken by the HSE where it makes a relevant deci-

sion under section 18 to add or refuse to add an item to the reimbursement list, to remove an item from the list or to retain an item on it. This is part of the procedure and sequence that must be followed.

Section 19(1) provides that as soon as practicable but not later than 14 days after making a relevant decision under section 18, the HSE shall give notice in writing of the relevant decision, together with the reasons for it, to the supplier of the item which is the subject of the relevant decision. Section 19(2) provides that where the HSE has used expert opinions or recommendations in reaching a relevant decision, it shall attach a copy of such expert opinions or recommendations to the notice of the relevant decision provided for the supplier under section 19(1).

Deputy Billy Kelleher proposes to amend section 19(1) to provide that the notice of a relevant decision on an application from a supplier of an item which is the subject of a relevant decision also be supplied to prescribers, pharmacists, the Irish Pharmacy Union and the Irish Medical Organisation. The Deputy further proposes to amend section 19(2) to provide that expert opinions or recommendations provided for suppliers under this subsection also be provided for prescribers and pharmacists. The core of my response to the Deputy's amendment is that as the purpose of section 19 is to outline the actions to be taken by the HSE in giving notice in writing of a relevant decision under section 18 to the supplier of an item or a listed item which is the subject of the relevant decision, I consider that the proposed amendments are not relevant to the section.

Section 17 which has already been agreed to deals in some detail with the establishment of the reimbursement list which will be available and accessible to members of the public, including prescribers and pharmacists. Section 19 deals with a narrower part of the regime where, when an application is made by a supplier, there are certain requirements on the HSE to revert to it within particular time periods on any particular decision it makes. I am satisfied that the requirement under section 17 for the HSE to publish the reimbursement list on its website addresses the Deputy's concerns about the information flow he regards as being important in the operation of the system. I agree with him on that point and that is the purpose of section 17.

The current practice whereby monthly updates to the list, highlighting both additions and deletions, are published on the HSE website will continue. In addition, the HSE supplies the Irish Pharmacy Union directly with an updated list on a monthly basis. In the circumstances I do not propose to accept the amendments, as they are not relevant to section 19. The very reasonable issues and legitimate questions raised by the Deputy are adequately dealt with in section 17.

Amendment, by leave, withdrawn.

Amendment No. 13 not moved.

Acting Chairman (Deputy Robert Troy): Amendments Nos. 14 and 16 are related and will be discussed together.

Deputy Caoimhghín Ó Caoláin: I move amendment No. 14:

In page 30, lines 16 to 18, to delete all words from and including "to" where it secondly occurs in line 16 down to and including "who" in line 18.

I am not pressing either amendment as they were contingent on the position on amendment

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No. 6. If they were validly for consideration, I deeply regret that amendment No. 15 was disallowed, allegedly because it might involve a charge on the Exchequer. Such a terrible thing and it happens all the time.

Amendment, by leave, withdrawn.

Acting Chairman (Deputy Robert Troy): Amendment No. 15 is out of order.

Amendments Nos. 15 and 16 not moved.

Deputy Billy Kelleher: I move amendment No. 17:

In page 34, between lines 4 and 5, to insert the following:

“(b) in section 14(1) by deleting paragraph (f).”

I have still not received a satisfactory explanation in my inquiries regarding the bankruptcy of professionals. I cannot find a logical reason a person who is eminently professionally qualified as a pharmacist is no longer permitted to practise as a pharmacist in the event of being declared bankrupt. I need clarity as to why that is so. There are many people who are on the edge or could be bankrupt very quickly. Many got involved in property speculation and all that goes with it. Why should that remove their eminent qualifications to dispense medicines? I cannot rationalise it. If a GP goes bankrupt, he or she can still practise as a doctor. The Minister is taking away a person’s last legitimate entitlement to provide a living for himself or herself and his or her family by using his or her professional qualifications in a case where there is no question as to his or her integrity, ethics or ability, other than the fact that he or she is financially bankrupt. I understand the reason it applies to Members of the Oireachtas and others, in order to avoid a conflict of interest, for example, and also to maintain certain standards. However, it defies logic that a person who has gone to college for seven years and has a highly sought-after qualification cannot practise if bankrupt.

Deputy Caoimhghín Ó Caoláin: I support Deputy Billy Kelleher in this argument. Like him, I am absolutely incredulous of the provision which debars a pharmacist from practising because he or she has fallen on difficult economic times. It seems to be an absolutely inappropriate measure. It is only compounding whatever difficulties he or she has to contend with. We have to recognise and realise that it in no way infringes his or her ability to carry out work, whether in a business with which he or she is associated or, as in many cases, where he or she becomes a substitute pharmacist covering for pharmacists on holidays, who are ill, etc. It is something many of the professionals in question could do well. There should be no restriction due to bankruptcy. I support the case made by Deputy Billy Kelleher entirely.

Deputy Alex White: An interesting issue has been raised by Deputy Billy Kelleher on which we also had some discussion on Committee Stage. In so far as there is a rationale for the restriction, which presumably there is historically, that is the *status quo*. If we want to find the rationale, it is in the existing legislation that has been there for whatever number of years with regard to regulated professions. Some professions, of course, are not regulated - at least not yet. The Pharmacy Act 2007 includes this provision. I do not make the point and assert simply that because it is there it should stay there. I agree with the Deputy that the fact that the provision exists is not of itself a reason for us to say we should never look again at whether it is necessary, right or defensible that someone should be excluded from professional practice - leaving aside the issue of managing a business, a distinction which Deputy Kelleher has made - solely on the

grounds that he or she is an undischarged bankrupt. I do not say that.

The Irish Pharmacy Union and the Pharmaceutical Society of Ireland have submitted a number of amendments to the Pharmacy Act 2007, including an amendment in the form suggested by Deputy Billy Kelleher. These amendments are being considered in the Department. I acknowledge that this is the second time I have used the word “considered” today, but I ask the Deputies opposite to accept that I am speaking in good faith. I ask the Deputies to bear with me as we come close to the end of the debate on this important legislation. There has been additional work in the Department associated with the Irish Presidency of the Council of the European Union and certain issues have not been addressed as quickly as we would have preferred. We will start to address these issues later in 2013 and I will be interested to examine the issue raised by Deputy Kelleher’s amendment, as will the Department. I give no commitment on the matter, but I ask the Deputy to understand that I have an open mind.

Without saying too much about it, we have had extensive debates more broadly about bankruptcy, bankruptcy status and our attitudes to them. Traditionally, the position has been different in this country. We have made very good changes on bankruptcy in the insolvency legislation. There are different traditions abroad with regard to bankruptcy. Often in Ireland it was seen as the end of the road for people, which we all probably agree ought not necessarily to be the case. People should not be gone forever simply because of a particular issue which leads to their being declared bankrupt. The law has changed in that regard and attitudes have changed. On the question of the application of bankruptcy to professional practice and the registration of pharmacists, there is a provision in the Pharmacy Act 2007. We have been asked to consider it, which we will definitely do, but not today.

Deputy Billy Kelleher: It is welcome that the proposal is being considered. I make the point because people are under huge pressure and are being declared bankrupt or are on the verge of it. The one thing we do not want is to deny them the ability to provide for their families. I am talking about the conduct of their profession. I can understand that there might be an issue with owning a pharmacy and running a business but, as the law is constituted, a person cannot practice as a pharmacist if he or she is declared bankrupt. I will withdraw the amendment and look forward to dealing with this down the road.

Amendment, by leave, withdrawn.

Deputy Caoimhghín Ó Caoláin: I move amendment No. 18:

In page 36, after line 30, to insert the following:

“37.—The Minister shall, within three months of the commencement of this Act, prepare and lay before Dáil Éireann a report on the potential implications on patient safety and public health, in the event of medicinal products in the anti-epileptic drug class, when used in the treatment of persons with epilepsy for the purpose of preventing seizures, being determined as interchangeable medicinal products by the Board under section 5.”.

Amendment put and declared lost.

Bill received for final consideration.

Question proposed: “That the Bill do now pass.”

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Minister of State at the Department of Health(Deputy Alex White): I thank my colleagues on both sides of the House for their attention to the detail of the legislation and their support for the generality of what it proposes to introduce for the first time in the history of the State. It is long-awaited legislation, which will serve us well. It represents a genuine sea change on pricing and generic substitution of medicines in this jurisdiction. I thank the Deputies warmly for their support for our overall objectives. I welcome the tone and content of the debate, which have been extremely helpful.

I thank the officials in the Department of Health for their attention to this complex and important legislation, which they approached with their usual professionalism and close care. I thank all who have been involved in the passage of this important legislation.

Question put and agreed to.

Acting Chairman (Deputy Robert Troy): A message shall be sent to the Seanad acquainting it accordingly.

Housing (Amendment) Bill 2013: Second Stage (Resumed)

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

Deputy John Browne: Fianna Fáil supports the Bill from this side of the House, as it builds on legislation introduced by it in 2009. While the Bill is worthwhile and will streamline matters, I wish to raise a few points about the 100,000 applicants on local authority housing waiting lists. I also want to ask questions about NAMA which does a lot of talking about the number of houses on its list but which seems to be slow in making deals or decisions on how houses can be reallocated to local authorities across the country. An example is Enniscorthy Town Council which purchased a number of houses from a developer who subsequently ended up in NAMA. The slowness of decision making in NAMA led to the local authority pulling out of the deal and deciding not to pursue it. It highlighted the difficulty of dealing with NAMA and the difficulty in NAMA making a quick decision. It is essential that it speed up the process. I am sure the Minister of State is in discussions on a regular basis with it. We are told it has more than 3,000 properties on its books that are potentially suitable for housing applicants. Wexford County Council and the three town authorities are not building or buying houses and are leasing few houses. I am sure the position is the same in other counties. The rental accommodation scheme works to a certain extent, but otherwise people have no hope of getting a house in the near future. I ask the Minister of State to ensure any decision NAMA takes is speeded up.

The Bill does not set out a definitive national standard for differential rent schemes. Every county seems to have a differential rent scheme. Wexford County Council has one, but it also has a scheme whereby tenants pay an extra €2 or €3 every week which goes towards window replacement, door replacement and the cost of repairs to the house. It is a good project, but, for some unknown reason, repairs have not been carried out in the past 18 months. There is a feeling the money taken in is being utilised to keep down the council's interest rate because of the high level of arrears. There is a need for a standardised differential rent scheme across the country.

While there are built-in allowances and hardship can be taken into account by the housing officer in the local authority, there should be an allowance where there is a disabled person in a family. Many families have a disabled people living in the house, which makes it expensive for them. There seems to be no built-in allowance to cover this fact. This aspect should be examined.

Local authority housing units are not exempt from local property tax. There is a vagueness about how local authorities will operate the scheme. The council states it must pay local property tax and it will obviously pass it on to the tenant. That will be a further burden on the tenant because local authority rents are extremely high. How councils will deal with this aspect should be clarified. Houses seem to be valued at €45,000 in the first year and €90,000 in the second. Perhaps the Minister might clarify whether this is laid down in stone. Can more be charged if a local authority housing area scheme is located in a particularly upmarket area?

I refer to the disabled person's grant. The Minister of State allocated some moneys to local authorities in recent months in this regard. The allocation to the council in Wexford was substantially reduced from €2.7 million to €1.2 million and the authority has written to old age pensioners who would normally qualify. Applicants for roof repairs, window replacement or door replacement have received a letter saying the file has been put on hold indefinitely and that the council cannot state when cases will be dealt with. It cannot accept new applicants from 1 May. People living in substandard houses are not in a position to carry out essential repairs and window and roof replacement. As a result, the housing stock will be further run down. In the past there was an initial and a follow-up allocation.

Deputy Jan O'Sullivan: There may be some money left.

Deputy John Browne: The Minister of State should seriously consider this issue because people are on the list for two or three years and may never have repairs carried out. We may have to allocate new houses because of the substandard condition of housing.

In recent weeks I submitted a parliamentary question on the need for a new tenant purchase scheme. Tenant purchase schemes have ceased, the last of which ceased in December 2012. A number of people want to buy their homes and are awaiting a new tenant purchase scheme to be put in place. It is important to examine and implement such a scheme as quickly as possible. In his reply to the question the Minister said the Department was considering a new scheme, but I am not sure when a date will be signalled for its introduction. It is important to allow people to continue to purchase their homes. Most people in Ireland want to own their home and it also means they are removed from council lists. In the long term it will save councils money if we encourage people to purchase houses. In 1979 the half-price purchase scheme was introduced by the then Minister, Pádraig Flynn who was far-seeing.

Deputy Bernard J. Durkan: It was called the sale of the century.

Deputy John Browne: He introduced a scheme under which people could purchase their homes for half the valuation price. I think the Deputy was a Member at that time.

Deputy Bernard J. Durkan: And long before it.

Deputy John Browne: We all supported the scheme, for which the Deputy was vocal in his support.

Deputy Bernard J. Durkan: I was, for different reasons.

Deputy John Browne: It was a great scheme in the sense that a number of people purchased their homes and were removed from the housing and house repairs lists forever. The Minister of State should examine this suggestion. I understand both she and the Minister are examining a scheme, but it should be implemented as quickly as possible.

The Bill will facilitate the introduction of a new local authority rent system under section 31 of the 2009 Act. It will be administered by the housing authorities within their existing financial and staffing resources. That will not be a problem because in my county - I am sure it is the same in every county - there are a huge number of staff in the housing section. As we are not building any houses or renting houses, there will be an adequate number of staff to deal with this issue. The rent subsidy scheme is operated by the Department of Social Protection. Are there plans for that to be administered by the housing authority instead? It appears a little contradictory to have the Department of Social Protection dealing with this aspect while the local authority deals with rents and housing. The system could be more streamlined by having the local authority deal with the rent subsidy as well.

Will the Minister of State clarify how she intends to deal with the 100,000 applicants on the housing waiting lists? What discussions has she had with the National Asset Management Agency, NAMA? Are we nearer to a solution with regard to NAMA making properties available to local authorities? There are a number of housing schemes in my county that were under construction by developers but are now under the control of NAMA. For some unknown reason they are still locked up and lying idle at a time when there are a huge number of people on the housing lists. If that could be streamlined and there was a key to unlocking them, as it were, in terms of making those houses available, it would solve some of the problems in certain counties.

Generally, I support the Bill. It will be of benefit to local authorities. However, there should be a standardised differential rent scheme rather than a system under which each county makes it up as it goes along.

Deputy Bernard J. Durkan: To take up Deputy John Browne's last point on the total number of people on local authority housing waiting lists, it is indeed a housing crisis. It is one the Minister of State inherited from her predecessors. It has continued for ten years because the previous Administration refused to do anything about it. The culture of dealing with local authority housing requirements was gone; the private sector was going to deal with it. The culture of building local authority houses and lending to first-time buyers through the local authorities was also gone, and remains that way. There is no easy way to deal with it. It must be dealt with in the old, traditional and difficult way.

I realise there is scarcity of capital at present for investing in local authority housing, but it is a very serious social and economic issue that can only be dealt with in one way. That means the Government at some stage will have to work out a programme that will be beneficial to people on the housing lists. Instead of being funded by the Department of Social Protection by way of rent support, it is the responsibility of the Department of the Environment, Community and Local Government, and the Minister for Social Protection has quite correctly said as much. It must be taken seriously. As Deputy John Browne said, local authorities have the staff to operate this and other schemes. The staff are *in situ* so there is no reason it cannot be done. There is no extra cost administratively.

The sad part of this is that a comparison with the 1980s is relevant. In a four-year period in my local authority area, a total of 1,200 houses were built by the local authority. In the same period, 1,500 Housing Finance Agency loans were issued to families on the housing list. That has not been equalled since then. What happened during the boom was just appalling. Houses became known as units. The first time I saw a reference to a unit, I knew we were finished. Everything went down the tubes at that stage. A unit is a one-bedroom apartment with a bathroom and a kitchen in which one cannot swing a cat. This was deemed to be the resolution to the housing problem because it was cheap and it was possible to put ten or 15 families into a space in which one would normally place one family.

What we are left with is both a social and an economic disaster. First, those houses are incapable of housing a family. In houses that were purchased and allocated during that time we have situations in which children of mixed ages and sexes are sharing rooms. It is utterly crazy. I have never seen anything like it in my lifetime. When I was a member of the local authority, which was quite a long time ago, one of the first issues we were instructed to consider in determining housing requirements was the sleeping accommodation of the family. That has all gone out the window. It is utterly crazy and dangerous. It is an appalling situation. We must move away from that nonsense.

There is no surplus housing on the periphery of Dublin, as all representatives in Dublin and the surrounding counties know. There is huge demand but there is nowhere to divert the people. We cannot divert them to the private sector. We cannot divert them to the NAMA sector because the housing is unsuitable. There is a dearth of family accommodation. That must be dealt with. There is a need for a cultural change in how we deal with this. In the past ten or 15 years we slid into the habit of pointing to the voluntary housing sector. The voluntary housing sector, some of which is good, is not the solution to the problem by a long shot. In fact, I am not the greatest fan of the voluntary housing sector. That is well known. I was an opponent from the beginning. As the Minister knows, I have pointed out some inadequacies in that area that have shown up over the years, and more will follow.

I strongly urge the Minister of State to bring control of the housing situation back to the Department of the Environment, Community and Local Government, where it belongs. I agree with Deputy John Browne's proposal that local authority houses be sold to tenants. It should happen as soon as possible. It would remove that burden from the balance sheet. On foot of the memorandum of understanding there is a requirement for the Government to reduce borrowing and remove borrowings from the balance sheet. That can be done in a simple way by selling as many houses as possible. At the same time, if necessary, the local authority should provide the funding through the local loans fund where the banks are not doing so. There is nothing like a bit of competition.

I remember when the Housing Finance Agency was mooted in 1981. I was a great supporter of that scheme. I dealt with the first cases in which people applied for housing loans under that scheme and they are still in their houses. That is the case for thousands of people throughout the country. However, the wise guys came along afterwards and told people they would be paying until they were 90 years old because it was an income-related repayment system and if the income did not increase over a period of time, the loan repayments remained the same. The main aspect of the scheme was that it gave access to housing for families in need of a home. It did so quickly, effectively and efficiently, without placing a burden on their backs that they could not handle in the future. I believe it should be reintroduced and made available to families that are currently in need of a house. There are at least 100,000, as Deputy Browne said, and possibly

more.

One of the criticisms levelled at those of us who promote the concept of greater investment in local authority houses is that there are people on the housing waiting lists who would not be on them if there were different social circumstances. That may well be the case, but our job as legislators is not to tell people not to change their circumstances but to attend to the problems that arise afterwards. It is no use to complain that if a family has split up and gone in different directions, where one house was sufficient for them previously they now require two houses of different types. We must deal with the situation as it is presented, not the situation that was presented previously. We must deal with the new circumstances and I strongly urge the Minister to do that. Again, that can only be done through a serious investment in the local authority house building programme. I ask the Minister of State to take account of the numbers on the individual local authority housing lists in order to be able to assess the requirements in the various areas effectively. There will be those who will advise otherwise. I was a member of a local authority for a good few years, and it is a good few years since I was a member, but I know the requirements in this area have not changed. The difficulties were actually exacerbated by reluctance on the part of the former Government to address them in a meaningful way. It did not do so and consequently there is negativity and a lack of accommodation.

If a person is on the local authority housing list and qualifies for rent supplement, which is necessary because there are no local authority houses, he or she is caught in a poverty trap. If he or she moves at all, his or her rent support is removed. It is not that people are deliberately staying where they are but that they cannot move because they are caught in a poverty trap. If they do move out, their income drops because of the loss of the supplement from the Department of Social Protection.

When a person has a local authority house, provided there is a reasonable differential rent, that person will, without any encouragement from anybody anywhere, go to work to improve his position to the best of his ability. I have never seen it happen otherwise. I strongly urge that we recognise this now and enable people on the local authority housing list to have a means of housing themselves, by way of a loan or direct local authority housing provision, instead of keeping them in a poverty trap.

The tenant purchase scheme was referred to by other speakers, including Deputy John Browne. I agree with the points made. I would identify the total number of houses eligible for purchase under the scheme at the earliest opportunity and I would then ask for an assessment of the benefit that would accrue to the Exchequer on foot of the change to the balance sheet.

