Dé Maitre, 14 Bealtaine 2013
Tuesday, 14 May 2013

Chuaigh an Ceann Comhairle i gceannas ar 2 p.m.

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Paidir.
Prayer.

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Topical Issue Matters

**Acting Chairman (Deputy Peter Mathews):** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Patrick O’Donovan - the need to review the examination system for those seeking to obtain SPSV licences;

(2) Deputies Robert Dowds and Seán Kenny - the need to intervene with the banks and mortgage providers to address the personal debt crisis; (3) Deputy Charles Flanagan - Garda Síochána covert human intelligence sources and the consequences for the criminal justice system of last week’s special report of the Garda Síochána Ombudsman Commission;

(4) Deputy Pearse Doherty - the need to reclassify Down’s syndrome as a low incidence disability in order that children who have Down’s syndrome can get teaching and learning resources appropriate to their needs; (5) Deputy Patrick Nulty - the ongoing industrial dispute at Bus Éireann;

(6) Deputy Joe Higgins - the industrial dispute at Bus Éireann; (7) Deputies Caoimhghín Ó Caoláin, Sandra McLellan and David Stanton - the provision of pre-emergency care in the Cork area in view of the case of a person (details supplied);

(8) Deputy Jonathan O’Brien - the implications for parents and children with autism arising from changes to the home tuition grant and the provision of home-based tuition hours;

(9) Deputy Aengus Ó Snodaigh - the effects of cuts to Traveller education resources in Ballyfermot, Dublin;

(10) Deputy Dessie Ellis - the industrial dispute in Bus Éireann and the need to properly fund public transport services and protect pay and conditions of low and middle income work-
ers; (11) Deputy Martin Ferris - the planned closure of Cuan counselling service in Dingle, County Kerry;

(12) Deputy Derek Keating - the need to provide extensions to St. Thomas junior national school, Esker and Scoil Áine Naofa senior national school, Esker, Lucan, County Dublin;

(13) Deputy Thomas P. Broughan - the industrial dispute in Bus Éireann; (14) Deputy Billy Kelleher - the establishment of new hospital groups; (15) Deputy Eamonn Maloney - the establishment of new hospital groups; (16) Deputies Joan Collins and Barry Cowen - the status of pay and conditions for workers in the six sectorial agreements covered by the REAs formed under the 1946 Industrial Relations Act;

(17) Deputy Clare Daly - the European Court of Justice order that the refund on fuel used by disabled drivers is unlawful;

(18) Deputy Mattie McGrath - the ongoing delays with FÁS in finalising the Tipperary Hostel Project and the need to have this matter finalised without any further delay; (19) Deputy Willie O’Dea - the need to address the fact that Limerick city and county do not have any mainstream schools with an autistic spectrum disorder unit attached to educate children with autism; (20) Deputy Mick Wallace - the need for those responsible for the horsemeat scandal to face justice;

(21) Deputy Niall Collins - the steps being taken to address the ongoing issue between the Garda ombudsman commission and the Garda Commissioner;

and (22) Deputy Timmy Dooley - the need to ensure that the public transport services provided by the CIE group continue in the event of continuous industrial action in Bus Éireann.

The matters raised by Deputies Robert Dowds and Seán Kenny, Pearse Doherty, Caoimhghin Ó Caoláin, Sandra McLellan and David Stanton, and Joan Collins and Barry Cowen have been selected for discussion.

Ceisteanna - Questions

Priority Questions

Hospital Waiting Lists

76. Deputy Billy Kelleher asked the Minister for Health the measures he will take to tackle the regional disparity in outpatient waiting times particularly in relation to those waiting more than four years; and if he will make a statement on the matter. [22954/13]

Minister for Health (Deputy James Reilly): In 2012 the National Treatment Purchase Fund initiated a national project to compile, for the first time, an outpatient waiting list database
based on patient-level information from individual hospitals. Collaborating with individual hospitals, the NTPF, together with the special delivery unit, SDU, in the HSE, has developed the outpatient waiting list minimum data set that allows for these data to be submitted to the NTPF from hospitals on a weekly basis. This builds on the work previously undertaken by the HSE outpatient data quality programme. Clear data on the outpatient waiting list are now being reported for the first time. It is rather astonishing that for the first time in the history of the State we have actually gone to the trouble of counting the number of people who have to wait on an outpatient list before they can see a consultant to get on a list for whatever treatment a consultant might consider appropriate. The waiting list for outpatients is updated monthly. The data show numbers waiting over the various time-bands for a first appointment at a consultant-led clinic. In a further enhancement of the reporting, future updates will for the first time include numbers reported by specialty in addition to the breakdown by hospital. Currently, the focus is on ensuring that hospitals continue the validation of waiting lists. All hospitals have been engaged in this process, which is expected to be complete by the middle of this month.

Reform of the delivery of outpatient services is being addressed through the outpatient service performance improvement programme. This programme encompasses the HSE, the SDU, the NTPF and all hospitals providing outpatient services. It is a national programme which is being implemented between 2012 and 2015. The overall aim of the programme is to ensure timely and appropriate access to outpatient services so that the most appropriate member of the clinical team sees the right patient at the right time. Key elements of this large programme of reform will include: ongoing validation of waiting lists; systematic and standardised management of referrals from primary care; a reduction in unacceptably high non-attendance rates; appropriate discharging from outpatient services when clinically appropriate; and strict chronological management of the longest waiters.

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

For 2013, a maximum waiting-time target of 12 months has been set for a first-time consultant-led outpatient appointment and this is reflected in the HSE service plan. The total number of people waiting on the outpatient waiting list as at 3 May 2013 was 376,751. This is a reduction of 7,881 in comparison with the NTPF-published figures to March 2013. The data also show that of the total number of people waiting, 199,513, or 52.6%, have been waiting less than six months and almost 278,666, or 74%, have been waiting less than 12 months.

**Acting Chairman (Deputy Peter Mathews):** The arrangement for supplementary questions and answers is one minute for each question and reply during the four minutes.

**Deputy Billy Kelleher:** The figures are quite alarming. The Minister made great play of the fact that an outpatient waiting list is now being compiled for the first time in the history of the State. However, some 384,000 people are waiting for a first-time appointment at a consultant’s clinic. Approximately 100,000 have been on the waiting list for more than a year, with 23,000 waiting for between two and three years. Another 7,750 have been waiting for between three and four years, with almost 7,700 waiting for four years or more.

The most alarming issue is the regional disparity among those waiting to see a consultant for an outpatient appointment. For example, in the mid-west large numbers of people have been waiting for a protracted period for their first outpatient appointment. What is the reason for the regional disparity? Clearly, at this stage, this must have come to light.
**Deputy James Reilly:** In many respects the question is disingenuous, given that Fianna Fáil was in power for so long and failed to do anything about it. At least the Government has tried to identify the problem and throw it open to the broad light of day so it can be dealt with in a fair and equitable fashion, in the same way as we dealt with the emergency department trolley waits and, more particularly, in the same way as we dealt with inpatient waiting times where the longest waiters are dealt with first after urgent cases and cancer cases have been dealt with. The real scandal is that more than 16,000 people have been waiting for longer than four years. Four years is twice the length of time the Government has been in power. I will keep my response short, as the Cathaoirleach wishes, but it is important to point out this problem was stewing away in the background being ignored by a government which held the reins for 14 years. We are not ignoring it; we are dealing with it.

**Deputy Billy Kelleher:** The Minister spoke about the question being disingenuous but the reply is even more disingenuous. He campaigned on promises but is governing on broken promises. There is regional disparity, and the fact this data has been compiled shows large groups of people in the mid-west have been waiting four years or more for their first outpatient appointment. The key question I am asking is what the measures the Minister will take to tackle regional disparity in outpatient waiting times, particularly with regard to those waiting for more than four years. It is a very clear and concise question. I want to know whether the Minister has identified the reasons for regional disparity and if so whether he will do anything about it.

**Deputy James Reilly:** I will do something about it and as we speak Mr. Ian Carter, the new chief of the hospital directorate, and Ms Liz Nixon, head of the special delivery unit, are in Limerick examining the situation as it relates to inpatient and outpatient treatment times, the trolley situation and the capacity issue which has arisen. What we have done on the inpatient side is very clear, with 95% of people who had been waiting longer than nine months now being treated within this timeframe, and were heading towards eight months this year. In the short period of time we have had the honour and privilege of being in government we have done more than was done for several years previous, despite the countless billions of euro poured in.

To put it in one sentence, it was simply a case that Fianna Fáil, and Deputy Micheál Martin in particular, were prepared to sweep the problem under the carpet and not expose it to the light of day or else throw money at it and keep their fingers crossed in the vain hope it would go away.

**National Children’s Hospital**

77. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if there is a revised timetable for delivery of the National Children’s Hospital; the reason it has taken more than six months since the decision to locate at the St. James’ Hospital site, Dublin, for the Interim Board to begin tendering for a design team; if he will intervene to expedite the process; if enhanced resources will be made available to the existing children’s hospitals; and if he will make a statement on the matter. [22733/13]

**Deputy James Reilly:** The decision to locate the new children’s hospital on the St. James’s campus was announced on 6 November 2012. Co-location, and ultimately tri-location with a maternity hospital, on the St. James’s campus will support the provision of excellence in clinical care that our children deserve. The new children’s hospital is a key commitment in the programme for Government and the largest project in the current capital plan.
The national paediatric hospital development board is the body charged with building the hospital. I intend to restructure the board so its sole focus is on the core function of planning, designing, building and equipping the new hospital, and that its membership includes the expertise needed to deal with a very large and complex capital project. Pending the necessary appointments to the board, senior officials from my Department and the HSE, appointed to the board in January 2013, have been working to progress the project at its new location. In this first phase of the project, the transitional board’s focus is on reconciling the brief with the new site, site preparation, close-out of existing contracts and new procurement processes. A joint group involving the HSE and St. James’s Hospital meet regularly to progress the enabling and decant work required. A shared services group is in place focusing on identifying the facilities which can be shared so as to optimise the build, and a review of urgent care centres configuration is under way and expected to be completed in the coming weeks. The contract notice for the procurement of a new design team is expected to be published in the coming weeks. The aim is to have the new design team in place within six months and to secure planning permission by December 2014. Work on developing a detailed project timeline is continuing under the transitional board, recognising the urgency and priority attached to the project as well as its scale and complexity.

I am also establishing a children’s hospital group, comprising the three existing children’s hospitals. This is an important step in moving towards the transition of the three hospitals to a single entity. With regard to resources for the existing children’s hospitals, the HSE National Service Plan 2013 sets out the quantum and type of health services to be provided in 2013 within the overall level of funding provided.

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

The three children’s hospitals have stated their commitment to becoming a single service across three sites and are working closely together, with a single clinical director across the three sites, to ensure optimisation of resources and facilities.

This project is of huge importance for the provision of acute paediatric services for all children in Ireland and is a priority for me and for this Government. I am confident that the project governance and management arrangements which I have outlined will ensure the swiftest possible completion, with optimal design and value for money.

**Deputy Caoimhghín Ó Caoláin:** Can the Minister confirm, as reported last week, that the interim or transitional board, as the Minister refers to it, of the new national children’s hospital will only begin tendering for a design team next month and that it will be summer 2014 before a planning application is submitted? As the Minister has indicated in his reply, the decision to locate the hospital at St. James’s was made way back in early November, so this is a full six months later. Why has the tendering for a design team not begun before now, given the urgency of this major health infrastructure project? How does the Minister account for the delay? Given the disappointment that has been created by the decisions relevant to the initial Mater site identification, what will happen now concerning the project’s ultimate delivery and completion? Are we really talking about 2018? Will the Minister intervene to help expedite this badly needed hospital facility?

**Deputy James Reilly:** As I have stated, there is a huge amount of work under way. A decanting process is to take place at St. James’s Hospital and several buildings have to be de-populated. The services there have to be moved and those buildings have to be taken down. An
extensive project is going on at St. James’s under the control of the board which has appointed a project manager with a view to providing us with a brown site - a clear site - by 1 January 2015. There are timelines on which I will have further information in the next couple of weeks concerning each building and area that needs to be cleared, and what else has to be done. Furthermore, Dr. Jim Brown has been appointed chair and now has an office on the grounds of St. James’s. A strategic advisory group has been established whose chair is Dr. Frank Dolphin. In addition, the NPHD or - for want of a better word and to save confusion - the building board will also have a new chair. Somebody has been contacted and has accepted the position. We look forward to him taking up his position and continuing to expedite this important project.

**Deputy Caomhghín Ó Caoláin:** Given the importance of this project and the Minister’s disappointment at the further delay indicated last week, can he take any steps to help expedite this important development? The Minister knows that the existing children’s hospitals are suffering. We also know that budgets for two of them - Crumlin and Temple Street - were cut this year.

Briefly, before concluding, I would like to reflect on the comments of the late teenager, Donal Walsh. Among many of the issues he addressed was his experience at Our Lady’s Children’s Hospital in Crumlin. He indicated that the ratio of toilet facilities to beds there was one to 18. He raised thousands of euro for Crumlin hospital and identified the requirements of young children there.

**Acting Chairman (Deputy Peter Mathews):** Thank you, Deputy.

**Deputy Caomhghín Ó Caoláin:** I will conclude with this, a Chathaoirligh. What will happen concerning Crumlin, Tallaght and Temple Street hospitals in the intervening period? Will we find that inappropriate and inadequate resourcing will continue beyond 2018? If so, what will the Minister do about that in the meantime?

**Acting Chairman (Deputy Peter Mathews):** Deputy Ó Caoláin has left that question hanging in suspense because there is no time for the Minister to reply, unfortunately. Let us be careful about the time.

**Deputy Caomhghín Ó Caoláin:** I object. This is not about the Chairman’s clock or mine. This is about trying to elicit information about a serious infrastructure matter which I have raised here with the Minister. Once a month we get this chance-----

**Acting Chairman (Deputy Peter Mathews):** Deputy Ó Caoláin.

**Deputy Caomhghín Ó Caoláin:** -----and I do not appreciate the Chairman’s intervention and his closing off the response.

**Acting Chairman (Deputy Peter Mathews):** Deputy Ó Caoláin, please resume your seat.

**Deputy Caomhghín Ó Caoláin:** I put it you the Chairman, in his position, that it is inappropriate given the seriousness of the matter. I would hope the Minister would respect the House.

**Deputy Alex White:** The Deputy should respect the Chair.

**Deputy Caomhghín Ó Caoláin:** It is a disgrace.
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Acting Chairman (Deputy Peter Mathews): Deputy Ó Caoláin, please desist.

Alcohol Sales Legislation

78. Deputy Maureen O’Sullivan asked the Minister for Health in response to the recent statistics on the physical implications of alcohol abuse, including liver disease, as published by the Royal College of Physicians of Ireland, Reducing Alcohol Health Harm, the strategies he intends to take to tackle the abuse and misuse of alcohol particularly in the young population where alcohol/drug abuse and misuse also leads to anti-social behaviour, violence and poor relationships [22735/13]

Minister of State at the Department of Health (Deputy Alex White) (Deputy Alex White): The problems of alcohol misuse and the recommendations to deal with these in the report of the Royal College of Physicians of Ireland are similar to those reported by the substance misuse steering group. Both reports provide a robust analysis of the problems of alcohol misuse and key recommendations based on a thorough review of national and international evidence.

I will be submitting proposals to the Government very shortly to deal with the misuse of alcohol. These proposals are based on the recommendations of the substance misuse report. These proposals are real and tangible, and cover all of the areas mentioned in the latter report including, but not limited to legislation on minimum unit pricing, which is about setting a statutory floor price per gram of alcohol; access and availability of alcohol, including separation of alcohol from other products in retail units where alcohol is sold; and advertising and sponsorship. The Cabinet committee on social policy has already considered these proposals and in developing them. My officials and I have also had frequent discussions with a number of Departments.

At the same time, work by my officials on developing a framework for the necessary Department of Health legislation governing, among others, minimum pricing, has continued. For example, in conjunction with Northern Ireland, a health impact assessment is being commissioned as part of the process of developing a legislative basis for minimum unit pricing. Scotland commissioned the same sort of assessment when it was developing its legal framework on minimum unit pricing, approved in the Scottish High Court only last week on 3 May, which I am very pleased to see. The health impact assessment will study the impact of different minimum prices on a range of areas such as health, crime and likely economic impact.

Deputy Maureen O’Sullivan: I thank the Minister of State and wish him well with bringing those proposals to Cabinet. I hope they make progress. There is no doubt we have a very unhealthy relationship with alcohol and the statistics on the role of alcohol in murder, assault, sexual assault and public order offences is frightening. Particularly frightening is the increase in liver disease particularly among young people. An 18 year old woman was the most recent casualty of that.

We are moving away from what was our pub culture, which was centered on the pub as an occasion to go out to socialise and meet people. Now we have a very serious situation where, when purchasing a bottle of milk or petrol and one can also buy alcohol. These are very serious issues. Young people can dial to have drink delivered to their house and nobody is checking the age. That must come into the Minister’s deliberations. The later people start drinking the better so we must examine underage drinking. Last week I was involved in a youth convention
with five schools from the north inner city and what emerged was frightening. More than 95% of them, whose average age was 16, were drinking regularly.

**Deputy Alex White:** I agree very much with what Deputy O’Sullivan has said and the insight she has brought to this. I recently met with members of the Royal College of Physicians and had the opportunity to discuss these issues with them. The Deputy has outlined some of their concerns in her question. Although the proposals have not yet gone to Cabinet, the proposals I regard as important are also regarded as very important, relevant and necessary by the Royal College of Physicians. The Deputy mentioned the increasing instance of liver disease and she is right about that. On the broader population issue, the risk is very high for young people in particular, particularly older teenagers and those coming into adulthood, and it must be addressed.

**Deputy Maureen O’Sullivan:** I am also having a meeting next Tuesday and delegates include Professor Joe Barry and somebody from the Royal College of Physicians. We looked at marketing and certain advertisements that the drinks companies were coming up with, which were very clever and glamorous. Young people spoke about how these advertisements associated alcohol with having fun and being healthy, with confidence-building and having relationships. The whole area of advertising must be looked at. When I met people from the gambling industry recently I asked them about the possibility of a levy related to gambling addiction. What contribution will the alcohol industry make? If it is making any, its contribution should be much more about these alcohol-related issues that cost everybody so much.

**Deputy Alex White:** Each of the issues the Deputy has touched on has exercised me in the course of the preparation of this memo to Government and the intended preparation, for the first time, of public health alcohol legislation. We have a public health perspective on this issue. Traditionally, our only perspective on this in terms of public policy was the licensing laws. These laws are very important, of course, and are one of the reasons we have had such a proliferation of outlets where alcohol can be obtained. However, my perspective and that of my colleague, the Minister for Health, on this is public health and that is what we are bringing to bear. I hope and expect a broad degree of support for the measures I am proposing.

**Health Insurance Cost**

79. **Deputy Billy Kelleher** asked the Minister for Health the way he proposes to reduce the cost of private health insurance for consumers; the measures he will take to ensure a better age balance in the market; and if he will make a statement on the matter. [22955/13]

(Deputy James Reilly): I have consistently raised the issue of costs with health insurers and am determined to address costs in the sector in the interests of consumers. Last year I established the consultative forum on health insurance, which comprises representatives from the country’s main health insurance companies, the Health Insurance Authority, HIA, and my Department. This forum was established to generate ideas that would help address health insurance costs, while always respecting the requirements of competition law. I have made it clear to the health insurers that I believe significant savings could be made which could contain the cost of health insurance premiums.

Given VHI’s very significant share of overall costs in the market, I will continue to focus strongly on the need for VHI to address its costs. At my instruction, VHI recently compiled a
detailed cost containment plan, which sets out savings targets for 2013 and for the 2014-2016 period so as to minimise the need for any future premium increases. The savings targets over this period are to be achieved through a combination of initiatives, including rate reductions with private hospitals and consultants, utilisation management, expansion of clinical audit, reductions in high-cost drugs and prostheses, provider reviews and the continued transition of procedures to lower-cost and medically appropriate settings. I will continue to focus strongly on this issue as one of the measures to ensure the sustainability of the private health insurance market in the transition to a universal health insurance system.

The continued participation of younger customers is important in keeping the health insurance market on a sustainable path. In addition to the work of the forum, a subgroup of the consultative forum was established earlier this year to consider regulatory issues relevant to the health insurance market, including measures and proposals to encourage greater participation of younger, healthier people in the market. The forum and the subgroup provide a useful platform for continued engagement with the commercial insurers. It is envisaged that further work will be undertaken over the coming months, which will include consideration of any measures necessary to assist the maintenance of an appropriate age balance within the health insurance market.

Deputy Billy Kelleher: At the outset the Minister stated that he has consistently raised the issue of health insurance, but I would say he has consistently raised the price of health insurance through his policies. What I cannot understand is the fact that this has been facing the Minister for the past two years. The Health Insurance Authority of Ireland made recommendations to him which he summarily dismissed. For example, there was the issue of non-advance payments, where the authority recommended there should be a reduction in the actual levy and the Minister decided to increase it by €5. It has made some other key policy recommendations which the Minister has also dismissed.

The simple point is that the health insurance market is in crisis. We all know that the reason for the difficulties in the health insurance market is the economic downturn. However, what cannot be explained is the spiralling cost to individuals of private health insurance. The only explanation I can find, which is being borne out by people who have examined the health insurance industry - such as Colm McCarthy in his recent report - is that the policies being pursued by the Minister are adding to the cost of private health insurance. It looks as though more than 90,000 people will stop paying for private health insurance between now and next year. The debt spiral will continue.

Deputy James Reilly: This problem faced the Deputy and his Government for 14 years, during which time we saw year-on-year rises of up to 25%, so for the Deputy to come across, after two years, as concerned and wanting action on it is a little rich. That is not the way his Government left the country. It was left in poverty and in tatters. His Government destroyed our financial sovereignty. It accounts for much of the reason why so many people are unemployed or cannot afford private insurance. Mr. McCarthy is right. Insurance will become unaffordable unless insurers take the issue of cost containment seriously. Why are we still paying for procedures on the basis that they take two hours when they only take 20 minutes with modern technology? Why are people still reporting to me that their bills listed procedures that were not carried out? Where is the audit and why is there no clinical audit by a group of doctors who could challenge the treating clinicians on the necessity of tests? Why are we still paying on a per diem basis instead of per procedure? That is what we have offered insurers and it is what we would like to see them do in private hospitals.
Deputy Billy Kelleher: We can take the history lessons for as long as the Minister likes but I am only trying to get information on why the cost of private health insurance is escalating. Two and a half years ago he was apoplectic with rage in this House. He nearly fell over the benches at insurance increases of 3% to 5%. We are now speaking about increases of up to 30% on premiums for normal families.

Deputy James Reilly: They are putative, not real. Where are they? The Deputy wants to confuse facts with supposition.

Deputy Billy Kelleher: It is happening as we speak. The projection is that as young people continue to opt out of private health insurance, the burden will fall on fewer numbers of customers and it will cost them more. One does not have to be an actuary or expert in logarithmic expressions to realise that private health insurance is becoming unaffordable. The full-cost of private beds in public hospitals is one area and the levy is another. The Minister has refused to take on board any of the recommendations of the HIA. He dismissed them all.

Acting Chairman (Deputy Peter Mathews): Deputy Kelleher has used his entire four minutes.

Deputy James Reilly: I have to respond to that.

Acting Chairman (Deputy Peter Mathews): The Minister has ten seconds.

Deputy James Reilly: The HIA recommendations have not been refused. The Deputy is trying, as Fianna Fáil always does, to muddy the waters-----

Deputy Billy Kelleher: I am not.

Deputy James Reilly: -----and confuse fact with supposition and fiction. This will happen if no action is taken to address runaway costs of health insurance.

Acting Chairman (Deputy Peter Mathews): We must move on. The rules of the House provide for two minutes for replies and four minutes for the interchange of supplementary questions and answers. They are not my rules.

General Practitioner Services

80. Deputy Caoimhghín Ó Caoláin asked the Minister for Health if he has now abandoned the commitment to extend free general practitioner care to all, commencing with long-term illness patients; and if he will make a statement on the matter. [22734/13]

Deputy Alex White: The Government is committed to introducing on a phased basis a universal GP service without fees within its first term of office, as set out in the programme for Government and the future health strategy framework. This policy constitutes a fundamental element in the Government’s health reform programme. There has been no change to the Government’s over-arching commitment to this goal. This Government is the first in the history of the State to commit itself to implementing a universal GP service for the entire population.

Having examined the progress made in the universal GP care plan, it became clear that the legal and administrative framework required to provide a robust basis for eligibility for a GP service based on having a particular medical condition is likely to be overly complex and
bureaucratic for a short-term arrangement. Relatively complex primary legislation would be required in order to provide a GP service to a person on the basis of their having a particular illness. The assessment system for such an approach would have to be robust, objective and auditable in order to have the confidence of this House as well as the general public. This legislation would have to address how a person could be certified as having such an illness, who could do the certification and how to select the diagnostic basis for medical conditions. As well as primary legislation, there would be a need for secondary legislation to give full effect to this approach for each condition. While it would not be impossible to achieve, it would take several months more to finalise the primary legislation, followed by the preparation of statutory instruments. In my view, this would entail putting in place a cumbersome legal and administrative infrastructure to deal with what is only a temporary first phase on the way to universal GP service to the entire population.

The Cabinet committee on health has discussed the issues relating to the delay in the initial step of the roll-out of the universal GP service. In doing so, it has considered the importance of weighing the balance between, on the one hand, resolving the legal issues but with a further delay and, on the other, the need to bring forward an important programme for Government commitment with the minimum of further delay.

Additional information not given on the floor of the House

No decision has been taken by the Cabinet committee or by Government on changing the first step of the plan to extend GP care without fees to persons with chronic illnesses. Instead, it has been agreed that we should prepare and set out a number of alternative options with regard to the phased implementation of a universal GP service without fees. The Minister, Deputy Reilly, and I expect to report back to the Cabinet committee in the near future. As part of this work, consideration will be given to the approaches, timing and financial implications of the phased implementation this universal health service.

The Government has already made clear its commitment to delivering on the implementation of a GP service for the entire population by providing additional financial resources in the two most recent budgets. The HSE Vote now contains funding of €30 million for this year for an initial phase of the provision of GP services as part of this programme for Government commitment. Far from abandoning its commitment to universal GP care, this Government is determined to expedite the implementation of a national GP service for the entire population, something to which no previous Government has ever aspired.

Deputy Caíimhghín Ó Caoláin: Will the Minister of State spell out exactly what alleged legal issues have arisen with regard to the promised extension of free general practitioner care to people on the long-term illness scheme? He indicated this could only be done over a protracted period. His words will offer little solace to those on the long-term illness scheme who are coping with serious health issues. They were expecting free general practitioner care to be extended to them on the basis of a commitment to do so set out in the programme for Government. This commitment was to be the first element in the roll-out of the plan to introduce free GP care for all. What exactly are the legal difficulties to which the Minister of State referred? Will he indicate for what other purpose the €17 million allocated for the first phase of the roll-out will be used?

Deputy Alex White: The funding allocated for the measure was not €17 million, but €15 million last year and a further €15 million this year. As such, the HSE Vote contains funding of
€30 million for this year for an initial phase of the provision of general practitioner services as part of the programme for Government commitment.

I touched on the legal issues in my initial response. I have never stated in the House during any of the discussions on this matter that the legal issues that have arisen were insurmountable. I have stated, however, that addressing these complex legal issues would require more time and result in the establishment of a complex and cumbersome bureaucratic structure for only one phase of what will be a large project. It would not make sense to do so much additional work to put in place an infrastructure or legal framework that would only deal with the allocation of medical cards on the basis of a medical condition. While the legal issues are not insurmountable, having reviewed the entire project, it has been decided that it would not make sense to go down that road.

Deputy Caoimhghín Ó Caoláin: It does not make sense that it has taken a couple of years to make that determination. The Minister of State’s argument is absolute nonsense and offers cold comfort to those who are dependent on the long-term illness scheme. He has added to their difficulties in life by dashing their expectations.

The Minister of State indicated he will present an alternative plan within a matter of weeks. I ask him to spell out exactly what he proposes to do. Given that phase one of the planned roll-out of free GP care has been abandoned, what is the position regarding the second phase, which was to extend free GP care to those on the high tech drug scheme? What message does the Minister of State have for the cohort of people who depend on the scheme? Where stands the promised new general practitioner contract?

Deputy Alex White: I know I do not have much time.

Acting Chairman (Deputy Peter Mathews): The Minister of State has one minute to reply.

Deputy Alex White: With respect to Deputy Ó Caoláin, it is a pity he will not address the issue we are dealing with.

Deputy Caoimhghín Ó Caoláin: The Minister of State should answer the questions. I had only one damn minute to put them.

Deputy Alex White: From what I can see, the Deputy may need to take some chill pills. Let us try to be serious about a serious proposal. It will have been clear to anyone listening that going down the route envisaged would entail further delay. I will be straight with the Deputy: the delay is regrettable. We are now putting serious shape on something that looked like it would cause more delay. We are taking it into a-----

Deputy Caoimhghín Ó Caoláin: What is the position regarding phase two of the Government’s commitment? Will free GP care be extended to people on the high tech drug scheme?

Deputy Alex White: Deputy Ó Caoláin’s problem is that he does not like to be given an answer. He goes on about seeking an answer and then complains when one is provided. I will not be able to tell the House-----

Deputy Caoimhghín Ó Caoláin: The Minister of State is blathering.

Deputy Alex White: That is rich coming from the Deputy. If he wishes to talk about
blather, he had better look closer to home.

**Deputy Caoimhghín Ó Caoláin:** The Minister of State is filibustering and failing to provide the information I seek.

**Deputy Alex White:** The plan will be presented to the Government before the summer. That is the commitment and it will be met. I will be delighted to hear what the Deputy has to say at that stage.

**Deputy Caoimhghín Ó Caoláin:** The Minister of State provides a mighty crutch for his senior Minister.

### Other Questions

#### Cancer Screening Programme

81. **Deputy Sean Fleming** asked the Minister for Health his plans to expand the BreastCheck programme; and if he will make a statement on the matter. [22595/13]

**(Deputy James Reilly):** The BreastCheck programme provides free mammograms to all women aged 50 to 64. The programme for Government includes the extension of BreastCheck to women in the 65 to 69 age group, in keeping with EU guidelines on effective screening for breast cancer. The main priority for the HSE’s national cancer screening service, NCSS, at present is to maximise national uptake in the 50 to 64 age cohort, and it aims to extend the upper age range from 65 to 69 in 2014. In the meantime, women of any age who have concerns about breast cancer should seek the advice of their GPs, who will, if appropriate, refer them to the symptomatic breast services in one of the eight designated specialist cancer centres. I am sure Deputy Kelleher will agree that any woman who is concerned about changes in her breasts should consult her GP.

An efficiency review of the BreastCheck screening programme in order to prepare for the age extension of the programme to women up to 69 was published recently. The review, which was commissioned by my Department, makes a number of recommendations on how the screening process could be enhanced to increase the number screened. The NCSS has set up an internal working group to begin the planning and costing process for the extension of the age range. The group is reviewing all aspects, including population growth, the impact of the higher rate of breast cancers in the older age range, resource requirements and implementation options. My Department will continue to work with the HSE to ensure that national priorities and programme for Government commitments are met.

**Deputy Billy Kelleher:** Any extension to the service is welcome. Planning is critical in this regard. There were regional disparities when the original national breast screening programme was rolled out and these gave rise to a great deal of anxiety in particular geographical areas. Would it be possible to obtain a commitment to the effect that instead of being based on
geographical areas, the roll-out will take place on a simultaneous national basis? The Minister referred to planning and a review by the NCSS. In that context, it is extremely important that the target for 2014 be hit at the beginning of that year rather than at the end. The recruitment embargo must be lifted in advance in order that the HSE might recruit this year in respect of the roll-out in 2014.

The issue of genetic predisposition is obviously high on the agenda as a result of a book published recently which was written by Angelina Jolie and which outlines her experience in this regard. Is it possible to obtain a commitment that people who are concerned about genetic predisposition and who visit their GPs will be able to obtain screenings?

**Deputy James Reilly:** I will give credit where it is due. This programme, which is a good initiative, was rolled out under a previous Government. As per our programme for Government, we want to extend it. The recruitment of radiographers is ongoing and 15 whole-time equivalent posts were advertised. Of these, 8.3 positions have been filled and a further five candidates have completed successful interviews and are involved in the final clearance process. A further 1.8 posts remain vacant. There is an issue with regard to radiographers who specialise in mammography. The facility used to train such radiographers in the past was closed by you-know-who. We are, however, considering reopening it because of the difficulty we are experiencing in attracting radiographers. We want to have radiographers in place in order that we can continue to deliver the service. In addition, we want to improve breast cancer survival rates. An independent breast screening review undertaken in the UK was published in 2012. The independent panel charged with carrying out this review assessed the benefits and harms associated with population screening and discovered that breast screening programmes in the UK are saving lives. I have no doubt that the same will prove true here.

**Deputy Caoimhghín Ó Caoláin:** What of the promised mammography services in Sligo Regional Hospital? The equipment there has been lying idle for the past two years. Both Fine Gael and the Labour Party made commitments in their pre-election manifestos and the programme for Government that full breast cancer services would be restored to Sligo.

**Deputy James Reilly:** We are very keen to see the mammography service restored to Sligo. As I have already indicated to Deputy Kelleher, however, we are experiencing great difficulty in attracting mammographers. We have been obliged, therefore, to consider recruiting from abroad and, in final frustration, we are going to begin retraining people here. We have already appointed two people to training posts in order that they will be available to work either at the end of this year or the beginning of next year.

**Deputy Caoimhghín Ó Caoláin:** Will one be assigned to Sligo?

**Deputy James Reilly:** That is my intention. This matter is under the remit of the Galway group, which is constantly under pressure. I have made it clear to Mr. Bill Maher, who is keen to have this mammography service restored, that these people should be available to the Sligo service. I do not want women travelling from Sligo to Galway unnecessarily. I have made it clear many times that I want to end the days of 30 people travelling to see a specialist. Instead, a specialist should travel to see them, in this case for mammograms.
Deputy Michael Colreavy asked the Minister for Health the measures he will undertake to expedite the implementation of the National Asthma Programme; and if he will make a statement on the matter. [22575/13]

Deputy Alex White: The national asthma programme, which commenced in 2011, is one of a number of chronic disease programmes established in the HSE’s clinical care directorate aimed at bringing a systematic approach to changes in how services for patients are delivered. The overarching aim of the programme is to reduce the morbidity and mortality associated with asthma and to improve clinical outcomes and quality of life for all patients with asthma. A key component is improved management of people with asthma in primary care, thereby avoiding emergency attendance at general practitioner, GP, out-of-hours services, hospital emergency departments and inpatient admission services.

The initial focus of the work of the programme has been primarily on the development and implementation of national asthma guidelines based on international best practice for acute and ongoing asthma management and national asthma education initiatives for patients and health care professionals; and the organisation and better integration of national asthma services at primary and secondary care levels through the development of a national model of care. Acute adult and paediatric asthma guidelines and associated care pathways, treatment protocols and care bundles have been developed for use in primary and secondary care settings. The acute adult asthma guidelines, which are available online at www.hse.ie, are being revised.

The programme is working on developing a national model of care for asthma. The proposed implementation plan will detail how physicians, nurses and other health care professionals will work with engaged patients to make the clinical decisions most appropriate to the patients’ circumstances while collaborating with specialist colleagues in providing a safe, seamless patient experience within the health system. This is a key deliverable of the national asthma programme for 2013.

As 85% of asthma is managed in primary care without the requirement for hospital specialist services, the programme is undertaking work to consider providing a yearly programme of assessment for asthma in primary care called Chronic Disease Watch - Asthma, also referred to as Asthma Check. The development of Asthma Check is being done in conjunction with the Irish College of General Practitioners, ICGP.

Additional information not given on the floor of the House

Asthma Check outlines the step-by-step process for implementation of guideline-based asthma management in primary care to deliver optimal outcomes for patients, the aim being to facilitate the implementation of best practice asthma guidelines in primary care in order to improve asthma control. This will reduce acute exacerbations and, thus, their associated overall costs, with fewer hospital bed days and less time off school or work for patients. It will also ensure that patients with asthma maximise their quality of life. I am satisfied that good progress can be made in the ongoing development of the programme.

Deputy Caoimhghín Ó Caoláin: With the details of free GP care yet to expose themselves, is consideration being given to rolling out access to the long-term illness scheme for people suffering from chronic asthma, of whom I have known a few in my lifetime? Thirteen percent of respondents to a survey by the Asthma Society of Ireland reported that they suffered asthma. I am unsure of the national statistics, but asthma is more prevalent than people realise.
While I am not making the case for asthma across the board, would the Minister of State give consideration to the inclusion of chronic asthma on the list of illnesses under the long-term illness scheme? Will he advise of what other measures he is considering in respect of this very serious condition?

**Deputy Alex White:** I can provide the House with the asthma statistics now or at another time. I take the Deputy’s points about the importance of addressing this issue. However, the question was on the national asthma programme, which was the basis for my reply. In a previous debate, we discussed the GP card and the emerging difficulties associated with their allocation on the basis of medical illnesses. The plan for rolling out the GP card will be ready before the summer.

In terms of the national asthma programme, I have set out the policy for asthma care. The programme is the basis of the HSE’s approach to clinical care and forms the basis on which I would like us to address this undoubtedly troubling condition.

**Deputy Caoimhghín Ó Caoláin:** I note that the Minister for the Environment, Community and Local Government proposes to roll out a ban on smoky coal across the State, a measure that was implemented in the city of Dublin many years ago. That is something to be welcomed. However, we are all aware of the health circumstances relating to fuel poverty. Many of those who are chronic asthma sufferers are in circumstances where they are dependent on solid fuel for heating. Is there any contact between the Department of Health and the Department of the Environment, Community and Local Government on the matter, and will consideration be given to any downside of the introduction of a further ban?

**Deputy Alex White:** The Deputy is correct that the curtailment of smoky coal is a progressive move. However, at the risk of irritating the Deputy any further than has already occurred, I say with respect to him that I am not sure there is any evidence to support a connection between the use of coal and other solid fuels in the home and the contraction of asthma. I accept his point. We are all in general agreement on the need for this condition to be addressed. It is important to note that the condition is a recurring one. Its diagnosis and care are not as straightforward as perhaps with other conditions.

**Vaccination Programme**

83. **Deputy Willie O’Dea** asked the Minister for Health the supports he plans to put in place for persons suffering from narcolepsy and other medical complications following vaccination with Pandemrix; and if he will make a statement on the matter. [22619/13]

118. **Deputy Michael Moynihan** asked the Minister for Health when he will meet with members of SOUND to discuss their concerns and the commitments he has previously made to them; and if he will make a statement on the matter. [22608/13]

135. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health when the package of supports for children and young persons diagnosed with narcolepsy as a result of vaccination with Pandemrix will be delivered as promised; if he will meet with the parent representatives; and if he will make a statement on the matter. [22554/13]

**Deputy James Reilly:** I am pleased to inform the Deputies that a number of supports are
in place for persons diagnosed with narcolepsy following pandemic vaccination. My priority is to ensure those affected by narcolepsy, with symptom onset post-pandemic vaccination, are provided with a range of services and supports to meet their health needs. My colleague, the Minister for Education and Skills, Deputy Quinn, wishes to ensure their educational needs are also supported. The Health Service Executive has responsibility for health service delivery and, at my request, the HSE developed a range of appropriate services and supports to address the needs of this group.

Together, the HSE and the Department of Education and Skills provide a very comprehensive range of services and supports to those affected. These supports and services include access to rapid diagnosis, clear treatment pathways, temporary medical cards and reimbursement of expenses incurred. This includes expenses for counselling services for individuals and also for families of children affected by narcolepsy following pandemic vaccination in cases where such services are not already available through the HSE. Multidisciplinary assessments which allow for appropriate individualised health and educational supports to be put in place are ongoing. The National Educational Psychological Service, NEPS, is also engaging with the HSE and with the individual schools and parents of children concerned to identify and provide educational supports for the children and adolescents affected.

The HSE’s advocacy unit is in regular contact with the support group, SOUND, and last met representatives of the group on 28 February 2013. Through regional co-ordinators, the HSE also has frequent contact with individual members of SOUND to assist them in service access and reimbursement of expenses. On 22 March, the HSE held an information day to ensure those affected were fully aware of all the services available. My Department is considering all possible supports which may need to be put in place for those affected by narcolepsy following pandemic vaccination. I assure the Deputies that this matter continues to be a priority for my Department. A further meeting with SOUND will be arranged when the matter has concluded. It is important we support those who have adverse events following vaccination because they are administered in good faith and taken in good faith with benefit not just to the individual but also to the wider community.

**Deputy Billy Kelleher:** The national narcolepsy steering committee reported more than a year ago. Commitments were made and while I acknowledge that there have been meetings with the HSE and other agencies of the State, what the representatives of children afflicted with narcolepsy on foot of the Pandemrix vaccine want is a clear pathway outlined on access to health and education services and some form of redress. With all due respect, this issue was to be addressed last September. A paper was due to go to Government in October but we are now in May 2013. While some individuals may have access to the various agencies of the State in terms of assistance and assessment, what they want is a guaranteed mechanism to be put in place *vis-à-vis* health, education and redress in order that they can get on with their lives. That is critical, especially if we are to have confidence in vaccination schemes on a broader level. Clearly, if something goes wrong with a vaccination programme, it should be addressed because people have their children vaccinated in good faith and for the right reasons. The current situation whereby 30 children or more are now afflicted with narcolepsy and are effectively left to campaign on an individual basis is not good enough.

**Deputy James Reilly:** As I outlined earlier and for the record, by 10 May the Irish Medicines Board had received 48 reports confirming a diagnosis of narcolepsy with symptom onset following the Pandemrix vaccination. The majority of these reports relate to children and adolescents. Further possible cases have been investigated by the HSE and the Irish Medicines
Board. As I have pointed out, a range of services are being provided through the Department of Education and Skills and the HSE. The development of a national centre for narcolepsy treatment is under active consideration by the HSE and money has been set aside for the development of such a centre in 2013. There has been active engagement between the Department of Health, the HSE and the Department of Education and Skills to meet the needs of those affected. There has also been active engagement with representatives of Sufferers of Unique Narcolepsy Disorder, SOUND, the advocacy group for those affected. The HSE’s advocacy unit acts as liaison with service and support providers and other Departments to facilitate access to required services. The HSE has established a network of liaison officers countrywide to allow a single point of service contact for those affected by narcolepsy. The HSE has also provided a range of services to those affected, including access to rapid diagnosis, clear care pathways and temporary medical cards, and expenses incurred by parents are being met by the HSE. The total amount expended since the reimbursement scheme began in 2011 is approximately €60,000.

**Deputy Caoimhghín Ó Caoláin:** When will the Minister meet the representatives, that is, the parents of the children affected? I understand that 54 affected persons are represented by SOUND. It is important that the Minister would meet the representatives as soon as possible. When will the Minister deliver the promised supports for these children? It must be borne in mind that what they are asking for is very reasonable indeed. They want an awareness campaign for medical professionals and the public, which would be very sensible. They also want access to rapid diagnosis, a special services medical card, continuing educational supports, access to new drugs and treatments and compensation. This is a matter that deserves cross-departmental address but the Department of Health has to be the lead Department. Finally, the advocacy group is also calling for the official recognition of narcolepsy as a disability. That is very important because these children will grow up into young adults and future adult life and their condition may very well affect their employment prospects. Only by designating narcolepsy as a disability will they be able to access disability allowance if their work life is interrupted in any way.

**Deputy James Reilly:** The Deputy asked when I will meet the representatives and the answer is “shortly”. I have absolutely no hesitation in meeting them. They sent a letter to the Department outlining some of the things they would like to see happen and most of them have, in fact, already happened. The Deputy mentioned rapid access to diagnosis, which is already available. In the area of compensation we have already been notified that eight cases are going to court. On behalf of the State and as the Minister for Health, I have received six letters of notification of an intent to proceed legally in claims against the Minister, the HSE and the manufacturers, GSK, regarding damages suffered as a result of vaccination with Pandemrix. As yet no proceedings have been issued. It is our hope that we could avoid all that by perhaps going through the State Claims Agency, which is eminently suited to deal with this. I would prefer that any moneys available go to compensating those who have suffered pain and loss as opposed to the legal profession - I mean no disrespect to my honoured colleague beside me.

There are two things to say about calling for it to be named a disability. There are many conditions that result in disability but that are not labelled as a disability. The second point is a
matter of some hope. I have been told unofficially - I am open to correction - that there appears to be some evidence abroad that some of those who have suffered narcolepsy as a consequence of this vaccination are beginning to recover. This may not, and, I hope, will not be a lifelong disability, but that is not to diminish in any way the huge distress that it has caused those it has befallen.

**Deputy Billy Kelleher:** I refer to the issue of global information. There may be some evidence coming from abroad, including areas outside Europe, relating to people who have been affected with narcolepsy because of Pandemrix vaccination. If there is such information or if treatment becomes available that assists or benefits these people, will the Government examine the peer-reviewed material and other documentation to ensure that patients get the best advice, information, clinical assessment and treatment available in the world? We have several people that have been affected with narcolepsy because of this vaccination but there may be others throughout the world. By pooling information and sourcing elsewhere we may come up with solutions to these difficulties.

There is a broader issue and I hope these people meet the Minister in this regard. The idea that people are serving notice on the State in the courts for compensation is a clear indication that the State is not looking favourably on redress. If it were, then the first engagement or port of call would be the State, as opposed to having to force the State into a confrontation.

**Deputy James Reilly:** With regard to the last point, no proceedings have been commenced but it is a statement of intent borne by the sense of hurt and loss that parents believe their children have suffered. We have to take that on board. The other points raised by Deputy Kelleher are well made. Of course we should always look at best practice not only here but abroad and we should seek to pool information. We opened the e-health conference yesterday. More than 2,000 delegates are attending the Convention Centre, Dublin, at the moment to consider the subject of exchanging information and trying to accelerate change within our health services in the European Union and beyond. Three European Union Commissioners will be present during the conference. The President of the Senate of Massachusetts, Therese Murray, was present yesterday and we look forward to the presence of Deval Patrick, the Governor of Massachusetts, tomorrow. This is very much an EU-US initiative but it involves other people throughout the world feeding into an information process that will help us improve practice not only in the area of the treatment of narcolepsy but in many other aspects of health care.

**Deputy Caoimhghín Ó Caoláin:** The report prepared and published by the national narcolepsy study steering committee was produced more than one year ago. In the Minister’s response at the time of publication he stated that a package of supports would be in place before the summer recess. That was in 2012. We are now almost at the summer recess of 2013 and there is no permanent package of supports in place. There is no across-the-board package of supports which the parents have identified as a requirement for them and their children to cope with the condition, which must be most upsetting to deal with given all the situations that it can entail. Why has it taken the Minister so long to meet them? Will the Minister be particular and give an indication of a date? He talks about shortly but that is non-specific. I do not understand why he has not met them already.

**Deputy Joe O’Reilly:** Deputy Ó Caoláin has the right to ask as many questions as he can, but when he does, it is difficult to answer all of them. He asked why I will not meet them. I
have already said I will meet them and will do so shortly on the basis of fully understanding and being able to respond to the more recent communication we had in April around their requirements. We have put in place virtually all the educational and medical supports required at this point. We have held information days, and consultants in sleep medicine from the Mater Hospital, such as Dr. Catherine Crowe, Dr. Elaine Purcell, and Dr. Brian Lynch, consultant paediatric neurologist in Temple Street children’s hospital, have made presentations and answered questions.

Every possible measures is in place to ensure rapid diagnosis, with the Mater Hospital sleep clinic providing a six-day service, including Saturdays, to facilitate those where a possibility of diagnosis of narcolepsy exists. The Department has been assured by the HSE that anyone who has a confirmed diagnosis of narcolepsy is fast-tracked through the system to ensure required services are provided at the earliest possible time.

We should all use this opportunity today to highlight the issue and the services that are in place. If people find themselves unable to access them, I would like to know in order that I can offer them the opportunity to avail of what is being provided. More will be required in the longer term in terms of compensation and redress, and we are open to that.

Universal Health Insurance White Paper

84. **Deputy Pádraig Mac Lochlainn** asked the Minister for Health the process for drafting the White Paper on Universal Health Insurance including membership of teams; the timeframe for same; and if he will make a statement on the matter. [22559/13]

**Deputy James Reilly**: The Government is embarking on a major reform programme for the health system, the aim of which is to deliver a single-tier health service, supported by universal health insurance, where access is based on need, not on income. Under UHI, everyone will be insured and will have equal access to a standard package of primary and acute hospital services, including acute mental health services. A new insurance fund will subsidise or pay insurance premiums for those who qualify for a subsidy.

The Department is preparing a White Paper on universal health insurance which will provide further detail on the UHI model for Ireland in addition to the estimated costs and financing mechanisms associated with the introduction of universal health insurance. Broadly, this involves the development of detailed policy proposals covering issues such as the design of the UHI model, the scope and composition of the UHI basket of services and funding and financial support mechanisms for UHI. More detail in relation to the overall process for producing the White Paper, including the projects, studies and policy appraisals that need to be undertaken, is set out in the preliminary paper on UHI, The Path to Universal Healthcare, published by the Department in February 2013 and available on its website, www.doh.gov.ie.

A special UHI design team has recently been set up to oversee and support the work involved in the design of the UHI model and the preparation of the White Paper on universal health insurance. The membership of the UHI design team comprises officials of the Department of Health, Department of Public Expenditure and Reform, the HSE, the Health Research Board and the implementation group on universal health insurance.

The work involved in UHI design is both complex and technical and demands a wide range
of legal and financial expertise. Accordingly, it is envisaged that the design team will be supported by specialised expertise at appropriate junctures. To this end, the Department has recently engaged legal expertise to support deliberations in relation to the design of the UHI model. Work on the development of detailed policy proposals is proceeding with a view to publishing the White Paper as early as possible.

Deputy Caoimhghín Ó Caoláin: There has clearly been little or no meaningful progress on the White Paper on universal health insurance. Without this we have no clear indication of the anticipated relationship between hospitals and insurers and the crucial purchaser-provider relationship. That has consequences for all hospitals when it comes to services. Would the Minister accept that the future role of hospitals will be determined not by Professor Higgins but by these competing private insurers? At the end of the day, they will be the determinants of the level of service provided at any of the hospital sites.

There is no evidence for - and in fact, there is growing concern about - the Minister’s preferred model of multiple competing insurers. There is no proper debate on alternative models. The model to which, by all accounts, the Minister is married will drive costs up rather than down. Greater efficiencies would be gained through the single insurer approach. Is it well past time for the Minister to draw a breath on this and consider all of the possible alternatives? His approach, I fear, will not succeed.

Deputy James Reilly: On the one hand, we do not seem to be going fast enough, but on the other hand Deputy Ó Caoláin wishes us to draw a breath. I had to point out to him that a paper was produced by the universal health insurance group in February.

Deputy Caoimhghín Ó Caoláin: Where is the White Paper?

Deputy James Reilly: The White Paper is under-----

Deputy Billy Kelleher: A Ladybird book would have more information than that.

Deputy James Reilly: When it comes to Ladybird books, and Tweedledum and Tweedledee, we all know to whom we should refer.

The reality here is that we are undertaking a sea change in the way we provide care and how we fund it. It is a fundamental shift, moving from hospital-based care to a primary care model and from a tax-based system to an insurance-based system under which those who cannot afford all of the cost are subsidised and those who cannot afford it at all will be paid for by the State, but everybody will be treated equally. There are some who would like to see a continuation of the old ways, with a virtual health service for those who cannot afford to pay for it and the ability to queue-jump and have the service one wants if one can afford it. That is not the way to run an egalitarian society or one in which everyone is equally cherished regardless of his or her income.

Deputy Timmy Dooley: What?

Deputy Billy Kelleher: An egalitarian society-----

Deputy Finian McGrath: The Minister is turning left.

Deputy Billy Kelleher: Has there been a major change?
Acting Chairman (Deputy Peter Mathews): Deputy Ó Caoláin has 20 seconds.

Deputy Alex White: The Progressive Democrats health policy.

Deputy Sean Fleming: Deputy Reilly is going socialist.

Deputy Caoimhghín Ó Caoláin: I have got 20 minutes; is that correct?

Deputy Timmy Dooley: Deputy Alex White must have written the answers.

Deputy Billy Kelleher: Deputy Reilly is the funniest socialist I ever saw.

Deputy Timmy Dooley: He has the beard and moustache, although that is about as far as it goes.

Acting Chairman (Deputy Peter Mathews): The Deputies should calm down.

Deputy Caoimhghín Ó Caoláin: On the national children’s hospital, that is a product my party supports. That is why we want to see it expedited.

On the national insurance approach, my party wants to see such a universal process in place, but not under the model the Minister is proposing, because we do not have faith in it. It is a reasonable position for us to take. We are not convinced. Does the Minister recognise that there is growing international evidence that discounts the claims he has made about the approach he has championed here over these past couple of years? It is not only that the Minister does not have a White Paper but that at the end of the day he does not even have a good idea.

Deputy James Reilly: May I respond? There are two minutes left.

Acting Chairman (Deputy Peter Mathews): The Minister has ten seconds.

Deputy Finian McGrath: Deputy Reilly should go back to the day job.

Deputy James Reilly: Deputy Ó Caoláin talks about not having faith in the Government’s system. His leader does not appear to have faith in the system on this side of the Border or that in Northern Ireland when he chooses to use the free travel provided to him by a benefactor to avail of whatever the insurance sector seems to provide in the United States for his own treatment. Deputy Ó Caoláin’s words ring a little hollow.

Deputy Caoimhghín Ó Caoláin: What has that got to do with the question I posed to the Minister on universal health insurance? Is that the best he can do?

Acting Chairman (Deputy Peter Mathews): There is still one little gem left - Question No. 85.

Deputy Caoimhghín Ó Caoláin: Make no mistake; there is no gem in dealing with the Minister, Deputy Reilly.

Disability Support Services Provision

85. Deputy Micheál Martin asked the Minister for Health the action he will take to ensure that children with suspected disabilities have a needs assessment within the legal time limit; and
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Deputy Finian McGrath: Here comes the lefty Minister.

Deputy Alex White: I am sorry; I thought we were all done. I beg the Acting Chairman’s pardon.

Deputy Finian McGrath: The lefties are in now.

Deputy Billy Kelleher: The egalitarian.


Part 2 of the Disability Act, *inter alia*, provides for an assessment of the needs of eligible applicants occasioned by their disability to be commenced within three months of receipt of an application and completed within a further three months.

There has been a very significant rise in overall activity around the assessment process in recent years in respect of the children now encompassed by the process. The number of assessment reports received in 2012 was 3,505, which is at least 400 more than in 2010. It is worth noting that in the period 2010 to 2012 more than 8,200 reports were completed. While the HSE recognises that it faces significant challenges in respect of meeting the statutory timeframes that apply to the assessment of need process, given the number and complexity of cases, it is endeavouring to address the issue from available resources.

While a delay in assessment or intervention for any child is not desirable, the assessment process under the Disability Act can take place in parallel with any intervention that is identified as being necessary. The HSE has issued guidance to its staff that where there is a delay in the assessment process, this should not affect the delivery of necessary and appropriate interventions identified for a particular child. In addition, targeted action plans have been in place since early 2011. Measures have included prioritising assessments, holding additional clinics, contracting the private sector to conduct assessments and reconfiguring resources to target areas of greatest need. These plans are monitored on a monthly basis by the HSE centrally.

Following the publication of a report commissioned from the National Disability Authority, NDA, by the Department of Health and the HSE, a major emphasis is being placed on reconfiguring disability services for children into geographically-based early-intervention and school-age teams as part of the progressing disability services for children and young people programme, which is under way. The NDA report indicated that where integrated teams were operating, the assessment of need process ran more smoothly. It found that there was no single solution to remove all the challenges to operating statutory assessments of need. A meeting involving the Department, the HSE and the NDA has been arranged for early June to discuss the report further.

Acting Chairman (Deputy Peter Mathews): We will pause there. I thank the Deputies for their questions.

Deputy Billy Kelleher: I did not get an answer to the question.
Acting Chairman (Deputy Peter Mathews): I know that, but we are moving on to the next item of business.

Deputy Billy Kelleher: That answer is completely at variance with the reality on the ground.

Deputy Caoimhghín Ó Caoláin: Like the rest of them.

Deputy Billy Kelleher: There are 760 children waiting over six months.

Deputy Alex White: It is Deputy Martin’s question.

Deputy Niall Collins: Deputy Alex White is the Minister of State.

Deputy Billy Kelleher: Deputy White is in the hot seat.

Acting Chairman (Deputy Peter Mathews): I thank Deputy Kelleher. We are moving on to the next item of business. I thank the Deputies for their questions and the Minister and Minister of State for their answers.

Deputy Niall Collins: Ten years ago, my party had a Minister for health.

Deputy Alex White: It was Deputy Martin’s question.

Leaders’ Questions

Deputy Micheál Martin: Last week we learned of the tragic death of Vakaris Martinaitis, a two-year-old child, in Midleton. I offer our deepest sympathies to his parents and family. The circumstances surrounding this death have caused significant concern in the east Cork area because when a well-known neighbour rang for an ambulance, he was told there was no ambulance available to come to the scene. Indeed, no paramedic was dispatched to the scene either. I welcome the fact that the HSE has set up a review group to inquire into all the circumstances surrounding both the call and the fact that, ultimately, this child was transported to hospital in the back of the neighbour’s car.

There was a similar incident in the town some weeks earlier when another young child drowned tragically. There are competing issues, but there was concern about the time it took for the ambulance to get to the scene on that occasion. Increasingly, we hear around the country that these are not isolated incidents. There are concerns across the country about the adequacy of the ambulance services and, above all, the response times of ambulances in emergency life-threatening situations in the midlands region, Galway etc. In Carlow some time ago it took seven hours and three ambulances to bring a minor footballer to hospital for treatment. A year earlier in Drogheda a man was left on the street for 25 minutes before being attended to. In March a garda was asked to drive an ambulance to Letterkenny General Hospital because no paramedic was available. In April 2012 it was revealed that almost half of ambulances dispatched on life-saving cardiac emergencies are failing to reach patients within the strictly set target time of eight minutes.
In February the Minister for Health, Deputy Reilly, said he was going to abandon the national targets for the response times in dispatching ambulances in life-or-death situations. This came weeks after HIQA had increased its target for response times. The Minister has said he wanted to abandon all national targets. I do not know why he would even contemplate doing so. There are separate targets for first responders of emergency medical technicians who would be dispatched in advance of the ambulance and those targets are also not being met.

Given all of these incidents and episodes, I believe there is a fundamental need for a comprehensive review of our ambulance service. Is the Taoiseach satisfied that our national ambulance service is adequately resourced to deliver the service required? Do we have enough ambulances in place across the country? Do we have enough qualified emergency medical technicians in place? We all know about the golden hour in terms of early intervention and getting to a scene where life or death is at stake. It can be crucial in ensuring the survival of any individual caught up in such a situation. I believe there is enough evidence to suggest we all have reasons to be concerned about the adequacy of cover. We need more than just a review into a specific incident. We need reassurance from the Taoiseach that the Government is satisfied that the resources are in place to meet the requirements.

**The Taoiseach:** I wish to extend my sympathies and those of the Government to the parents of the young child who died as a result of this incident. I heard the radio report on the work done by Mr. Kevin Hennessy, a well-known neighbour of the child’s family. These are always tragic cases and nothing we say or do here can bring back that child to his parents.

The incident has been escalated to the HSE’s serious incident management team. Following preliminary inquiries into this tragic incident, the national ambulance service in line with the HSE incident review methodology, has commissioned an incident review into the fact that a 999 call was received at 14:00, 2 o’clock, on 6 May 2013 and how, in effect, that was managed. The review team has asked for a preliminary report on this as a matter of urgency to be followed by a full report. Obviously the national ambulance service’s liaison officer liaised with the family.

As the Deputy is probably aware, emergency ambulances in east Cork are strategically deployed. In other words they are no longer tied to any particular station, but are employed where they are most likely to be required. In addition, county boundaries no longer apply. The nearest emergency ambulance responds regardless of its origin. There has been no loss for the national ambulance service in east Cork - in fact it has been enhanced. Previously paramedics were responding to calls after 20:00, 8 p.m., four nights a week from their homes as they were working on call. In 2012, this system successfully changed to an on-duty rota with paramedics rostered on duty 24 hours a day and seven days a week, and the on-call system was eliminated.

It is important to ascertain the true facts in so far as the handling of the emergency call was concerned. Let us get those facts accurately form the incident team.

In regard to other incidents around the country, the situation of the national ambulance service is constantly monitored and reviewed. When incidents such as this tragic one come to light, it is fundamental to ascertain what the response was and why that response was made in this particular case. I respectfully suggest to the Deputy that we should wait until we get the report from the HSE serious incident management team and - while it will not bring back the little child - we can then see how the 999 call was managed. Given the improvement in the situation with ambulance services in east Cork we need to ascertain why this particular situation
Deputy Micheál Martin: We need to be very careful about using terms such as enhanced or improved services because there is no sense of that in the community affected. People are now very concerned about the next incident and what might happen because they just do not believe an adequate service is in place. Recent tragic incidents have brought them to that very sad conclusion. I have spoken to people on the ground and their concern is whether there will be an ambulance on time, if God forbid, another life-or-death situation occurs in the east Cork region.

The other incidents I outlined suggest that the Department and Minister need to ask some fundamental and hard questions about the adequacy of the service. We are hearing reports of overworked and stressed ambulance crews and that the ambulance service is at the pin of its collar to meet the demands placed on it. We may talk about the changes that occurred and so on, but clearly in many instances those changes are not working. I have instanced the research undertaken that indicated only half were reaching the targets set nationally. Those are not my figures - they are objectively ascertained figures that the Minister, himself, acknowledged more than a year ago. However, very little has happened since then to enhance or improve the situation.

The reports from Deputies in their regions indicate that the changes are not working. People do not experience an enhanced service by any stretch of the imagination. The service is not adequately resourced. We do not have enough emergency medical technicians. We do not have enough ambulances in place particularly where there have been significant demographic and population changes in recent times. We also have the issue of dispersed rural communities. In the light of what has happened, the Government should have a fundamental review of the adequacy of the service in order to be able to give genuine reassurance. People are very anxious and concerned about the adequacy of our ambulance service and whether it is fit for purpose. Does it have the resources in terms of personnel and ambulances to meet the level of demand that exists? I do not believe the people have that confidence at the moment and for good reason.

The Taoiseach: In the vast majority of cases the response of the national ambulance service is up to the standard that is expected. In this particular case a child fell from a window and died. As I have said, nothing will bring that child back. However, it is important that we ascertain the facts as to what happened after the 999 call was made at 2 p.m. It is important that we get the facts of the sequence of events that meant an ambulance was not dispatched when, I understand, an ambulance was available to deal with this particular incident.

When I said that services were enhanced in east Cork, I mean the ambulances are no longer tied to any particular ambulance centre and are enabled to travel to wherever the need is-----

Deputy Micheál Martin: That might be the problem.

The Taoiseach: Let us examine it.

Deputy Micheál Martin: That is what I am asking the Taoiseach to do.

The Taoiseach: Until 2012 paramedics were on call and answered calls after 8 p.m. from their own homes. This roster was changed and they are now on duty 24/7 which should, one would think, provide an enhanced service. I have no difficulty, when the facts of the matter come to light, with bringing it back to the House and letting everybody know.
Deputy Micheál Martin: In some cases only one ambulance is available at night, and if it is on one mission, it cannot be on a second mission.

The Taoiseach: I take the Deputy’s point about the requirement for people to have confidence and trust in the national ambulance service, and from this perspective I have asked the Minister for Health to publish a general report on national response times and for a report from the high risk management team on this particularly sad case.

Deputy Gerry Adams: I wish to raise concerns that decisions by the British Government are seriously undermining the Good Friday Agreement and the work of political institutions. This agreement and subsequent agreements transformed politics on this island, gave people great hope and brought peace - although it is a, imperfect peace - and a sense of stability for the future. While it most directly impacted on the North, it had a very good and positive effect here in this part of the island and throughout the diaspora.

Once the institutions were stabilised and the big issues such as arms being put beyond use and policing were dealt with, the Government here, and I include the previous Government, took its eye off this most important issue. The British Conservative and Liberal Democrat Government has also not engaged as it should have. The agreement is 15 years old, but there are still outstanding issues such as a bill of rights, Acht na Gaeilge and an all-Ireland charter of rights. We have discussed many times the failure and refusal of the British Government to act on commitments made in Weston Park with regard to the killing of Pat Finucane and the ongoing incarceration of Marian Price and Martin Corey without trial, and the Taoiseach believes they should be released or at least face due process. The Taoiseach is aware the Orange marching season has once again begun. There is much work to do. The Government is an equal guarantor with the British Government of this agreement. This is not the British Government’s agreement; it is an agreement between the two governments and the rest of the political parties.

I spent all day yesterday in Stormont. The crux of what is undermining the ongoing work is that the British Government has reneged on an £18 billion commitment agreed at St. Andrews in 2006 to develop an economic peace dividend. It has just walked away from it. It has removed £4 billion from the block grant and is now imposing £1 billion of very significant cuts in welfare. The Taoiseach understands the great difficulties we have here economically because of many issues he inherited. We have had decades of conflict, disadvantage and discrimination in the North; if ever a place needed to be sustained and had need of an economic dividend it surely is this part of the island.

Will the Taoiseach join me and others in the Dáil in getting the British Government to honour its commitments and remove what is a threat to the well-being of the political institutions in the North, the Executive and the Assembly? These are commitments it made and has now reneged upon. I am not making them up.