Reference was made to the disabled person's grant scheme, which has been opened and closed by turn for the past ten years. In any five-year period, the scheme was repeatedly switched off on the receipt of a certain number of applications by the local authorities, thus requiring applicants to make an entirely new application when the scheme reopened, perhaps six months later. I never saw such nonsense anywhere in my life. This has changed in the past year or so and the local authorities are keeping the relevant information on file such that it is automatically activated when the scheme is brought back online. I compliment the Minister on this. This approach could be taken in respect of many other schemes.

If the number of people on the local authority housing list had been counted more often during my time in this House, a premium would have been payable for them. Counting the people on the list does nothing at all. With modern technology, it should not be necessary to count

them. There should be co-operation between the Department of Social Protection and the local authorities such that cross-checking would make it readily identifiable who is on the housing list, how long they are on it and how their housing needs can be met. This could be done with the touch of a button and with no research, counting or laborious administration. I ask that there be much closer co-operation between local authorities and the system itself. The system should be integrated so information will be available instantly. This can be done without problem with modern technology. Information could be kept up to date at all times, thus cutting out the nonsense of having to count the people on the list every three or four years to determine who is eligible, who is on the list and who has gone off the list.

Society can benefit greatly from a good, well-balanced housing programme for people in the income brackets that have not been accommodated at all in recent years. This is essential. I note that Deputy Finian McGrath agrees with me. The time he signed a document of support for a previous Government was crucial in our history. His signature handed all responsibility over to the private sector. Deputy Finian McGrath is a great supporter of the private sector and his signature was a manifestation of his support therefor at the time. I was appalled at the time that anybody should have thought that we would solve our housing crisis through the private sector. We had Part V, Part VIII and all sorts of parts, some of which were notorious and which were purportedly to solve our housing problem. Where are we now if there was a crisis then? The approach at the time did not and could never have solved the problem. It never will. Until we decide to tackle the problem in the old-fashioned, traditional way, it will not and cannot be dealt with. The Government has taken some decisions that are beneficial but there is a big one yet to come, namely, dealing with the big problem in the fashion in which it must be dealt with.

In recent years there has been a lack of funding for local authority housing. Deputy John Browne referred to the consequent uptake under the rental accommodation scheme. The scheme is not successful, nor does it work. No such schemes work because of their temporary nature. A person taking on a house under the rental accommodation scheme knows there is a temporary arrangement. He or she may not necessarily get on well with the landlord indefinitely despite the fact that the local authority is leasing the house in the first place and subletting it to him or her. The system is appallingly laborious and difficult and costly to administer. If we do not consider ways and means of regularising it somehow, we will have further problems that will be magnified well into the future. As a famous former Member of this House said: "A lot done. More to do."

Deputy Joan Collins: I am sharing my time with Deputy Finian McGrath.

Everybody generally agrees that the synchronisation of the differential rents is good. It gives more scope to the local authorities to determine how to assess their rents. There are differences from area to area. I have examined some of the figures. The Dublin City Council figure is 15% and that for South Dublin County Council is 10%, which demonstrates a big difference. The figure for Dún Laoghaire-Rathdown County Council is 16%. Is the Minister considering capping in regard to household incomes of a certain amount? If one is living in Dublin city, one has the same outgoings as one would have in the jurisdiction of South Dublin County Council. The manner in which this is dealt with should be considered in some way.

With regard to the payment of rent and how it is linked with the maintenance of local authority property, there have been mad circumstances in recent years in respect of people whose incomes required reassessment, probably through no fault of their own, and who have had to bring in their P45 and payslip every year to agree on repayments on arrears. Owing to their ar-

rears, they cannot have essential maintenance work done on their homes.

2 o'clock

It is being used as a blunt instrument by some local authorities, particularly Dublin City Council which is refusing to carry out maintenance on the homes of persons in arrears, which is madness. Where a person goes into arrears but is a regular payer, this should be taken into account by local authorities in the context of house maintenance. It is the responsibility of the local authorities to ensure good maintenance of properties into the future.

I have raised the issue of mould in local authority houses with the Minister of State on a number of occasions. Mould and dampness constitute a huge issue in the flat complexes in Dublin city, given the length of the council tenancy. I welcome the progressive move made by the local authorities in terms of inspections of private rented properties, many of which were deemed almost inhabitable. If similar inspections were undertaken of local authority housing, the outcome in terms of its condition would be the same. A number of local authority houses in Dublin south central are manky because of dampness. People who regularly have to clear out their wardrobes and throw out clothes, including bed linen, because of dampness are being told to open their windows and have more vents installed as that will solve the problem. However, despite their doing so, the problem has not been solved. There is a fundamental problem with some of these houses. The Minister of State has stated eligibility for funding provided for local authorities for retrofitting and insulation work will be extended to cover general local authority maintenance. However, this has not yet happened. I have had discussions with Dublin City Council which is reluctant to do this. The situation is crazy. Tenants are stressed out having to clean down every wall in their homes every six to ten weeks. Despite their buying products to help address to the problem, it recurs continually. The issue requires serious consideration by the Department of the Environment, Community and Local Government which should also be seeking money from the European Union to ensure local authority housing across the country is brought up to standard.

Those most in need of local authority housing are people on low incomes or in receipt of social welfare benefits. They can ill-afford increased ESB and heating bills. The point was made by an organisation that the increase in carbon tax would result in a further decrease of two weeks in the payment of fuel allowance for elderly people. From this point of view, there is a serious problem in terms of fuel poverty. It is important that the Government give consideration to this matter.

Mention was made by other speakers of councils selling properties to their tenants. This is madness. Much of local authority housing stock was sold off a number of years ago and we need to be more creative in terms of local authority tenancies and permanency in this regard, as the housing stock is depleted. There are now more than 100,000 people on housing lists and this figure will increase because people can no longer access mortgages and as more people become unemployed.

The provision of loans by local authorities was mentioned. However, if this were to happen, land and house prices would need to be capped to ensure they would not continually rise, as happened in recent years. I do not believe it would be a good idea for local authorities to give out loans of €300,000. This is reflected in the shared ownership scheme which was introduced to assist people on low incomes to get on the housing ladder. However, it was a complicated structure. Those who purchased homes under the scheme are now caught in a nightmare. Many

have lost their jobs or their incomes have been cut.

If Bus Éireann gets its way, the income of its workers will be cut again. Based on the Tánaiste's response on the issue this morning, it is clear that the Government supports Bus Éireann in this regard. Many of its employees who purchased homes under the shared ownership scheme because they could not afford to take the mortgage route will be faced with serious mortgage difficulties if the cuts are implemented. This is a huge problem. The Department of the Environment, Community and Local Government must intervene and address this problem on behalf of the people concerned who have no access to the insolvency process.

On the RAS, I have always believed it has only served to line the pockets of developers and landlords. While their properties are required to be of a particular standard, which is good, this is easy money for them. The only good thing about the RAS is that a person does not have to remain unemployed while living in a home under the scheme, which helps to remove people from the poverty trap. However, there is a need for review of the rent supplement scheme and allowances to which a person living in a RAS home loses entitlement should he or she gain employment.

There is a need for serious investment in house building. I do not believe local authorities should be selling off homes but should instead be holding on to their assets. There is need for a review of the overall housing strategy, given the crisis in this regard. I received a telephone call this morning from a woman who told me she called her house "heartbreak hotel" because four or five of her adult children had returned to live at home, owing to marriage break-up and so on, because they were unable to access local authority housing. This requires a more detailed approach than bland statements.

Deputy Finian McGrath: I welcome the opportunity to contribute to the Second Stage debate on the Housing (Amendment) Bill 2013. This is another important debate in the current economic climate and the context of the huge housing shortage. There are thousands of people on waiting lists for local authority homes and many residents are in mortgage distress, some of whom face repossession and other horrific problems. That is the reality for many and the Government needs to wake up to it.

This is a technical Bill which amends section 31 of the Housing (Miscellaneous Provisions) Act 2009 which relates to local authority rents and facilitates significant harmonisation of the approach taken by housing authorities in determining rents for their accommodation, while also providing elected members of local councils with some discretion in setting the rent parameters in their areas. This issue has been the subject of debate in the House for many years. Having served for five years on Dublin City Council, I support the giving of power to local authority members.

The Bill amends the text of section 31 as follows: "That the Office of the Parliamentary Counsel prevents the enactment from being commenced in an orderly sequence". It also deletes from section 31 the text which conflicts with the rents system, whereby charges are determined by reference to household composition and income and, where applicable, the cost of facilities provided for dwellings. I note that the Government wishes to enact the Bill quickly so as to remove the obstacle to harmonising local authority rents as the next stage in a series of social housing reform measures provided for in the 2009 housing Act. Early enactment of the Bill will enable the new rent system to be introduced from January 2014. The harmonisation of rents is also an essential measure in paving the way for the introduction of the housing assistance

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scheme which will transfer responsibility for long-term rent supplement recipients from the Department of Social Protection to the local authorities.

These are the important issues in the legislation that we need to discuss. We must also face the reality that there are many people in local authority housing, particularly social housing projects. In my constituency of Dublin Bay North a group of senior citizens in St. Anne's Court in Raheny, whom I met recently, have major problems with dampness and leaks in their accommodation and need support. When we discuss legislation, we should think of the people directly affected by the debate that takes place in this House. I am standing up for the residents of St. Anne's Court who do not need talk or waffle about legislation, rather they need our support and action. That is an important point to make.

I wish to focus on the issue of housing, particularly for people with disabilities. The housing adaptation fund within the remit of the Department of the Environment, Community and Local Government is being cut by 40%, from €54 million to €34 million nationally. This fund is allocated to local authorities to provide for adapting private housing to meet the needs of disabled people, ranging from children born with disabilities to older citizens who have developed mobility issues and everyone in between. The fund tended to run out mid-year in most local authorities and as it is being cut by 40%, God only knows how long it will last throughout the year. This directly contradicts the policies on people with disabilities brought forward by the Minister, Deputy Phil Hogan; the Minister for Health, Deputy James Reilly, and the Minister of State, Deputy Kathleen Lynch. The national housing strategy for people with a disability 2011 to 2016 identifies nine strategic goals, the top three of which are related to providing adequate housing or for housing adaptations for people with disabilities, the fund for which has now been cut by a factor of 40%. It is also important that this issue be raised.

We cannot have a society that constantly discriminates against adults with a disability. I raised with the Tánaiste this morning the issue of provision for young children with Down's syndrome. The Government needs to examine the provision of resource hours, which are badly needed. Every year between 120 and 130 children with Down's syndrome are born in this country. Of that number, eight will have access to good services. I acknowledge that there are good examples of services being provided in the primary sector, but children with Down's syndrome are excluded. I thank my colleagues for the massive turnout last week at the meeting at which we met the parents. Let us unite on this issue because we can do something about the provision of resource hours for people with disabilities.

On the broader housing issue and needs in society, in 2011 there were 43,578 households with children identified as being in need of social housing. On further examination of the details, 57%, or 24,819, of households with children identified as being in need of social housing had one child; 27.1%, or 11,792, had two children; 10.2%, or 4,434, had three children; while the remaining 5.8%, or 2,533, had four or more children. The number of households with children identified as being in need of social housing has increased by 57.3% since 2008. We need to be radical, creative and to do something about this issue. We must examine how money is spent on providing for the housing needs of the people concerned. In 2011, 28.9%, or 12,998, of households with children identified as being in need of social housing were in County Dublin; 66%, or 28,768, were one-parent households; while the remaining 34% were two-parent households. Once we know the facts and the reality, we must come up with a strategic plan. The Bill is part of that reaction.

When one digs deeper into the legislation, one notes that the Minister has the power to

make regulations prescribing the specific matters each housing authority must include in its rent scheme. Certain text in section 31 of the 2009 Act precludes it from being brought into operation in a way that will ensure a clear statutory basis for housing authorities to charge rents during the transition from the current basis. The Bill also seeks to amend section 31 in order that the provision can be brought into operation in a sequence that will ensure a clear statutory basis for housing authorities to charge rents during the transition to the new regime. Section 1(a) of the Bill proposes an amendment to section 31(5) of the 2009 Act by way of the substitution of a revised provision for paragraph (a) which requires a housing authority, not later than the date prescribed by the Minister for the purposes for the section, to make a rent scheme providing the manner in which rents and other charges will be determined. These are the nitty gritty details of the legislation.

Budget 2013, published on 5 December, provided for significant cuts to the overall social housing budget. A total of €585 million has been allocated for housing measures in 2013, a reduction on the allocation of €691 million in 2012. Since 2008 the budget allocated for the overall housing programme has been cut by 54%, from €1.5 billion in 2008 to €585 million in 2013. The consistent reductions in capital expenditure on social housing since 2010 fall into line with Government policy. This is to reduce the total number of new build housing units and direct capital investment in housing by relying on the private sector as the source of social housing units, through initiatives such as the rental accommodation scheme and the leasing scheme. We must be radical and creative, but we must also be compassionate, as we have a major housing problem. Sadly, those who acted madly during the era of the property bubble have caused damage, which is an important point. These issues must be dealt with in a strong and comprehensive manner.

I thank the Chair for giving me the opportunity to contribute to the debate, but we must ensure that when we talk about housing, we consider those who are not able to get a loan or a mortgage; they are the ones we must support.

Acting Chairman (Deputy Peter Mathews): The next speaker is Deputy Joe O'Reilly who I understand is sharing his time with Deputies Gerald Nash and John Paul Phelan.

Deputy Joe O'Reilly: I welcome the legislation, the primary objective of which is to achieve a level of harmonisation of local authority rents at national level to prevent huge variations from area to area. This has merit and is a worthy exercise. It is important to stress that this will not preclude the determination or the drawing up of a rental scheme by local authorities; this will remain as one of their reserved functions. It is critical that any assessment of local authority rent charged to an individual takes account of his or her ability to pay. That is what differentiates social housing from private housing and that objective is central to the new legislation. There will be a differential rent scheme to the extent that a person's ability to pay will be the key determinant. The Bill will seek to ensure there will not be a huge variation in rents from county to county.

The Bill aptly and correctly brings the rent allowance or rental support scheme that is partly within the remit of the Department of Social Protection under the umbrella of the local authorities. It is important that this happen. Wonderful things have been happening in the Department of Social Protection under the Minister, Deputy Joan Burton, particularly the job activation schemes, which fit job and training opportunities to the individual and focus on the individual not as a recipient of welfare but as an active jobseeker. That has to be the philosophy. Everyone presenting for a rental subsidy should also be assessed individually and if appropriate

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accommodation is available within the local authority housing programme that should be the logical first response. Rent subsidy should be the second response when there is no possibility of providing accommodation from the local authority housing scheme. Human factors have to be considered too, such as where children are going to school. A case-by-case holistic approach is needed, which is similar to that required in job activation.

For too long we were inclined to dish out various welfare payments, whether jobseeker's allowance or, in this instance, rent allowance. Each application needs to be assessed on the basis of where the children are at school and whether they are well established in a social infrastructure. It is not reasonable to uproot children and take them to another town just because there is a local authority house available there. That would not be acceptable. We should have much more integration of services and interdepartmental cohesion. Bringing all payments connected with housing under the umbrella of the local authority is a great example of the reforming agenda of this Government, which is working in a range of areas. It is the job of the housing officer and his or her staff to study each individual case to see, as a first option, if there is appropriate local authority accommodation and to consider rent allowance as the second option, and then to monitor the transition to local authority housing as the case may be. It can happen that some local authority houses are vacant while, in parallel, people are on rent allowance, and the two things are not knitted together.

The RAS is a very good scheme for cases in which local authority housing is not the correct response. Integrating the RAS, the housing assistance scheme, the rent supplement scheme and housing policy generally is necessary and the Bill will achieve that aim. It is reforming legislation. We must recognise that the rental accommodation market has increased radically. The number of people renting in Ireland in both the private and local authority sectors has increased by 47% since 2006. To an extent we are becoming more like the continental Europeans and house ownership as a first option is fading, maybe out of necessity in many instances. We have to accommodate this new reality. That is why I am delighted there is an integrated response with an in-house one-stop shop in the local authorities.

Deputy Gerald Nash: I am pleased to have the opportunity to speak on this technical Bill. Housing, and public housing in particular, has been of concern to me for some time and was one of the core reasons for my entry into public life 14 years ago. Having a place to call home involves much more than bricks and mortar. It involves building communities. We spend so much money each year bailing out private landlords from the taxpayer's purse and entering into long-term lease arrangements, whereby the tenant will never end up owning his or her home but the taxpayer will pay the rent for 20 years, that it is becoming unacceptable. To institutionalise this approach in the absence of comprehensive local authority house-building programmes is a step that we need to reconsider. It is not sustainable and represents in the long term bad value for the taxpayer's money and probably a bad direction for society and the citizens who depend on public housing. We should not seriously consider institutionalising what should be a short-term solution to a situation in which people find themselves.

In recent years the State has removed itself from the business of constructing local authority houses. The policy was initiated by the recent Fianna Fáil-led Governments and it has been continued out of necessity because of our economic situation. We should develop a new local authority house-building programme, for several reasons. So many people on local authority housing lists depend on rent subsidy and State supports that it would be better for society and for those citizens to have a house they can call their own and a community in which they can plan and develop their lives.

One of the major contributing factors to the unemployment problem is the fact that tens of thousands of construction workers lost their jobs between 2008 and 2011. We need to find a way for the State to invest in getting those skilled tradesmen and construction workers back to work. There is no better way to do that than by developing a series of local authority direct house-building schemes in the next few years. It is a question of building communities and not just houses. The Minister of State at the Department of the Environment, Community and Local Government, Deputy O'Dowd, and I are very familiar with the various estates we represent in County Louth - in Dundalk, Ardee, Drogheda and so on - where there were progressive house-building programmes since the 1930s but where there has been a lacuna in recent years. Those communities are the best one could hope for. They have produced some of the best families, some of the best citizens.

Deputy Fergus O'Dowd: They have also produced some of the most responsible voters.

Deputy Gerald Nash: Indeed, and some of the most responsible citizens.

Deputy Fergus O'Dowd: They have produced some of the best Deputies too.

Deputy Gerald Nash: By building local authority houses we also give people the aspiration to own their own homes, which is important. If we are to build a series of local authority housing developments we need to be sure to ring-fence the proceeds of those sales to ensure we continue to reinvest in replenishing and replacing the local authority housing stock that we are removing.

I accept and appreciate the motivation behind this technical Bill. It is important to address these issues but we should have a serious conversation about the need to develop local authority house-building projects. The voluntary housing sector does an excellent job but at last count there were approximately 600 voluntary housing agencies, some of which have been inactive in recent years. The voluntary housing groups are still using State support to build the kind of houses we could build through our local authority structures. The State should not continue to opt out of directly building local authority homes in perpetuity. The construction of local authority homes for several years could give people some hope that they will have permanent residency and some control over their lives. As it stands, the excessive reliance on rent supplement, long-term leasing, RAS, the rental accommodation scheme, and so forth, which I accept have their benefits, is not the optimum use of State moneys for the purposes of building communities. The Minister of State with responsibility for housing and the Minister for Public Expenditure and Reform recognise this. I hope they will also recognise the potential of the direct building of local authority housing schemes over the next several years both for the construction industry and the communities we represent.

Deputy John Paul Phelan: The Housing (Amendment) Bill 2013 is a technical Bill and its purpose is to make several changes to section 31 of the Housing (Miscellaneous Provisions) Act 2009 in respect of the harmonisation of rents across different local authority areas. I have no difficulty in supporting this but there are several issues which I want to raise.

I agree with Deputy Gerald Nash on the role of local authorities in the provision of housing. The reality is that housing departments in local authorities are in a critical condition. One of the less commented upon aspects of our economic difficulties is the fact local authorities are just not constructing houses while housing departments are managing and transferring local authority tenants between existing units and cannot provide any additional accommodation. I

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also agree with the Deputy on the RAS and long-term leasing that they individually have some merit, certainly at a time when the State cannot provide significant investment in the construction of local authority housing. There is a need for the Department, however, to look towards the return of local authorities in the direct provision of accommodation units for families and individuals in the next couple of years. While RAS and long-term leasing are useful in providing accommodation for thousands of families, there is still something deep in the Irish psyche about home ownership and the benefits it brings to communities.