The Taoiseach: As Deputy Adams is aware, the Good Friday Agreement sets out a bill of rights for Northern Ireland that would include the right of recognition of the principle of mutual respect for the identity and ethos of communities and parties in Northern Ireland. We support the principle of parties in Northern Ireland setting down their views in drawing up an agreement in respect of this bill of rights. It is possible to do so with constructive discussion between the parties on what might be the substance of any such bill of rights. We continue to stress the importance of ensuring the bill of rights, if it is produced, takes into account the separate and specific context of Northern Ireland.
The Deputy is well aware from his long experience of politics in Northern Ireland that every time an issue was raised over the past 30 years, and there have been many, the political process in Northern Ireland went to Downing Street and asked for another cheque to deal with whatever crisis had arisen. I would like to think governments would honour their commitments in respect of the Good Friday Agreement. The First and Deputy First Ministers are very active in promoting Northern Ireland at home and abroad, and discussions are taking place on the possibilities which exist from changes in the taxation regime and the very active and constructive propositions being put forward by the Executive and the First and Deputy First Ministers in making Northern Ireland an attractive location for investment. This has resulted in approximately 2,200 jobs being located there, with more created from the indigenous economy.

With regard to the figures the Deputy mentioned, it has been a while and I do not have the cumulative amounts allocated by the British Government in each year since the Good Friday Agreement. I expect to meet the First and Deputy First Ministers in the not too distant future, and I would be happy to discuss the matters raised by Deputy. I expect the Executive will follow through diligently on this issue with the British Government.

Deputy Gerry Adams: The First and Deputy First Ministers are following this through diligently with the British Government. I dissent totally from the Taoiseach’s suggestion that every time a crisis occurred in the North, the parties there went to Downing Street looking for a cheque. This is not the case. I am an Irish republican and I do not want any British Government involvement in our affairs. We have one of the most successful peace processes in our lifetime. I remember walking through the Turf Lodge estate with Fr. Alex Reid and he asked me how we would know whether the peace process was working. I answered it would be when the people there knew it was working. There is extreme disadvantage in mostly Nationalist, but not exclusively Nationalist, working class areas, with generational discrimination and disadvantage. The same goes for working class loyalist and Unionist communities.

What the British Government signed up to at St. Andrews was an attempt to regenerate the economy with an investment of £18 billion, but it has reneged on this and the Deputy First Minister and the First Minister have raised this issue with the British Government and the Taoiseach. The British Government also cut the block grant through which the North receives its subvention from London. There is much controversy about how much tax is lifted from the North by the British Government and how much it removes from the Six Counties. We have had a £4 billion cut on top of an £18 billion hit and now we have a very clear intent of austerity through removing £1 billion from these communities.

I welcome what the Taoiseach stated about speaking to the First and Deputy First Ministers about these matters, but they will tell him nothing different from what I have just told him. It is the Taoiseach’s agreement. It is an international agreement between the two governments, so the Irish Government cannot resile from this. People in the North - Unionists and the rest of us - look to the Government here as a co-guarantor of this agreement to ensure the British government is accountable daily in this business. Therefore, I am asking the Taoiseach again to intervene urgently. I am not one for scaring the horses or raising false concerns, but there is genuine apprehension about where this will end up if the Tory Government continues on this path.

The Taoiseach: Deputy Adams is aware that the British Government has put forward a series of proposals concerning economic incentives to develop and strengthen the economy in Northern Ireland. While this is clearly a matter for the British Government and the Northern
Ireland Executive, I welcome that and would like to see it progressed. In fact, I expect that in the preparatory period for the G8 summit in Fermanagh, to which I have been invited as Ireland currently holds the EU Presidency, we will have an opportunity to discuss this matter and see what can be moved forward in the context of that particular set of proposals. I know that the British Prime Minister, Mr. Cameron, and the Northern Ireland Executive view this as an opportunity to move that package of proposals forward. That is an important element of strengthening the east-west relationship.

As regards the Deputy’s question about how one knows the peace process is working, that is why the matter was raised by me directly with the US President and the Speaker of the House of Representatives, as well as with Senators and other members of the US Congress. Deputy Adams is aware of the discussions that have taken place there. He is also aware of the response from a European perspective in terms of the PEACE IV dividend.

Today, ECOFIN was able to make substantial progress on the preliminary problem of dealing with the deficit for the multi-annual financial framework, MFF, for 2012-13. The Tánaiste is engaged in the process of dealing with the approval by the European Parliament of the MFF or budget for the EU, which includes that PEACE IV dividend. I know the Deputy has welcomed it before and it will be of benefit, particularly to hard-pressed communities. I look forward to having an engagement with the First Minister, Deputy First Minister and, when possible, the British Prime Minister in respect of the proposals for economic stimulus in Northern Ireland. I have to assume that reflects, at least in part, the original decision made at St. Andrews. We will obviously have an opportunity to discuss that here again.

This matter has been raised on quite a number of occasions over the past two years. In that time, there have been at least 50 ministerial engagements in respect of the North-South Ministerial Assembly dealing with issues about Northern Ireland and cross-Border activities.

Deputy Clare Daly: We have had a weekend of determined industrial action by bus workers and midnight talks to avert disputes across the public sector. I find it interesting how people on six-figure salaries - including Government Ministers, semi-State CEOs and a couple of trade union leaders - can try to convince workers that the only show in town is one where they have to offer up their hard-won pay and conditions to make savings. Of course, they are ably assisted by a press that is owned by billionaire tax exiles. I am reminded of one of the Taoiseach’s predecessors, Charlie Haughey, who in the 1980s told the rest of us that we had to tighten our belts while he unwrapped yet another Charvet shirt.

The recent disputes show a lot about the type of society that is being fostered under the Taoiseach’s stewardship. Those policies are being pursued, not because there is no alternative or the Taoiseach has no choice, but because ideologically the Government supports stripping public services and driving down wages and conditions.

The Minister for Transport, Deputy Varadkar, slashes the subsidy to Bus Éireann and is then shocked that the company is somehow losing money. His personnel on the ground - although not really on the ground because some of them are based in Dubai - or his management team come up with the myth that the company’s workers are to blame. According to management, these people have an absolute neck to think that they should be paid more for driving through the night, working weekends and doing 12-hour shifts. Let us be clear, bus workers earn a modest wage. They are not the worst paid workers in this country but their money is hard earned. Their wages have already been cut in recent weeks. The expectation that they would endure a
cut of another €3,000 to €4,000 is absolutely scandalous.

The issue is what type of society we want to live in. Public services cost money and their value cannot be determined by break-even economics. The social benefit has to be factored in. Our transport costs are the least subsidised in Europe. Even the United States subsidises private transport more than we fund public transport.

Rather than undermining public transport, does the Taoiseach not think it would be far more sustainable, both economically and socially, to increase the subsidy to Bus Éireann and CIE, thus enabling them to slash prices and get more people out of their cars and onto buses? Is it not an obscenity that the Government continues to pay €50 million of taxpayers’ money every year - that is ten times the bus cuts - to fund the West Link toll bridge? That bridge has been paid for many times over as a result of the cosy deal done by the Fianna Fáil cohort.

Does the Taoiseach not think it crazy that the taxpayer pays millions every year to public private partnerships because roads are not being used, yet he cannot use taxpayers’ money to fund viable rural bus companies? When will the Taoiseach stop subsidising the private sector while at the same time driving down public sector wages and conditions?

The Taoiseach: After that long dissertation, Deputy Clare Daly understands well what we have to do: get our public finances in order, restore our country to prosperity and get our people back to work. That is why I am glad the unions have agreed to suspend the strike and go back to talks with Bus Éireann at the Labour Relations Commission. I hope that over the next 48 hours or so, the discussions will end conclusively and successfully in that the savings that have to made can be agreed, drivers will continue giving the excellent service they have always given, and passengers will have access to Bus Éireann for their journeys around the country.

The evidence of €500,000 lost in a two-day strike speaks for itself. I do not share the Deputy’s view that the subsidy has been slashed by the Minister, Deputy Varadkar. In fact, last year, the subsidy to Bus Éireann was the highest ever.

Deputy Clare Daly: That is simply not true. The reality is that Bus Éireann’s subsidy stood at €49 million in 2009 and has been reduced by €15 million since then. Since 2009, the wages bill has been slashed by another €15 million.

Deputy Simon Harris: That is a different company - Dublin Bus.

Deputy Clare Daly: That is €15 million out of the pockets of hard-pressed bus workers who already have had to endure cuts. The Taoiseach has chosen to avoid the fact that choices are always available. Rather than taking money from the pockets of modestly paid workers, why could the Taoiseach not have chosen instead to tax the new millionaires who have gained extra wealth under his stewardship? For example, could he not bring in a 5% hike on the new earners of more than €300,000 per annum, whose numbers have sky-rocketed under the Taoiseach’s stewardship, in order to meet the deficit he wants public sector workers to shoulder?

At the behest of the Department of Transport, Tourism and Sport, Deloitte - an independent group - undertook a study on Bus Éireann and found that it was an incredibly efficient and well-run company off the backs of a good and modestly paid workforce. The idea that the Minister expects them to make savings of €5 million while he continues to subvent the private sector is reprehensible and is a bit of a fairy tale.
The Taoiseach: I get a bit fed up with this regular comment from Deputy Daly as if she is the only one in here who values the work the public service does. We value the work of our public servants. I value it because I know them, the very many people who work long hours and late nights to see that services are provided, whether front-line or not. And yes, no more than any other sector of Irish society, there are people who do not perform to the optimum level. There are sectors in the public sector where that applies. We value the work of the public service, and Deputy Daly does not have sole ownership of respect for the public service.

I hope the discussions that are taking place with chief executive of the Labour Relations Commission and trades unions will proceed successfully, that we can have an opportunity to have a negotiated, overarching agreement regarding Croke Park II. Hopefully the discussions the unions and Bus Éireann have entered into, thankfully both with a positive attitude, can bring this matter to a conclusion and Bus Éireann drivers and workers can continue to provide an excellent, first class service for the many thousands of passengers who are glad to use their services on a daily basis for many years.

Ceisteanna - Questions (Resumed)

Northern Ireland and EU Issues

1. Deputy Gerry Adams asked the Taoiseach if he outline the contacts he has had with political leaders in Northern Ireland in relation to the implementation of outstanding aspects of the Good Friday Agreement. [9925/13]

2. Deputy Gerry Adams asked the Taoiseach when the next plenary meeting of the North South Ministerial Council will be held. [11054/13]

3. Deputy Gerry Adams asked the Taoiseach if he will report on his attendance at the British Irish Parliamentary Assembly in Letterkenny, County Donegal, on 4 March 2013. [12779/13]

4. Deputy Micheál Martin asked the Taoiseach if the recent dissident activity in Northern Ireland will have an impact on the G8 Summit; and if he will make a statement on the matter. [17254/13]

5. Deputy Micheál Martin asked the Taoiseach the way he commemorated the 15th anniversary of the Good Friday Agreement; and if he will make a statement on the matter. [18353/13]

6. Deputy Gerry Adams asked the Taoiseach if he will outline the contacts he has had with the British Prime Minister David Cameron in relation to the implementation of outstanding aspects of the Good Friday Agreement. [9924/13]

7. Deputy Micheál Martin asked the Taoiseach if he discussed the Parades Commission and broadening its role with Prime Minister Cameron at his recent meeting; and if he will make a statement on the matter. [10971/13]

8. Deputy Micheál Martin asked the Taoiseach if there has been any update from the British Government in relation to the request for an independent inquiry into the death of Mr Pat
9. **Deputy Micheál Martin** asked the Taoiseach if he discussed bankers’ bonuses at his meeting with Prime Minister Cameron; and if he will make a statement on the matter. [13596/13]

10. **Deputy Micheál Martin** asked the Taoiseach if he discussed England’s membership of the EU and the forthcoming referendum in 2016 at his meeting with Prime Minister Cameron; and if he will make a statement on the matter. [13597/13]

11. **Deputy Micheál Martin** asked the Taoiseach if he discussed the European response to the financial crisis with Prime Minister Cameron; and if he will make a statement on the matter. [13598/13]

12. **Deputy Micheál Martin** asked the Taoiseach if he received any update on the independent inquiry request into Mr Pat Finucane’s murder from Prime Minister Cameron at his meeting in London; and if he will make a statement on the matter. [13599/13]

13. **Deputy Micheál Martin** asked the Taoiseach if he discussed the €3.8 billion loan from the United Kingdom to Ireland at his recent meeting with Prime Minister Cameron; and if he will make a statement on the matter. [13600/13]

14. **Deputy Micheál Martin** asked the Taoiseach if he discussed youth unemployment and the response from the EU with Prime Minister Cameron; and if he will make a statement on the matter. [13602/13]

15. **Deputy Micheál Martin** asked the Taoiseach if he discussed his upcoming bilateral with President Obama with Prime Minister Cameron; and if he will make a statement on the matter. [13603/13]

16. **Deputy Micheál Martin** asked the Taoiseach if he discussed developments in Mali with Prime Minister Cameron; and if he will make a statement on the matter. [13604/13]

17. **Deputy Micheál Martin** asked the Taoiseach if he discussed the value of sterling against the euro with Prime Minister Cameron; and if he will make a statement on the matter. [13605/13]

18. **Deputy Micheál Martin** asked the Taoiseach if he discussed developing new markets between Ireland and England with Prime Minister Cameron; and if he will make a statement on the matter. [13606/13]

19. **Deputy Micheál Martin** asked the Taoiseach if he discussed developments in the North of Ireland with Prime Minister Cameron; and if he will make a statement on the matter. [13607/13]

20. **Deputy Micheál Martin** asked the Taoiseach if he discussed job creation and foreign direct investment to the North of Ireland with Prime Minister Cameron; and if he will make a statement on the matter. [13608/13]

21. **Deputy Micheál Martin** asked the Taoiseach if he discussed reducing the rate of the corporation tax in the North of Ireland with Prime Minister Cameron; and if he will make a statement on the matter. [13609/13]

22. **Deputy Gerry Adams** asked the Taoiseach if he will report on his meeting with the
23. **Deputy Gerry Adams** asked the Taoiseach if he has raised the issue of the implementation of outstanding aspects of the Good Friday Agreement during his meeting with British Prime Minister David Cameron on 11 March 2013. [13610/13]

24. **Deputy Gerry Adams** asked the Taoiseach if he raised the issue of the Bill of Rights for Northern Ireland during his meeting with British Prime Minister David Cameron on 11 March 2013. [15998/13]

25. **Deputy Gerry Adams** asked the Taoiseach if he raised the issue of the imprisonment of Marian Price and Martin Corey during his meeting with British Prime Minister David Cameron on Monday 11 March 2013. [16000/13]

26. **Deputy Gerry Adams** asked the Taoiseach if he raised the issue of the need for an independent public inquiry into the killing of Belfast human rights Solicitor Pat Finucane during his meeting with British Prime Minister David Cameron on 11 March 2013. [16001/13]

27. **Deputy Gerry Adams** asked the Taoiseach if he raised the issue of the Dublin and Monaghan bombings during his meeting with British Prime Minister David Cameron on 11 March 2013. [16002/13]

28. **Deputy Gerry Adams** asked the Taoiseach if he raised the issue of the Ballymurphy massacre during his meeting with British Prime Minister David Cameron on 11 March 2013. [16003/13]

29. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to Prime Minister Cameron recently; and if he will make a statement on the matter. [18349/13]

30. **Deputy Richard Boyd Barrett** asked the Taoiseach if he raised the issue of Britain’s membership of the EU and the proposed referendum in Britain on that issue during his recent meeting with Prime Minister Cameron; and if he will make a statement on the matter. [22139/13]

31. **Deputy Richard Boyd Barrett** asked the Taoiseach his participation in events around the 15th anniversary of the Good Friday agreement; and if he will make a statement on the matter. [22141/13]

32. **Deputy Patrick O’Donovan** asked the Taoiseach if he will outline the topics discussed with the British Prime Minister David Cameron at their recent bilateral meeting; and if he will make a statement on the matter. [22142/13]

33. **Deputy Patrick O’Donovan** asked the Taoiseach when the next follow up meeting will take place with the British Prime Minister David Cameron following the recent bilateral meeting; if there will be bilateral meetings on the fringes of the upcoming EU Council of Minister meetings; and if he will make a statement on the matter. [22143/13]

34. **Deputy Joe Higgins** asked the Taoiseach if he will report on his most recent contact with Prime Minister David Cameron. [22453/13]

The Taoiseach: I propose to take questions Nos. 1 to 34 together, which concern my bilateral meeting with Prime Minister David Cameron on 11 March in Downing Street, and other
Northern Ireland-related issues. As it has been some time since I answered questions in the House on these issues-----

Deputy Micheál Martin: It is incredible. It just makes a mockery of the whole thing. There are many distinct questions there. We discussed this last week, the Taoiseach said he would engage in reform but it is all nonsense. He has no serious engagement with these questions-----

The Taoiseach: Let me answer the group and then Deputy Martin can ask any question he wants.

Deputy Micheál Martin: We will get a filibuster.

The Taoiseach: The Deputy will get no filibuster.

Deputy Micheál Martin: We will get approximately four interventions over the next hour and that is it. It is a joke.

The Taoiseach: I will come to Deputy Martin very shortly with proposals about this and related matters of the way business is done here, and we will see if he accepts them.

Deputy Micheál Martin: We have already discussed proposals. I will not accept a fait accompli. It does not matter. The Taoiseach can do as he wants because he has the numbers. That sums up his reform.

The Taoiseach: Does Deputy Martin want me to take each question individually?

Deputy Micheál Martin: I would take them in order. We could do that.

The Taoiseach: Am I to extract from that where the British Prime Minister is involved in the Northern Ireland issues?

Deputy Micheál Martin: No, the Taoiseach does not have to extract that. What about bankers’ pay and bonuses? Clearly that is not relevant to Northern Ireland. That is the point. There are distinct elements in Northern Ireland such as the Finucane case, parades and the Good Friday Agreement.

The Taoiseach: Where we discussed matters with the British Prime Minister about Northern Ireland, they are relevant to the Northern Ireland questions. May I give the answer to the group question? The Deputy can then ask any individual question he wants to ask.

Deputy Gerry Adams: I share Deputy Martin’s frustration. I made this point last week. I do not know how many questions I have down here, it is approximately a dozen. I got one intervention last week and sat here for an hour and 15 minutes. Each of these questions is seriously important. Deputy Martin always raises issues which are important. We are now going to talk about meetings which happened last March. This is the middle of May.

An Leas-Cheann Comhairle: Maybe these matters could be discussed later. I am now faced with these questions. I call the Taoiseach.

The Taoiseach: I will answer the questions as a response to all of these questions about Northern Ireland, the involvement of the British Prime Minister and these relationships and if Deputies want to ask individual questions about the 34 questions, I am happy to answer them.
Our meeting took place one year on from the signing of the joint statement which set out the vision and a framework for improved cooperation between Ireland and the UK over the coming decade. We had a productive discussion across the range of issues that we have agreed to work on together, and where we have seen significant progress over the last year. We intend to keep up that momentum.

The joint economic study that we proposed a year ago is almost completed. I am confident that it will help to identify further areas for cooperation. We have made real progress on energy. The launch of the east-west interconnector last year was a landmark achievement. January’s memorandum of understanding on the export of renewable energy enables detailed engagement towards an inter-governmental agreement in this area. We have also made considerable progress towards a reciprocal visa arrangement for travel to Britain and Ireland. Other good examples of progress include greater cooperation between Tourism Ireland and Visit Britain, between our enterprise and trade agencies and on research and development.

The joint statement also envisaged a comprehensive programme of engagement between the two Administrations, including close bilateral engagement between departments and regular meetings at Secretary General-Permanent Secretary level. A number of bilateral meetings have taken place across a range of policy areas since the March 2012 joint statement. A plenary meeting of Secretaries General and Permanent Secretaries from the UK took place on 16 November 2012 in London to assess progress and map out future work. A plenary meeting of Secretaries General and Permanent Secretaries from Northern Ireland also took place in Dublin on 4 March 2013 to discuss the North-South aspects of the wider joint economic study.

We asked our Secretaries General and Permanent Secretaries to work up further policy recommendations on the back of the joint economic study once it is finished. A further meeting of that group is scheduled to take place in Dublin for this purpose and to look ahead to the annual review summit in 2014.

At my bilateral meeting with the British Prime Minister we also had an open and positive discussion about political, economic and security developments in Northern Ireland. We reaffirmed the support of both Governments for the full implementation of the Good Friday and St Andrews Agreements, already raised here, and expressed our confidence in the Police Service of Northern Ireland, the Judiciary and the Parades Commission in their work.

In this context, I welcome the announcement by the First and deputy First Minister that they will be publishing a strategy on building a reconciled and united community in Northern Ireland in the coming weeks. This, together with the other measures they announced, represents good progress. We remain committed co-guarantors of the peace process and we will continue to work closely with the Northern Executive to promote peace, stability and prosperity in Northern Ireland. We want to work together with the Executive to build a strong shared future. The British Government’s economic package for Northern Ireland that has recently been proposed consists of a range of options to boost the private sector in Northern Ireland. The British Government will work closely with the Executive to help rebalance the economy in Northern Ireland, increase its competitiveness and help to build a shared society. The package covers a wide range of proposals from additional tax and borrowing powers for the Executive, through to measures to encourage infrastructure and investment.

As I had also done at other meetings, I referred to the Pat Finucane case. As Deputies are well aware, we have a different position to that of the British Government and I fully support the
Finucane family’s quest for a full inquiry. I did not discuss other cases with the Prime Minister.

On EU issues we discussed the outcome of the multiannual financial framework, MFF, negotiations which had concluded shortly before our meeting and on the need for the European Parliament to approve the deal, which the Irish Presidency is very focused on. We both strongly support the goal of improving the competitiveness of European business and will work to see the single market deepened further, particularly in services, the digital economy and energy, all clear aims of Ireland’s EU Presidency. We both agreed that we would use our respective roles as EU President and the G8 chair to press for the launch of negotiations on an EU-US trade agreement this June.

I did not discuss reducing corporation tax in Northern Ireland or the bilateral loan to Ireland with the Prime Minister nor did we discuss the UK’s future in the EU, the referendum in 2016 or events in Mali. I am pleased that both the British Government and ourselves will be working closely together and contribute to the new PEACE IV programme valued at €150 million and which the Government negotiated with the European Commission.

4 o’clock

This was secured through our intervention in Brussels in the lead up to the negotiations on the MFF budget and I am pleased the Government’s efforts were successful. The new PEACE IV programme’s aims and objectives will be clarified over the coming months. We remain committed to meeting together at annual summits to review and oversee progress in our joint work, and I look forward to the next summit in 2014. After our meeting the Prime Minister and I went together to the annual reception at Westminster, also sponsored by Tourism Ireland, an event which was attended by many involved in delivering peace in Northern Ireland.

I was delighted to have the opportunity to speak at the British Irish Parliamentary Assembly plenary session in Letterkenny in March. The theme of the plenary was “Energy across Borders - Delivering the Economic Opportunities”. The discussions centred on the issues of energy innovation and the development of renewables, with a particular focus on how the British and Irish Governments, along with the devolved regional parliaments, can work together on this increasingly important issue.

Preparations by the authorities in Britain and Northern Ireland for the G8 summit meeting are ongoing. Given the proximity to the Border and the scale and significance of the event, there are important security implications for this jurisdiction. In this regard, the Garda authorities are working closely with the PSNI in putting in place the cross-Border security arrangements which will be necessary for the event. This dedicated co-operation will continue up to and during the event.

The Government remains firmly committed to ensuring the full and effective implementation of the Good Friday and St. Andrew’s Agreements. To this end I look forward to attending the next BIC summit in Deny in June and also the North-South Ministerial Council, NSMC, plenary meeting in Dublin in July where I hope progress can be made across a number of areas. The Tánaiste attended the NSMC institutional meeting in Belfast with the First and Deputy First Ministers on Monday, 29 April, and also attended a cross-community event to commemorate the 15th anniversary of the Good Friday Agreement with the Secretary of State, Ms Theresa Villiers.

Deputy Gerry Adams: I will curtail my contribution to four questions and there may be
an opportunity to return. First is the issue I raised earlier, namely, welfare cuts. I know there is a certain irony in my asking the Taoiseach, who is imposing austerity here, to raise the issue of austerity with the British Government in regard to the North. However, I do so because the economy in the North just cannot cope with the swingeing cuts this Tory Government is imposing. When I raised this during Leaders’ Questions, the Taoiseach did not respond to the point I made about £1 billion in welfare cuts being imposed on people in the North and he did not commit to raising this matter with the British Government even though, as the Taoiseach rightly reminded us, the Good Friday Agreement is about people’s rights. I raise the issue again now.

Second, I raise the issue of Marian Price. I do not know if the Taoiseach knows that Ms Price has just been moved back into the City Hospital and is very seriously ill. She has been in detention for two years but is facing no charges and has not been subject to due process. She and Martin Corey are effectively being held without charge or trial. Marian Price has serious problems with her immune system and is at heightened risk of infection. I got that report this morning by calling people in Belfast. The parole board to which Sinn Féin has made representations is due to make a decision on her case before 30 May. What representations has the Taoiseach made on behalf of this Irish citizen who is being held in isolation without access to fresh air? What representations has he made to accelerate her release?

Third, I refer to an Acht na Gaeilge, although none exists. For what it is worth, within the so-called United Kingdom there are language Acts in Wales and Scotland. There is also what we have in this State but there is nothing of the kind in the North where the Irish language community is in resurgence and there has been a renaissance of Irish language schools and communities.

Fourth, there is the issue of Narrow Water Bridge, which I have raised before with the Taoiseach. I have written to the Ministers involved, Mr. Danny Kennedy MLA and Mr. Sammy Wilson MLA. My big concern is that the funding currently provided under INTERREG will be lost as a result of the time limit placed on such funding. If the project slips past that limit, for whatever reason - although the Minister, Mr. Wilson, has assured me he is not delaying - we will have a real problem and this substantive tranche of funding will be lost. I would like to contribute again later, if possible.

**The Taoiseach:** I thank Deputy Adams for those questions. He mentioned the welfare cuts, what generally comes under the much maligned phrase “austerity bites”. He well knows that the answer to this problem is investment, growth, prosperity and job opportunities in Northern Ireland and that is why I fully support and engage with the First and Deputy First Ministers in their efforts-----

**Deputy Gerry Adams:** It is about-----

**The Taoiseach:** -----to promote Northern Ireland. That is why, when they went to China, we made available to them our ambassador and gave them every assistance we could in that regard. We are very happy to co-operate with the Executive in what it wants to do in this area. I point out to the Deputy that some of the proposals put forward by the British Government include additional tax opportunities and borrowing powers for the Executive in order to stimulate investment and create jobs.

I was in Dundalk recently with the Deputy at the launch of the Paypal-eBay event and we met the chamber of commerce and a cross-Border delegation in regard to Narrow Water Bridge.
This matter has been raised by us with the Northern Ireland Executive and the British Government and we strongly support the project. Louth County Council and this Government have put moneys in place and have carried out their work. The Minister, Mr. Sammy Wilson MLA, has to make a decision in respect of his responsibilities with the Northern Ireland Department of Finance and Personnel. As the Deputy is aware, substantial moneys from Europe are in place for Narrow Water Bridge. The matter was raised at the North-South Ministerial Council. I hope the work which has been carried out by the Minister, Mr. Kennedy, and the review made by the Minister, Mr. Wilson, will see to it that the project is brought to a successful conclusion. It would be a shame were it to be lost, given the moneys invested from both here and from Europe.

I refer to Marian Price. I was not aware she had returned to hospital until the Deputy informed me just now. The parole commissioners are reviewing that case and a decision is due shortly. This issue has been raised by the Tánaiste, by me and by the British Government in regard to her medical condition, which can vary from day to day or week to week. Following the information that Ms Price is back in hospital, as given to the House by Deputy Adams, I will have the matter followed through again. In regard to Martin Corey, the Deputy is aware the authorities have confirmed he was released under licence in 1992; that this licence was revoked in April 2010 and an appeal in regard to his case has been submitted to the Supreme Court in Belfast and is going through the process.

I will ask the Minister of State, Deputy Dinny McGinley, to follow through in regard to an Acht na Gaeilge. I do not have information to date on that position. However, there is no reason this matter could not be progressed. I do not have detail on how things stand with the Executive but will-----

Deputy Gerry Adams: There is no word.

The Taoiseach: -----undertake to follow this through and will return to Deputy Adams.

Deputy Micheál Martin: I wish to protest in the strongest possible manner at the way in which Questions to the Taoiseach are being handled. There are 34 questions here, of which 18 are mine and they are not all related. Putting the 34 together is a far-too-clever attempt to bury some of the questions.

The Taoiseach: I cannot-----

Deputy Micheál Martin: The Taoiseach has bundled them together.

The Taoiseach: The Deputy can ask them individually.

Deputy Micheál Martin: This has been a tactic of the Taoiseach since the beginning. He said he would desist and for a while he did, but today he has come into the Chamber and has thrown-----

The Taoiseach: That is not-----

Deputy Micheál Martin: I am sorry, I have the floor now. The Taoiseach has given his answer and I am now going to ask questions based on those answers. The answers are very relevant to the point I am about to make. The first question I asked concerned dissident activity in Northern Ireland and the impact on the G8 summit. Question No. 5 asked the Taoiseach the way he commemorated the 15th anniversary of the Good Friday Agreement. He did not
answer that question because he wanted to bury it but I will return to the matter in a moment. I asked three other questions which had nothing to do with Northern Ireland. I asked whether the Taoiseach, at his meeting with Prime Minister Cameron, discussed bankers’ bonuses, England’s membership of the European Union or the forthcoming referendum in 2016. These are separate matters unrelated to Northern Ireland and they demand a distinct and separate reply. Question No. 11 asked whether the Taoiseach discussed the European response to the financial crisis with Prime Minister Cameron. Again, that was buried in the overall reply. I also asked about the bilateral loan, which the Taoiseach says he did not discuss, and a range of other issues that are not related to Northern Ireland.

It is unacceptable. When the Taoiseach first took office he reduced by one the number of days on which we take Taoiseach’s Questions. In previous Dáileanna we took them on Tuesdays and Wednesdays. Accountability to this House is being reduced in respect of the Taoiseach’s areas of responsibility. In regard to the questions I have tabled on the issue of commemorating the 15th anniversary of the Good Friday Agreement, it is disappointing that the Taoiseach and his Government decided not to mark the anniversary of what was a hugely important event by any yardstick. The failure to mark it in any meaningful way points to two emerging themes in this Government. The first is an alarming disengagement from what is happening in the North. I have spoken on this at some length over the course of the past year. An attitude seems to have taken root in the Irish and British Governments that the North is sorted and should be allowed to get on with things on its own. I believe that is a fundamental mistake because the increasingly fractious relationship between the DUP and Sinn Féin is creating a dangerous vacuum about which all of us should be concerned.

It is important for those of us who occupy positions of political leadership to have the generosity of spirit to acknowledge our shared and non-partisan history. The Taoiseach’s failure to mark the Good Friday Agreement springs from an attitude and approach to Government which is very partisan. His leadership is of a partisan kind. I have raised this previously in the context the speech he gave last year at Béal na mBláth. There are occasions when he should step outside of his partisan base to acknowledge properly seminal and ground-breaking events in our history. Marking 15 years of the Good Friday Agreement could provide a launch pad to create energy for the next iteration of politics on this island and the relationship between Britain and Ireland. A number of issues remain to be addressed and attended to because a degree of stasis exists with the politics of the North, particularly on the Executive. There is a lack of legislation in the Assembly and the Executive in the North has not been working as effectively or optimally as it could be.

Did the Taoiseach speak to Prime Minister Cameron about extending the remit of the Parades Commission? Parading remains a major risk to civic stability in the North. There is considerable nervousness in the North about the upcoming parading season, particularly because of the flag violence we witnessed last Christmas. These events were particularly harmful for communities like the Short Strand enclave in east Belfast, which has effectively endured a continuous parading season. It is vital that the authority of the Parades Commission is underpinned by both Irish and British Governments. That has not been happening to the degree it should have, particularly since Christmas. It was agreed at the Hillsborough talks two years ago to commence a process which would get agreement among the various strands of opinion on an alternative structure, but no obvious progress has been made by the parties. In the absence of any alternative, the Parades Commission can only continue its vital work if it is clear to all that it has the support of the Irish Government and will not be second-guessed or undermined by
any strand of political opinion simply because somebody does not like a decision it makes. The performance of First Minister, Peter Robinson, MLA, last summer, when he co-signed an open letter condemning the commission, was a major setback. It was exactly the opposite of what the families of Northern Ireland have a right to expect from their leaders. Was the Taoiseach aware of this and has he a view on the fact that Mr. Robinson co-signed a letter that fundamentally undermined the only authority designed to call it in terms of parades? These issues demand to be raised and discussed with the British Government.

Other issues arise in regard to policing and the PSNI. I support the PSNI but Sinn Féin picketed a PSNI office because it did not like who it arrested.

Deputy Gerry Adams: We are entitled to do that.

Deputy Micheál Martin: I do not think you are.

Deputy Gerry Adams: Yes, we are.

Deputy Micheál Martin: If Sinn Féin members are on the Executive and the policing boards, they undermine the authority of the PSNI if they question its operational decisions on who to arrest or which crimes to pursue. That is fundamentally wrong and Sinn Féin does not enjoy that luxury.

Deputy Gerry Adams: It is not a luxury; it is a right.

Deputy Micheál Martin: Parties in government do not enjoy that right. Sinn Féin cannot have it every way all of the time.

Deputy Gerry Adams: The PSNI has to be accountable.

Deputy Micheál Martin: It is accountable through the structures created under the Patten reforms. That is why people sit on the policing boards. There is accountability through the boards. Various communities and political parties, including Sinn Féin, have representatives on the policing boards. There is a line of accountability but, unfortunately, there is a grave danger that policing in the North will be compromised because of this activity. A pattern has emerged whereby there are protests when arrests happen in loyalist areas. People can switch on riots if they do not like who is being arrested. People cannot condemn that kind of activity on the one hand while deciding to mount pickets on the other.

Deputy Gerry Adams: Rioting and peaceful picketing are distinct activities.

Deputy Micheál Martin: It increases tensions, inflames opinion and undermines the authority of the PSNI. No institution is perfect but the PSNI represents one of the better transformations or new departures to have emanated from the Good Friday Agreement. The work done by Chris Patten and everybody else has been held up as a model for policing in conflict areas. All parties should be extremely careful that nothing is done to undermine that transformation. By all means we should enhance it but let us not play to all bases all of the time. The problem in Northern politics is that the main parties play to their electoral bases to the detriment of the common good on social, economic and political issues.

Deputy Gerry Adams: Is the Deputy blushing?

Deputy Brendan Smith: Deputy Adams would blush a good bit if he was to listen to the
An Leas-Cheann Comhairle: Through the Chair.

Deputy Micheál Martin: I am reliably informed that certain people were blushing on “Primetime.”

Deputy Gerry Adams: It certainly was not me. It may have been the presenter.

Deputy Micheál Martin: I doubt it somehow.

Deputy Patrick O’Donovan: It is their only way of communicating.

An Leas-Cheann Comhairle: We are on Taoiseach’s Questions.

Deputy Micheál Martin: Can the Taoiseach expand on his discussions with Prime Minister Cameron on the independent inquiry into the murder of Pat Finucane? What was the British Government’s response, is he genuinely pushing the matter and has he suggested any creative approach to breaking the logjam and implementing - this comes back to my point about marking the Good Friday Agreement and subsequent agreements - internationally binding agreements between the two Governments? It undermines the authority of agreements and confidence in the relationship between the Governments when aspects of the agreements are not followed through and developed. There may be a desire on the part of the British Government to leave well alone because of the fear of what it could open up in terms of collusion with loyalist gangs and others at the time. In my view, however, the truth must come out as transparency is required for a better future.

The Taoiseach: I thank the Deputy for giving us a good dissertation for 15 minutes.

Deputy Micheál Martin: I learned from last week.

The Taoiseach: I do not have a problem with that. I will answer any questions the Deputy wishes. He is wrong to state the occasion of the 15th anniversary of the signing of the Good Friday Agreement was not marked. Deputy Joe McHugh called a special hearing of the Joint Committee on the Implementation of the Good Friday Agreement, which received presentations from the chief executive of Co-operation Ireland, a former PSNI officer and two other contributors.

Deputy Micheál Martin: I referred to what the Government did to mark the event, not the Oireachtas.

The Taoiseach: It would have been all too easy to issue a statement and leave the matter at that. However, Deputy McHugh called a special meeting to mark this significant event. Everybody present supports the Agreement.

Deputy Micheál Martin: On a point of information, I asked what the Government did to mark the anniversary. The Taoiseach’s answer is a lame excuse.

The Taoiseach: The last time I tried to intervene when Deputy Martin was speaking, he indicated he was in possession. I ask him to listen to me for a moment and I will answer his questions, of which I have taken careful note.

The issues discussed with Prime Minister Cameron in Downing Street included the follow-
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progressing: progress in developing and implementing the programme of work within the framework of last year’s joint statement; bilateral relations and economic relations; recommendations from the joint economic study interim report and what it will lead to; political developments and the security situation in Northern Ireland; the commemoration of significant centenaries, starting with the First World War; the G8 summit in June in Fermanagh and the opportunity it presents to showcase Northern Ireland in a very positive light; the EU Presidency and the outcome of discussions, until that point, on the multiannual financial framework, MFF; the CRD IV directive; using the roles of the EU Presidency and G8 to press for the launch of the mandate in respect of the EU-US trade agreement; and the European arrest warrant. In the case of the final issue, I pointed out the impracticality of suggestions of withdrawing from this and trying to renegotiate particular aspects of it.

Deputy Martin also referred to the Pat Finucane case. As I have stated repeatedly in response to questions from Deputies Martin, Adams and others, the Government is following through on an all-party motion in my name passed by the House some years ago, which called for an independent public inquiry into the killing of Pat Finucane. I have made the case for such an inquiry very clearly to the British Prime Minister. Obviously, the British Government has a different view from the Irish Government on this matter and the two Governments have differed publicly on it on a number of occasions. I contacted the Finucane family directly after the de Silva report was completed and they made clear they were not happy with it and wished to pursue the option of having a full-scale public inquiry. I support their wishes, as I reiterated when I spoke to Geraldine Finucane in Washington. Officials from my Department remain in contact with the Finucane family. I made clear that the Irish Government will continue to seek, at every opportunity, an independent public inquiry into the Finucane case. The Tánaiste made this view clear to the Secretary of State, Theresa Villiers, when he met her recently.

Deputy Martin also referred to the Parades Commission, about which a number of issues have arisen. The Government supports the rule of law. The Tánaiste and I have discussed with the British authorities on a number of occasions the position regarding parades and the role of the Parades Commission. For example, the Tánaiste raised this issue specifically with Secretary of State Villiers when they met on 29 April. The Government’s view is that all parties should co-operate fully with the Parades Commission and respect its determinations and decisions. As Deputy Martin correctly noted, no one wants a return to the deplorable violence that sullied Northern Ireland’s reputation in the past. It is very important in the context of the upcoming marching season that the decisions of the Parades Commission are fully respected and the commission and PSNI receive full support in ensuring the rule of law is upheld. Clearly, there were breaches of its determinations before and after Christmas and I am glad the situation has settled down. I hope the determinations of the Parades Commission will be respected.

Deputy Martin tabled 18 questions. The first was on the Parades Commission, the second on the Finucane case and the third on bankers’ bonuses.

Deputy Micheál Martin: It is a disgrace that these questions have been grouped together.

The Taoiseach: We discussed the CRD IV directive during Ireland’s Presidency. The directive limits the bonuses paid to bankers, of whom there are also some in Northern Ireland. As I stated, I did not discuss the Prime Minister’s view that there should be a referendum on EU membership in Britain. In terms of whether we discussed the financial crisis, I raised the issue with the Prime Minister and we discussed it.
The Deputy asked a second question about Pat Finucane. I did not discuss with the Prime Minister the €3.8 billion loan. The PEACE IV dividend is to deal in part with youth unemployment, for which a specific €6 billion fund has been established. This matter was discussed last week. I did not discuss with the Prime Minister my bilateral arrangement with President Obama.

**An Leas-Cheann Comhairle:** Most of the questions in the group were tabled by Deputies Martin and Adams. However, I will allow Deputies O’Donovan and Higgins to contribute as they tabled some of the questions.

**Deputy Micheál Martin:** The questions on the European Union should not have been included in the group.

**An Leas-Cheann Comhairle:** Deputy O’Donovan may ask a brief question.

**Deputy Patrick O’Donovan:** As late as yesterday, it was acknowledged at a meeting of the British-Irish Parliamentary Assembly that, since taking office, the Taoiseach has attended all plenary sessions of the assembly held in Ireland. The most recent meeting of the assembly in County Donegal discussed at some length strand three of the Good Friday Agreement - east-west relationships - and the possibility of enhancing the role of the British-Irish Parliamentary Assembly, particularly the relationship between the assembly and British-Irish Council. What is the Taoiseach’s view on that possibility?

On an issue I have raised previously with the Taoiseach, will the President make a reciprocal visit to the United Kingdom following the Queen’s successful visit to this country? Does the Taoiseach wish to comment on a finding, which was made available to us yesterday by the Northern Ireland Office, that more than 80% of respondents to a survey indicated they were very satisfied with the work being done by the Police Service of Northern Ireland and had confidence in the force. The official from the Northern Ireland Office present stated that few UK police forces enjoy such public satisfaction and support levels.

**The Taoiseach:** In regard to the development of east-west relations, these things normally take on a life of their own. Once bodies have been established, it is a case of the co-chairpersons or chairmen of the individual bodies making their own arrangements as to how often they will meet and working with both Governments on the issues to be discussed. As the Deputy will be aware from his experience, some of the issues discussed at the British-Irish Parliamentary Assembly do not find their way onto the agenda of this House. As a former member of the British-Irish Parliamentary Association, I am aware that it takes some time to develop new concepts. East-west negotiation and discussion builds a sense of understanding, trust and recognition and allows Members such as Deputy O’Donovan to have direct contact with Members of the House of Commons.

I can confirm that a proposal for a return visit to Britain by President Higgins following the historic and successful visit of Queen Elizabeth to Ireland is under active consideration. A date has not yet been agreed. I suppose it is a matter of arranging the schedules of the President and the Queen and deciding upon the other engagements with which the President might be able to be associated or with which he might involve himself. I expect the visit will take place in 2014. It is a case of Buckingham Palace and Áras an Uachtaráin making appropriate arrangements. I am quite sure the President will be quite happy to accommodate whatever schedule is most appropriate in order to undertake that reciprocal visit.
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I saw the report relating to confidence levels among people in Northern Ireland in the PSNI. We are strongly supportive of the great co-operation between the Garda and the PSNI. Such cooperation is extremely important in the context of dealing with terrorist and dissident activities, smuggling and other criminal activities on a cross-Border basis and on an information-sharing basis in the context of persons who might have evil intent in their minds. From that point of view, we support the work of the PSNI and we strongly support the work of the Garda. I am glad this is reflected in levels of confidence expressed by the people of Northern Ireland. It is important that everyone should understand the impartiality involved and the need to have trust and faith in the police forces, North and South.

Deputy Joe Higgins: Has the Taoiseach or any other member of the Government been involved in discussions with the authorities in Northern Ireland regarding the security arrangements relating to the G8 summit, which he will be attending? Is he aware that many civil society organisations and human rights groups are extremely concerned that the policing board in the North has agreed to the purchase of two military-style drones which will essentially be used to spy on protesters and those who intend to assemble in a peaceful manner in order to oppose the policies espoused by the big capitalists and politicians who will be represented at the summit? Those organisations and groups, quite correctly, see this as an extremely sinister development. Is the Taoiseach aware of the purchase to which I refer? Considering that Enniskillen is located just a few miles from the Border, has the Irish State been involved in any discussions on this matter? Will the Taoiseach indicate that there is no possibility of a drone being allowed to enter Irish airspace? Does he agree that he should make representations to the effect that neither drone should enter Irish airspace, particularly in view of the feeling among many people in the North and the South in respect of this matter?

Will the Taoiseach outline his priorities in respect of the G8 summit? What role will he play in the context of the meeting? Does he intend to raise some of the crucial human rights issues relevant to the political leaders who will be assembling in Fermanagh? Is he aware of the great unease in the United States in respect of the inhuman and tortuous conditions which obtain at Guantanamo Bay, where dozens of prisoners who are being held on remand and without charge are on hunger strike? Does the Taoiseach agree that raising issues of this sort helps to refocus attention on the plight of Marian Price and Martin Corey? Does he also agree that detaining people on an unlimited basis - without charge and without supplying them or their lawyers with information on why they are being held - should, by modern standards and in light of the wishes of the majority of people, simply not be allowed? Does he further agree that this type of detention represents a blight on society and that he and the Government should be doing far more in respect of it and related issues?

The Taoiseach: I thank Deputy Higgins for his questions. Security arrangements in this jurisdiction are a matter for the Garda Commissioner. As a result of the proximity of Lough Erne, County Fermanagh, to the Border, there is a great deal of engagement between the Garda Síochána and the PSNI. I have not had any discussions with the Garda Commissioner in respect of security measures. This is a matter which relates to the professional competence of the Garda Síochána and the PSNI. I am not aware of any the details with regard to what those security measures will involve. In addition, I am not in possession of any information in respect of the possible purchase of drones by the authorities in Northern Ireland. As already stated, I have not had any discussions with the Garda Commissioner and nor would it be normal for me to engage in such discussions. The matter in question is one which relates to his professional competence and responsibility. If he wishes to inform other members of the Government or me about any
particular issue, I am sure he will do so.

I have not received the agenda for the G8 summit. Obviously, I have never previously attended such a summit because Ireland is not a member of the G8. The invitation for me to attend was extended by Prime Minister Cameron on the basis that Ireland currently holds the Presidency of the EU. One issue we wish to progress at the summit relates to the mandate being sought by the Irish Presidency to open negotiations with the United States in respect of free trade between it and the European Union, with particular reference to the non-tariff area. By all accounts, free trade in this area could potentially lead to upwards of 2 million jobs being created in the EU and the same number in the US. It would also give rise to the opportunity to grow economies. That is one issue on which we will be focusing.

In the context of raising human rights issues such as those relating to Guantanamo Bay - a matter I have followed on news broadcasts - and elsewhere, as already stated, I am not yet in possession of the agenda for the summit and, therefore, I am not sure what will be the opportunities for the Presidency to raise such issues.

I have already responded to Deputy Adams in respect of Mr. Corey. There is an appeal before the Belfast Supreme Court and obviously this will take its course. I have already outlined the position with regard to the date of his release, the revocation of his licence and the fact that an appeal was lodged to the Belfast Supreme Court.

**Deputy Gerry Adams:** I am sure the Taoiseach will agree that citizens have the right to picket peacefully. The leader of Fianna Fáil appears not to believe in that right. As one of those people who was baton-charged, gassed and water cannoned off the streets over a long period, I am of the view that drawing a comparison between a peaceful picket and the loyalist riots during which Sinn Féin councillors received death threats, the homes of Alliance councillors were fire-bombed, the offices of Alliance councillors and other representatives were fire-bombed and a series of illegal marches - there were also other breaches of the Parades Commission’s stipulations - were held in the Short Strand, Rasharkin and Carrick Hill shows just where we stand. I agree that there is a very accountable policing service. Had we listened to the advice offered by a previous Fianna Fáil Government or by the then SDLP Minister of Justice, however, we would not have such a service. We were told that the policing and justice powers for which Sinn Féin was negotiating were not achievable. We stayed with our negotiations and eventually got a system that, while not perfect, was commendable, given where we had come from.

In the Taoiseach’s answer, he implicitly agreed with my charge that actions of the British Government were undermining the institutions. He stated that there had been no action on Pat Finucane - he disagrees with the British, and they and the Irish Government have different positions - no action on Ballymurphy and no action on the Dublin-Monaghan bombings. As he has not corrected me, I assume he accepts my assertion that the British Government has reneged on the St. Andrews commitments.

I have made considered proposals to the Taoiseach on these matters. What is the Irish Government doing about this situation? As an equal co-guarantor of the agreement, the Irish Government does not just have a duty to raise the issue with the British. Mr. Cameron is not perfidious Albion, but he might be preoccupied or not know. The Government should make a case. Prior to the Saville inquiry into events in Derry, for example, the Government of the day made a case in co-operation with the families and others. I know for a fact that that case persuaded the then Prime Minister, Mr. Blair, to opt for the type of inquiry that eventually came
about. The same could be done in the case of Mr. Finucane, the Ballymurphy massacre, the Dublin-Monaghan bombings or any other event.

Similarly, Acht na Gaeilge and the bill of rights are not being acted upon. The British set up a commission and hid behind it for two or three years. Ironically, the commission found that the North was a unique place and had suffered from conflict, that there were divisions, etc. It argued for a distinctly different bill of rights for the North as opposed to the rest of the British State.

It should be appreciated that people look to the Government and leaders in the Dáil to uphold their positions. They do not want people to play politics with these matters. In the new dispensation, they want the Taoiseach to stand up for them and their rights under the terms on which the two Governments have agreed and that have been lodged as an international treaty.

I commend the approach I have outlined to the Taoiseach. If he does not believe it will work, he should tell me. We will brainstorm and come back with a different idea. These issues must be addressed. Politics do not top primacy. Those who want to retard the progress that has been made - they can never bring the process down - have a perverted, warped argument for their cause.

Deputy Micheál Martin: Following up on the Taoiseach’s response about an independent inquiry into the murder of Mr. Finucane, my opinion and that of my party is that such an inquiry would be an important and clear commitment to a greater level of truth and transparency concerning what happened in the North. Until we have that, the healing process needed by this country will be delayed further.

This matter is relevant to other actors who participated in violence at that time. Some seem to take the view that nothing can be revealed about the past until everything has been agreed. To a certain extent, the failure to have an independent inquiry into the death of Mr. Finucane is adding to that viewpoint. I do not accept it. We have watched political leaders in this country continuing to evade questions about their personal involvement in acts of violence-----

Deputy Gerry Adams: The arms trial.

Deputy Micheál Martin: -----on the basis that there needs to be an international process before anyone can tell the truth, knowing full well that this will not happen. The charade continues.

Deputy Gerry Adams: Why will it not happen? Support it.

Deputy Micheál Martin: If those who independently know the truth are committed to it and to transparency, they should come forward, take the lead and share their information. This is the real challenge. The principle applies to the Head of the British Government-----

Deputy Aengus Ó Snodaigh: The situation with the banking crisis is the same.

Deputy Micheál Martin: -----just as it does to those who were personally involved in violence in the North, including violence that led to unnecessary loss of life in too many cases. We need action on the Finucane case not only because of the issue itself and the fact that it forms part of a binding agreement, but because we should leave no cover for those who were involved and who have chosen to be selective about what should be shared with the wider community concerning the acts that were committed in the North and the Republic for which there has been
no political accountability.

It was wrong, and speaks of a certain partisanship on the Taoiseach’s part, not to have marked the anniversary of the Good Friday Agreement. The Joint Committee on the Implementation of the Good Friday Agreement is a committee of the Oireachtas and the Government should have hosted an event, which could have become a catalyst for discussing these issues in greater detail. Perhaps there is time yet to do something to mark the 15th anniversary of the agreement, take stock and review the outstanding issues, changes and so on that need to be addressed to move things on further.

Turning to the Taoiseach’s meeting with the British Prime Minister, David Cameron, the Tory party has been pulling itself apart again in the past two days regarding the EU. The party’s position is becoming increasingly extreme. The Prime Minister and his party have been clear in their view that the only basis on which the UK will stay in the EU is what they call free trade plus co-operation. In the months since the Prime Minister set out his agenda, the Taoiseach has said nothing of substance other than that he does not want Britain to leave the EU. He has not outlined Ireland’s response to the agenda being promoted by the Tory Government of hollowing out the Union, particularly its social dimension. Did the Prime Minister seek the Taoiseach’s support for his proposed renegotiation of the treaties? What is the Taoiseach’s response?

**The Taoiseach:** I share the view expressed by Deputy Martin that if there are people who have information or are in possession of facts that are relevant to issues with regard to Northern Ireland or anywhere else, they should make them known. I listened to a portion of an interview that Deputy Adams gave recently during which he was asked direct questions about a particular range of matters. I also heard about his engagement with the relations of someone who had been shot quite a number of years ago. They deemed him to be serious about trying to help in that particular case. I hope he can. If there are others out there who can bring closure to long-past tragedies, it would be very helpful.

The Northern Ireland First Minister, Mr. Robinson, and Deputy First Minister, Mr. McGuinness, have announced a good relations strategy for Northern Ireland entitled Together: Building a United Community. They intend to launch it within the next few weeks. That is a positive engagement from the First and Deputy First Ministers. The Northern Ireland Executive has a strategically important role in promoting reconciliation and dealing with sectarianism. I hope there is an understanding of just how this affects the well-being and lives of people across the communities, particularly those in disadvantaged and interface areas. I look forward to the publication of that strategy and to further discussions about it when I meet with the First and Deputy First Ministers.

I understand that it is proposed also to establish an all-party group with an independent chairman to consider parades, protests, flags, symbols and emblems of the past. I welcome that proposal. These are difficult but important areas for the Executive and the Assembly in Northern Ireland and for the people of Northern Ireland generally. It is important, therefore, that the views of all parties be considered. What will be critically important in the months ahead is that any new initiatives and policies to tackle sectarianism and segregation are fully delivered upon and that this will in part be a matter over which all parties in Northern Ireland can have an oversight. For our part, we as a Government want to stay fully engaged in terms of supporting the Executive, the Assembly and the people of Northern Ireland in dealing with unresolved issues where they are a legacy of the conflict.
Regarding the bill of rights, I said previously to Deputy Adams that this is part of the Good Friday Agreement. We have said that it should include the reflection of principles of mutual respect for identity and ethos of communities and parity of esteem alongside the rights that are contained in the European Convention on Human Rights. If the parties in the Assembly are to engage in constructive discussion on the issue, we would be very supportive of it. The Good Friday Agreement also tasked the joint committee of the Irish Human Rights Commission and the Northern Ireland Human Rights Commission to consider the possibility of establishing a charter for the protection of fundamental rights for everyone living on the island of Ireland. The advice of the joint committee was delivered to the Speaker of the Northern Ireland Assembly and to the Ceann Comhairle in June 2011. They then passed on all the advice to the political parties in both jurisdictions for their consideration. According to the terms of the Good Friday Agreement, the charter of rights would be for signature by the political parties. This advice should now be given serious consideration by all of the political parties on the island of Ireland. I urge our colleagues here and in the Northern Ireland Assembly to make every effort to progress this particularly important decision.

Deputy Martin asked an important question about the attitude of this country towards what is happening in Britain. I do not speak for the Tory party – the Conservatives. The Prime Minister has set out his position in so far as his view of Europe is concerned. He has said quite clearly at European Council meetings that he wishes Britain to remain a member of the European Union. For our part, we want to keep the doors and the ports open between Britain and this country because of the trading relationships and for so many other reasons. That is building on the strategic partnership that we signed last year and the memorandum of understanding on energy and the possibilities in that regard, but also the enormous trade over and back across the Irish Sea. The Irish people voted 60:40 in favour of the fiscal stability treaty. As the only English-speaking country in the eurozone we are a fundamental part of Europe, the eurozone and the European Union. The Prime Minister has for some time spelled out his views regarding the capacity of the Single Market. I stressed the point to him that Europe must get its act together on banking union, which is affecting the eurozone. I am pleased to see progress being made at the ECOFIN meeting today in that regard. The issue affects all the countries in the eurozone. If Europe and America can agree on a mandate to open trade negotiations it would be of direct interest to Britain also although it is outside the eurozone area. That is why for our part we have said growth, stability and jobs are central pillars of the Presidency.

A meeting of the European affairs committee was held yesterday. We hope to conclude 100 dossiers in the next six weeks. Great progress has been made in a number of areas but there are many complications in other areas, some very technical, where all kinds of issues have arisen and it will not be possible to get them through. Substantial progress has been made in the negotiations by the permanent group and Ministers dealing with their business. From our point of view, we very much want to keep our links with Britain open but we are also clearly focused on the potential of the European Union. I cannot speak for what the British people will do in due course, nor any decision or change that might be brought about by the Tory party or what the Prime Minister wants for his government or his party. For our part, we want to see European leaders follow through on the decisions that are made with particular interest in the banking area which is so important for the economic revival and renewal of this country and others. In that sense, these issues have been articulated by me to the British Prime Minister, Mr. Cameron, and at European Council meetings in full, formal session.
Order of Business

The Taoiseach: It is proposed to take No. 15, statements on the report of the Joint Committee on Communications, Natural Resources and Agriculture entitled Report on Offshore Oil and Gas Exploration. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 9 p.m. tonight and shall adjourn on the adjournment of Private Members’ business, which shall be No. 99, motion re Good Friday Agreement, and shall be taken on the conclusion of the opening statements of No. 15 or at 7.30 p.m., whichever is the later, and adjourn after 90 minutes; and the following arrangements shall apply in relation to No. 15: the statement of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order and who may share their time, shall not exceed 25 minutes in each case; the statement of each other Member called upon shall not exceed ten minutes in each case; and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes.

An Leas-Cheann Comhairle: There are two proposals to be put to the House today. Is the proposal that the Dáil shall sit later than 9 p.m. tonight agreed to? Agreed. Is the proposal for dealing with No. 15, statements on the report of the Joint Committee on Communications, Natural Resources and Agriculture entitled Report on Offshore Oil and Gas Exploration, agreed to? Agreed.

Deputy Micheál Martin: The Government had promised in the programme for Government reform of the registered employment agreements, REAs. As the Taoiseach is aware, the Supreme Court has made a significant judgment on registered employment agreements. Has the programme for Government been amended in terms of the commitments on REAs, in particular on the amendments to the Industrial Relations Acts or other Acts? Are they now in train and what is the status of workers who have existing REAs? Will they retain them or will it require legislation to be amended? Significant discussion took place on the issue prior to the formation of Government. I would appreciate it if the Taoiseach could provide me with an update on the position.

We had questions on access to free primary care last week and the Taoiseach undertook to check the situation in terms of the universal primary care Bill, on which a commitment was made in the programme for Government. What timeline can we expect for the publication of the Bill?

Could the Taoiseach also outline the situation in terms of the public health (sunbeds) Bill? The use of sunbeds receives much adverse publicity due to the health implications of the practice. Deputy Kelleher published a Bill more than a year ago which the Government did not accept at the time. Is there a delay with the Bill? Given that the Minister undertook to implement it I would like to get a date for the publication of the Bill.

The freedom of information (amendment) Bill was promised more than two years ago by the Government. When can we expect it to be published and will it be published in this session?

The Taoiseach: The freedom of information Bill will be published in this session. The sunbeds Bill will be published later in the year. The issue has received much publicity.
Deputy Gerry Adams: Will it be this summer?

The Taoiseach: Not at the height of summer anyway.

Deputy Micheál Martin: The Minister could do with a bit of sun.

The Taoiseach: With regard to the primary care Bill and GP cards, Deputy Martin will have heard the Minister of State at the Department of Health, Deputy White, confirm that the moneys allocated for last year and this year are in situ.

5 o’clock

He wants to look at the entire scheme rather than just do one section of it now and then have to put in administrative, legal and medical personnel to deal with that. His timescale is five to six weeks and I hope then that the first section can start rolling out and that we will be able to continue on from that seamlessly, as it were.

Deputy Micheál Martin: We need legislative change.

The Taoiseach: Yes.

Deputy Micheál Martin: My point is that in the programme for Government two and a half years ago, this big Bill was put up front, that is, the universal primary care Bill. Had the person responsible for putting that into the programme for Government had a bull’s notion about what it involved in terms of detail, substance and complexity, he or she would not have put it in. We have been told in the past two weeks, as the Taoiseach knows, that it is enormously complex and that there are all sorts of legal difficulties and obstacles.

An Leas-Cheann Comhairle: Thank you, Deputy.

Deputy Micheál Martin: Clearly whoever put this into the programme for Government was not aware of any difficulties at the time. Are we looking at a reform of the programme for Government commitment to such an Act? Clearly, that Act cannot happen this year. The Minister of State, Deputy White, has inherited this mess from the Minister for Health, Deputy Reilly. The former Minister of State at the Department of Health, Deputy Shortall, was shafted over it and let hang out to dry by the Government. The question remains as to whether the Bill is real. Is that term in the programme for Government-----

An Leas-Cheann Comhairle: We cannot go into the detail of legislation on the Order of Business.

Deputy Micheál Martin: On the universal primary care Bill, does anyone know what the substance of it would be? Is that Bill gone by the wayside? Will a new Bill be introduced? What is the situation in this regard?

The Taoiseach: This is the responsibility of the Minister of State at the Department of Health, Deputy White. He has pointed out that, having looked at the structure he had to deal with on his appointment, he decided that he would prefer to look at this scheme in its entirety and then start the process rather than do it in sections. The latter approach would require the setting up of particular administrative operations, a legal base and medical personnel, which would have to be duplicated repeatedly before we would get an effective system.

Deputy Micheál Martin: Did the Government not know that two years ago?
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The Taoiseach: He wants to look at the entire scheme. He has his money in place and I hope that when he reports back in five to six weeks, he can actually commence that.

Deputy Gerry Adams: First, for the record, the Taoiseach said earlier that he was looking forward to the publication by the First and Deputy First Minister of Northern Ireland of a discussion paper on tackling sectarianism. That has already been published. It was published last week.

I wish to raise two issues with the Taoiseach. The first concerns Bethany Home. There is a huge amount of evidence in the public domain, some of which, I understand, was broadcast on RTE last night, proving State involvement in the Bethany Home. The previous Government excluded the very small number of remaining survivors from the residential institutions redress scheme and, for reasons beyond me, this Government has also ruled out extending the Magdalen laundries redress mechanism to Bethany Home survivors. We have raised this matter consistently with the Taoiseach and he has always said the Minister for Justice and Equality is considering the matter. I ask the Taoiseach to indicate what progress has been made following lengthy consideration of the Bethany Home issue, and to set out the form of redress it is proposed to afford to its victims.

Leaders of the Opposition have expressed very genuine frustration at how we conduct our business here. The Taoiseach has shown some sympathy towards that in responding to us and has said he will bring forward proposals to deal with our business in a better way. Can the Taoiseach tell us when he will bring forward those proposals and whether those proposals will form the basis for a discussion? This is a parliament, so rather than the Government deciding what to do and then consulting or notifying us, can we actually have a discussion paper so that we can have a constructive and positive input into this?

Deputy Robert Dowds: On the same issue, could I ask the Taoiseach, with regard to any further legislation concerning redress or an apology for victims of institutional abuse, whether it is proposed to introduce measures relating to a State apology or redress for survivors of the Bethany Home?

The Taoiseach: Bethany Home was not a laundry in the same sense as the Magdalen laundries. It was considered for inclusion in the redress scheme which was established in 2002. It was considered again in 2004 and 2007. As the information clearly was that Bethany Home operated as a mother and baby home, it was not regarded as being eligible for inclusion in that scheme.

Deputy Gerry Adams: There was State involvement.

The Taoiseach: That position was outlined to the House in October 2007. The religious ethos was not an issue and did not form part of the criteria for inclusion in the redress scheme. While Catholic religious orders ran the majority of the specified institutions, others were run by organisations with a Protestant or non-denominational ethos. Seven of the 139 approved institutions had a Protestant ethos. The Minister for Justice and Equality, Deputy Shatter, and the Minister of State at the Department of Health, Deputy Kathleen Lynch, met Bethany Home survivors group on 16 March last. The issues that were raised at that meeting are under consideration by the Minister for Justice and Equality.

Regarding the question of how we do business here, we have had numerous discussions on this issue over the years. I would like to think that we could come to an agreement that would
be in the best interests of all Deputies and would make the House more effective. Deputy Martin will recall from his long years here that Ministers answered questions on this side of the House for three or four months at a time. I have been doing some analysis on this and while the House sat for shorter periods in the past, more time was allocated for legislative work. In the context of the Bill to deal with the abolition of the Seanad, which will be published next week, I intend to provide all of the Whips with a discussion paper. The Whips can sit down with Deputy Martin and Deputy Adams and discuss how they want to run the business here. There is no intention to dictate and say this is what we want to do. I would like to think that we can use our time effectively in the interests of this being a Legislature and in the interests of what this House is supposed to do. There are a variety of options that need to be considered, many of which have been tried in the past in different forms. None of them is entirely satisfactory for Members of the House but I give the Deputy my word that we will try to be as open and constructive as we can be. I do not feel that the way we do some of our business is in the interests of everybody because so much information is piled up together that Members can feel very frustrated and feel that they do not get an opportunity to ask all the questions they would like. Let us sit down and rationally have a discussion about that.

**Deputy Gerry Adams:** I thank the Taoiseach for his answer and look forward to seeing his suggestions. I have a very brief supplementary comment on Bethany Home. New information has emerged since 2007. I urge the Taoiseach to be very mindful of the fact that the very same thing was said about the Magdalen laundries. The same thing was said, almost word for word, until new information emerged in that regard.

**The Taoiseach:** Those issues are being considered by the Minister for Justice and Equality, Deputy Shatter.

**Deputy Joe Higgins:** The very first Bill on the A list for the summer session is the forestry Bill, which promises to support the development of a modern forestry sector which enshrines the principle of sustainable forestry management and protection of the environment. Of course, the privatisation of our forests would conflict with all that. When will that Bill be published? We were told very recently by the Minister for Agriculture, Food and the Marine, Deputy Coveney, that the Cabinet would make a decision very shortly on the future of Coillte, which manages our forests, and particularly whether the Government would press ahead with the privatisation of Coillte or think better and not do so. Can the Taoiseach tell us if that decision has been made and how it relates to this Bill?

I am also interested in the electoral (amendment) Bill and the local government Bill, which are also high on the list, at numbers five and seven. Can the Taoiseach confirm that the local and European elections for next year will be brought forward from June to May and that these Bills will enshrine the changes in constituencies or local electoral areas? When might we have sight of this legislation?

In regard to the Seanad, the Taoiseach said - if I heard him correctly - that the Bill for abolition of the Seanad would be published next week. Does that mean it will be taken in this session and concluded before the Dáil rises for the summer? What is the agenda?