There was much comment recently following the death of the former Prime Minister in our neighbouring jurisdiction, Margaret Thatcher, who introduced - and by doing so assured her subsequent re-elections - a scheme that allowed local authority tenants to purchase their own local authority houses. We were actually ahead of them in that regard. However, now with the RAS and long-term leases, local authority tenants do not have the prospect of purchasing their house. It means they do not have the responsibility of looking after it, looking after the community in which the house is located or have the opportunity to set down permanent roots in a locality. We need to return to allowing local authority tenants to purchase their own homes. I accept pressures for finance are significant - nearly every debate in the House is premised on that - but it must be examined by the Government.

I agree with Deputy Finian McGrath on housing adaptation grants. There are increasing numbers of people eligible for these grants who are being told more or less that unless they have some critical medical condition they will not see the adaptation work done in the next couple of years. It is not fair to build up the hope that there is a scheme in place but it is constructed in such a way that one cannot access it. Again, I know funding has been reduced but extra provision needs to be given to local authority housing departments for housing adaptation grants.

I acknowledge the need for the introduction of the local property tax and that it was contained in the memorandum of understanding with the troika. However, there is still some disquiet about the classification of unfinished estates. Obvious errors seem to have occurred between the Department of the Environment, Community and Local Government and local authorities - with each one blaming the other - resulting in people in estates which are clearly unfinished having to pay property tax. This is despite being told they would not be subjected to it earlier because their estate was unfinished. The Department and the Minister of State with responsibility for housing need to re-examine the classification system to ensure unfinished estates are exempt as was the original intention.

Deputy Seamus Healy: I welcome the opportunity to speak on the Housing (Amendment) Bill 2013. Listening to Deputy Gerald Nash, I had to smile at his proposal for a local authority house building programme when the fact is the programme has already been privatised. That privatisation is being implemented and overseen by a Labour Party housing Minister, Deputy Jan O'Sullivan. If Deputy Gerald Nash and the Labour Party want to ensure there is a local authority house building programme, they have the power to do so as they are in government. However, there is no programme in place. In my local authority, south Tipperary, no moneys have been provided for the building of local authority houses. The only ones becoming available for tenants are those returned to the local authority, mainly on a tenant's death or moving on after purchasing a house. That is a very small proportion of the returns to local authorities.

The rental accommodation scheme, RAS, is in fact the local authority house building programme, and nine out of ten housing applicants are being offered tenancies under the RAS, but local authorities are entering into long-term lease agreements with landlords and putting

local authority tenants into those houses. Effectively, they are paying the mortgages for those landlords. In ten, 15 or 20 years from now the local authorities will have paid the mortgages for those landlords and they will not have any ownership rights in respect of the houses. That is outrageous, particularly when the Labour Party is in government and holds the housing Ministry. We are paying the mortgages for landlords. Tenants are responsible for all their own repairs. Nothing is done by the landlord, although technically the landlord is responsible for the repairs but in the real world the tenant, in practice, is responsible for all repairs. Also, the tenant does not have any right to purchase the house, irrespective of the length of time he or she is in the house. We should be clear that what has happened under this Government, and commenced under the previous Fianna Fáil-Green Party Government, is the destruction of the local authority house building programme and the substitution of that programme with a privatised housing system for local authority housing applicants.

Another element of this programme, again introduced by the previous Government, is the income limits for housing applicants. Those income limits have been in place for over two years. They have not been increased but we can take it that if the medical card limits are anything to go by, they will not be increased for years to come. The income limits for medical cards have not been increased since 1 January 2006 and any changes made in the recent past were to ensure it is more difficult for applicants to get medical cards. That is the current position with income limits for housing applicants. For instance, a family of two adults and two children must have an income of less than €27,500. That means that a significant number of applicants are being refused based on their income. They are supposed to be able to provide accommodation from their own resources but it must be remembered that persons in that position will not get rent supplement and will be trapped in what I might call a twilight world for the rest of their lives. They are forced to rent in the private housing market without any rent supplement or permanency of any kind. The landlord can decide to sell the house at any stage and they would have to move on. That is another element in the privatisation of the housing programme at local authority level.

Another issue that has arisen recently concerns single parents. Many single parents are being told by local authorities that they are adequately housed at home. For instance, a single parent living at home with their father and mother will be told by the local authority that they do not qualify for housing because they are adequately housed at home. That is not acceptable and it is not right. It should stop, and the Minister for housing should ensure it stops. The income limits are seriously impeding ordinary people who need and are entitled to housing, and for whom housing should be provided by local authorities.

In the past a local authority tenant who was working would have been able to get a local authority loan or a loan from another mortgage supplier either to buy the local authority house or a private house. We now find that even though a payment such as family income supplement, FIS, is taken into account to determine a tenant's rent, it is specifically excluded if the tenant is an applicant either to a mortgage company or the local authority for a loan to purchase that house. I know a number of those people. They have been in and out of my office. In one case a tenant was paying €120 a week for rent. In another case the tenant was paying €105 a week and in another case, the person was paying €95 a week. They would be well able to pay a mortgage. In fact, they would be paying less in mortgage repayments than they would as renters from the local authority. They are being excluded and refused loans not just from the finance houses but from the local authorities also. That should be examined urgently.

A number of speakers referred to the disabled person's grants. That is a serious issue for

local authorities in terms of jobs. The entire local authority construction house building programme is a jobs issue as well. It would help to take significant numbers of people off the live register, particularly former construction workers, if we had a proper house building programme, a proper grant system for disabled persons, and housing for older people.

Last year in south Tipperary we had a €3.1 million allocation for disabled person's grants and housing for the elderly. That has been slashed this year to €1.25 million. That is a reduction of €1.8 million, which means that only emergency cases and a small number of priority one cases can be examined and dealt with this year. It also has a knock-on effect for employment and will ensure, unfortunately, that people who were involved in this type of construction work in the past will join the dole queues, which will cost the State money. That is very shortsighted and is an issue that should be examined urgently.

The position on the purchase of local authority houses is that currently there is no local authority purchase scheme. The Minister of State announced that there would be a new scheme but that was well before Christmas of last year. We have not yet seen the details of that scheme, and I hope the Minister will introduce a scheme in the near future. I ask her to introduce a regulation which would allow local authority tenants to purchase their houses in the old way through the rent, because the difficulty in getting loans is a huge problem for people who want to purchase their houses. They cannot get loans from either financial institutions or local authorities. People are paying significant rent, but would have less to pay if they had a mortgage. When the Minister of State introduces the new purchase scheme, which I hope comes into place quickly, she should also introduce a payment method other than by way of mortgage for tenants who have been paying significant rents, have good rent records and would be well able to pay for the purchase of their local authority houses.

With regard to rents, part of the reason for the Bill is that the powers that be want to ensure local property tax will be paid by local authority tenants. The current situation is that the local authorities are liable for the charge. A number of county managers have said publicly that they intend to increase local authority rents to cover this. This is wrong. We all recall that the current Taoiseach said a number of years ago that it was morally wrong, unjust and unfair to tax a person's home. The local property tax is morally wrong, unfair and unjust and should be abolished. Certainly, local authority tenants should not be forced to pay this tax.

I welcome what Deputy Gerald Nash has said. I hope he will bring his views to his parliamentary party and to his Minister and that we can return to a situation in which we have a real local authority house-building programme. We should allow local authorities to build houses rather than privatise the housing programme and pay landlords. We want a situation in which local authorities ensure that people who are not in a position to build or purchase a house of their own will be provided with a house by the local authority. There is a further element to this. We are paying something like €400 million to landlords under the rent supplement scheme, money which could be put towards the building of local authority houses. This would also help get people back to work. It would take construction workers off the dole queues, save the State money and provide housing for people who cannot afford to build housing from their own means.

There have been significant reductions in rent supplement over the past few years and we now hear that under-the-counter payments are being sought. Private tenants in receipt of rent supplement often have to top up the rent for their landlords. Everybody is aware this is happening. All Members have had visitors to their clinics explaining this is happening. It is time the

Government dealt with this situation.

Deputy Mattie McGrath: I am delighted to have the opportunity to speak on the Housing (Amendment) Bill 2013. I welcome the fact that the saner and more sanguine Minister in the Department, the Minister of State, is always rolled out to deal with the tricky issues, rather than the senior Minister, or Big Phil, as I call him. Deputy Fergus O'Dowd is often here to do this and I look forward to working with him on the Bill.

The Government wants to enact the Bill quickly in order to remove an obstacle to the harmonisation of local authority rents as part of a series of social housing reform measures provided for in the Housing (Miscellaneous Provisions) Act 2009. Early enactment of this Bill will enable the new rent system to be introduced from 1 January 2014. The harmonisation of the rents is also an essential measure paving the way to the introduction of the housing assistance scheme, which will transfer responsibility for long-term rent supplement recipients from the Department of Social Protection to the local authorities. I welcome that as it is long overdue. I have often said the HSE should not have anything to do with this as it has enough to do in managing its own area. It should be the function of the local authorities to deal with housing.

I come from the voluntary housing sector and I am chairperson of a group which built 14 houses with a number of committed and courageous volunteers. This project is one of the most satisfying and gratifying projects in which I have ever been involved. We later added three further houses to the original 14 for people with special needs. While I am not around a lot to deal with the project, the volunteers do a tremendous job and we have a wonderful relationship with the tenants, who have come from all over the world. Some were exiled abroad and came home to live in their native county. Others were not even remotely associated with Newcastle or Tipperary, but they are as happy as Larry in their houses. It is sad to see so many problems related to housing. I was a board member of the Irish Council for Social Housing for a good number of years and I commend the work that was done by that council. I cannot remember the name of the former chairman, but he was a wonderful man and there is a wonderful staff there under the leadership of the CEO, Donal McManus.

There were approximately 300 smaller housing groups in the country but, as happened with everything else during the Celtic tiger era, bigger groups wanted to come on board. Like vultures, they could not get enough money from the Department and could not build enough houses. They were developers who wanted to get into the voluntary sector. These were home-grown companies, but then others came in from overseas. These set up in various areas, but they did not have the same enthusiasm, passion, sentiment or intent as local voluntary housing associations which were setting up homes for people who needed them in their own communities. These new groups were out to make money and to take over everything. They almost ruined the smaller organisations. These people were not volunteers but were working full-time at this. When I was involved and attending meetings, those on the boards were ordinary people who were volunteers, but these new people were full-time business people who would arrive at board meetings with their briefcases and with all the facts and figures. They were whizz-kids and sometimes had people seconded from the Department on their boards. They professionalised the situation, but not always for the better and often for the worse.

I have often heard Deputy Bernard J. Durkan and others criticise the voluntary housing sector, but I always defend it. There is certainly room for criticism now, because some of the companies that became involved have left a bit of a mess behind them. I am aware of a situation in my county in which Foscadh Housing Association is demanding property tax from tenants and

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taking it from their rent. Deputy Seamus Healy referred to the fact that some county managers have suggested they will increase rents. I understand the Minister has given a derogation for this year to all voluntary housing schemes. How dare these people take property tax from the rent? How dare they act like this? They are acting worse than any landlord and are treating people with disdain and discourtesy. Sometimes the estates in question are unfinished. The one for which Foscadh is responsible is unfinished. It would fit these people better to finish the estates and then have them taken over by the council if necessary rather than threaten and intimidate people to collect this money. I suggest they are collecting it illegally, because it is not due or payable until January.

3 o'clock

It is a pity because a great deal of good work has been done and is being done in the voluntary sector. The Celtic tiger brought more trouble than gifts to the country. As these companies were not making enough in the private sector, they decided to move in on this area also.

I welcome the new legislation for local authority rents, as set out in section 31 of the 2009 Act. It differs from the existing legislation, as set out in section 58 of the 1966 Act, in a number of respects. The making of a rents scheme is now a reserved function of the housing authority. This gives the elected council a role in determining the authority's rents policy. Cuirim fíor-fáilte roimh an méid sin. This is very good. Elected members need more powers, as they deal with this area on a daily basis. Like Deputy Maureen O'Sullivan and every other Deputy in the House, I deal with these issues every day. It is only right that council members should have a say. That provision definitely has to be warmly welcomed. As many have said, rents have increased. It is sad that the local government building programme has been abandoned.

I find it very difficult to contrast two statements made on a continuous basis. I refer to the Government's five point plan, on the one hand - I do not know how many plans there are in the programme for Government - and its support for small business and job creation, on the other. Jobs were always available for small and not so small builders when houses were being built by local authorities.

The slashing of the moneys available for disabled person's grants and housing adaptation grants has been mentioned. It is total nonsense because it destroys jobs, small self-employed business people and sole traders. When they employ tradespeople to do these works with them, they pay their tax, rates and insurance, etc. They spend money in the economy. The denial of small aids to those who need them is even worse. I refer to people who could live at home if their houses were adapted, for example, with the installation of a shower or special bathroom. If we can keep them out of nursing homes and hospitals, they will be happier and healthier. They want to be in their own family environments. The lack of joined-up thinking in this regard on the part of the HSE, the Department of the Environment, Community and Local Government and the housing agencies is totally counter-productive.

As Deputy Seamus Healy mentioned, an allocation of €3.1 million was available in south Tipperary in 2012. I compliment officials in South Tipperary County Council who are working under the guidance of Mr. Aidan Fennessey and his staff. I refer to the occupational therapists, for example. When people apply for a grant, they are put in touch with the selected contractors on the council's list, but the grant never covers the cost of the work in full. People have to put their hands in their own pockets also. That is not bad either. One does not appreciate things if one gets everything for nothing. If something has to be paid for, that is okay, as long as it is

within reason. The allocation in south Tipperary was slashed to €1.8 million this year, although there was a huge overhang from last year. I do not know how it will manage this year as a result. It stopped receiving applications in March, less than three months into the year. It was not even allowed to keep anything back for emergency cases. When a person falls and breaks a hip or there is some other emergency, he or she is told to wait until 2014 before he or she can make an application. That is very unsatisfactory and counter-productive. It is wrong and should be changed. There should be an emergency fund. In some cases, a house could be adapted for €2,000, €3,000 or €4,000. A bathroom could be adapted or steps could be built for a small amount of money. That would allow people to recuperate at home and return to normality.

Local authorities are not building houses. Until recently, they were building houses with baths in them. At the same time, we were giving millions to local authorities every year for the conversion of bathrooms. They were installing walk-in showers, for example. What thinking does that demonstrate on the part of the Department or the architects who were designing houses? We are all getting older and know that as we go along, it will get harder to get into a bath. That applies even to those of us who have not yet reached our 60s, 70s, 80s or 90s. I cannot understand why the local authorities did not have a policy of installing level-access facilities such as walk-in showers. Many people have to apply for grants to have these works done as they get older. They and their families might have to look for grants, for the support of public representatives, for doctors' letters or visits from occupational therapists. The saga can take two or three years. There is a cost associated with the removal of baths, which might not even be in the house. I have seen houses in which bathroom windows cannot be opened without having to stand in or reach over the bath. Windows have to be opened, especially in bathrooms. I condemn out of hand the architects who designed these bathrooms, those who signed off on such designs and those in the Department who accepted the tenders and designs.

There are many questions to be answered about architects' designs. Even in our heyday when we had money, I could never understand why the design used when a scheme of five or six houses was built in a village could not be used again two years later when five or six houses were needed in another village. In cases where there was the same demand for housing a new set of architects was asked to compile a new set of drawings and designs. I am sure the design could have been adapted if the footprint of the site was too small. It was a racket. Architects got money they should not have received. It was a waste of the Department's money. I am saying this as a person who worked in the voluntary sector and did all of this work. We had to employ architects and get the site. We had to fight for planning permission. We had to pass all of the tests, rightly so, and the Department got value for money. We are maintaining the stock and looking after the tenants. We should, therefore, start supporting local development once more. Since the end of the Celtic tiger, people have started to volunteer again. I salute those in many communities who are ready, able and willing to participate. We also had to hire a builder and had to have our snagging list. We had to hold meetings and apply to have places taken in charge. We dealt with it all. It was not very easy, but we did it.

A similar scheme was built in my sister or brother community in the other half of the parish. I refer to a lovely scheme in Ballymacarbry, County Waterford, which was opened by President McAleese in one of the last events of her Presidency. It was provided by people who had volunteered in the same way and the same architects were involved. We gave them a small hand and some encouragement. I salute those involved. As I said, when the Government used to do this, different architects were involved and a different design was needed for every scheme. I do not know why that was the case.

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I would like to speak about high rents and valuations. We all deal with variations in rents on a daily basis, as Deputy Seamus Healy said. If I do not meet the people who come about rents, the staff in my office meet them. I hope the new policy under the Bill will deal with such cases, as the position is not very fair. It seems to be unjust also. In fairness to the officials in the local authorities, I have found them to be helpful in dealing with many issues in the housing sector. They cannot operate with their hands behind their backs and cannot operate with slashed budgets. Such reductions have a knock-on effect. They are human also. They have to listen to the pleas of families, read the letters from doctors and deal with the representations of public representatives. They would prefer to get the work done than to refuse people.

The RAS has been mentioned. Everything has moved to the RAS because no houses are being built or bought. It is a pity that no fund is available for the purchase of property because exceptional value is available. People who are living in single cottages in the country come to my clinic on a weekly basis because they want to move out of these lovely homes. They want to know whether the council will buy their houses and plots of land. The council has received many applications from people who want to live in the areas in question. Exceptional value for money is available as a result. It is a shame that the council does not have the funds to buy these houses.

Everything is down to the RAS, which is a good scheme and I am not going to knock it. I salute Mr. Seán Lonergan and Mr. Michael Fitzgerald who run the scheme for South Tipperary County Council. They receive great co-operation as they organise it and many good landlords are dealing with them. However, there are some rogue landlords also. When the deal is signed and the tenant accepts it for ten or 20 years, these rogue landlords abandon the tenant and fail to do any maintenance works, etc. It is not fair and it damages the entire system. However, that is not how the good landlords operate. The RAS has been an effective scheme and I would not like to see it become the Government's only means of sourcing local authority housing. It involves the acquisition of parts of housing estates.

I would like to speak about the Part V planning scheme under which local authorities obtained some houses to sell at a lower cost. It was belatedly introduced.

They were successful schemes. While I admit it came very late in the day when most of the mad development had already taken place, and the bad developers would not engage with it, it was an effort nonetheless. I am disappointed the Bill does not consider something along the lines of what happens in England when developers want to build. No doubt that will happen again in this country, and the sooner the better for all of us, although it should not happen in the mad way it happened previously. Planning must play a huge role in this regard.

There should be community gain. I made submissions to the last county development plan in my area seeking that no schemes of houses containing more than 30 houses would be considered in rural villages and small towns. A developer wanted to build 200 houses in my village. We held him up for nearly two and a half years while we sought a community plot for a playground and a crèche, and the next thing he got planning permission for 99 houses, which was far too many. The village had a local authority estate of 32 houses built in the 1970s, another beautiful estate of 17 houses, and another estate of 34 houses, which was the type of development we could handle. We had worked with a good developer, and we now have a community house and all the facilities. However, this latest developer did not know who we were. He flew down in a helicopter and saw the field, and when it was pictured in *The Irish Times* a few months later it was in flood. Despite that, he had a sign up on the wall which read "Houses for

sale". They must have been some kind of water homes or maybe he thought he was in Venice. In any case, he got his planning permission for 99 houses and he has now gone missing. We have got the site and the council has co-operated.

There should be stipulations in this Bill and future Bills to ensure there is community gain. With the turning of the sod, when the houses are being built, it should be ensured that playgrounds and community facilities such as sports halls are part of the plan. A group from Finland visited my area recently and I understand they visited Dublin and Deputy Wall's constituency also. They came to look at the wasteland that was left after the Celtic tiger, and they could not believe it when they saw houses built in the middle of nowhere with no facilities - no shop, church, hall, school or anything else. These are now what are described as ghost estates and the State has to pick up the cost of fencing them and making them secure.

There should be community gain in the Bill. I do not know if the Minister can accept amendments, but he should. I am not knocking developers, because we need developers. However, developers got rich and there were many developers who, if they did not get rich, did okay, employed people and paid their taxes, rates and everything else. They worked with the communities, as we worked with Newcastle Construction in our village. I was able to show the people from Finland how we got a site and the support we needed for a playground, how we got the community house through the council and how we got different supports from one developer. On the other hand, another developer treated us with disdain and contempt, and when he left he told me we could do what we liked with the land as he was off to Poland. I told him we would put sheep back on the land as there had always been sheep there. This is the damage that greed did.

The legislation must be in place for the local authorities, when granting planning permission, to allow for community gain in regard to any of these developments. We have learned costly lessons with the ghettos we have created and the mess left behind. I am surprised there is no cognisance of this in the Bill.

Acting Chairman (Deputy Jack Wall): The Deputy has one minute.

Deputy Mattie McGrath: I have a lot more to say and thank the Acting Chairman for his forbearance. County managers are saying this, that and the other with regard to the property tax and local authority tenants. I have always believed that if we have a property tax, everybody who has a home should pay something. I do not know what way the local authorities are going to deal with this. People have purchased their houses through the schemes. We have had fire sales in the past in order to sell off some of the housing stock at reduced prices. People like to own their own homes in Ireland, but why should one person pay property tax and another person pay none?

Although I do not have much time, I have a lot to say about repossessions. Laws were passed here to allow roving gangs to operate. This happened yesterday in Lucan, where ten individuals in balaclavas arrived in a big van, accompanied by the sheriff and gardaí. There was a poor woman in the house with two small babies and her grandmother, but they burst in the door with force. That should not be happening. Cromwell is long gone out of this country. Are we going to allow these thugs to behave in that way? It is State terrorism, nothing else.

I heard that Deputy Keating attended the scene. I hope the Minister of State is hearing this at his parliamentary party meetings. This should be stopped. That the banks we are bailing out

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should go in to evict someone like that in the early morning, with balaclavas-----

Acting Chairman (Deputy Jack Wall): The Deputy should conclude.

Deputy Mattie McGrath: We have a police force and an Army to assist it. We do not need the third force militias who have been going around the country dealing with farmers, repossessions and everything else in recent years with a free will. We cannot have this going on.

Deputy Maureen O’Sullivan: Tá ceithre bliana déanta agam istigh anseo mar Theachta Neamhspleách don dailcheantar Baile Átha Cliath Láir. Ceapaim go mbíonn cúrsaí tithíochta i measc na fadhbanna is mó a ardaítear liom gach lá. Every single day, my office gets numerous calls on housing matters and problems of one sort or another relating to housing. I would love to see a strenuous and comprehensive campaign and programme to take on all of the aspects of housing, whether it is local authority housing, private rented housing, ghost estates, the role of NAMA or the housing associations. An ancillary problem that is very bad in Dublin Central is the issue of waste management and illegal dumping, which is becoming almost a plague in certain parts of the inner city. It keeps being pushed between the local authority and the Department and there is not a very strong programme to deal with it.

In considering the Bill, one issue is the harmonisation of rents with the local authority and the housing assistance scheme. I know the Bill will see responsibility for long-term rent supplement recipients moving from the Department of Social Protection to the local authorities. One point that is very positive about Bill is that it will take into account the financial circumstances of households. We know that household circumstances do change in the changing economic climate of today. Therefore, a rent that was appropriate at one time in a particular circumstance will not be appropriate at another time. The issue of dependants is another that comes up constantly, particularly with regard to how many people are on the floor and off the floor. We need a very efficient system to deal with this.

I deal with the Dublin City Council offices in Sean McDermott Street, Parnell Street, Cabra and the Civic Offices. I want to acknowledge the co-operation of Dublin City Council and the hard work of the staff when I and those in my office are in touch with them on the variety of issues that arise when dealing with housing.

With regard to estate management, it is a feature of the local authorities that they have a method of dealing with issues that arise. Much of this has to do with anti-social behaviour, violence and drugs. At least when it is local authority housing there is a mechanism under which the tenants and the local authority can be brought in and there can be a mediation process which will deal with the issues. We know there are certain tenants in local authority areas who cause havoc for the other residents living there and make life unbearable for those who want to live their lives in a peaceable way.

There are a number of “buts” that have to be addressed when it comes to local authority housing. First, there is a major shortage of public housing in Dublin Central, where there are more than 2,300 households on the north inner city housing list, which covers just one part of the constituency, and more than 800 of those have been on that list for over five years. At the same time, there are at least 120 vacant council housing units in the area but Dublin City Council does not have an adequate budget to bring them into use. It is very disappointing, when going about the different complexes and housing estates in the constituency, to see these perfectly good houses and flats boarded up when some work could turn them around quickly.

In fact, the turnaround period is getting longer. There are places waiting over three years to be turned around when, at the same time, we are looking at very long housing lists. It comes down to a funding issue. Dublin City Council is dependent on an additional budget from the Department of the Environment, Community and Local Government to hire contractors to carry out this work. As a result of that shortage of public housing, people on the housing list are being directed more and more into the private rented sector. More than half of households in the north inner city are in private rented accommodation. This now seems to be Government policy, because the Department of the Environment, Community and Local Government housing policy statement in June 2011 foresaw an even greater role for voluntary and private housing sectors in meeting housing needs in the future. That will mean an increasing reliance on the private housing market at a time when supply in that area is under fierce pressure in the city. We know the pressure on the private rental market in Dublin is leading to higher than expected rent increases.

This morning I read the report from Threshold containing its latest figures. The latest index figures reveal an overall average monthly rental figure of €785 on a mid-adjusted basis. However, rents in Dublin are averaging €974. Nationally rents have increased by 2% compared with the figure in the first quarter of 2012. We know there are large numbers of landlords who are not registered with the PRTB. This means their tenants are more likely to make up top-up payments which mask the real rent levels. The bottom line is, however, that rents are too high. The PRTB index shows that the strategy of the Department of Social Protection aimed at bringing down rents by reducing rent supplement has not worked because rents are staying stubbornly high. I agreed with the Minister because I thought that bringing down the level of rent supplement would bring down rents because people were paying far too much for the accommodation they were getting. However, the strategy has not worked and must be looked at again. I also see tenants trying to negotiate with some of these landlords on rents and other issues being put at a very strong disadvantage.

As I have been trying to raise an issue during the Topical Issue debate for the past two weeks without success, I will talk about it today. It concerns an alarming report on housing from Dublin City Council. It was produced with funding provided by the Department of the Environment, Community and Local Government for Dublin City Council on an intensified inspection system. The council inspected over 1,500 private rented dwellings, mainly in two areas in the north inner city that are notorious for having very poor landlords. It found that over 90% of flats did not meet basic standards; therefore, 90% of people in certain areas are living in accommodation that is completely unsuitable. Some of the problems in 1,400 of the 1,500 dwellings include unsafe electrics, no private bathrooms, rooms without windows, damp, mould and inadequate heating. What is happening in these parts of the inner city marks a return to the tenements about which Seán O'Casey wrote in plays such as *The Plough and the Stars* and *Juno and the Paycock*. We are back to slum conditions which I see in my constituency. Tenants will rent perhaps one or two rooms and then sublet; sometimes there are no adequate figures for how many people are living in some of these tenements.

Landlords were served with over 1,500 notices to improve their flats, which is fair enough. This new system of inspection involves choosing an area. What is alarming, however, is that under the inspection programme, a property cannot be re-let until it is brought up to standard but existing tenants can remain *in situ*. The tenants in the 90% of accommodation that is substandard are forced to continue living in it. All it takes is for the unsafe electrics to go on fire and we will have a situation akin to what has happened in factories in Bangladesh. It is appalling. I welcome the money granted, but there is no point in finding out that something is wrong

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unless the system is in place to do something about it. That is the issue.

I have another question about some of the landlords involved: are they tax-compliant? Again, I do not think we know the answer because so many of them are not registered with the PRTB. The report also states 75% of those landlords in Dublin who split houses into flats did so illegally. Therefore, in addition to tenants subletting, landlords have gone down that road also.

I know that some tenants in private rented accommodation are causing untold problems for the communities in which they are living. I hear about these problems at every community forum meeting I attend. They range from anti-social behaviour, violence, dumping to total and utter disregard for the community. Unlike local authority housing, there is no redress system. One community had to wait over one year before it, the local authority and the Garda eventually got the landlord to do something about it. In that year the lives of people living on either side of this particularly unruly rented dwelling were made miserable. It affected their mental health and shattered their peace of mind. There is a real need for this issue to be dealt with and I do not know if the PRTB can take it all on. Again, it goes back to the increasing demand on the private rented sector because local authorities do not have enough housing available.

In parts of the inner city there are lovely apartment complexes that are beautiful inside but which have no play areas or open spaces for children. Some of these apartment blocks house single people or couples who have no children; therefore, they are not particularly interested in having a play area and do not want to hear children kicking a football around. The lack of adequate play spaces for children living in apartment complexes is causing problems. We are talking about encouraging people to exercise more and children getting out into the fresh air, but if they are living in some of these apartment complexes, there is no safe area for them to play in.

There is no doubt that there are problems with homelessness. Again, this is happening at a time when budgets are decreasing and it is in the inner city and parts of central Dublin that there is an amount of accommodation available for homeless people, which is valuable. However, homelessness is not confined to Dublin city; it affects other areas also. Therefore, these facilities must be spread. They are very welcome, but there is a need for more of them and we need to look at where services are being provided.

We know the housing associations are doing great work, but I would like to see regulations in order that if there are problems with tenants, there will be a mechanism in place to address them. In 2012, 484 NAMA properties in the Dublin City Council area were identified as having the potential to be used for social housing. This is another process that is proving to be incredibly slow and very cumbersome and awkward to deal with. We have people with housing needs and housing is available in some cases, but the dots are not being joined. Housing is a huge issue. There are so many pieces of the jigsaw, but they are not coming together. There is, therefore, a need for a comprehensive programme on housing generally.

Minister of State at the Department of Communications, Energy and Natural Resources(Deputy Fergus O'Dowd): Adhmaím i dtosach go bhfuil an cheart ag an Teachta sa mhéid a dúirt sí faoi thithíocht agus daoine ag lorg tithe, go mórmhór ina dáilcheantar féin. Tá an taithí chéanna agamsa i gContae Lú le blianta fada anuas. Aontaím go bhfuil sé antábhachtach go mbeidh daoine a bhfuil tithíocht ag teastáil uathu in ann í a fháil chomh luath agus is féidir. Rinne an Teachta pointe maith maidir le tithe atá dúnta suas agus atá ag titim as a chéile mar nach bhfuil an t-airgead ag an bardas ná ag an comhairle contae chun iad a dheisiú.

San am céanna, tarlaíonn antisocial behaviour timpeall orthu. Tuigeann gach éinne ansin nach bhfuil meas ag an bardas dáiríre faoi thimpeallacht na ndaoine sna háiteanna sin. Mar adúirt an Teachta, níl sin fíor agus ba chóir go mbeadh athrú polaisaithe ann. Tá an cheart ag an Teachta sa mhéid sin.

There has been virtually unanimous support for the Bill. Local authority rent policy is a very important element of the social housing framework and it is encouraging that there is widespread support for its harmonisation. I note that Deputies have welcomed the fact that local authority members will now have a statutory role in determining policies at local level. This will bring greater transparency and accountability to local government.

Deputy Catherine Murphy inquired as to why the Bill proposed to delete paragraph (b) and text in paragraph (e) of subsection (6) of section 31 of the 2009 Act. As Deputies are aware, the new rents system under section 31 will retain the essential characteristics of the existing arrangements for charging local authority rents, that is to say, rent is based on household income and, thus, related to the tenant's ability to pay. The references to market rents and the cost of providing social housing support in the text being deleted from section 31 run contrary to this approach. A requirement to apply such rent setting criteria would inevitably weaken the link between income and rent charged and for this reason the Minister proposed to delete them from the legislation.

Deputy McLellan said that foster care allowance should not be included as reckonable income, presumably for rent purposes. This payment is disregarded in the determination of income for social housing assessments and for eligibility to purchase under the new incremental purchase scheme. It is the intention that the regulations to be made will provide that foster care allowances will be disregarded in determining household income for rent purposes.

Deputy Boyd Barrett stated that local authorities charge public sector workers higher rents than other workers because they do not deduct the pension levy. The harmonisation of rent procedures under section 31 of the 2009 Housing Act extends to the calculation of reckonable household income and the necessary regulations will provide that rent will be assessed on net household income, that is to say, after tax, the universal social charge, PRSI and the pension levy have been deducted. He also asked if rent levels are to go up or down. The intention is to apply section 31 to harmonise rent rates across the country in a way that is broadly neutral as regards total local authority rental income. This means that some households will face higher rents while the rent payable by other households will fall. The regulations will provide for a phased introduction of material adjustments to rent levels in individual cases.

Deputy Cowen called for the differential tax rates set by individual housing authorities to be published so that people could see the different rates being charged across the country. The harmonisation of differential rent under section 31 will reduce substantially the differences between individual authorities. Section 31 provides that each authority must specify its differential rates in a rent scheme that is available for inspection on the Internet and in the council's public offices.

A number of Deputies asked about the implications of the new property tax. Section 31 of the Act predates the new property tax legislation. Housing authorities are liable for this tax in respect of their residential accommodation, other than that provided to cater for people with special needs. The valuation of each liable local authority property is set at €50,000, giving an annual tax liability per liable property of €90 per annum up to the end of 2016. The Govern-

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ment recently indicated its intention to move, from 2014, to 80% retention of all property tax receipts within the local authority area where the tax is actually raised. The remaining 20% of the tax collected nationally will be reimbursed on an equalised basis to local authorities within the context of the annual allocations of general purpose grants, which will increase further the percentage being retained in many cases. This means that at most, housing authorities have to find a net €18 per annum or 35 cent per week to meet their property tax liability for each of their dwellings. The introduction of the new rents system will not affect the capacity of housing authorities to raise the funds needed to pay property tax liabilities.

As the Bill before the House has one substantive section only of a technical nature, it is understandable that Deputies covered many issues of social housing policy in their contributions to the debate. These points have been noted by our officials for consideration in future implementation of the social housing agenda. Points were made by Members on all sides of the House, particularly from Deputies whose local government experience would help them to understand and appreciate all of the issues involved.

Many points were made about the operation of the rent supplement scheme, which is the responsibility of the Minister for Social Protection. This is a worthy scheme for short-term income support but is not designed for households which need support to meet their housing needs in the medium to long term. This was the basis for the introduction of the rental accommodation scheme in 2005 and is the reason the Government has decided that long-term rent supplement cases should in future be dealt with by local authorities as part of their housing functions. The introduction of the system of housing assistance payments will bring about a major change in the way in which social housing support is provided, signalling the most important shift in social housing policy in recent times. It involves a programme of work that would be difficult in any circumstances but at the present time provides a challenge for all. The proposals for housing assistance payments are being progressed by a steering group comprising officials from my Department, the Department of Social Protection, the Department of Public Expenditure and Reform, City and County Managers Association, the Housing Agency and the Revenue Commissioners. My Department is preparing legislative proposals to underpin HAP and it is intended that the general roll-out and transfer of responsibility under the scheme will begin in 2014.

Deputies have urged the Government to return to large-scale local authority house-building programmes of the past. In ideal circumstances, there would be a notable ongoing programme and it is intended to ramp up construction as soon as possible. In the meantime the Government is determined to ensure that the social housing programme optimises delivery of social housing and a return for resources invested. To achieve this we must tailor the use of available Exchequer supports to prevailing conditions and explore the full range of solutions to address housing needs. The Government is committed to responding more quickly and on a larger scale to needs through a variety of mechanisms, including through increased provision of social housing. This delivery will be significantly facilitated through more flexible funding models such as the rental accommodation scheme and leasing but the Government is also committed to developing other funding mechanisms that will increase the supply of permanent new social housing. Such mechanisms will include options to purchase, build to lease and the sourcing of loan finance by approved housing bodies.

There is obvious potential for the Government's objective of sourcing and providing suitable residential units for use as social housing to be aligned with the commercial objectives of the National Asset Management Agency. NAMA said in 2011 that it would provide units for

social housing. A steering group comprising Department officials, representatives of NAMA and the Housing Agency have been working with housing authorities and approved housing bodies in identifying properties which would be appropriate in terms of meeting this objective. Progress has been slow, mainly due to the complexities of getting agreement from multiple parties operating within an environment subject to a range of legal and financial constraints. However, the establishment by NAMA of a special purpose vehicle to facilitate the leasing of units will speed up delivery. NAMA has completed or contracted 339 properties to date for use as social housing and continues to work closely with the agencies concerned to identify additional units. The figure of 110 units referred to in the debate relates to the first three months of this year - 60 completed and 50 further contracts signed.

Deputies Durkan and others raised the tenant purchase scheme. While the 1995 tenant purchase scheme for existing local authority houses closed for new applicants in December 2012, two incremental purchase schemes remain in operation - one for newly built local authority houses and the other for local authority apartments. It is intended to advance the necessary legislative proposals as soon as practical to underpin an incremental purchase scheme for existing local authority houses. Such a scheme will involve discounts for tenants, linked to household income and a discount-related charge on the property that will dwindle away over a period unless the house is resold or the purchase fails to comply with the conditions of sale. The precise terms of the scheme will be set out in regulations, hopefully before the end of this year.

The possibility of European Investment Bank funding for local authority housing was raised. The Department is currently engaged in exploratory talks about the possibility of seeking EIB or ERDF funding over the period 2014 to 2020 that would support a major programme of retrofitting and refurbishment of social housing accommodation in large urban areas in a manner compatible with our overriding objectives. Proposals are at an early stage but the Minister wants to assure the House that every possible source of funding for social housing will be followed up. There will be opportunities to debate social housing policy in more detail in this House at a later date when a substantive housing Bill is published later this year on the new system of housing assistance payments.

I thank all Deputies for contributing to the debate on this technical Bill and look forward to the co-operation of the House in ensuring its early enactment.

Question put and agreed to.

Housing (Amendment) Bill 2013: Referral to Select Committee

Minister of State at the Department of the Environment, Community and Local Government(Deputy Fergus O'Dowd): I move:

That the Bill be referred to the Select Sub-Committee on Environment, Community and Local Government pursuant to Standing Order 82A(3)(a) and (6)(a) and 126(1) of the Standing Orders relative to Public Business.

Question put and agreed to.

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Topical Issue Matters

Acting Chairman (Deputy Jack Wall): 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 Sean Fleming - the need for the third implementation report of the Croke Park agreement, showing the savings in public sector pay and non-pay areas in the period up to 31 December 2013, to be published; (2) Deputy Joan Collins - the decision to reconfigure the youth-centred homeless project, St Catherine's Foyer, Marrowbone Lane, Dublin 8, to become a general homeless centre; (3) Deputy Maureen O'Sullivan - the Dublin City Council report that 90% of private apartments inspected in the Dublin area are not fit for habitation; (4) Deputy Róisín Shortall - the implications for the Irish State of the European Court of Justice ruling with respect to the pension scheme of former Waterford Crystal workers; (5) Deputy Patrick Nulty - the implications here of the European Court of Justice ruling with respect to the pension scheme of former Waterford Crystal workers; (6) Deputy Thomas P. Broughan - the need to resolve the current dispute and avoid the threatened strike at Bus Éireann; (7) Deputy Colm Keaveney - the need to ensure that adequate supports are in place to assist those suffering from narcolepsy and other complications; (8) Deputy Mattie McGrath - the impact of the public procurement policy on the school supply sector; (9) Deputy Clare Daly - the reduction in the opening hours of libraries in the Fingal area; (10) Deputy Seán Kyne - the need to ensure that the necessary supports, including obtaining finance and credit and tax benefits, are available for Irish entrepreneurs to meet the requirements of venture capital fund exit costs; (11) Deputy Mick Wallace - the need for an internationally and regionally backed deal to bring peace to Syria; (12) Deputy Eamonn Maloney - the need for structural youth engagement in the labour market; (13) Deputy Seán Crowe - the obligations of clothing brands in Ireland to participate in the Bangladesh fire and safety agreement; (14) Deputy Richard Boyd Barrett - the European Court of Justice ruling in relation to pension protection for Waterford Crystal workers; (15) Deputy Stephen S. Donnelly - the need to intervene in the case of a number of Irish teachers forced to flee from Libya, who are seeking payment of their teaching contracts owed to them; and (16) Deputy Michael McGrath - the Central Bank pilot scheme to allow debtors to restructure secured and unsecured debts.