**The Taoiseach:** The answer to the last question is yes, it does. The forestry Bill was published on 24 April. The heads for the electoral (amendment) Bill were cleared on 30 April and the Bill will be taken this session, as will the local government Bill.
Deputy Higgins raised a matter about Coillte. He will be aware, following the Government’s decision that the harvesting rights of Coillte’s forests be considered for sale, that at the Government’s request the National Treasury Management Agency via the NewERA unit was actively engaged with Coillte, the Department of Public Expenditure and Reform and the Department of Agriculture, Food and the Marine in recent months to examine the financial and other implications of a potential transaction. Evidence gathered from similar transactions completed in other jurisdictions indicated that a transaction can be structured such in a manner as to ensure the maintenance of the open forest policy, reflecting public access to recreational lands, which has been raised here, the preservation of existing replanting obligations and the incorporation of biodiversity requirements. All these things can be accommodated. This process has included engagement with potential acquirers of harvesting rights when requested by them in accordance with the published Government protocol and the two Departments have also met the interested stakeholders to discuss their position on the potential sale of harvesting rights. As part of the process they met the Coillte group of unions on 25 January and outlined the process involved. This matter will come back to Government and the finalisation of all those details by the National Treasury Management Agency and NewERA will be considered. Then the Government will make a decision.

Deputy Joe Higgins: When?

The Taoiseach: As Deputy Higgins is aware, Government set out its view, in accordance with discussions with the troika, on the sale of potential State assets to be decided upon by Government, on the criteria set down, on the opportunities, as appropriate, to be decided by Government and in the best interests of the people. What was involved in the reference to the potential sale of Coillte was the harvesting rights for the timber. As I stated in reply to the question, the recreational facilities, biodiversity considerations and replanting obligations can all be catered for if the Government decides to move ahead with that decision.

Deputy Micheál Martin: On a point of order, this flies in the face of what the Minister for Communications, Energy and Natural Resources, Deputy Pat Rabbitte, said last week when he suggested the sale of the harvesting rights would not go ahead. Deputy Emmet Stagg intervened on the Order of Business last week to inform the Taoiseach that the thing was not now going ahead.

Deputy Michael Healy-Rae: The Government parties are not talking.

Deputy Micheál Martin: As the House is aware, there was a leak in a newspaper last Sunday week from Deputy Brendan Howlin’s Department to the effect that the sale of Coillte trees was unlikely to go ahead.

An Leas-Cheann Comhairle: I have a list of Deputies who want to ask questions.

Deputy Micheál Martin: The Taoiseach has come in today and stated that it is now going ahead and that the sale of the harvesting rights is back on track.


Deputy Micheál Martin: Someone is misleading the Dáil or someone is misleading the House and the general public in respect of this issue.

An Leas-Cheann Comhairle: That matter can be taken up.
Deputy Micheál Martin: The Minister, Deputy Rabbitte, was clear on the public airwaves. He is a Minister of the Government. He said this was not going ahead. Deputy Stagg showed us all last week, including the Taoiseach, that it was not going ahead.


The Taoiseach: Let me be very clear for the Deputies. The Government decided that there was a list of potential assets that could be sold. Each of these assets would have to be reflected on in terms of valuation and any criteria to be set down by Government if and when it decided to sell any of the listed assets for sale. One of these was the harvesting rights for Coillte lands. The National Treasury Management Agency and the NewERA unit have been engaged in intensive discussions on the criteria.

Deputy Micheál Martin: Have they been discussing it with the Labour Party?

The Taoiseach: The Government has not made a decision in finality in regard to this matter because the evidence from NewERA on the valuation and all those other matters has not come back before Government, but it will shortly.

Deputy Timmy Dooley: That is not what we were told last week.

Deputy Micheál Martin: Last week we were told by Deputy Howlin that it would not be sold.

Deputy Timmy Dooley: Someone got a look at the Government’s report.

The Taoiseach: Let me confirm it for Deputy Martin: the Government has not made a final decision about any of the assets or whether to sell them at an appropriate price or an appropriate time, because the information that we have requested and that we require before any such decision is made has not yet come back to us. It will be brought before Cabinet shortly and then the Government will make its decision.

Deputy Michael Healy-Rae: The Taoiseach should contact the Minister, Deputy Rabbitte, and tell him that.

An Leas-Cheann Comhairle: Order, please.

Deputy Olivia Mitchell: I wish to ask the Taoiseach about promised legislation. In respect of the protection of life during pregnancy Bill, has a decision been made yet or is it envisaged that Committee Stage will be held in plenary session in this Chamber or in the committee rooms? I am mindful that there is widespread interest in it. It is a sensitive issue and I imagine there will be a demand from many Deputies to participate on Committee Stage. Has the decision been made at this point?

The Taoiseach: I expect the Bill will be debated here on Second Stage when it comes back from the committee after the appraisal of the heads. It will be dealt with on Committee Stage by the committee, which anyone can attend. It will come back again on Report Stage and Fifth Stages in the normal way.

Deputy Tom Fleming: There is serious concern at present regarding the fact that it appears the Central Bank is negotiating with a United Kingdom-based company for it to act as an intermediate on behalf of the consumer in new settlements. There are 750 people in mortgage...
distress on a pilot scheme. They have been selected for negotiation to settle their debts.

**An Leas-Cheann Comhairle:** On promised legislation, please, Deputy.

**Deputy Tom Fleming:** This relates to the insolvency legislation. There are several reasons this is problematic. First, MABS, our money management agency, has been overlooked in this regard. The British charity debt company has been dealing with unsecured lenders up to now but it appears to be totally unsuitable to carry out this particular role.

**An Leas-Cheann Comhairle:** Thank you, Deputy. You can raise that by way off-----

**Deputy Tom Fleming:** I will be brief. MABS is an outstanding organisation with considerable experience. It has performed excellently on behalf of the public. It is shameful that we are considering anyone else. I call on the Minister for Finance, Deputy Michael Noonan, and the Taoiseach to intervene urgently to put our MABS organisation to the forefront in this. It has already been overlooked as the intermediate in the Personal Insolvency Bill.

**An Leas-Cheann Comhairle:** I will ask the Taoiseach about the Personal Insolvency Bill.

**The Taoiseach:** That has gone through. Mr. O’Connor, the director, has been on the airwaves on numerous occasions setting out what the conditions are, what the Insolvency Service of Ireland is about and the services it will provide. There is also a telephone line and a website available for members of the public who are using this service extensively. I expect the insolvency agency will be open for dealing with cases in June.

I agree with Deputy Fleming that MABS has provided an excellent service for people over many years. However, in many cases the personnel at the MABS offices might not be appropriate candidates for dealing with the insolvency agency. It might be, and it has been, possible for MABS to bring about solutions for particular types of debt problem that persons might have at the MABS level. The Minister for Social Protection, Deputy Burton, monitors the work of MABS on a regular basis and interacts with it frequently.

**Deputy Timmy Dooley:** Far be it from me to burst Deputy Adams’s balloon in respect of what the Government has promised on reform in this House. Is it the case that prior to Christmas legislation was introduced regarding the management of the Houses of the Oireachtas? At the time the Minister for Public Expenditure and Reform, Deputy Howlin, promised to make a considerable amendment to the way in which senior staff of the House are appointed. As the Taoiseach is aware, the current legislation, the 1959 Act, provides a less-than-transparent methodology for appointing senior people to the House and it is still in place. The expectation from this side was that the legislation brought forward at the time would be amended, as the Minister promised at the time, in the early part of this year.

The Taoiseach will be aware that a senior member of the staff of this House is due to retire soon. I am asking the Taoiseach, in line with his great pronouncements today about his willingness to reform the outdated procedures of this House, if he will ensure amending legislation is brought forward so the appointment, as expected, will be dealt with in a more transparent way in line with the procedures followed by the Public Appointments Service rather than the antiquated process dating back to 1959.

**The Taoiseach:** What is the Deputy saying?

**Deputy Timmy Dooley:** Do I have to make it simpler? Does the Taoiseach need me to give
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it to him in writing? I will try to help when the chorus behind the Taoiseach finishes. Does the Taoiseach intend to bring forward amending legislation for the way in which senior staff of this House are appointed to bring it in line with a more transparent process or does he intend to maintain the status quo until a senior member of the staff of this House is appointed by the Taoiseach and the Ceann Comhairle, as outlined in the 1959 Act?

The Taoiseach: I intend to see that any appointments that are made are absolutely transparent and accountable to the House.

Deputy Bernard J. Durkan: I compliment my colleague opposite on keeping a totally straight face during that discourse.

Deputy Timmy Dooley: I want to deal with this issue. The Taoiseach has addressed it in a glib way. Either we are serious about reforming this House or we are not. With respect, the Minister promised that amending legislation would be brought forward and at the time we agreed with the passage of the Bill in the expectation that amending legislation would be brought forward in the first quarter of the year. We are now into the second quarter and there is a serious appointment to be made in the House. My question is simple. Are we going to do deal with this transparently or are we going to go back and do it as we did in the 1950s?

The Taoiseach gave Deputy Adams a load of babble about his frustration with the time taken up by questions and legislation and how we have sat longer and longer. It sounded fantastic but here is a concrete issue on which the Taoiseach can live up to commitments made by the Government in December, even after the election and the programme for Government.

An Leas-Cheann Comhairle: I have called Deputy Durkan. There are only three minutes left.

Deputy Bernard J. Durkan: I will not encourage him. Notwithstanding 1959 and the Government of the day, when is the legislation being introduced to ensure the fair and equal treatment of all bookmakers and betting exchanges in taxation and licensing, regardless of the platform used, by bringing into the licensing and taxation regimes all remote bookmakers and betting intermediaries? This will amend the 1931 Act, which is even earlier than the 1959 Act. Have the heads of that Bill been discussed? This is important legislation I have received inquiries about, as I am sure have all other Deputies.

I am also interested in the children (amendment) Bill on the Order Paper, to amalgamate the children’s detention schools in the interests of cost and administrative efficiencies. Has either Bill been discussed in Cabinet and when are they likely to come before the House?

The Taoiseach: The heads of the children’s Bill were cleared on 23 April and the Bill will be introduced later this year. The betting Bill the Deputy referred to was published last year but so many amendments were required that it had to be redrafted and will probably be republished during this session.

Deputy Bernard J. Durkan: When are the heads likely to come before Cabinet?

The Taoiseach: The Bill will be redrafted and published in this session.

Deputy Michael Healy-Rae: I want to declare a possible conflict of interest in that I am a postmaster of a small post office. I am asking this on behalf of all postmasters throughout the country. What assurances will the Government offer in the communications Bill to our small
post offices which are part of the fabric of our communities and must be maintained? We do not want to lose our post offices.

An Leas-Cheann Comhairle: Is legislation promised on that?

Deputy Michael Healy-Rae: Yes; the Taoiseach can answer the question on the communications Bill.

I have made an official complaint to HIQA and the Health and Safety Authority because no independent safety audit has been carried out on a facility at Townsend Street that is not fit for purpose, where the HSE proposes to put an ambulance base to replace those that are closing in Kerry and Cork. They are being put into a facility that has been deemed in the past as not fit for purpose. There are five computer systems that do not interact with each other, and this simply will not work. It is not viable or safe, and that is why I have made formal complaints on the matter.

An Leas-Cheann Comhairle: That is a Topical Issue matter.

Deputy Michael Healy-Rae: No, it falls under the health (amendment) Bill. Also, when will the fluoride repeal Bill come before the House?

The Taoiseach: I suggest the Deputy put down a Topical Issue matter on the second issue he raised. I know the Deputy attended the committee hearing on postmasters and the report is with the Minister for his consideration. He will bring his response to the Government and the House.

Petroleum and Other Minerals Development (Amendment) Bill 2013: First Stage

Deputy Michael Colreavy: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Petroleum and Other Minerals Development Act 1960 to ban unconventional gas exploration and extraction, provide for social clauses and public consultation on the granting of leases and ensure greater accountability through initiating an annual review of the lease by the Joint Committee on Communications, Energy and Natural Resources.

An Leas-Cheann Comhairle: Is the Bill opposed?

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

Question put and agreed to.

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

Deputy Michael Colreavy: I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.
Deputy Robert Dowds: Like most Members of this House, I am extremely put out at the snail’s pace of movement on the part of the banks in dealing with the mortgage arrears crisis. More than 23,500 home owners are more than two years in arrears with their mortgages, which amounts to approximately 100,000 people when we include their families. This crisis has an appalling impact on families, leading to marital strife, stress, anxiety and mental health issues. It is appalling that the banks are so unwilling to address this issue adequately. Families need certainty about their situations, something the banks are failing abjectly to provide.

AIB is owned by the State. It claims to have set up 1,400 split mortgages to ease the burden on the families concerned. I have been reliably informed by a specialist in the area that all AIB has done is to identify 1,400 mortgages that would be eligible for a split mortgage. If my information is correct, AIB is misleading at best or downright deceitful at worst and I want to challenge the CEO of AIB to provide the proof that what he has said is true and that AIB has 1,400 split mortgage procedures processed and completed.

We need long-term forbearance measures that will ease the burden on hard-pressed families. There are two options for long-term forbearance in which the banks are not engaging. It is my understanding that they are not engaging in mortgage-to-rent arrangements or debt-for-equity arrangements, the effect of which lack of engagement is putting these families in great distress.

As I understand it, the banks do not want to accept ownership of debtors’ houses while residents remain as tenants. The banks must get over this hang-up and enter into proper arrangements.

As the Minister of State, Deputy Jan O’Sullivan, will be aware, the public is appalled by the reckless way in which the banks dragged this country over a financial cliff. I ask her to insist that the CEOs of all the banks, particularly the State-owned banks, come in on a monthly basis to demonstrate how they are tackling the mortgage arrears crisis.

Deputy Seán Kenny: I thank the Ceann Comhairle for allowing me raise this matter as a Topical Issue and I thank the Minister of State for attending the House today.

I am sure every Member of this House has been contacted by constituents who are in a distressed state due to mortgage arrears. It is a widely held view that the odds are stacked in favour of the banks and mortgage lenders and that there is a need for further protection for the mortgage consumer. I understand that more than 23,000 households are more than two years in arrears with their mortgages. I believe nobody should be asked to leave his or her home and that families should have the option of remaining in the home as tenants as a last resort. All solutions should be based on the borrower’s net disposable income.

The Irish Brokers’ Association and the Independent Mortgage Advisers’ Federation responded last month to the consultation paper on the code of conduct on mortgage arrears and suggested a number of alternatives. They suggested that borrowers be given 60 days’ notice rather than 30 days’ notice, in the context of the Personal Insolvency Act, before a lender commences legal action. I also support the suggestion that borrowers should be able to contact a
team of identifiable staff with dedicated phone lines instead of having to ring free or CallSave telephone numbers and wait in a long queue to get through, which further compounds their difficulties.

It has been pointed out that, unlike in the United Kingdom, VAT will be charged on personal insolvency practitioners’ fees, which are ultimately added onto the mortgage. I urge that this be changed.

The Irish Brokers’ Association and the Independent Mortgage Advisers’ Federation have expressed concern about the appeals process and suggested that the Central Bank should investigate the rulings to date of the mortgage appeals boards. We need to know in what percentage of appeal cases for each bank the original decision of the bank was reversed in full, partially reversed and upheld.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I thank Deputies Robert Dowds and Seán Kenny for raising this issue. As they will be aware, the Minister for Finance, Deputy Noonan, is in Brussels. I am taking this on his behalf.

I can assure the Deputies that the Government is most aware of the significant difficulties some homeowners are facing in meeting their mortgage obligations and it remains committed to intervening to advance measures to assist those mortgage holders who are experiencing real and genuine difficulty. Incidentally, I attended the Cabinet sub-committee meeting on this issue yesterday.

One of the key measures is the Central Bank’s code of conduct on mortgage arrears, which applies to mortgage lending activities with borrowers in respect of their principal private residence in the State. Compliance with the code is mandatory for all mortgage lenders regulated by the Central Bank. The code provides a number of protections to borrowers. These include the establishment of a formal mortgage arrears resolution process, MARP, to deal with mortgage customers who are in arrears or in pre-arrears, the establishment of a dedicated appeals support unit and a separate internal appeals process by lenders to deal with individuals on a case-by-case basis.

The Central Bank has advised that as soon as a borrower goes into arrears, a lender must communicate promptly and clearly with the borrower to establish in the first instance why the repayment schedule, as per the mortgage contract, has not been adhered to. Lenders must proactively encourage borrowers to engage with them about financial difficulties which may prevent them from meeting their mortgage repayments. They must ensure that all communications about arrears and pre-arrears are provided to borrowers in a timely manner. All information relating to a lender’s handling of arrears and pre-arrears cases must be presented to the borrower in a clear and consumer-friendly manner. The language used in communications must indicate a willingness to work with the borrower to address the situation and must be in plain English so that it is easily understood. Where possible, legal jargon must be avoided.

The House will be aware that on 13 March the Central Bank announced new measures to address mortgage arrears, including the publication of performance targets for the main mortgage banks for proposing and concluding sustainable solutions for borrowers who are in arrears for more than 90 days, and proposed changes to the code of conduct on mortgage arrears. As the regulator, the Central Bank’s intention is now to require banks to proactively address significant
mortgage arrears cases, for both private dwelling and buy-to-let mortgages, and, where appropriate, to propose durable and sustainable resolution measures. In determining whether a proposal constitutes a sustainable solution, the lender needs to evaluate both actual and prospective affordability as part of the borrower’s affordability test as well as the capital implications for credit institutions in terms of their prudential responsibility to minimise losses.

While the Central Bank is not mandating any particular model of restructuring and while sustainable solutions will be arrived at on a case-by-case basis, there are some fundamental principles that must be respected. First, the affordability assessment of the borrower needs to be based on his or her current and prospective future servicing capacity for all borrowings, and assumed prospective future increases in the debt-servicing ability of the borrower must be credible and conservative. In addition, lenders need to apply a realistic valuation of the borrower’s assets, particularly his or her property. This also applies to any assumption of asset price appreciation as well as the estimated costs relating to a potential foreclosure of the property. Finally, lenders need to use an appropriate interest rate when discounting future income flows, which should take account of the lender’s cost of funds. The Central Bank will assess compliance with these principles in its supervisory audit of compliance with the targets, including thorough analysis of a sample of modifications. Performance targets have been set for the following institutions: ACC Bank, AIB, Bank of Ireland, KBC Bank Ireland, Permanent TSB and Ulster Bank. These institutions cover the vast majority of the mortgage book in Ireland, accounting for nine out of ten of mortgages held. The Central Bank continues to engage with all mortgage lenders to ensure adequate mortgage arrears resolution strategies are in place.

As I mentioned, the Central Bank is also currently reviewing the code of conduct on mortgage arrears. The intention of this review is to strengthen the existing protections, where necessary, including improving transparency for borrowers, while also ensuring that the resolution of arrears cases is facilitated. Issues considered as part of the review, and on which views were sought in the Central Bank’s consultation paper, include new safeguards to ensure borrowers are given sufficient warning before being classified as non-co-operating; changes to the contact levels permitted while ensuring consumers are not subject to harassment; transparency on resolution options so borrowers have a full understanding before making a decision; and consideration of whether there is merit in allowing a lender to move a borrower in arrears off a tracker rate where the lender has offered an alternative arrangement which is more advantageous in the long term.

It is expected-----

**Acting Chairman (Deputy Olivia Mitchell):** I might come back to the Minister of State for the rest.

**Deputy Jan O’Sullivan:** The reply is rather long all right.

**Deputy Robert Dowds:** I thank the Minister of State for her reply.

I ask that the following questions be put to the banks. First, how many staff are working in the arrears support unit of each bank? Second, how many customers per month will have a restructured payment schedule in 2013 and what progress are the banks making in this regard? Third, according to the Central Bank quarterly report of December 2012, 47% of restructured mortgages were back in arrears after three months, clearly indicating that the restructuring was not what the client needed but what the bank wanted. Are restructuring offers being based on
customers’ ability to pay or on what the bank forces them to pay? Fourth, why will the banks not offer debt-for-equity swaps or mortgage-to-rent schemes in large numbers as long-term forbearance measures? Finally, how much has the taxpayer provided to the banks for mortgage debt write-off?

Deputy Seán Kenny: I thank the Minister of State for her reply.

I raise briefly the mortgage position of the Priory Hall home owners in my constituency. I ask the Minister of State to intervene with the various lending institutions and seek to arrange for these mortgages to be frozen as at the date of the Priory Hall evacuation on 17 October 2011 until a solution is found. Collectively, the residents in Priory Hall are approximately €1 million further in debt today than they were at the time of the evacuation in October 2011. Their average mortgage is now approximately €20,000 in arrears and the amounts outstanding will continue to rise as the matter drags on indefinitely. Priory Hall home owners are considerably distressed by the fact that lending institutions are seeking payment of the accrued interest and capital as part of the monthly repayments should a solution be found, as the average mortgage will increase by approximately €250 a month, a sum that many residents will not be in a position to pay, thus leading to possible repossession on top of the stress associated with the loss of their homes. There is also considerable distress and concern among the Priory Hall residents about their credit ratings, given the large arrears. The banks are dealing with them as they would deal with a normal customer in mortgage arrears. However, I believe they represent a special case in that they are prohibited from living in their homes, and their arrears may be recorded with the Irish Credit Bureau, thus affecting their future credit rating. This is distressing for them as they may not be in a position to avail of future credit for family homes, cars, and school and college fees if their credit rating is downgraded. It is unconscionable that this further punishment would be inflicted on the entirely blameless families who have already been punished enough. The State-capitalised banks should set the example for all the other mortgage providers and freeze the mortgages at the balance owed at the time they lost their homes, and it should remain frozen until a solution is found.

Deputy Jan O’Sullivan: The Central Bank’s announcement on 13 March stated that the performance targets were about concluding sustainable solutions as well as proposing them. I will pass on the Deputy’s questions to the Minister for Finance.

Deputy Robert Dowds: Can I have some replies to them?

Deputy Jan O’Sullivan: I will ask him to reply to the Deputy. The Government is aware of the issue relating to VAT on practitioners, which Deputy Seán Kenny mentioned in his initial contribution. I know the Deputy has been extremely concerned about the residents in Priory Hall. I do not know if we can intervene in the way he has asked, but I will certainly examine it to see if it is possible.

Special Educational Needs Services Provision

Deputy Pearse Doherty: While this is no reflection on the Minister of State present, as has been raised in the Chamber previously, it is wholly inappropriate that the Minister for Education and Skills, or at least a Minister of State at that Department, is not here. I have had this issue down for debate as a Topical Issue matter for the past two weeks. It was only selected today and I am very glad it has been selected. However, the Minister for Education and Skills
or someone from his Department should be here to answer the questions on this very serious issue that affects many children with Down’s syndrome.

I commend the Down Syndrome Education Equality Advocates, representing parents of children with Down’s syndrome, which has firmly placed this issue on the political agenda. If we look over history, I find it disturbing and saddening that parents of children with special needs or disabilities have to argue and fight continually for the rights of their children. I hope that soon it will no longer be necessary and parents and children will have their rights enshrined as a matter of course. I have been in regular contact with parents of children with Down’s syndrome and some of them have become experts in the area. One person from the Donegal Down’s Syndrome Association, Gina Grant, has given me international research evidence from Australia, the United States, Britain and other places.

The Minister of State may be aware that Down’s syndrome is a low-incidence disability that affects 0.2% of the population in the State, but it does not appear on the list of low-incidence disabilities in the Department’s 2005 circular. Being on this list would entitle the children with Down’s syndrome and a mild learning disability to avail of resource teaching. However, in 2005, the then Minister for Education and Science decided to end that practice, taking away that right for automatic resource hours teaching for these children. The list of 11 makes specific speech and language disability one of those specified low incidence disabilities. However, to avail of resource hours under these criteria, a child’s IQ must be average or higher. All children with Down’s syndrome have a specific speech and learning disorder but do not qualify because they do not have an average IQ. International research clearly indicates that children with Down’s syndrome with a mild learning disability often have speech and language delay over and above what would be expected with mild learning disability, resulting in problems with articulation, comprehension, expression and learning grammar. Thinking and reasoning skills are also affected. Speech and language delays affect access to all areas of the curriculum, not just language tasks.

While it did not happen during the term of this Government, a previous Administration in 2005 did a terrible injustice to children with Down’s syndrome when the automatic right to resource teaching was taken from them. Unfortunately, many children with Down’s syndrome have gone through the mainstream education system and had that resource denied to them.

I wish to articulate the feelings of those who work with children with Down’s syndrome who can put it better than I can. A letter from a resource teacher in a school in Donegal states:

Frequently, a child with Down Syndrome may score just above the cut off point for resource hours and be denied this vital intervention.

Consider if you will, an infant with Down’s in our school at the moment, whose overall intellectual ability is at the first percentile. His needs span the entire Down’s range, from language, motor, social, academic and care needs. This child shares an S.N.A. with two other highly compromised children in his class, both with special needs. Add to that the daily demands of his other infant classmates and you can begin to imagine the uphill battle he faces daily. His report cited the absolute need for “individual resource tuition”, but this was not granted. As a result, we have had to accommodate him in an already oversubscribed support system. This is an injustice, primarily to the child and secondly, to those who attempt to meet his needs on a daily basis.
Acting Chairman (Deputy Olivia Mitchell): I must stop the Deputy there.

Deputy Pearse Doherty: I will conclude on this. The letter continues:

What will happen, is that he will begin to fall behind in a class and as the gap widens between him and his peers, we will then have to go through the lengthy and time consuming process of reassessing him. A bit like closing the gate when the horse has already bolted!!

Acting Chairman (Deputy Olivia Mitchell): I really must stop the Deputy there.

Deputy Pearse Doherty: The letter continues: “I urge you; give him and every child with Down Syndrome ... [an] automatic entitlement to Resource hours.”

Deputy Jan O’Sullivan: I am pleased to have been given the opportunity by the Deputy to clarify the position on the provision of teaching support for children with Down’s syndrome. I am taking this matter on behalf of the Minister for Education and Skills, Deputy Quinn.

Pupils with Down’s syndrome who are attending mainstream primary schools may receive additional teaching support in primary schools, either under the terms of the general allocation model of teaching supports if the pupil’s educational psychological assessment places the pupil in the mild general learning disability or high-incidence disability category, or through an allocation of individual additional resource teaching hours which are allocated to schools by the National Council for Special Education if the child is assessed as being within the low-incidence category of special need, as defined by my Department’s circular Sp Ed 02/05.

Pupils with Down’s syndrome who are assessed as being within the category of mild general learning disability but who also have an additional assessment of another low-incidence disability, such as hearing impairment, will also be supported by an additional allocation by the NCSE. Resource teaching provision is therefore made for children with Down’s syndrome in the same manner as for other children with assessed syndromes and in accordance with the policy of the Department, which is set out in circular 02/05.

Whether resource teaching hours are allocated to schools under the general allocation model or through an allocation made by the NCSE based on individual low-incidence special needs, it is a matter for schools to then utilise and manage those resources to best provide for the teaching needs of qualifying children. Each school will use its professional judgment to decide how the provision of additional resource teaching time and hours is made to the qualifying pupils in the school to ensure all their individual needs are met.

Additional teaching time may be provided to pupils on an individual basis or in pairs or small groups. It may also be provided in the classroom through team teaching or through withdrawal to a resource teaching room. Guidance for schools on the management of their resource teaching allocations is provided in special education circular 02/05.

The NCSE, which has a formal role under section 20 of the Education for Persons with Special Educational Needs Act 2004 to advise the Minister for Education and Skills on any matter relating to the education of children and others with disabilities, has been asked to provide policy advice on 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 will be included in the NCSE’s policy advice on how the education system can best support children with special
Deputy Pearse Doherty: I thank the Minister of State for the response, although it sheds no more light on the issue. Indeed, I can provide more information than she has provided. For example, the Minister of State said the NCSE would provide the policy advice in the near future. It will do so directly to the Minister for Education and Skills at 11.30 a.m. on Friday at a public launch event.

The key question is about the rights of children with Down’s syndrome. Until 2005 all children with Down’s syndrome were allocated additional resource hours or resource hours on a one-to-one basis as a matter of priority. The Minister today could sit in his office and with the stroke of a pen could grant the 24 children per year the resource service as an automatic right allowing the parents to get on with caring for their children and not have to take on the State or the Government to get their children’s rights.

Given that this would cost approximately €5,000 per child, when will the Minister act on the recommendations of the National Council for Special Education? Will he ensure that by September all Down’s syndrome children classified with a mild learning disability will be allocated resource hours? Why must we wait almost two years for a report from the NCSE to do something when it should be a matter of fact and right? A cross-party group has been established in the House to advocate on behalf of parents of children with Down’s syndrome. We are speaking about a small group of children who face many other difficulties in life. This is just one uphill battle they face. It is a small amount of money. This should happen as a matter of course and it should not have been as protracted as it has been. When will the Minister act on the advice of the NCSE? Will he assure parents that by September these resource hours will be in place? Schools must make arrangements in this regard.

Deputy Jan O’Sullivan: As the Deputy stated, the NCSE will report to the Minister very shortly, and I am sure his information must be accurate and it will be on Friday. It will then be in the public arena and I hope parents in particular and Deputies will have an opportunity to comment on the report. It is a statutorily appointed body, the role of which is to provide advice in this area to the Minister. He will have to consider this advice and the views of parents. I am sure he will not delay in responding but I cannot give the Deputy a date when he will reply. I am sure the Minister will take the opportunity to respond as soon as possible.

Ambulance Service Provision

Deputy Caoimhghín Ó Caoláin: I extend my deepest sympathy to the family of Vakaris Martinaitis, who died on Wednesday last after a tragic accident in Midleton. It was an indescribable tragedy for his family. It almost beggars belief that no ambulance was available to take this seriously injured young child to hospital immediately, as was required. Despite the HSE’s contradicting this, the reality is that those who called the emergency services were told there was no ambulance and no ambulance arrived. The inadequacy of the provision of emergency services in east Cork is not a new concern. It has been raised repeatedly by the local community, by my colleague Deputy Sandra McLellan, by Midleton town councillor Pat Buckley and by other elected representatives for the area, including Deputy David Stanton with whom we share this Topical Issue matter.

Last March in the Dáil, the Minister for Health, Deputy James Reilly, claimed “improved
training and better deployment through more efficient rostering ... will drive the improvement of response times in every region”. It is very clear that response times in every region have not improved and that in areas such as east Cork there are major gaps in services. The Minister needs to intervene directly with those responsible for emergency services in east Cork to identify what now needs to be done. Throughout the State he must ensure that ambulance and other emergency services are of the standard required. I call on him to carry out an urgent review of the actual effect on the ground of the reconfiguration of recent years. The news - and often tragic news - coming back to us is that there are huge gaps and it is not confined to east Cork.

Deputy Sandra McLellan: The death of young Vakaris Martinaitis and the trauma and profound sense of loss his family must now endure is almost beyond belief. I extend my deepest sympathy to his family at this time. As a mother it must be absolutely shocking to find your child has fallen out of a window and that he is seriously injured, but I can only imagine the initial shock must then be magnified many times over by the realisation that no ambulance is available to take your child to hospital. Despite the line by the HSE on this, the fact remains that when an ambulance was requested, the caller was informed none was available, and no ambulance arrived to take little Vakaris to hospital.

Unfortunately, the unreliable nature of the emergency services in my constituency of Cork East is now having profound consequences for children and adults who have serious injuries or illness. Only six weeks ago another child, James Casey Butler, needed emergency care and again the circumstances surrounding this particular incident are causing concern in the area. Questions about the failures and inadequacy of the emergency services in east Cork are not new. I have repeatedly raised the issue in the House, as has my colleague Deputy Ó Caoláin. The situation has now reached a crisis point and, simply put, lives are now at risk as a result.

In March of this year the Minister, Deputy Reilly, gave an undertaking that response times would improve as a result of more effective rostering and improved training. However, recent incidents prove this is simply not the case. The people of Midleton are entitled to better. They deserve to know that if they or their children have an accident or become ill an ambulance is available to take them to hospital. Not only in east Cork but throughout the country people are entitled to an emergency service which is both reliable and dependable. I therefore call on the Minister to conduct as a matter of urgency a review of how the restructuring or reconfiguration of the ambulance and emergency services actually works for people and communities. The evidence to date suggests serious problems exist with the service and people are suffering or dying as a result.

Deputy David Stanton: Yesterday I attended the funeral and extended sympathy to the family of the little boy who passed away so tragically. I am pleased the Minister of State is in the Chamber, but I am disappointed neither the Minister for Health nor a Minister of State from the Department is present to debate such an important issue. I have faith in the Minister of State who is present.

Many serious questions must be answered. What happened? I want the preliminary report to be made available as soon as possible. For two hours yesterday I engaged with approximately 70 or 80 very angry, distressed and worried people who were outside my office. The anger and concern about this and other such incidents is palpable. We need answers and we need them quickly. I hope the Minister of State will have some answers for us. What about other first responders whom I understand are normally alerted when such an incident occurs? Why were they not alerted? We have since been told other ambulances were available. Why was one
of them not dispatched to the scene? What about the other rapid response vehicle in the area?

The role of SouthDoc needs to be examined. The reconfiguration of the ambulance service needs to be examined and I call on HIQA to be involved in this. Why is it when ambulances go to Cork University Hospital they are often held there for quite an amount of time before they can leave because their stretchers and trolleys are kept in the hospital until the patients are taken off them? How many calls are responded to and what is the average time of response? How many frivolous calls are made to the ambulance service? Very serious questions are raised and it is a life-and-death situation. A family has buried a little two-year-old boy. Nobody knows whether he would have survived if an ambulance had arrived, but one was not available at mid-day on a bank holiday Monday, which one would imagine to be a very quiet time with not much demand for an ambulance service. We need answers quickly.

Deputy Jan O’Sullivan: I thank the Deputies for raising this issue, to which I am responding on behalf of the Minister for Health. I join with the Deputies in extending my sympathies to the bereaved family and all those involved. The death of a child in any circumstances is a tragedy for all concerned and, in speaking about this matter, I am conscious of their terrible loss. Nothing we can say can make it any easier for them.

To establish an accurate account of this incident, the HSE has asked the national ambulance service to examine the details of what occurred. The ambulance service, in line with the HSE incident review methodology, has commissioned an incident review into the management of a 999 call received at 2 p.m. on 6 May 2013. The review team will provide a preliminary report as a matter of urgency, to be followed by a full report. The ambulance service has also appointed a liaison officer to the family to ensure they are informed of the progress and outcome of the review.

A significant reform programme of pre-hospital care services has been under way in recent years. This is to ensure a clinically driven, nationally co-ordinated system, supported by improved technology.

6 o’clock

The programme involves a number of measures, including the performance improvement action plan, development of the intermediate care service, the trial emergency aeromedical service, EAS, and the NAS control centre reconfiguration project.

The NAS is not a static service. It deploys its emergency resources in a dynamic manner and on an area and national, rather than a local, basis. In line with the need for increased efficiencies in State services under the Croke Park agreement, the NAS has been moving from on-call to on-duty rostering for ambulance services. The change to on-duty rostering means that highly trained paramedic crews are on site in their stations or their vehicles to respond to dispatches immediately, rather than in the average time of over 20 minutes that it takes to summon on-call staff and activate the vehicle.

In 2011, following a Labour Court ruling, the NAS began the phased move to on-duty rostering in the southern region. All of Cork now operates under on-duty rostering. In addition, county boundaries no longer apply - the nearest ambulance responds, regardless of its origin. The changes also mean that resources can be deployed dynamically, based on need and demand patterns, rather than simply by station location. This allows for more flexibility and responsiveness and will result in better response times for the people of Cork and Kerry and a better ser-
In the new model of service, on-duty ambulances and response vehicles will move to the optimal location at any time based on predicted needs assessments. The NAS in east Cork has been enhanced under these changes. Previously, for four nights a week, paramedics responded to calls after 8 p.m. from their homes. From 2012, the emergency resources in east Cork are in use, on duty in the stations or in their vehicles, 24 hours a day, seven days a week. All of these measures will allow the national ambulance service to provide a better, safer, more comprehensive and more efficient emergency ambulance service to the people of Cork as a whole.

Deputy Caoimhghín Ó Caoláin: I know this is not the Minister of State’s area, which does make it very difficult. She is delivering a written reply, but nowhere in that reply is there any commitment to carry out the type of review we believe is required following the reconfiguration of the ambulance service. It is important that such a review be undertaken to establish an accurate account of the incident in question. The Minister of State indicated that the HSE had asked the national ambulance service to examine the details of what occurred. Has she any idea how quickly that report will be presented? These are important matters to inform us and the many others who will be interested in this exchange. When will the national ambulance service report, through the HSE, to the Minister and to the House? Will the Minister of State tell her colleague, the Minister for Health, Deputy James Reilly, that it has been strongly urged that a review into the configuration of the ambulance service, including emergency ambulance services across the State, be undertaken? This is to establish the adequacy of the service in terms of current and projected needs.

Deputy Sandra McLellan: People in the east Cork area are very concerned and do not believe they have an enhanced ambulance service. During the bank holiday weekend, a young man in Youghal suffered serious head injuries in an unprovoked attack and lay in the street in a pool of blood. There were reportedly two rapid response vehicles in the area but they did not attend the scene. Local gardaí had to obtain the assistance of the local fire brigade, whose members were on call but not on duty. The strategically positioned ambulance did arrive 53 minutes later.

Sometimes things might look good on paper but they do not work that well in practice. People in the area have no confidence in the ambulance service. Will the Minister give a commitment to undertake a comprehensive national review of the reconfiguration of the ambulance service?

Deputy David Stanton: A child is dead and one can imagine the kind of emotional response that has provoked in the area among families and parents when an ambulance was not available and did not arrive. Now, however, we are told that ambulances were available. Deputy McLellan, I and others worked hard when this reconfiguration was going ahead. We supported the national ambulance service in that work. We asked a lot of hard questions and got answers. At the time I felt it was an improvement, but I now have serious reservations.

The Minister must ensure that we have full information. The public must have full information on what happened as well as full information on the reconfiguration. This is an extraordinarily serious issue. How many calls have the ambulances responded to in the last while, and what is the average response time? We want an independent and ongoing review. The feeling in Midleton now is that no ambulance is available in the town. My understanding of the reconfiguration is that the ambulance is not a static service but moves around. If one tries to explain that to people, however, they neither accept it nor understand it.
Because of the incidents outlined by myself, Deputy Ó Caoláin and Deputy McLellan, the public no longer have any confidence in the ambulance service. When confidence disappears people get worried and angry. I am angry also, so I want answers quickly. How soon will this preliminary report be available? If the Minister of State cannot tell me that now, I would appreciate if she could do so before the evening is out. We also need to know how soon the full report will be available and what kind of information will be in it. I am quite angry about this, so I want a comprehensive response.

**Deputy Jan O'Sullivan:** I will ensure that the Minister of Health, Deputy Reilly, is made aware of all the Deputies’ questions and concerns. I did indicate that the preliminary report would be produced as a matter of urgency and would then be followed by a full report. I note that the Deputies have also requested a review of the whole service and not just this specific incident.

**Deputy Sandra McLellan:** Yes.

**Deputy Jan O’Sullivan:** Deputy Stanton asked a number of questions about average response times and the number of calls. I will convey those queries to the Minister. I agree with all the Deputies that it is important that people have confidence in the ambulance service. I have no doubt that I speak for the Minister, Deputy Reilly, when I say that it is a major concern. I will ask that the information sought by the Deputies be supplied by the Minister as soon as possible.

**Registered Employment Agreements**

**Deputy Joan Collins:** I thank the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, for coming to the House for this Topical Issue. It appears that the relevant Ministers did not appear for the other issues that were raised, although I do not know whether that reflects something. I have raised this issue because a ruling of the Supreme Court last Thursday struck out the legality of registered employment agreements, or REAs. This happened previously with employment regulation orders, EROs, and joint labour committees, JLCs. All these abbreviations sound very confusing.

The 1946 Industrial Relations Act was specifically enacted to provide that a union or unions representing a majority of workers in a particular industry - and the employers representing a majority in that industry - could, if both agreed, register an agreement on pay and conditions with the Labour Court, which would then have legal status. I am seeking clarity from the Minister following what happened on Thursday. There was much coverage of this issue at the weekend. It must be clearly spelled out that the existing agreements remain in force unless renegotiated, so that workers already in contract are protected under the national contract of employment.

My second question concerns the problem with new agreements. Can employers now bring in immigrant workers on pay that is just above the minimum wage, or based on their own countries’ minimum wage levels? An unemployed friend of mine has informed me about a recent advertisement in Poland seeking 900 electricians to do a big contract job in Intel. Workers here are obviously concerned about this. Those affected are mainly construction workers, electrical contractors and plumbers. Will the Minister act to legalise the REAs through the Dáil, as we had to do before, without watering down the pay and conditions of these workers?
Deputy Barry Cowen: We acknowledge that there are certain sectors affected by the judgment on REAs that benefit from greater flexibility and the freedom to ensure wages reflect the economic reality. This would help boost employment in those sectors and disincentivise black market labour. Many employers that comply with REAs are being undercut by unscrupulous employers paying lower wages off the books. Following the Supreme Court ruling, it is essential we do not allow a free-for-all to emerge. We want confirmation from the Government that there will not be a surge of employers suddenly moving to unilaterally reduce the wages of workers who have been covered by REAs until now or seeking to displace existing staff with new employees on inferior terms. Existing legislative protection which applies to all employees in the State must be rigorously enforced. Guidelines must be set down to ensure engagement between employers and employees on any renegotiated terms and conditions in these sectors.

Industrial peace, as the Minister knows, is very important in attracting foreign direct investment. Despite the upheaval in the construction industry in recent years, it has not been hit by widespread strike action. Swift action by the Government is necessary to prevent a vacuum from emerging. Has the Minister consulted with the Attorney General in response to this judgment? What legislation is he preparing on that and when can we expect it to be in place? It is most important that we do not allow a vacuum to emerge after this judgment, which would create unforeseen difficulties for the sectors affected by REAs.

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I thank Deputies Joan Collins and Barry Cowen for raising this important matter and giving me the opportunity to respond. An employment agreement is an agreement governing conditions of employment, made between a trade union and an employer or employer organisation. Such agreements may be presented to the Labour Court for registration. Where the Labour Court is satisfied that the agreement presented satisfies the statutory requirements, it registers the agreement. Under the provisions of Part III of the Industrial Relations Act 1946, prior to its amendment by the Industrial Relations (Amendment) Act of 2012, the effect of this registration was to make the provisions of the agreement legally enforceable even in respect of workers or employers that are not party to the agreement.

From the parties’ perspectives, the primary objectives of REAs are to provide them with a sense of certainty around terms and conditions that will apply when the employers are tendering for and working through contracts, and to have in place agreed grievance and industrial peace provisions. The agreements also have the effect of ensuring the industry terms and conditions are recognised and maintained. In addition, the existence of these legally-backed agreements is recognised under European Union law and ensures, in accordance with the posted workers directive, that contractors from outside the jurisdiction who may be using employees from lower-wage economies do not obtain an advantage over local contractors in terms of wage costs.

Six sectoral REAs were registered by the Labour Court, two in the construction sector and one each covering electrical contracting, printing, overhead power line contractors and Dublin drapery, footwear and allied trades. It is estimated that between 70,000 and 80,000 workers were covered by these sectoral agreements. In addition, there were almost 70 employment agreements covering individual enterprises.

As Deputies will be aware, in recent years there has been a continuing series of legal challenges to the JLC and REA systems, including the 2001 John Grace Fried Chicken case, which resulted in the High Court’s striking down all employment regulation orders, EROs. A High Court challenge to the validity of the electrical contracting REA as well as the constitutionality
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of the 1946 Act was successfully defended in 2010 by the State. The decision was appealed to
the Supreme Court. On 1 August last, informed by the judgment of the John Grace Fried Chick-
en case, a new legal framework for REAs and EROs was put in place by way of the Industrial
Relations (Amendment) Act of 2012. The Act provided for more comprehensive measures de-
dsigned to strengthen the constitutional and legal framework for both the JLC and REA sectoral
wage-setting mechanisms, such as the specification of the procedures to be followed by the
Labour Court and the provision of enhanced oversight and discretion by the Minister and the
Oireachtas. The Act also reinstated a robust system of protection of workers in these sectors.

In a judgment delivered on 9 May in McGowan and others v. the Labour Court, Ireland
and the Attorney General, the Supreme Court held that Part III of the Industrial Relations Act
1946 was invalid having regard to Article 15.2.1° of the Constitution. That Article provides, in
effect, that the exclusive power to make laws is vested in the Oireachtas. The Supreme Court
took the view that REAs are instruments having the status of laws made by private individuals.
While the Constitution allows for the limited delegation of law-making functions, the provi-
sions of the 1946 Act went beyond what is permissible under the Constitution. The effect of
this decision is to invalidate the REA agreements previously registered under Part III of the
1946 Act. In consequence, the Labour Court no longer has jurisdiction to enforce, interpret or
otherwise apply these agreements. As a result, all such agreements no longer have any applica-
tion beyond subscribing parties and are not enforceable in law. This is a significant judgment
that requires careful consideration. The Attorney General had been asked to supply advice on
the issues arising from this judgment.

Contracts of employment will remain. They are separate from the enforceability of the
REAs. While there is no such agreement in place, employers can seek to renegotiate or a new
employer can employ on new terms. We have requested advice from the Attorney General and
we are awaiting that advice, which will be with us shortly. We will not delay in responding.

Deputy Joan Collins: I thank the Minister for clarifying that. The point I want to stress is
that there should be no vacuum that might leave workers vulnerable. I made the point regarding
the advertisement in Poland seeking 900 workers for a big contract in Intel and offering only
€10 per hour. While we have electricians sitting at home in Ireland who cannot get jobs, that
will cause a lot of concern among unemployed workers. The Attorney General is to advise the
Minister, but does he think legislation will need to be introduced, and how quickly does he think
it can be brought to the Dáil? It is very important that we do that.

Deputy Barry Cowen: I thank the Minister for his response. I reaffirm my fears. I expect
the Minister in the short term might confirm what he said regarding contracts of employment
being legally binding. Those contracts of employment were based on the conditions and terms
of REAs and I hope they are not deemed to be illegal based on the unconstitutionality of REAs,
as the Minister rightly said. If he can confirm that with a degree of finality, without having to
refer to the Attorney General, that is fine and we will accept it.

Regarding any proposed legislation that will emanate from the findings of the Attorney
General in her response to this judgment, will the Minister ask for a degree of flexibility that
may not be contained in the existing REAs struck some time ago that will help the sectors
concerned while being cognisant of the economic realities regarding wages in those sectors? I
do not decry those agreements. I expect that any future legislation would not be deemed to be
unconstitutional by any such court. However, there must be sectoral support and guarantees
for those areas in which we had REAs in the first place and have continued to have them in the
intervening years.

**Deputy Richard Bruton:** I can give an assurance to Deputies Cowen and Collins that existing contracts remain and can only be altered by agreement. The fact that the REAs have been struck down, therefore, does not alter the contract an individual has with his or her employer. The same applied when the EROs were struck down - the contracts remained and the record will show there was no wholesale cutting of wages as a result of the period during which they were not underpinned.

Deputy Collins asked what would happen to the REAs. Obviously they will have to be reconstituted under the 2012 Act. The Deputy asked if new legislation was needed. The 2012 Act was drafted after this case was initiated and in that legislation we sought to establish policies and principles that would guide the establishment of such orders and agreements as well as reviews by the Labour Court that would ensure the workers and employers were representative of the broad category for which they claimed to negotiate, and so on. A number of hurdles are involved. These issues come to me, as Minister, and are laid before the Oireachtas. This was all designed to deal with the legal frailties that had been established in the John Grace Fried Chicken case.

In answer to Deputy Cowen’s point, the new 2012 Act provides for principles and policies, including looking at the competitiveness of the sector as defined in broad terms in the Act. It provides that in the formation of a new REA the whole environment must be considered and, in that sense, it allows a review of the competitiveness, flexibility and appropriateness to the economic conditions in which the agreement is negotiated. We will wait for advice from the Attorney General in order to have full understanding of the judgment before we proceed but that is the position at present, as I understand it.

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**Report on Offshore Oil and Gas Exploration: Statements**

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I am pleased to open this debate on the report of the former Joint Committee on Communications, Natural Resources and Agriculture on the subject of offshore oil and gas exploration. I am grateful to the Government Chief Whip for acceding to my request to make time available for the debate.

Although issues relevant to the subject matter of the report have been discussed in this House from time to time under a range of business, today’s debate provides an opportunity for a more detailed discussion. I look forward to the contributions of Deputies on the report and its recommendations and, more generally, in respect of Ireland’s approach to this policy area. My colleague, the Minister of State, Deputy Fergus O’Dowd, will close the debate on behalf of the Government.

This is both an interesting and a topical area of public policy. The report discussed a range of diverse subjects and issues and the joint committee invested considerable time in its preparation. Detailed evidence was taken from a range of parties and considerable time was spent in
considering that information. Accordingly, the report represents a valuable contribution to the
debate on how we should manage our indigenous oil and gas resources to ensure the best result
for the people of Ireland. The 11 recommendations reflect the broad nature of the report and
address a number of themes. The report recognises the importance of our legislative and strate-
gic policy approach being fit for purpose and brings a focus to specific aspects of the non-fiscal
regulatory regime. It considers interactions involving the public in general, as well as those
relating to communities living in areas where development activity is planned.

The theme, however, that has generated the greatest level of comment relates to the tax
terms that should apply in the case of future commercial discoveries. There have been occa-
sions when debate on this subject has been premised on myth rather than fact and it is a posi-
tive aspect of the report that it captures so much detail in a single document. Understanding
Ireland’s petroleum exploration experience over four decades is important to any balanced con-
sideration of the nature of fiscal terms that should apply to this industry.

Understanding our experience relative to that of neighbouring jurisdictions is also critical,
as well as understanding that the hopes and aspirations that many of us held out for the industry
in the 1970s have not been realised and tilting at romantic windmills amidst the dreamy spires
of Princeton will not change that. It is helpful, therefore, that the report contains considerable
detail of Ireland’s exploration history, together with some detail on neighbouring jurisdictions,
particularly Norway. An examination of Norway’s experience as a major oil and gas producer
demonstrates a stark contrast between that country’s fortunes and ours over the past half-cen-
tury. Today there is a significant difference in our respective fiscal regimes, which reflects
very different levels of exploration success. In the 1970s our fiscal terms were similar but in
the subsequent decades the optimism that existed in the 1970s about the potential of the Irish
offshore diminished as significant and repeated commercial discoveries in the North Sea were
not, unfortunately, replicated here.

There are times, however, when some contributors to the debate on fiscal terms advocate
policies that clearly ignore the stark contrast between our exploration experience and that of
Norway and the UK. Although they contribute nothing constructive to an important public
policy consideration, such interventions can give rise to confusion, deflect focus from the real
questions to be addressed and do little to engender confidence among those considering the
relative merits of investing in the Irish offshore, as opposed to elsewhere in Europe or even
further afield.

In general terms, some of the report’s recommendations appear both sensible and desirable.
Others are already provided for in the existing licensing and regulatory regime. There are
a number of recommendations that could usefully be explored further, including several which
have wider public policy implications. Finally, there are a number of recommendations in
respect of which I have strong reservations and remain to be convinced that their adoption rep-
resents the best way for us to proceed. As examples of recommendations I would endorse, the
report proposes that there be a clear and transparent fiscal and licensing regime which provides
certainty for the State and industry alike. It stresses the need for a clear strategy governing Ire-
land’s approach to petroleum exploration and goes on to recommend that the 1960 Petroleum
and Other Minerals Development Act be reviewed. The 1960 Act is important in setting out the
high-level exploration licensing regime and the rights conferred by the various authorisations.
Since it was enacted, a broad body of legislation at national and European Union level that is
directly relevant to petroleum exploration and production activities, including planning, safety
and environmental legislation, has been passed. Against that background, my Department is
currently engaged in a review of the 1960 Act.

Our overarching strategy in this area is to seek to maximise the benefits to the people from Ireland’s indigenous natural resources. The most significant way in which Ireland stands to benefit from successful exploration is through tax revenue.

We have continually reviewed, adapted and developed our regulatory and fiscal terms to ensure they remain fit for purpose, and that process will continue.

Apart from tax revenue, additional benefits would accrue from the economic activity generated by development and production. For example, more than 1,000 people were employed at the height of the construction phase of the Corrib gas terminal. A more active exploration and production industry would also encourage the development of a range of support services, particularly around key port facilities. Further commercial discoveries would also strengthen Ireland’s security of energy supply.

It is a core element of the State’s strategy for this sector that private industry, rather than the Exchequer, should carry the financial risk associated with exploration. Given that a single exploration well in the Atlantic can cost more than €100 million, this is a policy I strongly endorse. It is important that the State provide suitable opportunities for international investors and the right environment to encourage private industry to take the risk associated with investing in exploration. We do this in a number of ways, including offering attractive and innovative licensing opportunities, such as the 2011 Atlantic margin licensing round; providing a fit-for-purpose, transparent and robust regulatory regime; deepening knowledge of our offshore petroleum potential, particularly through data acquisition and supporting key research projects; and actively promoting the opportunity to invest in exploration in the Irish offshore, particularly to companies not currently active here.

A fundamental matter recognised in the report is the need for our licensing regime to communicate both stability and certainty to industry. This is especially true when we are competing with other countries to attract investment and in view of the fact that the nature of the business requires taking a long-term view. For this reason, I welcome the recommendation that no retrospective changes should be made to licensing terms.

In regard to recommendations that I believe may already be provided for under our licensing regime, I want to comment briefly on the recommendations relating to the maximisation of production from commercial fields, the principle of unitisation and the issue of flaring gas. If I am clear in my understanding of what the committee had in mind on these recommendations, these issues are already addressed to a considerable degree by the existing licensing terms, together with the Department’s own industry-specific rules and procedures. I am, of course, open to suggestions as to how existing provisions could be improved.

I have said that some of the recommendations could usefully be explored further. In that regard, it is important to address the recommendations relating to public consultation and community gain. I do not know whether the recommendation on consultation is a statement recognising the value of public consultation and advocating continuance of the status quo or a suggestion that adequate public consultation is not provided for. The reality is that all major infrastructure consent processes involve a public consultation phase, which generally includes an oral hearing. These requirements are not industry-specific and they flow from both national and European legislation. This means that any future oil or gas development project would be
subject to a number of consent processes, each of which would have a detailed public consultation phase. It may be that the circumstances which gave rise to the committee’s focus on public consultation predate the passing of the Planning and Development (Strategic Infrastructure) Act 2006, which provides for a more holistic, transparent and strengthened approach to the assessment of applications for major transport and energy projects.

In its earlier stages of development, the companies involved in the Corrib field took their eye off the ball, and there were genuine local community interests which should have been properly addressed. Since that time, however, the State has bent over backwards in every way it can. In so far as it is known to man to make safe the bringing ashore of gas, this has been done. Uniquely, we are engaged in constructing a tunnel under Sruwaddacon Bay, at a cost of €400 million. That €400 million will be written down against the costs of developing the field, which means the Exchequer must forgo €100 million in taxation.

The community gain concept discussed in the report is clearly not industry-specific. It is also complex, as communities are not homogenous, and what some may consider to be a gain, others may consider a loss. The 2006 Act enables An Bord Pleanála to attach specific community gain conditions to a planning consent. The Government fully supports a community gain approach in the delivery of energy projects. This is explicitly referenced in the Government’s policy statement on the strategic importance of transmission and other energy infrastructure which we published last July and which now guides the planning authorities in their decision-making. That policy statement stresses the need for developers to examine appropriate means of building community gain considerations into project budgeting and planning.

I now turn to the recommendation that has generated the greatest interest, namely, the near-doubling of the existing tax rate applying to petroleum production. A comprehensive review of Ireland’s licensing terms was carried out in 2007, following which both the fiscal and non-fiscal licensing terms were revised. The revised terms sought to strike a balance between attracting investment in high-risk exploration and ensuring the State receives a fair share of any profits. The terms provide for a profit resource rent tax of up to 15%, on top of a 25% corporate tax rate, ensuring that the return to the State will increase to a maximum of 40% in the case of the most profitable fields. The revised terms apply to all exploration licences issued since the beginning of 2007. The changes in that tax regime that are now proposed are not minor or modest in nature. What is proposed is a fundamental repositioning which would raise our tax to a similar level to that of the UK and, in the case of very profitable fields, would result in a higher tax here than applies in Norway. It may be the case that the committee was signalling where Ireland should seek to reposition the tax regime over time. However, I struggle to understand how anyone could expect Ireland to have Norwegian-style tax rates without first having Norwegian levels of commercial discoveries.

It also appears to me that the recommendation does not logically flow from the committee’s own report. The report sets out four main reasons for proposing these tax changes: high oil prices; the impact of advances in technology on exploration success rates; the fact that not all regions with petroleum potential are politically stable locations for investment; and recent positive indications from exploration off Ireland’s south coast. The first two of these factors, high oil prices and new technologies, tend to be of an incremental nature. It is still a fact that without exploration drilling, no new discovery will be made. This is a critical factor for Ireland because drilling levels in the Irish offshore remain
very low. Incremental technology advances may help, but more drilling is essential.

Political stability as a location for investment is an advantage that Ireland has over certain other regions. However, this is by no means a new or exclusive advantage and it is an advantage that is also enjoyed by Norway and the United Kingdom. The final factor that seems to underpin the report’s tax recommendation is the positive news from the Barryroe well. While the drilling results there are encouraging, further work is required to establish whether this discovery can be declared to be commercial. If it is declared commercial, then it should attract more exploration investment to the region.

However, the potential impact should not be overestimated and needs to be put in context. It would be a positive development, both as a new commercial discovery and as Ireland’s first ever commercial discovery of oil. However, it would also be Ireland’s first commercial discovery since the Corrib gas field was discovered in 1996, nearly two decades ago. While it would be positive news, it would not by itself make Irish waters the new North Sea.

I do not wish to be negative or to undersell Ireland as a location for exploration investment - quite the contrary - but we must deal in realities. The reality is that the Irish offshore is under-explored and its petroleum potential is largely unproven, particularly when compared with other petroleum regions such as Norway and the United Kingdom. The statistics speak for themselves. A total of 156 exploration and appraisal wells have been drilled to date in Ireland’s offshore compared with more than 1,200 wells in Norway and 4,000 wells in the United Kingdom. The UK has more than 300 producing fields, while Ireland has only three, with a fourth in development. Norway is the second largest gas exporter and the seventh largest oil exporter in the world. Ireland, on the other hand, imports more than 95% of its gas and 100% of its oil.

Ireland’s focus should be on how to encourage an increase in the level of exploration investment and drilling. This is what we need if we are to establish the true petroleum potential of the Irish offshore. The principal factor driving exploration investment decisions is the likelihood of making a new discovery. The challenge is how to improve the industry’s perception of Ireland’s prospectivity relative to that of other countries. Exploration drilling and new seismic acquisition are both key. In 2011 and 2012 we had just one exploration well and this year it seems that Dunquin will be the only well drilled offshore. That is the backdrop against which we are having this debate. We must recognise that Ireland is competing with countries such as Norway and the United Kingdom to attract mobile international investment and we cannot set our tax terms in isolation.

We find ourselves in a complex and challenging position. There is a clearly recognised potential and there have been positive recent signs in the number and quality of exploration companies becoming involved in the Irish offshore. The exploration cycle is a very long cycle, however, and many current authorisations are at the stage at which exploration drilling has yet to be undertaken or even committed to.

The joint committee signalled clearly in its recommendations that it considered a review of the fiscal terms would be appropriate. It was also clear that an adjustment to the fiscal terms should not be retrospective. I am completely in agreement with this latter point.

While I have clearly indicated my reservations about Norwegian-style tax terms, I am conscious that long-term investment decisions on exploration expenditure would benefit from the maximum degree of certainty on the stability of the fiscal regime. With this in mind and
having regard to the fact that the most recent review of the fiscal terms took place in 2007, I intend, following the conclusion of this debate, to seek further independent expert advice on the fitness for purpose of Ireland’s fiscal terms. Such expert advice would focus on what level of fiscal gain is achievable for the State and its citizens and, equally important, the mechanisms best suited to produce such a gain.

Certainty as to fiscal terms is a prerequisite for attracting oil and gas exploration investment. In that regard, particularly in the context of planning for the next licensing round, it is my intention to bring my consideration of this matter to a conclusion before the end of the year. This would ensure that the next licensing round could be launched against a backdrop of regulatory certainty and encourage much-needed new investment in exploration in our offshore. I thank the former joint committee for its detailed report and look forward to hearing the views of Members in this debate.

**Deputy Éamon Ó Cuív:** Tá fíor-áthas orm deis a bheith agam cúpla focal a rá i dtaobh na tuarascála seo anocht. Caithfadh mé a ra go bhfuil diomá orm gur thóg sé blain an plé seo a eagrú sa Dáil. Tá diomá orm freisin faoin dearcadh diúltach, sa chuid is mó, atá á ghlacadh ag an Aire. Rinne an coiste go leor oibre ar an ábhar seo. Más buan cuimhne an tAire, rinne an Dáil plé trí huair an chloig ar rún a chara Sín Féin. Sítheánach is mó, atá a chloig beag, tháinig an coiste Chathaí Tuaiscirt agus an Roinn Freasúra agus an Roinn siúrthaíochtaí sa ríocht agus an Roinn纳斯. Déanaimh síor le rá a bhí ag na hAireanna, an próiseas, agus an aisteoirí chun a pholaitiú. Tá go leor airgid curtha amuigh tríd na téarmaí a bhí ann go dtí seo.

**Deputy Pat Rabbitte:** Ní fíor sin.

**Deputy Éamon Ó Cuív:** Tháinig athrú an-aisteach ar an Aire. Bhí mise i gcónaí den tuairim go bhfuil an fhizarth i ngach roinnt i dtaobh na tuarascála seo. Is dóigh liom go bhfuil an fhírinne idir an dá rud. Dúirt m' é sin an oiche sin. Mhol mé go mbreathnóth an coiste Oireachtais, nach raibh bunaithe ag an an, ar an gceist seo ó thus go deireadh. Chaith an coiste go leor ama ag plé na tuarascála seo. Is dóigh liom go raibh sé suntasach go raibh aontas i ndeireadh idir Fine Gael, Fianna Fáil, Páirtí an Lucht Oibre, Sín Féin agus na comhaltai Neamhspleáchacha ar an gcoiste faoin tuarascáil seo. Bhi siúil agam go mbeadh an toradh sin ar ár gcuid oibre. Chreid muid go ndearna muid dótóin staidéar ar an fhadbh ionas go dtiocfaidh muid imithe ón gcaint éasca a bhíodh ann roimhe seo. Tá go leor airgid curtha amu. Tá saibhreas aisteach curtha amu tríd na téarmaí a bhí ann go dtí seo. Bhi daoine eile ag comhar le go dtíocfaísdh siar shocrúithe an an ríocht i dtaobh na ceiste seo.

Ba mhaith liom labhairt faoi cheann de na rudái is suntasaí a tháinig ar an Aire ann. Caithfadh mé a ra go bhfuil an fhírinne i ngach roinnt i dtaobh 4% den fharrassaí ar fad sa dlínse atá againn. Dá duladh na h-áiteacha is suntasaí, buíonn an fhírinne is suntasaí ar an fhírinne. Tá go leor aisteáil faoi cheann de na rudái is suntasaí a tháinig ar an Aire ann. Tá go leor aisteáil faoi cheann de na rudái is suntasaí a tháinig ar an Aire ann. Tá go leor aisteáil faoi cheann de na rudái is suntasaí a tháinig ar an Aire ann. Tá go leor aisteáil faoithiní ar an fhírinne i dtaobh na ceiste seo.

Tá mé sásta go bhfuil an tAire ag rá go ndéanfaidh sé athbhreithnú ar Acht 1960, nó go bh-
fuil sé sin á dhéanamh. Tá súil agam go bhfeicfidh muid toradh na hoibre sin go luath. Tá mé diomáché faoin dearcadh atá ag an Aire maidir leis na téarmaí airgid atá á moladh againn. Bhí gach éinne ar an gcoiste den tuairim nár cheart dul siar ar aon socrú atá déanta. Feicear dom go bhfuil sé réasúnta sna haois sin á dhéanamh an Stát 40% i gcás tobar beag agus 60% i gcás tobar measartha móir, agus má tháinig an cheisteanna mar mháthair, agus nach bhfuil tobair móir. Ba mhaith liom an difíocht idir an rud atá ann agus an rud a bhí á maladh againn a mhíniú. D'fhéadfadh an tAire in ann dáta ní cheart an chéad uair a atá deanta. Feictear dom go bhfuil sé réasúnta a ról a d'fhágadh. Bhí an tAire ag troidh go bhfuil siad ar an úsáid agus ar an áitiúil, agus ar an gcoinne. Bhí an tAire ag troidh go bhfuil sé réasúnta a ról a d'fhágadh. Bhí an tAire ag troidh go bhfuil siad ar an úsáid agus ar an gcoinne. Bhí an tAire ag troidh go bhfuil sé réasúnta a ról a d'fhágadh. Bhí an tAire ag troidh go bhfuil siad ar an úsáid agus ar an gcoinne.
t-airgead. D’fhéadfaí na húdaráis áitiúla a úsáid, ach ní hé sin an rogha ba ansa liom. B’fhéarr liom go dtabharfaí an t-airgead do leithéidí na gcomhlauchtai Leader a chuir muid ar bun le ion-adaíocht maith pobail iontu. Tá an Rialtas ag iarraidh fáil réidh leo, ar ndóigh. Dá mbeadh deis acu an t-airgead a roimnt, bheadh an próiseas céim amháin ó na comhlauchtai forbartha.