The matters raised by Deputies Kyne, Crowe, Fleming and Keaveney have been selected for discussion.

Topical Issue Debate

Enterprise Support Schemes

Deputy Seán Kyne: I thank the Office of the Ceann Comhairle for selecting this matter and I welcome the Minister for Jobs, Enterprise and Innovation to the House to discuss it. The Minister was in Galway a number of weeks ago for a very informative meeting on the jobs action plan. The businesses and entrepreneurs in attendance got a great deal out of it. One of the benefits of such meetings other than the formal information session is the conversations one has during the tea breaks. One such conversation I had with a constituent, who is also the entre-

preneur behind a successful Irish company in the medical devices sector, concerned finance for business. It is an area which can be complicated and require a great deal of time and scrutiny by policy makers as well as by those in the business community. I take this opportunity to commend the work the Minister has done to tackle many of the issues and barriers around access to credit and finance, in particular for small and medium sized enterprises. One such innovation is the microfinance scheme. I was delighted to hear today that Microfinance Ireland has approved its first €1 million in loans to 60 viable microenterprises to which the banks had declined credit. I am certain we will see the benefits of this worthy and effective scheme into the future.

There is another innovative idea which would help us to establish, grow and retain start-up companies in Ireland. Currently, the process is that an entrepreneur with an idea, which comes from myriad sources - often their work in a particular sector - conducts research, draws up a business plan and establishes a company to develop the idea. However, to grow the company finance is required. Unfortunately, many financial institutions are reluctant to take the chance with a start-up company, which leaves the entrepreneur with few alternatives other than to avail for a loan-for-equity arrangement with a venture capital fund. While the funding provides a much-needed boost to the new start-up and facilitates growth and expansion, the fund generally has a fixed term. If one receives funding in year five of a seven-year fund, one must repay the loan when that fund matures only two years later. Such an eventuality often results in entrepreneurs having to sell their companies to obtain the finance necessary to repay the loan. Sadly, it means the innovative product or service is snapped up by another company - often one which is based abroad - while the original company is asset-stripped, merged or wound down. As a result, Ireland loses out on jobs, both existing and potential, tax revenues and custom for other local businesses.

The process I have set out applies in almost all industries and certainly to the ones we are fortunate to have in the west, including those in the medical devices, pharmaceutical, ICT, energy efficiency and other sectors. There is a way to combat the loss, retain innovative start-up companies in Ireland and harvest their massive potential. The State could establish a special investment fund accessible to start-up companies for the sole purpose of meeting repayments to venture capital funds. This would allow companies to continue to innovate and expand in Ireland rather than have to be sold off. Further, the scheme could include a tax incentive feature whereby a citizen could opt to reduce his or her tax liability by contributing to it.

I ask the Minister to consider these plans.

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The issue of funding for early start-ups is one in which my Department takes a very keen interest. Enterprise Ireland is the largest funder in Europe of seed capital to start-ups and has 800 companies in its portfolio. It invests through a mixture of different types of seed capital arrangement, including preference shares or, more often, through joint holdings with venture funds. Enterprise Ireland has gone out of its way to promote the development of venture and seed funding. As recently as the last budget, the Government announced an additional €178 million round of funding which will leverage up to approximately €700 million in seed and venture funding over the next few years. We have put a great deal of money into incentivising the availability of seed and venture capital because the risk many companies represent is such that bank loans are not the appropriate vehicle for funding them. We are trying to create a range of funding options. We have also introduced various tax driven schemes, including the seed capital scheme which allows promoters who have previously been PAYE workers to invest the last six years' tax they have paid in their newly established companies. There is also the EIIS, which allows individuals who are at

arm's length from a company to invest in funds to provide for its growth.

A great deal of the effort by the State has not been on the exit side, it has been directed at providing funding to get start-ups off the ground and to establish jobs. The issue of exit is a vexed one. As the Deputy rightly points out, venture capital funds will want to exit a company. Sometimes this is achieved by a second round of funding, whereby a successful company will see new venture capital coming in while those who want to exit can do so. Sometimes, the company is placed on the shares register, which is very rare in Ireland, and sometimes exit is achieved by trade sale. Trade sales are a mixed blessing, although they are rare. There were two major sales last year involving Polar Lake and Cúram Software, both of which have added employment in Ireland since they were sold. It is not, therefore, an unmitigated disaster to see a company which cannot grow to the next level being purchased and then expanding. It is not always the case, however.

We are certainly willing to consider the Deputy's proposal, especially if he has developed it in some way. It is fraught with difficulty, however, not least in terms of the obvious State aid issue. Why would the State favour an owner of a certain nationality as against another? Would it be viable to offer this concession to Irish entrepreneurs? One must consider what the market failure is and what are we trying to subsidise. Are we trying to subsidise ownership by particular individuals or the most rapid development of a company? It would have to be demonstrated and argued successfully that the best way to develop a supported company was to retain the founder's shareholding. We are willing to look at this and we are continuing to look at the market. The Deputy will have seen that we have taken initiatives in the last 12 months, including the €700 million seed fund. The NPRF has recently emerged with €850 million in new sources of funding. These initiatives are all about getting new funding into companies rather than to subsidise the exit of some funding to allow the owner or owners to expand their shareholdings. More study is required to determine whether this is the right route to go. The difficulty in funding start-ups and obtaining bank loans has led us to focus in the last two to three years on getting money into companies which have the potential to grow. If Deputy Kyne wants to elaborate on it, I will have it examined by Enterprise Ireland and my officials to see if there is scope in the area.

Deputy Seán Kyne: I thank the Minister for his response and I commend the work of the Minister, the Department and Enterprise Ireland and the bodies involved in the seed schemes for start-ups. There have been many positive developments over the past number of years in the area and we have seen the benefits of it.

With regard to the venture capital fund, it depends on when the exit takes place. If it happens early enough there is a period of time to repay the money, but in the example I use the company does not have access until year five and has only a couple of years to pay the money back. There may be examples in which another Irish company buys the company and retains the jobs here, but it would be a shame if the company went through the process only to be gobbled up and the jobs exported.

I will put more flesh on this proposal and submit it to the Minister, the Department and Enterprise Ireland to see what can come of it in terms of protecting jobs that may go overseas.

Deputy Richard Bruton: One of the initiatives in the action plan for jobs is to examine whether the Irish Stock Exchange can be a vehicle for exit. There can be an initial public offering, IPO, in which the company places a certain number of its shares on the open market

for subscription. This provides an exit to the venture fund, but it is rare in Ireland and in Europe. Ireland and the EU are looking at making the option a real one. The pressure on access to finance and relatively low returns for venture capital funds have existed throughout Europe in recent years but are more acute in Ireland, and this puts renewed focus on how to fund this successfully. Ireland is ahead of the posse in terms of the State leveraging new seed and angel money in support of companies. Enterprise Ireland has been ahead and has been in the market for over a decade. I look forward to receiving further comment from Deputy Kyne and we will examine it.

Workplace Safety

Deputy Seán Crowe: We were all shocked and appalled by the collapse of the Rana Plaza building in Bangladesh on 24 April, which has now claimed more than 900 lives. The figures remain sketchy because it is believed a number of the workers who died in the factory were undocumented. We will never know the true number of people killed. It is now the world's deadliest industrial accident since India's Bhopal disaster in 1984. The breaking news is that a fire has broken out at another clothing factory in Bangladesh and has killed eight clothing workers. The reports are that most of the workers at the facility in the industrial district of Dhaka had already gone home for the night when the fire broke out, so it could have been a lot worse. We have heard stories of the difficulties factory workers have in getting out of buildings in cases such as this, with bars on windows and security features.

While it is common knowledge that garment workers face extremely bad working conditions in Bangladesh, these disasters have tragically shown how important it is that the industry be radically reformed and the urgent need for strong workers' rights. Several announcements have been made in the past couple of weeks by senior officials in the EU and US regarding the preferential trade agreement Bangladesh currently enjoys in an effort to promote urgency within the Bangladeshi Government to deal with the significant human rights violations that have developed within the garment sector in particular. Pressurising the Bangladeshi Government in such a way is not in itself enough, however, and in line with the guiding principles, private industry must play its part in improving conditions for the 3.5 million garment workers struggling to survive in Bangladesh.

My call is for the Government to immediately use all avenues to ensure brands and retailers active in Ireland and the Single European Market accede to the Bangladesh fire and building safety agreement. On 17 January 2013, the European Parliament adopted a resolution on recent casualties in textile factory fires, notably in Bangladesh. The resolution called on all textile brands sourcing from Bangladesh to join the efforts initiated by local and international NGOs and trade unions to implement a programme to improve fire and building safety. The collapse of Rana Plaza and last night's fire demonstrate the acute precarious health and safety conditions in the Bangladesh garment industry and the widespread disregard of the lives of the workers in chasing huge profits. This is an urgent appeal because 15 May is the critical deadline for brands and retailers to accept the policies of the Bangladesh fire and building safety agreement. I appeal to the Minister to respond to the crisis.

Deputy Richard Bruton: The recent collapse of a building in Dhaka that housed a number of garment factories was a tragedy resulting in the loss of more than 900 lives. Today we learned of a fire in another clothing factory in Dhaka in which at least eight people have lost

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their lives. We all share a sense of shock at these events and wish to extend our sympathies to all who lost family members and loved ones. The tragic events bring the issue of working conditions in factories in Bangladesh, particularly the lack of basic health and safety rules, into sharp relief. All those working in the garment or any other industry in Bangladesh, or any country, have a basic right to decent, safe and secure working conditions.

The Bangladesh fire and safety agreement referred to by the Deputy is an agreement between a number of trade unions, NGOs and multinational textile retailers. It is aimed at improving safety standards at production sites and encouraging those concerned to pay for such measures, in particular by establishing an independent inspection system and actively supporting the creation of health and safety committees in factories. This is a very worthwhile initiative that the European Parliament, in a resolution adopted on 17 January, welcomed. It called on all relevant textile brands to support it and I support that view. However, it is not an international agreement. It is for individual companies to decide whether they will participate in the agreement. The core right of decent working conditions is at the head of the mandate of the International Labour Organisation, ILO. Following the recent catastrophic building collapse in Bangladesh, the ILO sent a high-level mission to the country. The mission engaged with Government, employers and workers with a view to identifying what needs to be done to prevent any such future tragedies. The outcome of the mission was agreement on the need to develop an action plan focusing on short- and medium-term steps, including an assessment of the structural safety of all active export-oriented ready-made garment factories in Bangladesh and the full implementation of a national tripartite plan of action on fire safety in the ready-made garment industry in Bangladesh.

As Bangladesh's largest trading partner, the European Union is very concerned about labour conditions, including health and safety, for workers in factories across the country. On 30 April, Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy, and the Commissioner for Trade, Karel de Gucht, released a joint statement on the issue. In light of the recent building collapse, the European Union called on the Bangladeshi authorities to act immediately to ensure factories across the country comply with international labour standards, including ILO conventions. The EU is currently considering appropriate and positive action in a wide range of areas with the involvement of the Bangladeshi authorities to incentivise the responsible management of supply chains involving developing countries. The EU said it is ready and willing to assist the Bangladeshi authorities in any way it can to meet the required international standards. At the same time, the EU will continue to encourage European and international companies to promote better health and safety standards in garment factories in Bangladesh in line with internationally recognised corporate social responsibility guidelines. It is hoped the initiatives I refer to will ensure tragedies such as the recent building collapse and the factory fire in Bangladesh will not be repeated.

Deputy Seán Crowe: Self-regulation is clearly not working in this region.

4 o'clock

The Minister said it is up to the multiples and those who are buying the garments from Bangladesh. Has he met any of the multiples in Ireland about this? There is a common denominator in the collapse of the Rana Plaza building and the fire last night because many of the multiples in Ireland buy clothing from these factories.

The Government recently launched the Irish Aid policy. It makes a commitment to ensure

the fulfilment of human rights, including the promotion of decent work. It also contains a commitment to work with Irish companies to help promote good development and human rights practices. Has the Minister discussed with the clothing brands in Ireland their obligations to accept the policies of the Bangladesh fire and building safety agreement? Against the backdrop of these appalling deaths, can we secure some agreement on actions the Government in holding the EU Presidency will take on this issue?

Regulation will be a popular move throughout Europe, as well as in Ireland which is suffering owing to the recession. It would be a popular move with most consumers who would be appalled to buy products from factories such as this, in which workers are treated like dirt. That is the issue. We have seen with other campaigns such as that regarding products tested on animals that people have responded and not bought the products involved. Similarly, we must respond to this case, in which people's lives are at risk. The Minister and I are old enough to remember the Stardust tragedy. I know many of the people who survived it and many of the families affected, as the Minister probably does. We all expressed shock and horror about it, but what people wanted at the time was regulation and a response to ensure such an event would never happen again. Unfortunately, in Bangladesh there is an increasing number of these appalling tragedies. There is corruption at the highest level in this regard. There is a responsibility on everybody, particularly people in the west who are buying these products, to respond to the needs of the people in question and positively to what the NGOs and labour organisations are seeking - the devising of some response to these tragedies.

Deputy Richard Bruton: Ireland is working through the international organisations of which we are a member. Two distinct approaches are being adopted. One is the instrument developed with the help of the ILO, the Bangladesh national tripartite plan of action on fire safety in the ready-made garment industry, which followed an accident in 2012. It was supported by the ILO, on foot of which the mission was sanctioned to travel to Bangladesh to see if it was being properly implemented by all those involved, including the government and industry. The European Union is putting support in place to ensure its delivery.

The Deputy referred to another agreement which was developed by non-governmental organisations and trade unions. It involves a voluntary sign-up by companies. Some companies have signed up to it but others have not. It is not an international instrument to which people can be obliged to accede. However, like the European Parliament, I urge companies to comply with high standards such as those expressed in that agreement.

We fully support what the ILO and the European Union are doing and will use our role within these organisations to promote this issue.

Croke Park Agreement Review

Deputy Sean Fleming: I am seeking the publication of the third implementation report on the Croke Park agreement showing the savings made in public sector pay and non-pay areas in the period to 31 December 2012, that is, last year's report. In referring to the third implementation report I hope it was clear that I was referring to the original Croke Park agreement and the report for last year.

The Croke Park agreement took effect in March 2010 and, according to most people, was due to run until 2013. However, there was a Government decision during the course of this

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year to renegotiate and move on because the Minister wished to achieve additional savings which he said were not achievable under the first Croke Park agreement. That is his prerogative. However, the starting point for any discussion is a review of the current position. It is now May 2013, but we have not yet seen the report for last year. If I was on any side of the negotiations, I would have asked to be shown the starting point, which should be the review of the current agreement up to the most recent review date. There was a report on the position in the period to March 2011 and a report covering the period from April to December 2011 which was published in mid-March last year. On that basis, there should have been a report covering 2012 published in mid-March this year.

The Minister will offer excuses such as staff being busy, having other things to do and dealing with Croke Park II. However, it would have been much more helpful entering the negotiations in the past two months if last year's report had been available in order that the public sector trade unions, the Minister and the public could have seen the starting point. The Minister has stated the savings he wishes to achieve cannot be achieved under the existing agreement, but that is his opinion. Nobody else can stand over that statement unless he or she sees the outcome of last year's report.

There have been two progress reports so far under the existing agreement. The first implementation report concluded there had been pay savings of €290 million and non-pay savings of approximately €300 million, a total of almost €600 million. The second report, covering the period to the end of 2011, reported pay savings of €650 million and annualised non-pay savings of approximately €400 million, a total of over €1 billion achieved under the first Croke Park agreement. Were savings of €1 billion in pay and non-pay costs achieved in the last year? If so, people should know about it. We have not seen the savings achieved by the big event held on 28 February last year, when approximately 9,000 people left the public service under the early retirement scheme. It is important, in the interests of openness and transparency, that we see the results for last year.

This is linked with the issue of the Minister being slow to publish information. Various letters of clarification were issued in the failed negotiations, but they were not made public. In addition, the Estimates were published and have been discussed last week and this week. I have just returned from the discussion on the Estimates for the Department of the Taoiseach which include the rejected Croke Park II figures.

Deputy Brendan Howlin: Did the Deputy participate?

Deputy Sean Fleming: I made my point once, which was enough. It was a very productive discussion and we will do it again. The point is that the Minister was not able to give us a breakdown of the Croke Park II savings across all 15 Departments; therefore, we do not know where we stand with regard to what he is seeking. The report for last year should be published immediately.

Minister for Public Expenditure and Reform(Deputy Brendan Howlin): Deputies will be aware that an implementation body was established in 2010 to oversee implementation of the provisions of the Croke Park or public service agreement. The body is independently chaired by Mr. P. J. Fitzpatrick and comprises representatives of all the parties to the agreement, the public service trade unions and public service management. The body is supported in its work by a small secretariat based in my Department.

Under paragraph 1.16 of the agreement, the body is required to assess the savings being facilitated under the framework of the agreement on an annual basis. As part of the annual review process, savings returned are completed and submitted to the body in respect of every sector, Department and office. The body undertakes an assessment of savings and progress achieved during the period under review and publishes an annual report on foot of that examination. Two such reports have been published to date and a third, covering the period to 31 December 2012, is awaited. This is the report to which the Deputy refers. The two annual progress reports published to date show that the agreement has facilitated significant savings and reform in a climate of industrial peace. For example, approximately €1.5 billion in savings has been facilitated by the agreement in the first two years, comprising, as Deputy Fleming rightly said, €810 million and €678 million in sustainable pay bill and non-pay efficiency savings, respectively.

Pay savings have been driven primarily by the reduction in staff numbers over the course of the agreement, but there are also other factors, such as the reduction in overtime costs and pay bill savings accruing from changed work practices, rationalisation, etc. Non-pay savings have been achieved through the better use of resources, reorganising work and achieving greater internal efficiencies.

In addition to outlining savings, the reports of the body also show that wide-ranging reform has been delivered across the sectors of the public service. This includes extensive redeployment and reassignment of staff, for example in the health and education sectors, thereby helping to mitigate the impact of a reduction in staff numbers of almost 30,000 since the peak of 2008; progress on rationalising structures and office requirements, for example, in the local office network of the Department of Agriculture, Food and the Marine, Revenue local offices, court venues and Teagasc offices; the introduction of revised rosters, for example in An Garda Síochána and some health service locations, to better match resources with demand. Progress on standardising terms and conditions in the public service, for example in annual sick leave arrangements, has been made and facilitated. Facilitation of the efficiency review process in the Prison Service, which led to the introduction of a lower-cost staffing model in prisons, has been achieved. The implementation of 2 million additional working hours on an annual basis in the education sector, eliminating the need for school closures for parent–teacher meetings, planning, etc., has been achieved. The implementation of significant restructuring and new modes of service delivery in local government has been achieved in order to manage the significant reduction in staff in that sector. Approximately 8,500 members of staff have left the local government sector since the peak of 2008.

The agreement has been a key enabler for the implementation of the Government's comprehensive public service reform plan. Earlier this year, the implementation body commenced its third annual review of the agreement, which deals with the period up to 31 December 2012. Deputies, particularly Deputy Fleming, will appreciate that there have been a difficult and demanding few months for all the parties to the agreement, with the focus on discussions aimed at securing agreement on measures to deliver an additional €1 billion in pay savings over and above those achieved under Croke Park 1 by 2015. Nonetheless, I understand that the body is now in the process of finalising its report because I have checked on foot of the Deputy's request. I expect to receive it in the coming weeks. Following its submission to the Government, it will be published on the body's website in the normal way.

Deputy Sean Fleming: It is precisely because of the information that the Minister just gave me that I submitted this matter for debate. As Opposition spokesperson, I wrote directly to the chairman a week or two ago to ascertain the status of the report. He said it would be prepared

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for the Minister over the coming weeks and that it would be sent to him and published by the Government in due course.

The Minister's statement does not address the fact that the report was out months earlier last year. We are now two months behind last year's schedule. This does not represent public sector reform. The report should be produced more promptly. I acknowledge that the Minister said that it is a small secretariat in his Department that is working on putting together last year's report, and that similar staff are probably working on the Croke Park agreement, but it would have been more helpful if everybody had known last year's position when starting the talks considering that they are working on figures from 2011.

What the Minister read represents outstanding progress and success under the Croke Park 1 agreement. He was not a fan of the agreement, became a fan of it and is now saying he cannot achieve it. However, it achieved a saving of €1.5 billion before last year's savings came into account, which I am sure may amount to at least another €1 billion. Croke Park 1 did achieve success. Therefore, why has the Minister put us in a position in which we almost have no agreement at present? Can anything be done? It is no good producing last year's figures after some new agreement is in place. People are entitled to know where they stood last year before making an arrangement for this year.

I have advice for the Minister in his discussion with the Labour Relations Commission. A stumbling block the Minister faced in getting Croke Park 2 over the line was that, in some cases, cuts were based on the make-up of pay and not people's actual pay. He said core pay was not being cut, yet people earning under €65,000 were subject to pay cuts. It may not have been in respect of core pay, but pay is pay and money in one's bank account at the end of the month. Trying to tell the public that there are no core pay cuts for anybody earning under €65,000 when they were actually receiving pay cuts was a major bone of contention. The Minister may call the cuts whatever he likes and refer to premium allowances but the cuts were, in effect, pay cuts and this led to considerable difficulty during the last round of discussions. I hope this will be taken into account in the coming days.

Deputy Brendan Howlin: The Deputy has rightly acknowledged that we have a very small group of people who are working in support of the implementation body to produce these reports. They certainly have been fully occupied in the negotiations on an extension of the Croke Park agreement. The Deputy has understood the point well that the objective I set out to achieve on behalf of the Government in last year's budget was an additional contribution from the public sector pay bill in order to meet our fiscal targets and reduce the deficit below 3% by 2015. That was completely accepted by the Deputy and his party. In fact, his party wanted €350 million in additional payroll savings to be achieved this year on top of the figure pertaining Croke Park 1. That was a fair enough presentation to us.

I am and remain a big fan of Croke Park 1. I have never said anything else. I spent two years defending it, often in a very lonely position when every Sunday newspaper attacked the public service and public servants for being featherbedded. Unfortunately, the inescapable fact that I presented to the trade union movement at the end of last year was that in order to achieve the deficit targets we are obliged to achieve under the programme of funding, I needed to ask for a further contribution from public servants. It was a question of doing so in as fair a way as I possibly could. We can all have different views on the individual component parts, and the Deputy has strong views on premium pay, but I believe the set of recommendations was objectively fair. Objectively, they have been rejected, however. We must ascertain between now and

next week how the Labour Relations Commission gets on in its talks. There are a number of talks proceeding as we speak. Next Monday, I expect to receive a report. Once I have reported to the Government on Tuesday, I have no doubt we will have an opportunity to determine, by agreement in the House, how to achieve the payroll savings that are necessary to meet our very challenging deficit targets.

Narcolepsy Incidence

Deputy Colm Keaveney: I thank the Office of the Ceann Comhairle for the selection of this topic.

On 19 April, a report entitled “Investigation of an increase in the incidence of narcolepsy in children and adolescents in 2009 and 2010” was prepared by the Department. The report was supported by the Health Protection Surveillance Centre and was published by the chief medical officer, Dr. Tony Houlihan, on behalf of the Minister, Deputy James Reilly. The report found that there was a significant 13-fold higher risk of narcolepsy among the vaccinated compared to those who were not vaccinated. The Minister for Health gave a commitment to Sufferers of the Unique Narcolepsy Disorder, SOUND, the organisation that represents families affected by narcolepsy. The Minister then gave a commitment to the families affected that a package of supports would be brought forward by the Government before the summer recess of 2012. It is a year since the report was published. Children and young adults who have developed narcolepsy as a result of the administration of Pandemrix have no permanent support package in place despite the Minister’s commitment. SOUND, the organisation representing the families affected, is concerned that the Minister is refusing to engage with it to design a package to respond to the needs of the families devastated by the effects of the symptoms of Pandemrix, which can have serious consequences for the welfare of the family and individual concerned.

It is important to note at this point that the Pandemrix vaccination was given as part of a State programme. Having listened to the testimonies of the families affected, I understand there are four main symptoms and effects of narcolepsy, including extreme sleepiness, muscle weakness while awake, hallucinations and sleep paralysis. Many of the young people affected are due to sit State examinations this year. These young adults are without the capacity to control their bodies and are sleeping up to 20 hours a day, which means they may not be able to sit their examinations. Parents often have to leave their place of work to babysit their young adult children as a consequence of the symptoms of the Pandemrix vaccination.

I invite the Minister of State to comment on the Department’s plans to engage with SOUND on behalf of those affected by Pandemrix. Can we expect, this side of the summer recess, an engagement with this organisation that will put a construct on the needs of the individuals involved so that they can have a realistic opportunity of support from the Department and avail of all of the services available in situations comparable to this?

Minister of State at the Department of Health (Deputy Kathleen Lynch): I am replying to this topical issue on behalf of the Minister for Health, Deputy Reilly. While the reply does not give an assurance in regard to a meeting, the Deputy can be assured that I will bring that request to the Minister as soon as I leave the Chamber. I thank the Deputy for raising this matter as it provides us with an opportunity to outline to the House the importance of the issue raised.

At the Minister’s request, a number of specific services have been put in place in response

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to the health needs of those affected by narcolepsy following Pandemrix vaccination. Specifically, the Health Service Executive advocacy unit acts as a liaison for those who require access to services and supports, medical and educational. A network of countrywide liaison officers has been set up to allow a single point of contact for affected families and provide a focal point for service access across all Departments. The HSE issued an awareness notice to all medical professionals to highlight the risk of an increase in incidents of narcolepsy and to identify all possible cases. Narcolepsy active case finding was undertaken by the HSE by its contacting all sleep clinics, neurologists, paediatricians, general practitioners, psychiatrists, psychologists and public health nurses. A further follow-up awareness letter also issued to health care professionals and GPs.

The Minister is advised that every possible measure is in place to ensure rapid diagnosis, with the Mater hospital sleep clinic providing a six-day service, including Saturdays, to facilitate those for whom a possibility of a diagnosis of narcolepsy exists. The Minister has also been reassured by the HSE that anyone who has a confirmed diagnosis of narcolepsy is fast-tracked through the system to ensure that required services are provided in the earliest possible time-frame. Reimbursement of expenses is ongoing. Temporary medical cards have been issued. The HSE advocacy unit is also in regular contact with SOUND and last met with representatives of the group on 28 February this year.

I understand that an information day was hosted by the HSE on 22 March to inform those affected by narcolepsy following Pandemrix vaccination of a range of services and supports available to them. This included information on the allowances available, which are administered by the Department of Social Protection, to those who fulfil the eligibility criteria. Consultants in sleep medicine from the Mater private and the Children's University Hospital, Temple Street, made presentations and answered questions at the information day. These consultants have ongoing access to international expertise and are experts in the field of sleep disorder. HSE staff and representatives from SOUND also attended the information session. Educational assistance is available through the Department of Education and Skills. A single point of contact for the Departments of Education and Skills and Social Protection is available through the HSE advocacy unit to assist service access.

Every possible effort is being made to provide ongoing individualised supports and services to those affected by narcolepsy following Pandemrix vaccination. I assure the Deputy that the Minister's priority and that of the Department remains that the health needs of those affected by narcolepsy following Pandemrix vaccination continue to be appropriately addressed. There is no getting away from the fact that the families involved find themselves in a very difficult situation.

Deputy Colm Keaveney: I thank the Minister of State for her response. I would like to make a number of brief points. The Minister of State referred in her response to the provision of temporary medical cards. This is not a temporary situation.

Deputy Kathleen Lynch: No.

Deputy Colm Keaveney: This is a profound medical challenge for many families who have a number of grave concerns that need to be responded to by the State. The Mater clinic to which the Minister of State referred is a private clinic.

Deputy Kathleen Lynch: Yes.

Deputy Colm Keaveney: There is a cost for that service. There is no public sleep clinic in the country. In terms of access to service for people, this in itself is a barrier to those affected securing the best possible outcomes.

I am delighted that the Minister of State, Deputy Lynch, is in the House today. There is a requirement to also consider the recognition of narcolepsy as a disability in that many of those affected believe they will be discriminated against in the workplace as a consequence of either of the variables of the symptoms, be it muscle weakness, hallucinations or paralysis.

Some of the testimonies from SOUND, in terms of our requirement to address this issue, transcend health. Many of the young adults affected have special educational needs. Some of them hope to go on to third level education. We need to consider putting in place support measures in this regard. Younger children affected also have special educational needs and require the support of special needs assistants to get safely through their day in the education system. I have heard reports of adults having to give up their jobs to care for their young adult children as they cannot be left alone to shower, have a bath or shave in their own domestic environment as a consequence of this situation. What is required is a hands-on engagement on the part of the Minister and the Department, and, perhaps, a cross-departmental group to address the catalogue of concerns of families in regard to this crisis. I appeal to the Minister of State to follow up this matter with the Minister to ensure there is engagement this side of the summer recess with the families affected to ensure their needs as a consequence of this unforeseen situation are catered for.

Deputy Kathleen Lynch: The issuing of temporary medical cards is not to indicate that there is an expectation that this situation will go away tomorrow, the following day or even next year. It is a mechanism by which medical needs can be met in an urgent fashion. No one is saying otherwise. Even if there is recovery from narcolepsy it will not happen this year or next, although I suppose we do not know that.

With regard to diagnosis and treatment in sleep clinics, there is no charge, and any charge applied will be reimbursed. It is essential that people know that. We are talking about a small group of people. There were 48 confirmed diagnoses of narcolepsy with an onset of symptoms following the Pandemrix vaccination. The Deputy is right in pointing out that the majority of these cases are in children or adolescents. Further possible cases are being investigated by both the Irish Medicines Board and the HSE.

One of the demands - I do not like to use the word "demands" because we have had good engagement up to this point, and I hope that will continue - is for the development of a national centre for narcolepsy treatment. That is under active consideration by the HSE and moneys have been set aside for the development of such a centre this year. Irrespective of whether the clinic providing the service is private or public, there is a reimbursement scheme in place for people who have to pay for treatment. I will convey to the Minister the concerns in regard to a package and the matter of a possible meeting. I cannot give guarantees in respect of those here but I clearly hear what the Deputy is saying.

Priority Questions

An Leas-Cheann Comhairle: Before we commence I remind the House that two minutes are allowed for the Minister's initial reply and four minutes are allowed overall, with one for each supplementary question and reply. It is the same time allocation as for ordinary questions.

Preschool Services

1. **Deputy Robert Troy** asked the Minister for Children and Youth Affairs if she intends to introduce a second free pre-school year; the evaluation she has conducted of the effectiveness of the free pre-school year;; and if she will make a statement on the matter. [22026/13]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The free pre-school year in early childhood care and education, ECCE, programme, which was introduced in January 2010, provides a free preschool year to all eligible children before they commence primary school. It is a universal programme with an attendance level of 94% of qualifying children, which equates to approximately 67,000 children.

The free preschool provision was introduced following a Government decision in 2009 to redirect some of the savings arising from the abolition of the early child care supplement. In line with the programme for Government, I succeeded in maintaining the universality of the free preschool year, including securing additional funding of €9.8 million in 2012 to address increased demand due to an increase in births since 2009.

With respect to future developments, I have on numerous occasions indicated my objective to seek to introduce a second free preschool year, which would represent an equivalent saving of approximately €3,000 in child care costs for parents as well as contribute to improved educational and developmental outcomes for children. However, I am conscious of the continuing imperative to deliver improvements in quality in the preschool year that we have.

Recently, the preschool inspectorate for the sector, together with the inspectorate of the Department of Education and Skills, carried out joint pilot inspections of a number of preschool services. While the findings have not yet been published, I understand the pilot inspections found good standards of personal care, relationships and physical and material environments for children's development. They also identified considerable scope for development in regard to planned programmes of activities and their implementation, as outlined in the Aistear and Siolta frameworks, which promote all aspects of children's development. I would therefore like to see development and further investment in a number of associated measures to support quality assurance, staff training, workforce development and inspections. My Department is currently examining proposals in these areas in collaboration with the Department of Education and Skills.

Additional information not given on the floor of the House

My Department has initially estimated that the additional cost of providing a second free preschool year would be broadly in line with the costs of the current one-year provision. It is

anticipated that the second-year participation rate would not be as high as the current rate. It is estimated that the full cost of introducing a second universal free preschool year, including all associated measures referred to, could be between €175 million and €200 million.

As a building block towards a possible second free preschool year, my Department is continuing to work and invest in improving quality standards and workforce capacity. Future developments relating to early years care and education will be considered during the preparation of the new national early years strategy, which is currently being developed by my Department and will be published later this year.

Deputy Robert Troy: I thank the Minister for her reply. She is right in saying this scheme has been highly successful in terms of participation, but participation alone cannot be used to measure the success of the scheme. I welcome the Minister of State's announcement that a pilot programme has been carried out examining the standards that are being applied. She might elaborate on the depth of analysis carried out into educational development outcomes for the children. We need to examine raising our quality standards. We can only do that by professionalising the child care sector and ensuring that service providers are facilitated in undertaking continuous professional development to ensure they are adequately qualified, because this scheme is being delivered at such an important stage in a child's life.

Does the Minister believe there is the capacity currently to offer a second preschool year, or would it require an expansion of the capital programme? What level of consultation has she engaged in with service providers and parents on providing a second free preschool year?

Deputy Frances Fitzgerald: We need to examine the various building blocks that would be required if we were to establish a second year. As the Deputy said, the quality issue is one that we have to address and there are a variety of ways to do that. We have to examine outcomes. From the research available in this country, the outcomes of early intervention are very good. We know the research is available internationally, but increasingly we have Irish research on early intervention. The centre for effective studies is co-ordinating that research, which is coming in from, for example, the three pilot project areas in Dublin which were funded by Atlantic Philanthropy and the Department of Children and Youth Affairs. We are getting details of the interventions that are most effective in working with preschool children.

The best way to assess how children are doing in preschool is longitudinally, by noting how they do when they enter primary school. The Deputy will know that there is universal praise for the impact the preschool year has had in terms of children being better prepared and better able to learn when starting in primary school. The longitudinal studies we are doing under the Growing Up in Ireland study - I have recently agreed funding for the five and half year old cohort - will tell us how the children who have had the experience of preschool do when they reach the age of five and a half. That is very important as well. There is ongoing research, and we will continue it, to find out precisely how the children who have had access to the preschool year are doing.

In terms of capacity, there are issues that need to be addressed, including workforce capacity and quality standards. The sector has universally said that it would like a second preschool year but clearly there are a range of issues to be addressed as we move towards the provision of a second year.

An Leas-Cheann Comhairle: I advise Deputy Troy that one minute is the new time limit

that applies.

Deputy Robert Troy: I agree that early intervention is very good and there are a plethora of surveys and research to back that up. I asked in particular about the pilot analysis that is being done now. When will we have the results of that? How broad is that analysis from a geographical perspective and how deep is it?

In regard to the cost associated with a second preschool year, does the Minister concur with her Cabinet colleague, Deputy Quinn, who earlier this week said that we need to start a debate about redirecting the direct payment of child benefit into this area for the provision of a second preschool year? We had this conversation previously at an Oireachtas committee, where the Minister quite rightly raised concerns about removing this direct payment, and I agree with her on that, because many families rely heavily on it. Is the Government going to look at redirecting payments in respect of older children in lower- and middle-income families to support this new venture? The Minister might enlighten us in that regard.

Deputy Frances Fitzgerald: There are a range of financial issues that need to be addressed. I remind the Deputy, for example, that the Mangan report, which examines the interaction between the tax and welfare system and addresses some of these issues, is currently being examined by the education committee. I await the outcome of those discussions at the committee. Clearly, any decision in regard to child benefit is a budgetary issue and comes primarily under the remit of the Minister for Social Protection, Deputy Burton.

In terms of the funding of a second preschool year, a range of steps would need to be undertaken as we move towards the development of a second year. There are several issues about workforce capacity which we need to address, questions of quality and standards which the Deputy has raised. My Department is examining each of these issues relating to the one year we already have but also to providing a second year. One has to have regard to the €1 billion a month that we continue to borrow and to the fiscal situation and overall economy. I welcome the comments of the Minister for Education and Skills. It is important to have this discussion about the services we should be providing in the early years, and the early years strategy which I hope to publish in July should give us a framework for addressing those issues.

Child and Family Agency

2. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs if she has proceeded to seek expressions of interest from interested persons or nominations of specific persons who would be prepared to serve as members of the board of the yet to be established Child and Family Agency; the number of board positions she intends for the new Agency; if a person (details supplied) has taken up her position as Chair of the board of the existing Family Support Agency;; and if she will make a statement on the matter. [22071/13]

(Deputy Frances Fitzgerald): The Government has approved, on my recommendation, the appointment of Ms Norah Gibbons as first chairperson of the board of the agency. In preparation for the formal establishment of the new agency Ms Gibbons will be initially appointed as chairperson of the existing Family Support Agency, one of the constituent bodies to be merged into the child and family agency. In line with the practice established by this Government, Ms Gibbons will be available to appear before the Oireachtas Joint Committee on Health and Children in advance of taking up her position. I wrote to the Chairman of the Committee on 30

April last requesting that he facilitate Ms Gibbon's appearance before the committee in connection with her appointment. I await confirmation of a date for this meeting.

On 2 May, a public advertisement seeking expressions of interest from those interested in being appointed to the board of the Family Support Agency was published on the website of the Public Appointments Service. A notice to this effect has also been posted on my Department's website and on the websites of the National Educational Welfare Board and the Family Support Agency, FSA. The closing date for applications is Thursday, 23 May 2013. The advertisement highlights both the role of the board members within the Family Support Agency's existing statutory functions and the board's planned role in facilitating advance preparations for the organisational establishment of the child and family agency.

Therefore, the selection of board members will have particular regard to the enhanced role being given to this board in overseeing, on an administrative basis, the governance and organisational preparations for the new agency. The number of board members appointed will be in line with section 10(1) of the Family Support Agency Act 2001, which provides for a board of 12 members in total.

Those appointed to the FSA board will have a term of office up to the date of the establishment of the new child and family agency. In the interests of good governance I anticipate that in general a good level of continuity will be maintained between the newly appointed Family Support Agency board and the board of the child and family agency, although it is intended that the latter board shall be smaller in number.

Deputy Caoimhghín Ó Caoláin: For the Minister's information, at this morning's meeting of the Oireachtas Joint Committee on Health and Children, I urged that we take the opportunity to engage with Norah Gibbons on the earliest date possible and we hope to do that over the next couple of weeks although we are heavily involved in addressing upcoming legislation with hearings on the heads of the Protection of Life During Pregnancy Bill at the end of next week and the following week.

The board of the Family Support Agency will oversee transition to the new agency. The Minister indicates that 12 members are provided for but that a smaller number is anticipated for the child and family agency. I hope that it will not be much smaller. It would be appropriate to accommodate the experience gained by those who will serve for whatever period the board of the Family Support Agency remains *in situ*. I note the deadline for expressions of interest and hope that those who have been involved heretofore will be considered. I am particularly concerned about the family resource centres and their network and representation at national level, and again commend their particular interests to the Minister.

There are three parts to the child and family agency, the HSE child services, the Family Support Agency and the National Educational Welfare Board which has already come under the aegis of the Minister's Department. I am particularly concerned about the school completion programme. Cuts of 6.5% have been announced in the current and upcoming years, 2013 to 2016 I think. I note that Pobal was to undertake an analysis of the existing operational staffing arrangements with a view to providing advisory support to local managements in such matters and that it was intended that this work would commence shortly after Easter. Some time has passed since Easter and I wonder has that process got under way. Staff are employed in various roles in the school completion programme which is to help young people to remain in school and complete second level. Can the Minister indicate whether the process to be undertaken by

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Pobal has got under way and can she give any hope or confirmation to the employees in the school completion programme that they will still be employed in September?