Ba mhaith liom labhairt faoi dul i gcomhairle. Tá an ceart ag an Aire sa mhéid a dúirt sé faoi ról an chomhairlúcháin sa chóras. Tá a fhios againn gur theip ar na córás dul i gcomhairle leis an bpobal. Deireann an pobal go minic nach mbíonn a fhios acu céin uair a bhíonn an dul i gcomhairle ann. Os rud é go bhfuil sé déanta céim ar cheim tríd an bpróiseas, bhíonn sé ród-heireanach ná air a thuigeann siad na himpleachtaí uilig. Bhí fadhbanna ann nuair a rinneadh dul i gcomhairle faoi bpiobán gáis i gcás na Coiribe, mar shampla. Bhí an ola amuigh san fharraige in áit amháin agus bhí an criochnóireachta in áit eile. Ní raibh ach bealach amháin leis an ngáis a thabhairt isteach. Mar sin, nuair a bhí an dul i gcomhairle ann faoi bpiobán, bhí daoine ag rá nár féidir mé an chéad uair a thabhairt isteach. Bhí fadhbanna ann nuair a rinneadh dul i gcomhairle faoin bpiobán gáis, mar shampla. Bhí an ola amuigh san fharraige in áit amháin agus bhí an criochnóireachta in áit eile. Tá mé cinnte dearfach nár féidir mé a bheith in ann dul i gcomhairle ann, ach níor fhéadfadh an chuadú na háite do hainm na himpleachtaí. Tá mé cinnte dearfach nár féidir mé a bheith in ann dul i gcomhairle ann, ach níor fhéadfadh an chuadú na háite do hainm na himpleachtaí.

How much time do I have left?

**Acting Chairman (Deputy Joanna Tuffy):** There are about 13 minutes remaining.

**Deputy Pat Rabbitte:** What? Thirty minutes?

**Deputy Éamon Ó Cuív:** I could go through the full report if I had 30 minutes.

The Minister might recall that shortly after the current Administration came to office, we engaged in a Private Members’ debate in which the usual speeches were made by those on the Government side and during which he defended the citadel with an energy I found extraordinary, particularly from someone whose party had, shortly before the debate in question, declared that there was a huge free bonanza available from the sea and that all one needed to do to avail of it was to cast one’s fishing line into the water.

**Deputy Pat Rabbitte:** There is no basis for that statement, which the Deputy has now made in both languages.

**Deputy Éamon Ó Cuív:** Does the Minister wish me to obtain all the quotes made by the various members of his party?

**Deputy Pat Rabbitte:** Absolutely. Ar aghaidh leat.

**Deputy Éamon Ó Cuív:** I will do that. Sinn Féin, which tabled the relevant Private Members’ motion, was of the same view. Whereas I was critical of the Department’s policy-----

**Deputy Pat Rabbitte:** Tadhg an dá thaobh.

**Deputy Éamon Ó Cuív:** No. The officials who are with the Minister would have been fairly well aware of my views of his Department when I served as Minister in another Department. I had many a heated meeting with them during my time as Minister for Community, Ru-
ral and Gaeltacht Affairs in respect of the community process we put in place in north Mayo. I suggested at the time that if we were really serious about the gas project, it should be discussed at the relevant committee - with all the parties involved - in order that we might develop a comprehensive and agreed approach. It is fair to say that the parties invested a great deal of effort in dealing with this matter.

7 o’clock

I compliment the Chairman, Deputy Doyle, the rapporteur and the parties on their significant efforts in preparing this good and comprehensive report. More fundamentally in political terms, all of the parties involved - Fianna Fáil, Fine Gael, Labour, Sinn Féin and the representative of the Independents - signed off on it. This was the first instance of coherence in the political spectrum on the issue.

The report is balanced. A great deal of research was conducted. We invited the Norwegian authorities to Ireland. They gave us good advice, much of which we took. The 11 recommendations are simple and should be fully implemented.

Over many years, the Department has created suspicion about what it has been doing. Instead of engaging in long-term, detailed debate like the committee did, the Department has dismissed anyone with a different opinion. I found it difficult just to find out how much of the sedimentary basins that possibly held oil had been licensed. That information is key to any rational debate on oil. I thank the Minister, who provided the answer in Parliamentary Question No. 28 on 18 January 2012. He stated that the total amount of licensed area represented 4.4% of the seabed, or 9.3% of the sedimentary basin, that is, the geologically significant areas for hydrocarbons. This debunks the myth that all of the basin has been sold. Were we to find an Ekofisk tomorrow, 91% would remain for licensing on whatever terms. It is important that I put this point on the record. It was difficult to drag this justification for the loss leader approach out of the Department - one sells at a certain level until one finds oil, then one bumps up the price for the other 90%. It is like a supermarket selling at below cost to get people inside its doors and then making money off of them.

In terms of public confidence, the committee’s approach was more rational. We took the Norwegians’ advice, in that what is done is done and no retrospective changes should be made to existing terms. As the Minister pointed out, it would be legally possible to change tax terms, but doing so would not be a good idea, as it would undermine confidence. All committee members accepted that stance and it now forms part of the report.

The committee recommended three levels of tax. If a company found a large well or field in its licensed area and hit the jackpot, we would hit the jackpot, too. We would get 80% and the company would get 20%. This is what is done in Norway.

Deputy Pat Rabbitte: We must get them here first.

Deputy Éamon Ó Cuív: If a company finds a field, it gets 20%, but if it does not find one, it does not get 20%. The same would apply for us. If a company hit a medium field, we would get 60%, but the company would not pay the 60% until the field produced oil. It is clearly written in the Constitution that we own all of these fields. It states: “All natural resources, including the air and all forms of potential energy, within the jurisdiction of the Parliament and Government established by this Constitution and all royalties and franchises within that jurisdiction belong to the State subject to all estates and interests therein for the time being lawfully vested in any
person or body.” If a company finds a small field, we will get 40% because we own it and the company gets 60%, plus the tax write-off on its development costs, given the fact that it took the risk to find and develop the field. The Irish people would accept this reasonable and fair balance, which has the endorsement of the political parties, including the Minister’s and Fine Gael, the other coalition party.

I welcome the Minister’s statement that he will re-examine the fiscal terms, but I am worried that, even before the ball has been thrown in, the situation has been prejudiced by his rubbishing of the joint approach taken by the parties in the Oireachtas.

**Deputy Pat Rabbitte:** I am not rubbishing it. I stated that the recommendation did not logically flow from the report’s content.

**Acting Chairman (Deputy Joanna Tuffy):** Minister, please allow the Deputy to finish.

**Deputy Éamon Ó Cuív:** The Minister is entitled to his opinion, although we do not accept it. Perhaps we do not realise what we have written, but I believe we do. The recommendation flows logically from the report.

I wish to address the question of having a consultative forum for the industry. When all of the players are at the same table, misunderstandings often evaporate and buy-in increases among communities and society in general. The Minister should establish a forum that would involve his Department and the statutory agencies, including the National Oil Reserves Agency, NORA, which is responsible for ensuring that we have enough oil, the Geological Survey, the Environmental Protection Agency, EPA, Bord Gáis, etc. Exploration interests should also be involved. Their representative bodies appeared before the committee. As a former trade union official, the Minister will support my next suggestion - representatives of the trade union movement in the oil industry should be involved. They have made strong comments. For example, the Minister used to be an official in SIPTU, which is active in this field and has produced reports. Representatives of the communities hosting developments in the oil and gas industries should also be involved. All of the groups that the committee met should be brought to the same table in a consultative process with the joint aim of developing this industry in the interests of Ireland’s ordinary people.

The Minister has stated that An Bord Pleanála can order community gain, but we must move a step further. The Minister stated that Fianna Fáil should have done this. Perhaps we should have, but that does not mean that the world should not keep developing. I am always thinking up new ideas and developments. There should be statutory community gain. It should be mandatory that, in every major infrastructural development, 1% or some other percentage be made available for community gain. The disbursement of that money should be done at a remove from the developer. While the developer would pay the money, integrated development companies with long-established credibility in their communities for disbursing moneys, such as Leader companies, would disburse it so that it would not be treated like a goody bag by a private interest.

There is much talk of consultation but the time that needs to take place is when the schematic plan is published. In north Mayo people say they were not fully aware of the consequences until the terminal application was made. At that stage it is too late because once has decided on the terminal and one knows where the gas is, all the rest flows and there is nothing much one can do about it. I see it time and again with windmills and so many issues that relate to the De-
partment. We put little advertisements in newspapers for planning purposes but in many cases communities are not made fully aware of the consequences of development.

We must also ensure that the dul i gcomhairle, the consultation process, is one that is not controlled by private interests but by the State in a proper forum. It should not be a case of going into oral hearings against people with vast resources. The consultation process must be a much more inclusive and less formal process in the beginning leading to a more formal process as the project develops.

**Deputy Michael Colreavy:** I welcome the Minister’s speech this evening. However, I take issue with parts of it. I also welcome the response to what was a good report by the Oireachtas Joint Committee on Communications, Natural Resources and Agriculture.

This afternoon I launched the Petroleum and Other Minerals Development Bill 2013. The Bill seeks to set out some of the recommendations of the joint committee’s report on offshore oil and gas. The Bill was born out of frustration. It is a pity that it has been a whole year from when the report was released to it being discussed in the House. It is wrong that it takes an Opposition Deputy such as me to introduce legislation to try to enact the changes that were recommended in the report. At the time, the recommendations were supported by all parties represented on the committee and the Independents.

**Deputy Pat Rabbitte:** It was I who asked that the report be debated in the House. No member of the committee sought to have the report debated since its publication. I asked that it would be debated. I asked the Chief Whip to make time available and I appreciate that he did so.

**Deputy Michael Colreavy:** I appreciate that, but the point I make is that there seems be a disengagement from the point of view of an Oireachtas committee setting out a report with recommendations. There is no clear path and no clear timescale for the committee’s considerations to be put before the House and the Minister. It is a case of waiting for someone to do something rather than having a clearly defined path for the generation of debate. Perhaps if there were a clearly defined path we could all have engaged in the process rather than me doing my thing and the Minister doing his thing. That could be what is missing from the way we do business.

The debate on this country’s oil and gas has continued for many years. The Minister will recall that in the 1970s he was campaigning, as was I, for a review of Ireland’s tax take from its natural resources. The then Labour Minister, Justin Keating, responded by introducing legislation based on best international practice which claimed a 50% stake in oil and gas extracted from Irish waters. However, the years that followed saw the propagation of a myth – the Minister and I disagree profoundly on the issue - that argued that this country needs low oil and gas taxation in order to promote exploration and develop our oil and gas industry. That view was well supported by the oil and gas companies and by certain media outlets that had vested interests in an oil and gas company. They argued that unless we kept our tax take from our natural resources artificially low, we would not reap the benefits from their rewards.

The same lobby also pushed the myth that under the current system the Irish people would have access to cheap oil and gas, allowing them to heat their homes and run their cars far more cheaply than their European neighbours. That was, and is, untrue. Not only do Irish people have to pay the market value for their oil and gas, but the petroleum itself does not even have
to be brought ashore in Ireland. These are the people’s resources, yet under the current system Irish people potentially have little or nothing to gain from them.

The reversal of the legislation introduced by Justin Keating during the 1980s and the 1990s has resulted in an underdeveloped oil and gas industry. The Minister referred to Norway. I agree that we do not have the same finds of oil and gas as in Norway. However, one should recall that Norway was told the very same thing by the oil and gas industry and the media in the 1970s. In 1972, Norway voted to establish a state oil and gas company. At the time, oil and gas companies said they would not explore in Norway. The Norwegian Government said that was okay and that it would leave the resources in the ground. The companies did not leave it. They came and eventually agreed with the government’s point of view. Statoil was founded, which served to further the interests of Norway’s citizens in petroleum affairs. Some 40 years later petroleum is the backbone of Norway’s economy. It is currently the world’s second largest gas exporter and the seventh largest oil exporter. Its oil and gas exports have served to cement the country’s sovereignty and independence in the world field. While Norway boomed, Ireland lagged behind.

According to a 2006 report carried out by the Department of Communications, Energy and Natural Resources, there is approximately 10 billion barrels of oil equivalent off our western coast, composed of 6.5 billion barrels of oil and 20 trillion cu. ft. of gas. At current oil prices, that equates to a value of approximately €540 billion.

**Deputy Pat Rabbitte:** The projections are entirely unproven.

**Deputy Michael Colreavy:** Yes, entirely.

**Deputy Pat Rabbitte:** The report makes plain that the estimated resources are unproven.

**Deputy Michael Colreavy:** While it is true that the amount of oil and gas brought ashore has been small there is strong evidence that the reserves exist. At present very little gas and no oil is being extracted from Irish waters, however, the potential reserves exist, and perhaps more than that. There are weaknesses in our regime and not just in the rate of taxation. Companies that discover oil or gas in Irish territory are not obliged to supply those resources to the Irish market. Not only that, our licensing terms are so weighted in the industry’s favour that they do not require the companies to bring a single drop of oil or gas ashore in Ireland. Ireland’s resources and our licensing terms do not award the country with fuel security. When the Government awards an oil or gas company a licence, ownership and control of Irish oil and gas is transferred to that company and under the current licensing terms, the Government cannot guarantee that the oil and gas will be sold to the Irish market, landed in Ireland or that the companies would even use Irish workers. Irish consumers would still continue to pay the full international price for the oil and gas found off Ireland’s coasts. It is difficult to see where our present licensing system gives advantage to Ireland or to its people.

Under the 1992 and 2007 licensing terms, a 25% tax on net profits from oil and gas is applicable. However, oil and gas companies can write off 100% of costs against tax, including costs incurred up to 25 years before field production begins and the costs of unsuccessful wells drilled anywhere in Irish waters in that 25 year period. Under the 2007 licensing terms, a profit resource rent tax, PRRT, was introduced. PRRT is payable on a profit ratio calculated by the cumulative after-tax profits on the specific field divided by the cumulative level of capital investment on the specific field. Oil and gas companies may be subject to pay PRRT on after-tax
profits of between 5% and 15%, which means that an oil and gas company could pay up to 40% tax on their profits. However, in reality, only the largest of oil and gas explorations and finds would pay the higher tax and small and medium size fields would pay little or no PRRT.

Compared with international standards, Ireland’s licensing terms are extremely generous to oil and gas companies. In 2007 the United States Government Accountability Office, USGAO, studied the licensing terms of 142 fiscal systems. The USGAO report, on foot of that study, found that Ireland has the second lowest government take of all the countries studied. In the United States there is a minimum government take of 42% and in Norway the government take amounts to 75%. While acknowledging the point-----

**Deputy Pat Rabbitte:** They have oil. They found oil. We did not.

**Deputy Michael Colreavy:** I will get back to that-----

**Acting Chairman (Deputy Joanna Tuffy):** I ask the Minister to allow the Deputy to speak.

**Deputy Michael Colreavy:** I acknowledge that point and will return to it later. As new technologies emerge and develop, along with the rising price of oil and gas, reserves that had previously been dismissed are now becoming commercially viable. However, at present, companies are relying entirely on their own data in assessing commercial viability and it may not be in a company’s interests to let a country know the exact viability of deposits of gas or oil. That must change.

I know that we are speaking now about offshore gas and oil, but it would be wrong of me speak about oil and gas without addressing an issue that affects my own constituency deeply, that is, the issue of fracking. The legislation I published today seeks to ban the practice of unconventional gas exploration and extraction. There are many reasons for seeking to do this now, not least the international evidence which shows that damage has been done by fracking. More importantly, however, is the new phenomenon where what the Minister calls investors and what I call gas and oil companies are taking legal action against nations in which they feel the regulatory system prevents them from making profits. Once one gives these guys a start, they will seek to bully and hurt any country that tries to stop them. The best way to deal with them is to ban fracking in this country. If, at some stage in the future, there is demonstrable evidence that hydraulic fracturing can be done safely and does not endanger the environment and human health and will not damage agriculture, tourism and so on, it would then be a simple matter of changing the legislation. If fracking is not banned, however, I can guarantee that there will be companies taking legal action against Ireland Inc. because we interfered with their ability to make profits. I have no doubt about that.

We must consider the process whereby land is acquired for the drilling process. How will that happen? There are at least seven issues of concern regarding the process of hydraulic fracturing which will not be covered by the EPA report. These issues will have to be assessed and addressed. The fracturing process involves pumping large volumes of water, chemicals and sand into the ground in the hope of creating fractures in the earth to release the petroleum. Biocides and dyes are often used in the fracturing process. The water that is pumped into wells is of significant concern in itself and the disposal of it is of even more concern. There are serious questions about how much of what is by then poisoned water is lost into the soil. The water mixed with chemicals is probably already toxic when it is being pumped into the soil and it is most definitely toxic by the time it is brought back up.
I am not sure if the Environmental Protection Agency will even address the question of what will happen to the land after 14 or 15 years worth of gas is extracted from it. I am also not sure if it will address how horizontal drilling will affect land that is not within a fracking zone or what legal rights such landowners would have. I do not know if the Minister knows the area where I live but it is beautiful. It is a rural area of hills, valleys, lakes and rivers; a beautiful place. It is not a building site or an industrial site. Shame on any Government that would turn it into one and shame on me if I let it happen.

People do not trust the Government, the regulators or the Minister for the Environment of the Northern Ireland Assembly at Stormont to make the right decisions here. There appears to be a good deal of official understanding extended to the so-called scientific documents published on behalf of the oil and gas lobby, with little communication with or understanding of the predicament of host communities where fracking has been introduced. When the Taoiseach was in Philadelphia he lauded the miracle of fracking there, but I do not see that attitude among the thousands of people who regard fracking as a blight on their countryside and their lives. As well as considering the scientific documentation, cognisance should be taken of the impact on people’s lives caused by fracking.

I question the motivation of some of the people who produce reports on fracking. My sole motivation is to preserve the environment, our land, our tourism, our agricultural industries and to preserve future generations. The fracking companies have an entirely different motivation. A holistic picture should be taken to the issue. I urge the Minister to look again at the terms of reference of the EPA because aspects of this issue arise far beyond what the EPA is currently examining and they need to be addressed.

Have I much time left?

Acting Chairman (Deputy Bernard J. Durkan): Five minutes remain.

Deputy Pat Rabbitte: Did Deputy Colreavy put a tax rate in his Bill?

Deputy Michael Colreavy: I did. It was along the lines of the Oireachtas committee report. My legislation addresses the need for a social clause to be included in contracts with oil and gas companies. I am sorry, I wish to correct a point. I am not allowed to include tax rates in legislation under Standing Orders, but I included a clause to encourage the Minister to do so. Social clauses have been used to good effect in the Six Counties. One example of this is the construction of the Peace Bridge in Derry. Due to the high levels of unemployment that currently exist in the country and the fact that so many of our unemployed are young, skilled tradespeople it is imperative that all future contracts contain a social clause which will lead to the hire of people from the locality in any exploration and extraction of oil and gas. This would provide for a holistic approach.

I wish to highlight several aspects of the Minister’s statement, which I welcome. I am pleased that the process has moved on from a committee report to receiving active consideration. I understand the point the Minister is making. A certain hope held out in the 1970s. Naturally, we hope that Ireland’s oil and gas will be as good as Norway’s, but Norway decided initially to leave it there and not touch it. The Department is currently engaged in a review of the 1960 Act. Will the Minister ensure that careful attention is paid to the approach of these investors? The oil and gas companies seem to have adopted a strategy of legal action against countries in which they believe the regulatory frameworks are too tight and that must be ad-
dressed. I understand discussions and negotiations are ongoing in respect of an economic and trade agreement between the European Union and Canada that would make this even easier. I find it extraordinary that any politician would make it easier for companies to take legal action against his country and its finances.

The Minister referred to the Corrib field and acknowledged that the eye was taken off the ball. The fact is the eye was in the wrong field and the damage was done by the time the eye went back on the ball and that is what was wrong. People hear about consultation and that there will be full consultation and so on. However they find that the key decisions have been made before anyone meets a group of local people to tell them how it is going to happen. That is not consultation. Better decisions could have been made if those who mooted the project involved local people from the outset, because local people know better than anyone about the problems that will arise in their areas. However, that did not happen. Decisions were made and subsequently communicated and we know the result. Certainly, the good people of Mayo are not the cause of this country losing €100 million in taxation, it is the result of a flawed approach by those who implemented the project in the first place. If we have learned nothing else, we should have learned that.

The committee report does not argue for outlandish or Norwegian rates of tax. It argues for rates of tax to be linked to the size of the field. There are two issues. We need to entice companies in for exploration. The second element is the extraction and sell-off on the world market. The committee report suggests that the bigger the deposit and the bigger the income from it, the higher the rate of taxation. I believe that is a good suggestion. It is fair and it has been used in other jurisdictions.

The Minister stated, “With this in mind and having regard to the fact that the most recent review of the fiscal terms took place in 2007, I intend, following the conclusion of this debate, to seek further independent expert advice on the fitness for purpose of Ireland’s fiscal terms”. I welcome that statement. However, I would also welcome if the Minister would get a report on the whole issue of exploratory licences and operational licences to ensure that it is open, transparent and incapable of being manipulated by those who might have ulterior motives or motives of greed, such as those involved in what happened before. It is not simply a question of the fitness of our fiscal terms, the whole process must be looked at and I would have welcomed this report far more had that been included.


Deputy Richard Boyd Barrett: The committee deserves considerable credit for producing this report and its recommendations. It deserves credit because this is a critical issue. However one looks at it and whatever view one takes on how or if we should develop our oil and gas resources, it is important that it is debated fully and that all the angles and aspects of it are understood, debated rigorously and that the wider public gets to understand fully the issues and different perspectives. The report is welcome because it proposes a radical shift in how we manage the taxing and licensing of oil and gas development in this country. That is absolutely right because the current licensing and tax regime is an absolute scandal. There is no justification whatsoever for allowing the status quo to continue, whatever arguments the Minister might put forward to say we have no viable alternative and there would not be any exploration if we did not continue with the current arrangement. The truth is that as it stands, there is nothing in the regime for the people of this country or the economy except environmental risk and a tran-
pling of local community and environmental interests by oil companies. Frankly, if the status quo is the only option available, as the Minister suggests, we should leave it in the ground. That is how bad this regime is. The only beneficiaries of the current regime will be private oil companies, primarily multinationals.

While the committee deserves considerable credit for raising this issue, the biggest tribute in forcing the issue on to the national political agenda should be paid to the people of north Mayo and Rossporrt for fighting a heroic battle against one of the most powerful and nastiest companies in the world, Shell, for the way it has tried to trample a small rural community that has been treated disgustingly by this company. The community has been vilified by political and media interests in an outrageous manner. It is to their great credit that those people have fought to highlight just how nasty these multinational oil companies are and how little the people of this country stand to gain if these companies are allowed to have their way, as this Government and the last seem to wish.

I also pay tribute to Frank Connolly when he was chairman for the Centre for Public Inquiry and the fantastic report he did on Corrib and the great gas and oil giveaway that is involved in the taxation and licensing regime in this country. More recently, SIPTU produced an excellent report showing how we are effectively giving away our gas and oil resources. One of the latest publications that every journalist and TD should read, and I strongly recommend the Minister reads it, is the brilliant pamphlet Liquid Assets, which was produced by the Shell to Sea campaign and written by journalists and researchers. It is filled with evidence and references and explains the prospects for the discovery of oil and gas in the country, the oil companies’ estimates and how much of a giveaway is the current taxation and licensing regime.

We should also pay tribute to the campaign in the Dublin Bay area, in Dún Laoghaire and elsewhere, against Providence Resources’ plans to put an oil rig very close to the coast of Dublin. It was successfully beaten off by a campaign of people power. That campaign was motivated by the experience of Rossport and the trampling of the local community as it sought to highlight the giveaway of natural resources under the current regime.

We are discussing this subject because of people power. I underline that because those who get out and campaign, be they in Rossport or elsewhere, are never given the credit they deserve for forcing issues like this on to the agenda. The Minister for Communications, Energy and Natural Resources of all people should know and acknowledge that as a man who cut his political teeth in the resources protection campaigns in the 1970s where he made precisely the same arguments now being made by Shell to Sea, SIPTU and others about the potential give away of our natural resources. He argued at the time that we needed a regime that ensured real benefit to the citizens and economy and argued for a State company to manage the development of those resources. I do not understand how he has flipped to the degree he has from the position he once held.

Let us be clear and dispel some of the myths about the current regime. The State will not receive 25% tax from the development of gas and oil resources and it will certainly not receive 40%. It is more likely to be around 7%. Where does that come from? The CEO of Enterprise Energy, the original company doing the Corrib gas field development, which was then bought by Shell, Brian O’Cathain, spoke in the IFI after the take-over and he estimated the tax revenue to the State over the lifetime of Corrib would be €340 million, despite the fact the estimated value of the Corrib field is somewhere between €5 billion and €7 billion. The likely tax benefit to the State will be between 3.5% and 7% at most, depending on gas and oil prices. That is
the reality. The reason for that is the tax write-offs, where every cent the multinationals have invested in the last 25 years, or any losses in any exploration done anywhere around the country, can be written off against tax liability, meaning that for small and medium-sized fields, it is possible they will pay no tax or it will be years before they pay a single cent because they could write off all losses and capital costs going back 25 years. That is the current situation.

In response to questions from me and others, the Minister constantly talks about security of energy supply to this country in trying to justify the current regime. There is nothing in the current regime that guarantees any security of supply. Shell, Providence, Tullow or whatever company is involved, is under no obligation whatsoever to provide a single drop of gas or oil to the country. Incredibly, if gas or oil is developed on any significant scale, we will not see any reduction in energy costs, it will be privatised and sold at market prices. If we are not willing to pay the market price, it will be sold on the global market.

**Deputy Pat Rabbitte:** There is no obligation for Statoil in Norway either.

**Deputy Richard Boyd Barrett:** Statoil is a state company.

**Deputy Pat Rabbitte:** And it can sell oil into the market.

**Deputy Richard Boyd Barrett:** Can the Minister not see the difference? The profits there go to the state. They have a vault of hundreds of billions of krone in revenues that would keep that economy secure for decades to come because they take 78% of the profits in royalties, direct taxation, etc., and it is a state company.

**Acting Chairman (Deputy Bernard J. Durkan):** One minute remaining.

**Deputy Richard Boyd Barrett:** There would be no jobs under the current regime as Providence told us, in the case of Dublin Bay, that it was going to fly staff in from Scotland to Dublin Airport and put them on a helicopter from Dublin Airport to bring them out to the oil rig. They would not touch down on Irish soil. There would be no jobs, no community gain and no spin-off whatsoever.

**Deputy Pat Rabbitte:** Deputy Boyd Barrett’s imagination is running away with him.

**Deputy Richard Boyd Barrett:** That is stated in the Providence report. If there is any journalist watching, I challenge him or her to go and read Providence’s submission on its application to drill for gas and oil off Dublin Bay. That is the reality, as much as the Minister wants to deny it. They are under no obligation whatsoever. There is no regime currently over community gain or any arrest of it.

Deputy Pringle stated I could go on for a couple more minutes.

The alternative is the Norwegian model. They had a situation-----

**Deputy Pat Rabbitte:** The alternative is the unique geology of Norway.

**Deputy Richard Boyd Barrett:** Let us talk geology then.

**Deputy Pat Rabbitte:** The unique geology of Norway is what makes the difference.

**Deputy Richard Boyd Barrett:** Let us talk geology. I hold a map of the basins off the side of Ireland’s coasts which reach up to Norway and the North Sea. The basins which we
are exploring are the same basins as the ones from which they are getting the gas and oil in Norway-----

Deputy Pat Rabbitte: I wonder why they are not in on ours finding oil then.

Deputy Richard Boyd Barrett: -----and in the North Sea.

Deputy Pat Rabbitte: Why are they leaving the oil there then?

Deputy Richard Boyd Barrett: It is because they want to get it on their terms.

Deputy Pat Rabbitte: Deputy Boyd Barrett stated that they had been getting it on their terms.

Deputy Richard Boyd Barrett: We are rolling over for them.

Deputy Pat Rabbitte: Deputy Boyd Barrett said they have been getting it on their terms. Why are they not here?

Deputy Richard Boyd Barrett: No.

Deputy Pat Rabbitte: Why do we not have a forest of explorers?

Deputy Richard Boyd Barrett: Chair------

Acting Chairman (Deputy Bernard J. Durkan): I hate to interrupt, but only to let Deputy Boyd Barrett know that he is eroding Deputy Pringle’s time as well, unless Deputy Pringle states that he wants Deputy Boyd Barrett to go on.

Deputy Thomas Pringle: Ten minutes will be good for me.

Deputy Richard Boyd Barrett: If the Minister was not interrupting.

Deputy Pat Rabbitte: I am sorry, I will not do it again.

Acting Chairman (Deputy Bernard J. Durkan): Deputy Boyd Barrett has only another minute.

Deputy Richard Boyd Barrett: I will conclude by saying that we should leave it in the ground until we have a regime that guarantees us a proper take and that we do get security.

Deputy Pat Rabbitte: It is in the ground.

Deputy Richard Boyd Barrett: Chair, can you ask the Minister not to intervene?

Acting Chairman (Deputy Bernard J. Durkan): I know------

Deputy Richard Boyd Barrett: Seriously, can you shut him up?

Acting Chairman (Deputy Bernard J. Durkan): Hold on, the agreement was you were sharing your time. You are already a minute and a half over time and we cannot go on forever. You can either have an argument and provoke an argument on that basis, or bring your remarks to a conclusion.

Deputy Richard Boyd Barrett: That is an incredible way to chair these proceedings, that
the Minister interrupts me and you do not say one word of criticism of him, and then you challenge me over speaking. That is utterly biased.

**Acting Chairman (Deputy Bernard J. Durkan):** You are in your colleague’s time.

**Deputy Richard Boyd Barrett:** Deputy Pringle just told you that I-----

**Acting Chairman (Deputy Bernard J. Durkan):** That was not the original agreement and you are on borrowed time now.

**Deputy Richard Boyd Barrett:** I will conclude. We should not take it out of the ground unless we have a State company that is doing it and controlling it, where we are guaranteed security of supply, community gain and proper consultation with local communities, and where it is taken out at a safe distance from human habitation so that there is no danger to communities or to the environment. Norway proves it is possible. It is not worth doing it if we do not act in that way because there is nothing in it for this country.

**Deputy Thomas Pringle:** I welcome this debate on the report by the Oireachtas Joint Committee on Communications, Natural Resources and Agriculture on old and gas exploration in the State.

When this debate was scheduled, I had to think back to when the report was published because, much to my own discredit, I had forgotten when that happened. It is a full year since the publication of this report and that does not augur well for the debates that are needed on committee reports in this House. It reminds me of the commitment given two weeks ago in the House during a debate on Private Members’ legislation that the upcoming report from the Joint Committee on Justice, Defence and Equality on prostitution will be scheduled for debate after publication. The Government did not say that it would be a year after publication.

Aside from the fact that this report was published a year ago, it is important that it is debated. I hope that the debate is intended to inform policy-making within the Department of Communications, Energy and Natural Resources and is simply not a filler of time in the House.

The former joint committee of which I was a member deliberated for a long time and took evidence from a number groups in drafting the report. One of the most useful discussions was with Norwegian representatives and experts on the policy decisions made in Norway on its oil and gas reserves. The point that came out of it was that they stated that they would not start from our position. In Norway, they decided the policy at the early stages of its oil industry, a policy that put the good of the Norwegian people at the centre of their decision making. Unfortunately, in this country the good of the oil and gas industry has been paramount in the development of the sector here.

There are three aspects of the report on which I will focus: the exploration, the taxation debate, the relationship between the oil and gas industry and the host communities which have the facilities imposed on them. There was much debate in the committee on the taxation aspect and how to get a return for Irish society from any resources that may be developed in the future. The guiding principle of this debate should be that the Irish people must be seen to get a fair return for allowing energy companies to exploit our resources.

As I have seen from the committee’s deliberations, the exploration industry was keen to highlight how difficult the Irish exploration landscape is and how hard it is to get a return from
exploration. I have discovered that this appears to be the theme that all industry vested interests take in giving evidence to committees, whether it is the oil and gas industry or the retail sector on which we in the Joint Committee on Agriculture, Food and the Marine are deliberating in regard to the code of practice for the retail trade. The oil and gas industry was keen to highlight the lack of success from their exploration wells offshore in Ireland, constantly going back 40 years and mentioning the number of wells drilled and the low instance of commercial finds, and always citing a one in 35 success rate. Interestingly, if the figures were analysed, in more recent times, from, for example, the late 1980s, the success rate rises to approximately one in 12, which would seem to be more attractive.

A key theme in the report is that the technology has improved and this can be seen from the improved success rate. The industry claims that it is not reduced to looking at old seismic data to try to locate finds, but it forgets to mention that looking at old data with modern technology has uncovered commercial finds, as in the case of Norway where the biggest field ever found has recently been discovered by looking at old data and re-drilling.

As improvements in technology continue and the need to rely on more politically stable areas for exploration grows, the potential for more commercial finds offshore increases. It is, therefore, timely that the committee’s recommendations on taxation should be taken on board and amended by the Government. The committee recommended a minimum 40% tax take made up of corporation tax of 25% and phased profit resource rent tax. The profit resource rent tax should be at rates of 15%, 35% and 55%, depending the profitability of the find, so that the more profitable the find, the higher the tax take for the Exchequer.

Everything we do should be to maximise the return for the Irish people. We also should have a guarantee of supply at less than the market rate for the needs of the Irish people. Why should we have to pay the going rate to get the benefit of a resource that belongs to our people? I do not believe we should pay the same as consumers in England or Europe who will benefit from our resources. There must be a dividend for the Irish people.

The Minister stated that he agreed that there should not be any retrospective changes to the taxation rate, a recommendation with which the committee came forward. As we look to the future, now is the time to undertake such a review and change those rates, and implement the rates recommended by the committee. It will be too late, if there is not retrospection, when the commercial finds are found. Then the Minister will argue that he cannot go back and change the rates, and that the companies need certainty. Therefore, the Minister should introduce those new rates at this stage before any further licences are issued and any further finds are made so that the companies can enjoy such certainty but so that the Irish people can also enjoy certainty.