Deputy Frances Fitzgerald: The Deputy's question, to which I am responding, was primarily about the board and its membership. I understand that the assessment of the school completion programme is under way. I will check the proposed date of completion of that work and will pass on the information to the Deputy. It was undertaken because of the wide variety in approaches to school completion around the country and to try to get a national overview of the work being done. I will have to give the Deputy the details later.

The Deputy will see from the notice posted about those who will be appointed to the board that we emphasise the skills that would be required and the range of expertise needed to run an agency of that size, with 4,000 staff. He will note that one of the criteria on the website is knowledge of and expertise in community development, social inclusion and community participation. We want to have as wide a range of skills as possible available to the board and the appointments will be based on merit and suitability to run an agency of that size and to make meaningful contributions. We are not trying to make the board representative of everyone involved in the sector but we do want to make sure that it will include experts in the various areas within the remit of the agency, such as community involvement, family support and child protection who will contribute to the management of the agency and the development of policies.

Deputy Caoimhghín Ó Caoláin: I commend to the Minister the inclusion of the salient expertise, relevant knowledge and experience in the family resource centre network. I have personal experience of its worth in my constituency and that is reflected the length and breadth of the country. It is very important that it continues to have that involvement and access.

I appreciate that the Minister would not have the information to hand about the school completion programme but the funding will conclude on 31 August which poses a problem and uncertainty as to what will apply when the school year resumes in September. This replicates the situation that pertained 12 months ago when people employed directly within these programmes had no certainty or idea of whether they would have employment to return to in September. We need to address that problem and understand the importance of what they are doing. It is a worthwhile and successful programme and it is regrettable that with the establishment of the Minister's Department one of the three components of the new child and family agency has suffered significant cuts. I would appreciate hearing from the Minister as soon as possible.

Deputy Frances Fitzgerald: I will come back to the Deputy with the details of the school completion programme. Obviously, the intention is to continue this work. There is no need for those working in the programme to doubt its continuation.

Deputy Caoimhghín Ó Caoláin: Or of their employment.

Deputy Frances Fitzgerald: Yes.

Youth Services

3. **Deputy Richard Boyd Barrett** asked the Minister for Children and Youth Affairs if she will consider reversing the recent cuts to City of Dublin Youth Services Board; and if she will make a statement on the matter. [22121/13]

(Deputy Frances Fitzgerald): In 2013, my Department will provide some €53.498 million to support the provision of youth services and programmes to young people across the country, including those from disadvantaged communities. This funding will support youth work programmes and services serving some 400,000 young people, delivered by over 1,400 youth work personnel who in turn support a large volunteer base of some 40,000. In addition, €1.5 million is being provided in 2013 for youth cafes and youth projects. Details are available on my Department's website, www.dcy.gov.ie. This follows on from funding of €500,000 which was provided in 2012 for the development of a number of youth cafes which had applied for previous youth cafe funding schemes.

The comprehensive review of expenditure published in December 2011 sets out clearly the savings required from my Department in each of 2012, 2013 and 2014. The review contains a detailed seven page chapter outlining savings required from youth work funding. It requires a 10% saving in 2013, with a lesser saving in 2014. The review further provided there were no reductions in 2012 or 2013 in funding for the local youth club grant scheme which provides funding to volunteer-led youth clubs and groups. Having regard to these savings requirements, my Department has tried to be as equitable as possible in the determining process for the allocations and to have particular regard to the protection of front-line youth services, particularly those for the most vulnerable young people.

This year €11.486 million was allocated in respect of youth services and projects in the Dublin city area. Funding provided to support youth projects in the Dublin city area is administered on behalf of my Department by the City of Dublin Youth Services Board. The board submitted proposals to my Department to reconfigure the allocations based on its local knowledge and expertise of the youth projects in their area and, following its consideration, my Department modified the allocations to ensure, with a small number of exceptions, no project in the Dublin city area would be reduced by more than the 10% recommended in the comprehensive review of expenditure. As a result, for most of the youth services in Dublin, the reduction in funding in 2013 is of the order of 5% or less while for the larger organisations the reduction is 10%.

I have met, and will continue to meet, with many youth organisations and groups to see how we can work together to minimise the impact of the savings required under the comprehensive review of expenditure, as well as seeing how we can work together to ensure the most effective and efficient use of the resources available to continue to support the provision of quality youth services to young people. To support this process, my Department has commenced a comprehensive value for money review of youth funding which is expected to be completed later this year.

Deputy Richard Boyd Barrett: I thank the Minister for her reply but it is disappointing. I find many of the cuts that are being imposed as part of the Minister's austerity regime cruelly unjust and senseless. There are few cuts, however, that could be more unjust and senseless than the cutting of funding to youth community services for some of the most vulnerable young people. The reason I have raised this issue is because those young people affected from Ballymun, Ballyfermot, Dublin's north-west inner city, Finglas, Coolock and Darndale were protesting outside the Dáil last week. They put it simply that if these cuts go ahead, in many cases they will be forced out on to the streets with nothing to do. It will lead to more confrontation with the police, more temptation to get involved in drugs, drinking and, ultimately, it will cost them, in terms of their lives, and the State to pick up the pieces afterwards. These cuts are utterly counterproductive.

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It is particularly regressive when one considers Ireland has more young people at risk than any other EU member state. Up to 37% of our young people are at risk as against the European average of 27%. These cuts will disproportionately hit young people who are in no way responsible for the crimes that lead to the economic and financial crisis. I am appealing to the Minister on their behalf to reverse these cuts and find the moneys elsewhere. These cuts make no sense and are cruelly unjust. There can be no justification or time to soften up the real impact of these cuts.

Deputy Frances Fitzgerald: I recognise the value of youth work and am very pleased we have been able to maintain 95% of funding that youth services receive. It is important Deputy Boyd Barred does not exaggerate what is happening. The majority of front-line youth work services have been protected and will continue to be available to young people. The Deputy referred to various areas in Dublin. For example, the Cherry Orchard youth service, which received €297,488 in funding, has been asked to make a 2% saving. St. Michael's youth project in Inchicore, which received €290,000, has also been asked to make a 2% saving.

In a scenario where we are borrowing €1 billion per month, my Department is not exempt from having to make some savings. When the Dublin youth services board examined expenditure in this area, it insisted that front-line services would not be affected. I would prefer if the economic situation were different and I certainly look forward to the time we can invest even more in youth services. I view them as early intervention for the most vulnerable young people in our society. I also recognise the importance of the Garda youth diversion project which does excellent work with some of the young people the Deputy spoke about.

Deputy Richard Boyd Barrett: The Minister referred to projects which took small cuts, a point acknowledged by some of those on the protest, but others have taken 10% cuts. Some were initially looking at a 14% cut to funding. All the organisations involved said that any cuts against a background where we have a disproportionate number of young people at risk will have an enormous impact. No cuts are acceptable in a situation where more young people in this country are at risk than in any other European country and where more young people are being hit as a result of the impact of the recession. These young people must be protected. Whatever else the Government may think it has to do to pay off the debts of bankers, these cuts are cruelly unjust and will have a disproportionate effect, as well as costing the State more in the long term. The Youth Council of Ireland report suggested that for every €1 invested in youth services, the State will save €2.20. In other words, the Minister's cuts will double the cost for the State. They do not even make sense from a book-balancing point of view. Whatever else the Government may think it should do, these cuts are regressive and should be reversed.

Deputy Frances Fitzgerald: Every Minister has to make cuts in their Department and every Minister will have argued, exactly as the Deputy has, on the value of what they are doing in their Department. I will certainly argue that we should have increased resources going into early intervention. As I have explained before about protecting the funding for early intervention, I had to seek an extra €10 million to maintain the universal free preschool scheme. For every euro invested in that area, there is a saving of between €7 and €8 for the State. The majority of funding in my Department is going into early intervention.

5 o'clock

I take the Deputy's point about the value of youth work. The study done by the National Youth Council of Ireland, NYCI, was very useful. The majority of the work being done by the

youth services has been protected in very difficult times. I realise the efforts the youth workers are making to maintain the service and to continue to work with young people. I accept these are difficult times for them, and I will do everything to protect the funding. Next year, I will be looking to continue to support youth work as much as possible in the tough economic situation we face where we are borrowing €1 billion a month. That is the reality.

After-School Support Services

4. **Deputy Robert Troy** asked the Minister for Children and Youth Affairs if she will provide a progress report on the new after-school childcare scheme; and if she will make a statement on the matter. [22027/13]

(Deputy Frances Fitzgerald): As part of budget 2013, I was pleased to announce, together with my colleague, the Minister for Social Protection, a new after-school child care initiative which will be targeted at low income parents availing of employment opportunities. As we know, lack of access to affordable, quality child care is a significant barrier to many low income and disadvantaged families seeking to avail of work opportunities. This initiative will provide an important support measure to enable parents to avail of job opportunities. This is in line with the Government's overall strategy to support parents of low income families to take up employment and demonstrates the way Departments are working together to deliver the Government's agenda on promoting employment and supporting children's development.

This initiative is expected to receive full year funding of €14 million. It is a new budget line that was agreed last year. It will have €14 million to provide 6,000 after-school places for children attending primary school to support parents to take up employment. This funding has been made possible through savings from the Vote of the Department of Social Protection.

Eligibility for the new after-school child care programme is determined by the Department of Social Protection. Officials from the Department of Social Protection and my Department have been working together to set up the programme. The first pilot phase has commenced. There are 500 child care places available in Tralee, Mullingar, Dundalk, Cork city, Finglas, Kings Inn and Limerick city. They are all participating now. The second phase of the pilot will be rolled out in July when further areas will be added, with the full roll-out of the programme in September 2013 to coincide with the new school year. The pilot programme will assist both Departments in determining the procedural, quality and practical issues that will require attention prior to the finalisation of the programme.

The programme will provide €35 per week per child enrolled in a participating service for after-school services. This payment will rise to €100 per week during holiday periods when parents will be availing of full day care. A further €20 per week will be paid by the parent to the provider in both instances.

Additional information not given on the floor of the House

The new after-school child care programme will further augment my Department's programme of child care supports for low-income families. These include the community child care subvention and the child care education and training support programmes, both of which provide subsidised child care for low-income parents, including qualifying parents who are on approved VEC and FÁS education and training courses. In 2013, my Department expects to

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spend in the region of €70 million on these programmes, supporting more than 30,000 child care places. This is in addition to the early childhood care and education, ECCE, scheme which provides a universal preschool year. The cost of this scheme is in the region of €175 million per annum.

Deputy Robert Troy: I thank the Minister for her reply and for including my home town, Mullingar, in the first pilot. It was welcome news.

Are the 500 places announced on 29 April filled or is it the case that they were announced and it will be a number of weeks before they are filled? When the original scheme was announced, there was talk of a pilot but not of a second pilot. The Minister spoke about a second pilot. Will the second pilot involve a further 500 places or will it be more? Will there be a third pilot and will we see the scheme fully implemented by September of this year?

What level of consultation did the Minister's Department have with the various county child care committees that will have to implement this scheme? A number of county child care committees have told me that the level of consultation was minimal. Also, is it the Minister's intention to fully regulate the after-school sector under the Child Care (Pre-School Services) Regulations 2006?

Deputy Frances Fitzgerald: It is useful to have these pilots before we begin the full scheme in September. It is intended to have the full scheme - the 6,000 places - operating from September. A decision was taken subsequent to the first announcement to do a second pilot in July because it was felt it would be helpful to roll it out in a number of other areas and learn from that.

My Department has had a huge amount of contact in recent months with each county child care committee in terms of developing a national approach to child care and co-ordinating the work of the child care committees. I have no doubt that during the course of those consultations, the new decision, and it is a relatively new decision going back to the budget, to establish an after-care school project would have been discussed. Those discussions will continue in the coming months. They are pivotal in terms of analysing and supplying to us the number of child care places that are available in each area. My Department has been heavily involved in that. The Deputy will appreciate there is a huge amount of work involved in getting this scheme up and running this year.

The issues the Deputy raises about quality and standards will also be discussed on an ongoing basis to determine what precisely will be in place in September and the best approach. I will revert to the Deputy regarding the question on the regulations.

An Leas-Cheann Comhairle: Is the Deputy happy with that reply?

Deputy Robert Troy: I take the Minister's word that her Department has had a huge level of contact with the child care committees but she qualified her reply in terms of the role they are providing in the general child care sector and the way they see it evolving over years. Regarding this particular pilot scheme, is the Minister satisfied that her Department had a high level of contact with the county child care committees? Will the Minister's Department engage fully with the county child care committees that are implementing these 500 places in the first pilot to ensure any teething problems with the second pilot are ironed out and there is full implementation of the scheme? Are there any time limits regarding the holiday weeks? How many holiday weeks will be allowed in a particular year?

Deputy Frances Fitzgerald: I assure the Deputy about the detailed contact that has been taking place. I am aware that the Department staff who have been involved in working with the child care committees have visited all the child care committees and had national meetings with them on the range of issues that arise in their portfolios in local areas. Up to now, county child care committees have been doing their work at a local level in the county, but they were not being co-ordinated nationally.

In terms of the development of a more co-ordinated approach to child care nationally and locally, an important aspect of that is getting the child care committees to work to national priorities. I assure the Deputy that the ongoing development of this after-school child care provision will be a key part of the ongoing discussions with the local committees.

The Deputy asked about the subsidised after-school care provision. People will be entitled to a total of 52 weeks of subsidised after-school child care even if they have more than one child in child care each week. Provided the person's circumstances do not change, the subsidised after-school child care place will last the 52 weeks from the date they first avail of the service. If someone avails of child care for any part of a week, that is counted as a week.

Adoption Records

5. **Deputy Mick Wallace** asked the Minister for Children and Youth Affairs if she is satisfied that adoption records are adequately protected; her plans to improve their protection; and if she will make a statement on the matter. [21822/13]

(Deputy Frances Fitzgerald): In consultation with the Adoption Authority and the Health Service Executive, HSE, my Department is examining legislative and administrative options in relation to accessing records which may exist. I intend strengthening the legislative provisions regarding maintenance and access to adoption records in the forthcoming adoption (information and tracing) Bill. An important aspect of the proposed legislation relates to responsibility for adoption records. The intention is that the Bill is to provide that either the Adoption Authority, the HSE or an accredited body may hold adoption records, with the authority having overall charge of those records. It is intended that the Bill will provide for the Adoption Authority to be responsible for providing access to adoption records in accordance with the provisions of the Bill. The Bill will provide for the Adoption Authority to establish and maintain a national index of adoption records, the purpose of which is to help an applicant for adoption information to identify the location of his or her adoption records.

The HSE has commenced the takeover of files. In late 2011, the HSE adoption services took responsibility for the adoption files of the Sacred Heart Adoption Society in respect of homes in Bessborough, County Cork, St. Peter's, Castlepollard, County Westmeath, and Sean Ross Abbey, Roscrea, County Tipperary.

These files have since been transferred to the HSE in their entirety and are stored in specialised facilities in Glanmire, County Cork.

It is also intended that the Bill will provide for placing the national contact preference register on a statutory basis. The purpose of the register is to allow a person affected by adoption to enter his or her name on the register, with a view to receiving information about another person from whom he or she has been separated as a result of adoption and also to indicate a preference

as to whether contact is being sought with that person.

Additional information not given on the floor of the House

When the former Adoption Board launched the national adoption contact preference register in 2005, provision was made for persons, who were party to the illegal registration of a child, to declare an interest in the register for possible contact with another relevant party sometime in the future. Fundamental to the success of the national contact preference register is that any persons with information in this regard contact the information and tracing unit of the Adoption Authority. The Adoption Act 1952 provided a legal basis for adoption in Ireland and for the establishment of the Adoption Board, thereby bringing order to what had been the *ad hoc* arrangements which had previously existed in lieu of formal adoption procedures.

A national tracing service will be established under the provisions of the Bill, the operation of which will be subject to guidelines to be set out in regulations. It is intended that the tracing service is to be made available to an adopted person, a birth parent and a relative of either an adopted person or a birth parent, and that the Adoption Authority is to have overall responsibility for providing the tracing service. Work on the development of the Adoption (Information and Tracing) Bill is also proceeding. This includes careful examination of the constitutional and legal issues involved in the disclosure of information relating to a person and the issues of privacy which arise where the consent of all the parties involved has not been obtained.

Deputy Mick Wallace: It is good to hear the Bill will include retrospective tracing rights. However, more than likely, there will be some information in the private domain that will need to be chased up. Most of us agree that the child's right to an identity must be of greater importance than the mother's right to privacy. The legislation must be introduced without further delay and I am unsure why it has been delayed. The Minister said last year it would be in place by Christmas. We need to bring Ireland in line with international best practice, which has a presumption of openness.

Giving 50,000 plus adopted people access to their birth certificates and early care records is essential in their quest for identity. I note that Susan Lohan of the Adoption Rights Alliance is insisting that the new legislation should take into account all files containing information on adopted people's origins, including, but not limited to, mother and baby home files, private agency files, HSE files, Department of Foreign Affairs files, GP and nursing home files. This is vital data and the State needs to seek information in an active way so it can centralise the data.

I was given a copy of a birth record of a woman who was illegally adopted in the 1950s. The mother's name on the birth record was not the name of the birth mother, but the adopted mother. This is like stealing someone's identity. The grandson of the midwife attending the birth found six birth registry books in an attic, containing the records of hundreds of births. He was decent and handed these records over. Clearly, there is probably data out there that should be collected. Will the Minister organise a proactive search for this sort of data, which supports people's quests for identity? There is information in the private domain the Adoption Authority needs to obtain.

Deputy Frances Fitzgerald: Anybody who has access to or who knows about private information or adoption records held in private hands should make that known to the authorities. I am glad that in the case cited by the Deputy, that was done. I accept the Deputy's point regarding the need for the legislation to have a proactive demand that files held elsewhere other than

with the statutory authorities, and perhaps mother and baby homes, be handed over. We could put a proactive obligation on people aware of such files to provide that information. I agree with the Deputy it would be important to gather the records from as many sources as possible. I will see what we can do in the legislation with regard to that and to ensuring there is a proactive approach to gathering adoption records.

The intention in the Bill is to give the Adoption Authority the responsibility of holding all of the records. I believe that will happen under the terms of the Bill. The Deputy made the point regarding the child's right to access information. I agree, but I should point out there are complex legal and constitutional issues in Ireland that are different from those in other countries which have taken this route. We have constitutional provisions that are very strong in regard to privacy and this is one of the issues I am trying to tease out to see whether we can reach a balance. This is one of the reasons there is some delay. I would like to have as strong legislation as possible in terms of the child's right to access information, to medical records and to know more about his or her identity, but that will have to be balanced. We are currently examining where that balance will be in the Bill and I am trying to ensure we strengthen as much as possible the child's rights to access that information. It is a complex issue constitutionally and the Attorney General is examining it.

Deputy Mick Wallace: I understand a judgment of 1998 upsets the balance between the rights of the child and the privacy of the mother. However, I understood the children's referendum would deal with that. Will the Minister clarify whether the children's referendum addressed that issue? Will the Minister tell us when the Bill is expected to be in place?

Deputy Frances Fitzgerald: If one wanted to address that issue comprehensively, it would have to be done through a referendum on privacy issues. The children's referendum was about putting the best interest of the child at the heart of decisions, about hearing the views of the child and about ensuring a broader group of children could be adopted. It was to ensure that children who were in long-term fostering were eligible for adoption. However, this is a different constitutional issue. Once the issues relating to the referendum were finalised, the principles agreed would ensure that those constitutional criteria would apply across a range of cases.

There is clearly a separate constitutional issue in regard to privacy and the balance we have been discussing. I do not have a date for the completion of the Bill as I am awaiting legal clarification on the Bill currently. However, I assure the Deputy a great deal of work has been done on the issue the Deputy raised about the maintaining of records and ensuring they are preserved carefully and on ensuring the Adoption Authority will have the overall responsibility to ensure the safety of and access to records.

Other Questions

Adoption Services Provision

6. **Deputy Michael Moynihan** asked the Minister for Children and Youth Affairs when the

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Adoption (Tracing and Information) Bill will be introduced; and if she will make a statement on the matter. [21860/13]

17. **Deputy Robert Troy** asked the Minister for Children and Youth Affairs when the Adoption Tracing and Information Bill will be brought forward; and if she will make a statement on the matter. [21824/13]

Deputy Frances Fitzgerald: I propose to take Questions Nos. 6 and 17 together.

These questions continue the discussion on adoption tracing and information. Work is continuing on the preparation of the heads of Bill of the adoption (information and tracing) Bill. My view is that persons affected by adoption or involved in the adoption process should be provided with a statutory right to as much information as possible within permissible constitutional boundaries. The constitutional and legal context within which the development of legislative proposals must be undertaken is complex. This has influenced the existing approach to access to information, which, while subject to significant development in recent years, has up to now operated on the basis of the consent of all the parties. The proposed legislation is intended to provide for a structured and regulated approach for applicants seeking access to adoption information and is also intended to facilitate contact between parties affected by adoption, including in circumstances where an adoption order was not effected.

It is intended that the Bill will provide for the Adoption Authority to be responsible for providing access to adoption records, in accordance with the provisions of the Bill. A national index of adoption records will be established and this will make it more straightforward for people who want information. It will provide a clearer and more developed process than exists currently. We will ensure that an appropriate authority, the Adoption Authority, the HSE or an accredited body can hold adoption records. However, the Adoption Authority will have overall charge of the records and will be responsible for ensuring standards are met.

The national contact preference register will be established on a statutory basis. A national tracing service will also be established under the provisions of the Bill. The operation of that service will be subject to guidelines to be set out in regulations. It is intended that the tracing service will be made available to an adopted person, a birth parent and a relative of either an adopted person or a birth parent, and that the Adoption Authority will have overall responsibility for providing the tracing service. It is also intended that, prior to the release of the adoption information, counselling will be offered by the Adoption Authority of Ireland, the HSE or an accredited body to an adopted person, a birth parent or an adoptive parent.

As I have already said, we are currently working on the criteria for balancing the adopted person's right to information about his or her identity with the birth parent's right to privacy. This issue is clearly at the core of the matter. Some views have already been expressed here about what that balance should be. It is clear that I have to get ongoing legal advice. These questions require careful examination because constitutional issues are involved.

I want to bring the heads of the Bill before the Government at the earliest possible date. My view is that people affected by adoption should be given a statutory right to as much information as possible. As I have said, that can only be done within the constitutional boundaries that operate at present. There are challenges in developing a workable framework which respects the constitutional rights of all parties. Notwithstanding those challenges, I remain committed to achieving the policy objectives I have outlined. That is precisely what is being worked on

at present.

Deputy Robert Troy: I thank the Minister for her reply. She said 12 months ago that she would bring the legislation before the Houses of the Oireachtas in 2012. Unfortunately, she has been unable today to give a definite timescale for when it will come before the House. She said she is working on it and that she hopes to bring the heads of the Bill before the Government some time this year. According to the legislative programme that has been published by the Whip's office, it will not be published in this session. We are looking at the autumn session at the very earliest.

I am sure the Minister will agree and acknowledge that to know one's own identity is a fundamental and basic human right. Susan Lohan of the Adoption Rights Alliance has said she feels the alliance is being stonewalled by the Minister and by the Adoption Authority of Ireland. The Minister has spoken about complexities. Maybe she will give us some insight into them. When her Cabinet colleague, the Minister, Deputy Shatter, was on the Opposition benches, he said:

I want to nail the suggestion that this is a hugely complex issue. It is an issue that has been properly and adequately addressed in a variety of other countries with the degree of insight and sensitivity necessary to ensure that birth mothers can make contact with adopted children where adopted children wish for such contact and to ensure that adopted children can trace their birth mothers and, indeed, their natural fathers where the information is available and where the natural parents wish for such contact. I urge the Minister to proceed hastily with bringing the necessary legislation before the House.

Regardless of what any of us might think about the Minister, Deputy Shatter, in his current role, no one can dispute that he is highly qualified and competent in the areas of constitutional law and family law. In light of what he said from the Opposition benches, I would like to know why this critical legislation, which is awaited by 50,000 children, is being delayed now that his party is in government.

Deputy Frances Fitzgerald: There is absolutely no question of stonewalling in this regard. I recognise the importance of this legislation for the many people who are seeking access to more information. As the Deputy knows, many people have found a variety of ways of accessing information themselves. That does not make it less important for us to put the right statutory framework in place. That is what I am trying to do in the information and tracing Bill.

I have met Susan Lohan and others. I recently met some women and men who are in the situation described by Deputy Wallace. Those who said when a child was being adopted that certain people were the child's parents, even though they were not, engaged in illegal and criminal activity. It is an extraordinarily difficult situation for the people concerned as they try to trace their parents and get more information about their origins. It is a very complex situation for them.

The complexity is precisely what I have described to the Deputy. We must determine how far the legislation can go in giving a person who has been adopted a statutory right to seek information about his or her origins, given the constitutional provisions we have in relation to privacy. The Department of Children and Youth Affairs and the Office of the Attorney General are working on just how far the legislation can go in meeting that precise legal challenge, in light of the 1988 case that was mentioned earlier. The approach that was laid down in that case

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is the constitutional position at present. I think the Deputy is very familiar with it. That is the situation.

I will provide for the Adoption Authority of Ireland to dispense with the birth parent's right to consent in certain circumstances. A range of circumstances in which the authority can dispense with the consent of the parent will be outlined in the legislation. The authority will need to have regard to a range of criteria, some of which were mentioned in the 1988 case, such as the circumstances giving rise to the birth parent placing the child for adoption, the present circumstances of the birth parent, the effect on the birth parent of the disclosure of his or her identity to the adopted person, the attitude of the birth parent to the disclosure of his or her identity to the adopted person and the ages of the parties. I hope to include a range of criteria that will ensure the approach is more flexible than the current approach. It has to be within the bounds of the constitutional position.

Deputy Mick Wallace: As I do not want to mislead the House, I should clarify one aspect of what I said earlier. The person I mentioned who found hundreds of records in the attic approached the woman in question and told her about it. He told some agencies of the State that he had the records, but he still actually has them in his possession because no one really wanted them at the time. I want to let the Minister know that he still has them. When she has put an official body in place, I am sure he will approach it. I probably did not explain it correctly the first time. I want to let the Minister know that he still has the records in his possession. He is a good man. He has not thrown them into the public domain.

Deputy Clare Daly: It is important, partly in light of Deputy Wallace's comment and partly because of the delay, that measures are put in place between now and the introduction of the legislation to protect the records that are out there. There is nothing in law to require or compel people to hand over private records. We are totally reliant on the goodwill of the individual. As Deputy Wallace said, the man in this instance is a good person. He still has the records. He could quite easily have thrown them all into the bin. Potentially, the identities of hundreds of people could have gone into the bin as well. It is incredibly serious. It is hard to see how this could be an isolated incident. I ask the Minister to deal with it.

It is regrettable that the Bill is still being worked on. We thought we would have seen it before now. I would be concerned about giving a central role to the Adoption Authority of Ireland. Questions have been raised by some of the adoption rights organisations about the functioning of the authority. If I understand the Minister correctly, it might not be given all of the files but it will be given responsibility for them. I wonder how that fits in with the present situation. The HSE has collected all the files in Glanmire. If I recall correctly my dealings with staff last year, they do not have the resources to do anything with those files. There is nobody to help someone who comes to look for information. Nobody is working to arrange them in a presentable way that would help people to find their identities. Are there any plans to deal with the backlog from a staffing point of view?

Deputy Frances Fitzgerald: I suggest that the gentleman mentioned by Deputy Wallace who has these adoption records should have a discussion with the HSE or the Adoption Authority of Ireland in relation to the possibility of handing over those records. It seems to me that would be the right thing for this private individual who has access to adoption records from the past to do. As I said, work has already begun with the HSE on the gathering of records. If any Deputy knows about records that are in the possession of an individual, in the first instance there should be a discussion with the HSE or the Adoption Authority of Ireland about whether

the individual wishes to hand them over or is in a position to do so. That would be far preferable than the records remaining in private hands as suggested by Deputy Daly.

I have mentioned that this work has commenced. The HSE has already gathered files from a variety of sources. I provided information earlier on the number of places where files have been gathered from. There is no reason not to continue with the process that is in place. Given the number of adoptions that took place in Ireland over the years, managing those records and organising them so they are more accessible is a large task. This is something of which the HSE adoption services are very conscious. Clearly, the overall adoption situation is changing very dramatically, as I said during the week. It has changed not just nationally but internationally, and there has been quite a drop in the number of adoptions. However, the HSE still has an adoption service and adoption workers, and it will be working increasingly in this area.

Ombudsman for Children Reports

7. Deputy Pearse Doherty asked the Minister for Children and Youth Affairs if she will advise her and her Department's analysis, if same has been done, of the more than 1,200 complaints recorded and addressed by the Ombudsman for Children in 2012; if it is the practice that year on year such an analysis is undertaken in order to take appropriate action to help reduce, if not eliminate, the causes of repeat issues arising; and if she will make a statement on the matter. [21771/13]

Deputy Frances Fitzgerald: As the Deputy is aware, the Ombudsman for Children is an independent officer of the State and accounts for her statutory functions to the Oireachtas. As Minister, I have certain functions and responsibilities for the Ombudsman for Children's office under the Ombudsman for Children Act 2002. This primarily relates to governance matters, most notably the funding of the Ombudsman for Children's office through the Vote of my Department.

The Ombudsman for Children, Ms Emily Logan, has not yet published her annual report for 2012. I know it is the practice of the ombudsman to provide a full analysis of the number and nature of complaints received when she produces her annual report to the Oireachtas in due course. I am aware that a figure of 1,200 was mentioned in recent media coverage of the impact of new legislative measures that took effect on 1 May 2013 for both the Ombudsman, Ms. Emily O'Reilly, and the Ombudsman for Children. However, the Ombudsman for Children's office has confirmed that the number of complaints received in 2012 was, in fact, 1,465. By comparison, the number of complaints received in 2011 was 1,393, so there was an increase of approximately 100.

It is a matter for each Minister, including myself as Minister for Children and Youth Affairs, together with our respective Departments, to consider the issues raised by Ms Logan, not only in her reports to the Oireachtas but on an ongoing basis in our respective dealings with the Ombudsman for Children's office, through the mechanisms provided in the legislation that applies. Clearly, the Ombudsman for Children has performed a valuable ongoing role in advancing the rights and welfare of children in Ireland since her appointment to that role in 2004. She is in constant contact with Oireachtas committees and provides advices to Government on legislation. Representatives from her office were recently working with us on the development of the Children First legislation and she also, in a public way, highlights various policies and practices affecting the lives of children which need to be changed. The Ombudsman for Children Act

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2002 provides that, in the performance of her complaints and investigative functions, she of course has regard to the best interests of the child.

I have met Ms. Logan on quite a number of occasions and I have taken the opportunity to get a first-hand account of the areas about which she is concerned. As I said, we liaise with her office on an ongoing basis in regard to legislation and services. We review the ombudsman's report when it comes in, as we want to identify patterns or concerns that would benefit from further policy consideration.

Deputy Caoimhghín Ó Caoláin: I thank the Minister for her reply. At the outset, I want to say I have great respect for Ms Logan and for her office. The purpose of my question is to establish whether the Office of the Ombudsman for Children is dealing with the various cases that come before it. We all receive the annual report - I have attended its launch on a number of occasions - and we all then continue on into the following year. I am anxious to establish what is the current level of engagement and what analysis there may be in regard to issues and causes of complaint. Is there currently a crossover between the Department of Children and Youth Affairs and the Office of the Ombudsman for Children in seeking to identify measures that could be taken to eliminate, if possible, or at least in some way mitigate against the worst possible outcomes in regard to given situations that must be repeating year on year? It is very important that while my question referred to more than 1,200 complaints, we note from the figures the Minister has just cited that it was much more in 2012, at 1,465 cases, up from a figure of 1,393 for the previous year.

My question seeks to establish whether there is that level of address and, if not, whether the Minister would regard such an exercise as useful. Obviously, it is something Ms Logan would have to be directly involved in. It is not about the individual cases *per se*, or about the detail of any individual case or complaint received, or, indeed, its address; it is about the broad brush-stroke situations that may present in significant numbers across the profile of the 1,465 cases last year, and how we can inform ourselves to do something that might - I emphasise "might" - make a difference in regard to those situations that present repeatedly.

Deputy Frances Fitzgerald: The Deputy makes a very reasonable point in regard to reports. Obviously, many reports regarding children and young people are presented to the Department, and the ombudsman's report is a very important one. The Deputy will remember that I said in the Dáil in March 2012, in response to a parliamentary question, that I undertook to consider the recommendations in Ms Logan's report, which was the report by the Ombudsman for Children on the operation of the Ombudsman for Children Act 2002 and which contained a whole range of recommendations similar to those that often appear in the annual reports. I did that. I have taken up with other colleagues a range of points Ms Logan has made, where they are of relevance, such as in the areas of justice, education and health, and I have asked for their response to the recommendations she made.

To take one example of where we follow through, a point Ms Logan has made repeatedly is in regard to her having responsibility for and being able to access and investigate issues involving the Adoption Authority. That has now happened under the review of the ombudsman legislation which the Minister for Public Expenditure and Reform, Deputy Howlin, undertook. My officials were in contact with his Department to make progress on that issue and it was in the legislation we passed here in October. With regard to the National Council for Special Education, the Deputy will be aware that on many occasions Ms Logan has raised in her reports the issue of the council coming under her remit. That has also now happened. She also made

recommendations in regard to other issues which we have followed up on, so there has been follow-on in a whole range of areas.

A broader question arises in terms of the many reports on children that have been published over the years. There is a need to bring them all together and to undertake a forensic examination of the recommendations. For example, a particular committee is looking at the Ryan report and its recommendations. Every few months, we assess in detail the recommendations and the progress that is being made, but there are so many other reports. My Department is currently undertaking an analysis and trying to draw up a very structured response, precisely as the Deputy has suggested, to the range of recommendations that come across our desks in the whole variety of reports that have been published in recent months and years.

Deputy Caoimhghín Ó Caoláin: I welcome the Minister's reply. She demonstrates that the essence of what I am trying to get at is actually happening. Whether or not the full potential of what could be achieved is currently in train is something we can explore again. I welcome the positivity of the Minister's reply and I commend that continuing approach to develop it, where possible.

Child Development

8. **Deputy Mary Lou McDonald** asked the Minister for Children and Youth Affairs her plans, if any, to address the need for prospective parent awareness of the importance of love, nurture and stability in the early and formative years of their children's lives for their general development, health and fulfilment throughout all their days; and if she will make a statement on the matter. [21766/13]

11. **Deputy Brendan Smith** asked the Minister for Children and Youth Affairs plans to introduce a parents' strategy [21845/13]

Deputy Frances Fitzgerald: I propose to take Questions Nos. 8 and 11 together.

The family continues to occupy a central and vitally important place in Irish society, and the quality of family relationships and factors within the home have a huge impact on children's development. In many ways, some of the best descriptions we have seen about the experience of Irish children has been in the recent State of the Nation's Children report, which gives us very valuable information about the quality of Irish children's experiences. There are some very good stories there about Irish childhood. In addition, the vulnerabilities of certain children are highlighted in that report, as they are in the longitudinal studies now emerging. I repeat that it is very important that we now have our own Irish research telling us about Irish children, that more money has gone into Irish research and that we are not dependent on international research.

We are lucky in Ireland to have generally positive parent-child relationships. The State of the Nation's Children report found that 82% of children aged between ten and 17 reported that they find it easy to talk to their mothers when something is bothering them and that an increasing number speak to their fathers as well. A further report last year from Dr. Elizabeth Nixon based on Growing Up in Ireland data focused on how families matter for children's social and emotional well-being and highlighted again just how instrumental parents are in their children's development. We all know this intuitively but we now have the research that really goes into

detail on parental relationships with children and how important they are for children's learning and social and emotional well-being.

Good parenting is critical for children's outcomes, which is why the area of family support is so important and will continue to be important in the new Child and Family Support Agency. Clearly, support to teenage parents is very important as well and this comes under the National Education Welfare Board, which will work with the family resource centres in the new agency.

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

Deputy Frances Fitzgerald: I will conclude by saying that I believe the new agency presents us with an opportunity to consolidate and develop effective, evidence-based parenting and family supports.

An Leas-Cheann Comhairle: I call on Deputies Ó Caoláin and Troy as we are running short on time.

Deputy Caoimhghín Ó Caoláin: One cannot overstate the importance of this particular area. We prepare young people for all sorts of responsibilities in life through the education system but there is very little focus on or preparation for the responsibilities of parenting, which is a huge responsibility and arguably even more important than many other considerations currently occupying top positions. We need a two-pronged approach to this reflected in the education system, particularly through second level. The role and responsibilities of parenting should be an integral part of the preparation for life.

There is also the question of those who are already parents. There can be no over employment of reminders along the way because the challenges of parenting, particularly in those early years, are huge. There was a dependence heretofore in large measure on generational supports in traditional Irish families that are not always available. I am sure I am not the only Deputy aware of cases of people literally trying to cope alone, which is a terrible situation to be in. The difficult situations that present themselves are not reflective of a lack of natural love, nurture and wish for stability. More people are having great difficulties in these times than at any previous time.

Consideration should be given to supports in the form of a booklet for national distribution. This is a significant area. All research shows that these crucial years have a critical influence on later life for young people. There is no end of opportunities that could be employed for reminders and supporters along the way. By reminders, I mean re-stating what many of us might think to be obvious but which is not always so if one is coping in very difficult circumstances.

Deputy Robert Troy: I will be very brief. When Barack Obama, who is arguably the most powerful man in the world, was re-elected to the White House, he sent out a tweet about how the most difficult and rewarding job of all was being a father. When one looks at it in that context, it is very important that we put in the necessary supports to support people who are doing the most difficult and rewarding job of all, namely, parenting.

I welcome the fact that the Minister has acknowledged that when the new Child and Family Support Agency comes on stream, there will be an evidence-based approach in terms of putting in structures to support parenting. In my constituency of Longford-Westmeath, one finds Triple P - the Positive Parenting Programme, which is a very positive development of which the Minister is aware. That programme is being expanded to Laois and Offaly in the coming

year. There are schemes out there but we want to ensure the best schemes and a more uniform approach are used because at the moment, a more diverse approach is used depending on what part of the country one lives in. The new Child and Family Support Agency should be charged with ensuring that we have the best possible scheme in place to support our parents who are doing the most difficult and rewarding job of all.

Deputy Frances Fitzgerald: There is a huge range of parenting programmes that are in very big demand around the country. Significant numbers of Irish parents are availing of supports out there be they through family resource centres, local voluntary groups or counselling services. We have research about what models of intervention work and that research is coming on stream more and more. For example, we know that public health nurses are doing really effective work with young, lone parents in supporting their parenting and that those interventions have really worked. Public health nurses throughout the country are a significant resource. That is one aspect of the work that is being done.

The new area-based approach to child poverty gives us an opportunity to build in supports for the most vulnerable families about which Deputy Ó Caoláin spoke. Certainly building in parenting programmes to that work and area-based poverty initiatives will be very important. There is significant range of work ongoing. It is important to say again that for the vast majority of Irish children, Irish childhood and parenting have changed beyond recognition in terms of greater sensitivity to the needs of children, listening to the views of children and putting the best interests of the child at the centre of considerations. That is the reality for most Irish children. We have identified more vulnerable children in the State of the Nation's Children reports. They can be immigrant children, Traveller children and children exposed to poverty. For those children, these kind of extra supports to parents can make all the difference to the quality of their lives. I agree with Deputy Troy that we need to examine the various programmes to ensure we are supplying the kind of programmes that we know are effective and work well. The Triple P programme is one example. In other countries, they have taken a range of these programmes and decided that certain programmes will get Government support and we should do the same here. They would be the ones that have proved to be effective in supporting parents.

Written Answers follow Adjournment.

Estimates for Public Services 2013: Message from Select Committee

An Leas-Cheann Comhairle: The Select Sub-Committee on the Department of the Taoiseach has completed its consideration of Votes 1, 2, 3, 4, 5 and 6 for the year ending 31 December 2013.

The Dáil adjourned at 5.50 p.m. until 2 p.m. on Tuesday, 14 May 2013.