It should be a condition of any licence and commercial find that it should be refined, in the case of oil, in Ireland to ensure that we have control of the resource if conditions demand it. In the case of an oil find offshore, it should never be allowed that crude oil is shipped to refineries outside the State.

The way the host community in the case of the Corrib gas find has been treated by the Government and by the promoters of the terminal in Rossport has been highlighted.

8 o’clock

The committee heard very good contributions from Pobal Chill Chomáin and Pobal le Chéile about the impact the development has had on their communities. The experience of these
communities should not be allowed to be repeated anywhere on this island. The Government can clearly take action to ensure that does not happen.

Both groups recommended that future developments should not be allowed to be broken up into piecemeal consents. A fragmented consent process should not be allowed to happen at any stage. This is vital because the development should not and cannot be allowed to become more important than the proper consultation and community involvement. The splitting of the Corrib consent process has meant that once the site for the terminal was agreed, the pipeline had to reach it. This has meant that regardless of the valid arguments or concerns the community had, they had to be overruled because the gas had to get to the terminal. In future, the State needs to ensure that all aspects of the development process happen together and all consents are granted simultaneously.

It makes a mockery of the planning process to allow the piecemeal development of any infrastructure. Best practice in Norway has shown that, with proper consultation, the best results for communities can be achieved. There also need to be clear lines of demarcation between the promoter, regulator and health and safety authorities to ensure each element can do its work independently of others and not be concerned about other aspects of the project.

I believe there will be more commercial finds in Irish waters. The Minister, on behalf of the State, has responsibility to ensure they are used not just for the benefit of oil companies but also for the benefit of the people. Having a tax regime that ensures a return to the State is vital. Ensuring a supply is available to Irish society at a reduced rate, recognising that the people own this resource, should be an integral part of any policy. Ensuring the planning process reflects the concerns of communities and that consents for development are issued in an integrated way that respects the needs and concerns of those communities and respects best practice must be at the heart of any development policy.

Debate adjourned.

**Good Friday Agreement: Motion [Private Members]**

*Deputy Gerry Adams*: I move:

That Dáil Éireann:

notes that:

- this year marks the 15th anniversary of the historic Good Friday Agreement in 1998, which was ratified by an overwhelming majority of citizens in referenda held North and South on 22 May 1998;

- this is set out in an internationally binding treaty;

- the Agreement recognises fully the differences between the equally legitimate political aspirations of the Unionist and Nationalist sections of the community in Northern Ireland;
Dáil Éireann

- the Agreement and subsequent agreements, at St. Andrews in 2006 and at Hillsborough Castle in 2010, are premised on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities; and

- it is essential to acknowledge and address the suffering of all the victims of conflict as a necessary element of reconciliation and healing;

recognises the crucial role played by all those, both in Ireland and abroad, who worked to bring the conflict to an end, promote the political process and build reconciliation; and

calls on the Government, as joint and co-equal guarantors of the agreements, to:

- ensure that all the commitments in these agreements are implemented by both governments;

- renew substantive engagement with the British Government to progress outstanding issues, including the establishment of a Bill of Rights for Northern Ireland and an all-Ireland Charter of Rights and other legislative commitments;

- ensure the realisation of the promised peace dividend and financial package agreed at St. Andrews which the current British Government has failed to deliver;

- expedite the completion of the consideration of the case for additional implementation bodies and areas of co-operation on a North-South basis as agreed; and

- work with the British Government and all parties in re-energising the peace and political processes by promoting engagement and developing a reconciliation process which helps create the circumstances to manage the legacy of the past.

The Good Friday Agreement was a defining moment in recent Irish history.

Acting Chairman (Deputy Bernard J. Durkan): I understand the Deputy is sharing his time.

Deputy Gerry Adams: I am. I am not quite sure with whom I am sharing time, but I am sure they know.

Acting Chairman (Deputy Bernard J. Durkan): There are a couple of very eager beavers behind the Deputy.

Deputy Gerry Adams: Comhréiteach stairiúil a bhí ann - a compromise between conflicting political positions following decades of conflict, the roots of which are to be found in the British Government’s involvement in our country. For the first time since partition, the Agreement brought peace, stability, hope and the opportunity for a better future for the people of Ireland. It most directly affected the North but it has also positively impacted on this part of the island and on the diaspora. It ushered in 15 years of relative peace. Seasann próiseas siochána na hÉireann mar shampla do áiteanna eile ina bhfuil troid.

Senator George Mitchell, who did such a remarkable job of charting a difficult course through the negotiations, correctly anticipated that agreeing the deal was the easy bit. The hard
part was going to be implementing it, and he was right. The twists and turns from 10 April 1998 to May 2013 have been many. At times, the process has collapsed. At other times, it looked as if securocrats, naysayers and begrudgers would succeed and the whole process would unravel. However, with patience and perseverance, difficult issues, including those of weapons and policing, were overcome.

Along the way the UUP was replaced by the DUP as the largest Unionist party. Few imagined Sinn Féin and the DUP ever reaching agreement on the institutions, but that is what happened. Mr. Ian Paisley Sr. and the Deputy First Minister, Mr. Martin McGuinness MLA, demonstrated enormous courage and vision to make power sharing work. Two years ago, an inclusive, democratically elected local government, with all-island interlocking implementation bodies and a Council of Ministers, successfully completed a full term of office.

Of course, this does not mean that everything is working smoothly. Making peace is a process, not an event. However, unlike previous efforts, which were largely imposed by the British with the support of successive Irish governments and which excluded sections of political opinion, the negotiations that created the Good Friday Agreement were genuinely inclusive. The Agreement also addressed the broad range of issues that had been previously ignored. It deals with constitutional issues, political matters and institutional issues. It put in place a mechanism to hold a Border poll to address the issue of partition and to achieve Irish unity democratically and peacefully. It also set up political structures that provide for the sharing of power while including checks and balances to prevent a recurrence of past political abuses.

The underlying ethos of the Agreement is equality, agus cuireadh bearta i bhfeidhm chun comhionannas a bhaint amach. This is reflected in the fact that the word “equality” is mentioned 21 times in the Good Friday Agreement. It is not mentioned at all in previous agreements, for example, in the Sunningdale Agreement. Since then there have been further negotiations, mostly notably at Weston Park, St. Andrews and at Hillsborough Castle.

Regrettably, once the political institutions were stabilised and the hard issues of policing and weapons dealt with, the Government here took its eye off the issue and took its eye off the prize. The British Conservative-Liberal Democrat Government has also not honoured commitments as it should have. Consequently, there are a number of outstanding issues, including a bill of rights for the North, an all-island charter of rights, the establishment of the North-South consultative forum, and the introduction of an Acht na Gaeilge. The British Government has also failed to act on its Weston Park commitment to hold an independent inquiry into the killing of the human rights lawyer, Mr. Pat Finucane. At the same time, the securocrats continue to abuse human rights, most clearly in the continued detention of Ms Marian Price and Mr. Martin Corey. Both governments have also failed to address the need for a victim-centred truth and reconciliation process.

The greatest threat to the Agreement at this time comes from the British Government. The decisions taken by the British Prime Minister, Mr. David Cameron MP, and his colleagues are seriously undermining the Good Friday Agreement and the political institutions. At the centre of this is a failure to support a society moving out of decades of conflict. Citizens and communities need hope and prosperity, which demands economic investment. Citizens whose lives have been blighted by war or by generational sectarianism and division need to see that peace can change their lives and those of their children. That is why all of the parties at St Andrews agreed to a significant peace dividend and investment of £18 billion.
One of the first actions of the current British Government was to renge on this commitment. This decision removed from the Executive the ability to deliver a major capital investment programme which would have had the dual effect of providing much needed employment in the construction industry while bringing our roads, hospitals and schools up to the necessary standard.

The next action of the British Government was to cut the block grant by £4 billion. Within the fiscal constraints of the Executive, the parties managed to raise some additional revenue and tried to offset the worst effects of the cut to the block grant, but this approach clearly stretched its finances to the limit. The British Government has also refused to devolve powers on corporation tax.

Now, the British Conservative-Liberal Democrat Government, in pursuit of austerity, is seeking to impose £1 billion of welfare cuts that will take millions out of the local economy and hurt disadvantaged and vulnerable families. This is unacceptable, as the Deputy First Minister, Mr. Martin McGuinness MLA, recently told the British Prime Minister very directly. He also briefed the Tánaiste on these matters.

Last week, the Deputy First Minister, Mr. Martin McGuinness MLA, and the First Minister, Mr. Peter Robinson MLA, also met the British Secretary of State for Northern Ireland to discuss an economic package for the Executive. It was another bad meeting. Ñ féidir le seo leanúint ar aghaidh. The British Government is seriously undermining the work of the Executive and of the political institutions.

Despite all this the Executive has achieved much, including £8 billion of investment and the creation of thousands of jobs through inward investment. Today Allstate has announced that it will create 650 jobs in the North, which is good work by the Executive and Allstate. However, the Executive’s ability to demonstrate that peace can deliver real economic change is being seriously damaged, particularly by cuts to welfare benefits, and this must be challenged. We are challenging the British Government, but the Irish Government is a coequal guarantor of the Good Friday Agreement and subsequent agreements. It urgently needs to intervene and challenge this foolish and short-sighted approach by the British Government. It needs a strategy to keep the London Government to its obligations under the Good Friday Agreement and remove the threat to the Executive and institutions created by its cuts agenda.

Deputy Pearse Doherty: Tá áthas orm bheith mar Theachta Dála as contae atá bualta ar an Teorainn agus mar phoblachtach, agus go bhfuilimid ag plé na ceiste tábhachtait seo anocht, 15 bliain ar aghaidh ó siniodh an socrú stairiúil sin, Comhaontú Aoine an Chéasta.

There is no doubt that much has changed in the 15 years since the Good Friday Agreement was signed. The Agreement was about peace and prosperity. I am delighted that it has brought about peace, which has played a huge part and changed society, North and South. This huge change is a credit to all political leaders who played a very positive role in the Good Friday Agreement and a positive part in the institutions created since. However, the prosperity promised in the Agreement has yet to be realised and 15 years on we must ask whether the economic potential of the Agreement has been unleashed. In other words, have people, North and South, benefited economically from the dynamic of change it set in place. The answer is an obvious “No” and this needs to change. This change would best be brought about in the context of Irish unity and having one economy on the island of Ireland. In the meantime, as we strive to get to that point, there is no excuse for not breaking down the barriers and making an all-Ireland economy work. This means empowering the Assembly to have its own levers to bring about
change and set an economic policy decided in Ireland for the benefit of the people who live on the island. However, the Assembly is not being allowed to do what it was established to do; it is being frustrated by the lack of fiscal powers. The model of funding for the North is based on an English model which is not sustainable in the Six Counties. The British Government has recognised the same model which applies to Wales and Scotland is broken.

The full transfer of fiscal powers to the Assembly is a necessary step in allowing politicians elected in the North to deal with the realities for people living there. That is their job and they should be empowered to do it. This is also a vital step in the creation of a real all-Ireland economy which serves the interests of all the Irish people. We need an all-Ireland economy, which requires the Assembly to take on fiscal powers. The unleashing of an all-Ireland economic system could play a major part in the recovery for which the entire island is crying out. It is undeniable that an economy of 6.5 million citizens, consumers and taxpayers would be a stronger basis for creating prosperity than two separate competing economies. A united Ireland would make economic sense. The economic potential of the North and the South in a united Ireland has yet to be properly debated. It is not beneficial to have an island nation of 6.5 million people on the edge of Europe split into two separate tax, currency and legal systems and two separate economies with split populations of 4.6 million and 1.9 million. It is no coincidence that some of the poorest and most disadvantaged counties are on either side of the Border. Businesses, farmers and citizens suffer every day because of the Border. An all-Ireland economy is the way forward and our future lies in taking possession of the tools required to devise and implement fiscal policies to match the needs of the people. It is concentrating on building a strong sustainable all-Ireland economy which, while welcoming foreign direct investment, would allow indigenous businesses to flourish and access export markets independent of Britain’s economic interests.

Almost all political voices in the Six Counties want corporation tax transferred to the Assembly, but their united demands have been deflected by the London Government. The question must be asked whether this is the spirit in which the Good Friday Agreement was entered into. Sinn Féin has shown how an all-Ireland jobs plan and economic planning would make sense. We owe it to the people of Dublin, Cork, Dundalk, Crossmaglen and Donegal to run this small island in a co-ordinated way. The alternative is a waste of money in back-to-back services. I am aware that many Members on the backbenches of the Labour Party and Fine Gael have, since the general election, discovered an interest in what happens in the Six Counties. I welcome this interest, but, unfortunately, it is mainly founded on political cynicism and ignorance of the reality in the north of the country. I hope these Members will take the opportunity to support the motion and do something positive for the people living in the North and here in the South. I challenge every Deputy and party to support the motion, to support democratising our economic future by centring it on the island and to support unleashing the economic potential which is latent on our island but kept down by old-school thinking and outdated politics.

Deputy Sandra McLellan: I welcome the opportunity to speak about one of the most significant political events to happen on the island of Ireland in my lifetime. I am, of course, referring to the Good Friday Agreement which was signed 15 years ago this month, on 22 May 1998. By any standards, the Agreement marked a crucial turning point, not only in terms of the relationship between Ireland and Britain but also that between all the people on the island of Ireland. It is internationally recognised as a success and often cited by experts in the field as a model for conflict resolution and power sharing in war-torn societies. At a more ordinary and, perhaps, mundane level, the most significant outcome of the Agreement may be the cessation of
violence by the combatants on all sides – loyalists, republicans, the police and the British army. For ordinary people in the North, the ending of widespread violence has dramatically altered everyday life. The North was not, in any sense of the word, a normal society; rather, it was a society and a place that lived in the grip of terror and as a result, its economic and institutional growth was severely stunted.

There has been much academic debate about the nature and extent of discrimination in the Northern statelet. There is, however, general consensus - the facts speak for themselves - about the operation of discrimination in the allocation of housing, employment in the civil service, the operation of the Police Service and many other facets of the functioning of state and government institutions. The Nationalist community, particularly working class Catholics, was the primary target or victim of this state-sanctioned discrimination. Michael Farrell’s seminal work *The Orange State* captures perfectly the historical roots of class dominance and ethnic supremacy which underpinned discrimination and exclusion in the Northern state prior to the Good Friday Agreement. It is in this context and against this backdrop that the cautious success of the Agreement must be measured. It is often said the past is another country and today when we look back at the North of Ireland of the 1930s, 1970s or 1980s, this phrase is very apt. From the safety and stillness of the present, it appears, to paraphrase Marx, that all that was solid in terms of a society in conflict just melted into the air. To all intents and purposes, gone are the heavily fortified army barracks and police stations. Gone, too, are the oppressive and intimidating check points and road blocks. The state architecture of repression and coercion has all but been dismantled.

While the physical manifestations of war have all but been obliterated from the landscape, institutional change has, however, in many respects taken longer to achieve and can only be described as a work in progress. This is particularly true when it comes to issues to do with equality, justice, discrimination, citizenship and rights. As an historical document, the Good Friday Agreement marks the beginning of a new era, primarily because at its core are the related but separate notions of equality and human rights.

Equality and human rights were central to negotiating the agreement and key elements in selling and indeed advancing the peace process in the North of Ireland. The agreement was enacted in large part in the Northern Ireland Act 1998 to provide a legal framework and obligations on the state to help it make the transition from conflict to sustained peace, while simultaneously helping to bed-down that same peace.

The core principles of the agreement, enacted in section 75 of the Northern Ireland Act 1998, were the duties to promote equality and good relations between people. More specifically, the Act required public bodies to carry out their functions by having particular regard to the desirability of promoting good relations between people of different religious beliefs, political opinions or racial groups. In other words, public bodies are required by law to provide equality of opportunity.

On this the 15th anniversary of the Agreement, there can be little doubt but that equality legislation, the Equality Commission and section 75 of the Northern Ireland Act, have in the intervening years done a lot to end the discrimination that was in many respects the driving force behind the origins of conflict.

There are, however, still worrying and quite significant imbalances in unemployment and deprivation and areas of persistent poverty and neglect that need to be tackled. This may well
require more determined and positive action and the targeting of investment and resources.

Furthermore, the establishment of the Northern Ireland Human Rights Commission has proved to be a major building block in the North’s human rights infrastructure. While it is far from perfect, it has nonetheless earned international respect for its efforts, often against great odds, to protect the rights of the most vulnerable in all communities in the North.

It is now recognised that the commission has become one of the key drivers of the entire human rights dimension of the agreement. However, it must be stated that a key responsibility of the commission under the agreement was to advise the UK Government on a bill of rights, which was envisaged as becoming, together with the European Convention on Human Rights, a basic constitutional document for the North. To date, the people of the North of Ireland are still waiting for the much promised bill of rights.

Moreover, the Northern Ireland Human Rights Commission, following the example set by the Dublin Government, has had its budget cut by 25% which could in the long term seriously hamper its capacity to do its job and in the process seriously undermine a key aspect of the Good Friday Agreement. This is particularly worrying when one considers recent figures which show a startling increase in deprivation and child poverty in large urban areas across the North.

This, coupled with the ongoing threat of dissents and protracted street violence in Protestant working class areas, makes it all the more important that the Agreement is bedded down. It should appear to those who are marginalised and deprived - who in many respects have received no peace dividend thus far - that the Agreement and the political settlement based on it, can offer them real hope and institutions that can and will function in a new society in the interest of fairness, equality and justice.

This is a time when both the British and Irish Governments should be actively defending the Agreement and not blocking or introducing measures that work against both the aspirations and spirit of the Good Friday Agreement.

The UK Government’s plan for welfare reform is a prime example of policy measures that will have a disproportionate effect on the most vulnerable in the North. This is because of the North’s peculiar history of deeply embedded discrimination, its lack of proper economic development, and the inter-generational nature of deprivation and poverty in the province.

Sinn Féin welcomes the fact that the Agreement has essentially brought peace to the island of Ireland. However, we call on both the Irish and British Governments to fulfil their obligations under the Agreement and we urge them not to introduce measures that push people who are already struggling, further into poverty.

While section 75 of the Northern Ireland Act is a crucial building block in ensuring justice and fairness, a society that aspires to any notion of equality must have at its very core real and meaningful policies that deliver economic justice to all of its people.

Deputy Seán Crowe: The Irish peace process has been described as one of the most successful in the world and it has changed the political landscape. It is a process that is still evolving and trying to deal with the legacy of the past and the expectations of the future.

As a member of the Joint Committee on the Implementation of the Good Friday Agreement, I have seen at first hand how the agreement has been beneficial to society and how it needs to be
fully implemented. I have listened to the frustrations of communities which believe the process of change is too slow. Many believe it needs to be grabbed by the scruff of the neck and brought forward into the 21st century.

The committee itself is cross-party and cross-Border, involving MPs from the North. It is no threat to anyone or any group. The main weakness of the committee is that elected Unionist politicians have so far refused to take their seats on it, but hopefully this will change in the near future.

The committee provides an opportunity to discuss cross-Border all-Ireland initiatives and outstanding issues of the Good Friday Agreement and the St. Andrews Accord. Some of the most worthwhile work that we have done is leaving Leinster House and visiting different community groups in the North, particularly those communities that live in interface areas.

Engaging with these groups allows relationships to be built, gives under-represented communities the chance to be heard, and gives Members of the Oireachtas a better understanding of the issues many of these communities face on a daily and nightly basis. Many of these groups are frustrated by the inaction of their political representatives, the slowness of change and the continued high rate of poverty that exists in many of their communities. The recent discovery of a case of rickets in a child in west Belfast demeans us all, whether on the Falls Road or the Shankill.

The peace dividend that would supposedly bring jobs and prosperity has not happened. This has the potential to get worse due to the triple-whammy effect of the policies of the Tory-led Government in London. The £4 billion of cuts imposed on the Northern Executive’s budget, coupled with a delay in devolving the power of the Executive to control its own fiscal affairs, and the imposition of so-called welfare reforms by London, will undoubtedly affect the most vulnerable in society, be they Unionist, Nationalist, republican or loyalist.

Post-conflict societies and communities need much more strategic, structured support and protection than regular ones. If the British Government continues to impose this brutal austerity on the North, and if the Irish Government says nothing, we will inevitably see the politics of division and sectarianism strengthened.

The recent flag disturbances showed to the world that the fault lines still remain. Equity and parity of esteem are still a long way off. We need to re-energise the peace process and the political process in the North. That will only happen if the Irish and British Governments give it the necessary time, engagement and focus it needs.

Many people fear that the upcoming G8 summit in Fermanagh, and the marching season two days after, have the potential to stretch police resources. The weekend before last, when we were up in Belfast, the constant call was by people who were concerned about how this would affect the marching season.

There needs to be inclusive discussions between the Orange Order and communities that are affected by their marches. Such talks need to be supported by both Governments, politicians of all persuasions, the churches and civic society. The Good Friday Agreement gave us the chance and opportunity to build a new and fairer Ireland. If this Government continues to neglect the North and the outstanding issues of the Agreement, that once in a lifetime opportunity may well be lost and wrecked on the rocks of indifference.
Deputy Michael Colreavy: The Good Friday Agreement was signed in April 1998. It enjoyed the support of the vast majority of people in Ireland, North and South, and is underwritten by the British and Irish Governments. It is enshrined as an international agreement.

The Good Friday Agreement was not solely about ending a war, it was about rebuilding this country North and South. It was about two Governments recognising that communities in the Six Counties and their neighbours in the Twenty-six Counties, particularly those living in the Border area, had been severely disadvantaged ever since the foundation of this State. If one were to look at an infrastructural map of the island of Ireland in 1998 one can clearly see the Border between six and 26. Even more distinct is the infrastructural border between the east and the west of this island. I am sorry to say that in the 15 years since the signing of the Good Friday Agreement there have been very few improvements and little redressing of the infrastructural imbalances between east and west and North and South. There have been many studies, reports and plans but little improvement in, for example, the Belfast-Sligo road, which leads to Galway, the Belfast-Cavan road and other cross-Border roads. The north west is still regarded as difficult to access by those who might wish to set up a business, work or holiday in the area.

The austerity programmes in both the Six and the Twenty-six Counties are incompatible with the solemn declarations set out in the Good Friday Agreement. How can we reverse disadvantage by reducing the income of the poor and vulnerable? How can we describe ever-increasing State charges on people as a peace dividend? The truth of the matter is that this Government and the British Government are focused on the balance sheet for the end of this year, not on the strategic developments necessary to make a real and lasting contribution to peace and prosperity on this island. What difference has the Good Friday Agreement made to people in our communities who cannot afford the basic essentials; to people, especially young people, in our communities who have had to emigrate; and to people the length and breadth of Ireland whose public services are being dismantled in the name of austerity?

One of the biggest impacts of partition on this part of the country was the separation of the industrial North from the rest of the country. This resulted in the South being underdeveloped in terms of infrastructure, and it ended up with a lagging economy for many years, indeed decades. The only sustainable model for infrastructure in Ireland must be based on an all-island economy.

The Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, is currently working on a North-South energy interconnector between the Six and the Twenty-six Counties and proposes an energy interconnector between Ireland and Britain to facilitate the export of energy generated by wind in the midlands to our neighbouring island so that Britain can help reduce its carbon tax liabilities. Currently the amount of energy received by households across Ireland from renewable supplies is insufficient. What is needed is an all-Ireland strategy on renewable energy. Sinn Féin, in both Leinster House and Stormont, has called for such a renewable energy strategy. The wind does not stop blowing when it reaches the Border, nor does the tide stop at Inishowen. The development of an all-Ireland renewable energy strategy is essential for energy security into the future. With rising oil and gas prices, an all-Ireland economy needs a competitive edge and we are uniquely placed to develop and use renewable energy sources.

What we do not need is fracking, which would endanger the environment and health of people on both sides of the Border. I welcome the fact that the EPA is investigating the possible use
of fracking in Ireland and that the investigation is being done on an all-island basis. However, if fracking is allowed on one side of the Border it will not necessarily mean that those on the other side will be protected if fracking is banned there. I said earlier that the wind does not stop when it reaches the Border, nor does the tide stop at Inishowen. Poisoned water does not stop at an artificial Border in this country. We need to take an all-island approach to the protection of human health and therefore the decision on fracking needs to be made on an all-Ireland basis.

Mobile phone companies can legally impose roaming charges on customers who cross the Border or on customers who approach but do not cross the Border. The Taoiseach often says he wants this to be the best small country in the world in which to do business. I support the Taoiseach in this. However, the fact that roaming charges remain is a serious impediment. Ireland, in comparison to other developed countries, has a very poor communications infrastructure. Much of this problem stems from the privatisation of Telecom Éireann. Roaming charges in what is a relatively small country simply do not make sense. If we are to bring our telecommunications service up to speed with the rest of Europe we need to abolish these roaming charges.

The Good Friday Agreement was not an endpoint but only a beginning. It needs buy-in from the Government in the Twenty-six Counties if we are to reap the full benefits of the Agreement. This means that the Government needs to buy into developing infrastructure on an all-Ireland basis: one electricity grid, one gas network and one strategy for developing renewable energy. Then we would be talking of a proper dividend from the Good Friday Agreement.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I move amendment No. 1:

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

“notes that:

— this year marks the fifteenth anniversary of the historic Good Friday Agreement in 1998, which was ratified by an overwhelming majority of citizens in referendums held North and South on 22nd May, 1998;

— this is set out in an internationally binding treaty;

— the Agreement recognises the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status;

— the Agreement and subsequent agreements, at St. Andrews in 2006 and at Hillsborough Castle in 2010, are premised on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, of parity of esteem, and of just and equal treatment for all the people in the diversity of their identities and traditions;

— a crucial role was played by all those, both in Ireland and abroad, who worked to bring the conflict to an end, promote the political process and build reconciliation; and

— the Government, as joint and co-equal guarantors of the agreements, is committed to continuing to:
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— work to ensure that the agreements are fully implemented;

— engage substantively with the British Government and the parties of the Northern Ireland Assembly to progress outstanding issues, including the establishment of a Bill of Rights for Northern Ireland and an all-Ireland Charter of Rights, a Civic Forum and an Irish language Act for Northern Ireland;

— observe and implement human rights principles across the range of issues set out in the agreements;

— ensure, through working with the British government and the parties in the Northern Ireland Assembly, the acknowledgement of the pain that victims and their families have endured and the accommodations they have made for peace;

— ensure strong and deep cross-Border co-operation on policing, security and justice matters;

— closely co-operate with the Northern Ireland Executive in the framework of the North-South Ministerial Council in support of economic recovery and the provision of public services on a shared basis;

— encourage the Northern Ireland Executive to expedite the review of North-South co-operation as set out in the St. Andrews Agreement, including further development of existing areas of co-operation, additional areas of co-operation on a North-South basis and completion of the consideration of the case for additional implementation bodies; and

— encourage the Northern Ireland Executive and the parties of the Northern Ireland Assembly to continue to work together to develop a strategy for building a shared and reconciled society in Northern Ireland, and to ensure that initiatives and policies to tackle sectarianism and segregation are fully delivered thereafter.”

I wish to share my time with the Minister for Arts, Heritage and the Gaeltacht, Deputy Deenihan, and Deputy Deasy.

It is timely and appropriate that this House marks the 15th anniversary of the Good Friday Agreement. On Good Friday of this year, I participated in the reading at Dublin’s Unitarian Church of the names of the more than 3,500 victims of the Northern Ireland conflict. The reading of the names was a poignant reminder of the lives lost, the families devastated and a society traumatised by a conflict which endured for more than 30 years. We should never forget those victims, nor our shared responsibility to ensure that Northern Ireland never returns to those dark days.

The Good Friday Agreement was instrumental in putting that conflict behind us. It laid the basis for a peaceful society in Northern Ireland. It was a seminal moment in our recent history, a great achievement. More than 2 million people North and South voted to ratify the Agreement in what was the most collective, determined act of political will in our modern history. The Agreement has opened up new possibilities and opportunities for a generation who are growing up in a time of peace. It has exerted a positive influence on all parts of this island and on our society, our economy and our international reputation.

The Assembly and the Northern Ireland Executive have now been operating continuously
Since 2007. The Assembly term from 2007 to 2011 was the first to see no interruption to its work. The North-South Ministerial Council has established an excellent record of substantial work on North-South co-operation. Thirty-one meetings of the North-South Ministerial Council were held in 2012. This is the highest number held in any year since its formation and reflects the significantly increased activity of the Irish Government across all issues relating to Northern Ireland.

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The North-South Interparliamentary Association, which was recently established, held its second plenary meeting in Parliament buildings at Stormont earlier this month. We continue to develop an ever-deeper and more productive partnership with the British Government. The Joint British-Irish Intergovernmental Secretariat in Belfast plays a valuable role both in the British-Irish relationship and in this Government’s activities and outreach in support of the peace process.

The Agreement has also had an impact beyond these shores as other parts of the world in conflict have looked to Northern Ireland as an example of what can be achieved. Practical international support for the peace process, especially from the European Union and the United States, was vital in its early days and remains important today. I am particularly pleased that during our EU Presidency we have been able to ensure a commitment to further EU support totalling €150 million for a Peace IV programme. In addition, the United States has remained steadfastly committed to the peace process brokered under Senator George Mitchell. I welcome the announcement last Friday that President Obama will visit Belfast in advance of the G8 summit, which will be a great opportunity to showcase Northern Ireland. Last week’s visit by the Elders, whom I met as part of their programme, provided an opportunity for them to listen to youth voices working for reconciliation in Northern Ireland. The Elders were understandably impressed by the remarkable passion of young people to secure a peaceful, inclusive and culturally vibrant future for Northern Ireland.

Peace-building is a process which requires long-term commitment and effort by all actors to achieve real and lasting progress and to create a peaceful and stable society. As former US President John F Kennedy famously said, “Peace is a daily, a weekly, a monthly process, gradually changing opinions, slowly eroding old barriers, quietly building new structures”. During the past 15 years, progress was often slower than we would have wished but we have seen this type of incremental progress across a range of areas. Some people have declared that the peace in Northern Ireland is a “cold peace” but I do not share that view. There is a warmth of relationships across these islands which could not have happened without the Agreement. Undoubtedly, however, there are serious challenges ahead. Two weeks ago I met in Belfast with a broadly representative group of young people who were all born or had grown up in Northern Ireland since the Agreement was signed. One young man from North Belfast spoke of how too little has changed for him and his friends in an area marked by sectarian division, high unemployment and paramilitary control.

These, in summary, are some of the gravest challenges to the peace process - sectarianism, disadvantage and paramilitary activities. Let me take each briefly in turn. Sectarianism and the legacy of the conflict and its genesis continue to have a chilling effect across communities in Northern Ireland. These are difficult issues which, if left unchecked, will continue to affect negatively the lives of all the people of Northern Ireland across a range of areas, from education to housing, from sport and culture to security. The difficult but essential steps have yet to be taken by the Executive towards a shared and reconciled society in Northern Ireland. I welcome the announcement of some steps towards addressing this issue, made by the First Minister and
Deputy First Minister last week and debated in the Assembly this morning. I look forward to publication of the detailed strategy and to working with the Executive on this important initiative. I also welcome the intention to establish an all-party group, including civil society, with an independent chair to address key contentious issues including parades, protests, flags, symbols, emblems and the past. This work is now overdue and urgent and cannot wait any longer.

The second challenge is one we understand all too well - how to secure new jobs and protect the most vulnerable against the most difficult economic backgrounds. There is no easy answer to that. I understand the frustration that comes with having to deal with reduced resources for essential services. However, I am convinced that closer North-South co-operation must be a part of any effective solution. The Government has been pressing for some time now for an open and comprehensive review of co-operation. We have been open-handed in our approach to expanded co-operation, for example, inviting all Executive Ministers to informal EU meetings in their area of responsibility hosted under our Presidency. Later this week Ministers Jonathan Bell MLA and Jennifer McCann MLA will participate along with community representatives at the Battle of the Boyne site in a briefing for the EU Committee of Permanent Representatives. I am hopeful that this open spirit of co-operation will be reciprocated and that we can agree new areas of co-operation when we meet our Executive colleagues in plenary session in July.

The third challenge, namely, the continued role played by paramilitaries in some communities, is one about which we must never become complacent. Unfortunately, members of the security forces still have to remain vigilant, given the murders in recent years of Garda Adrian Donohue, Prison Officer David Black and PSNI officers Stephen Carroll and Ronan Kerr. These and other attacks and attempted attacks have rightly been condemned by people across the political spectrum. Thankfully, co-operation between the Garda Síochána and the PSNI has never been better and both police forces continue to record success in intercepting attempted attacks by so-called dissident groups claiming to be Irish republicans. I understand that the Minister for Defence, Deputy Alan Shatter, will address some of these issues when he speaks in the debate tomorrow evening.

Underlying these challenges is a fourth one, reflected in the views of the young people I met in Belfast last month who questioned the ability of politics to transcend division and create a genuinely shared society for their children. Their scepticism is a just and timely challenge to the partisan and divisive character that has sometimes characterised Assembly debates. For that reason, before turning to the motion before the House, I wish to acknowledge and pay tribute to the bipartisan approach which the Oireachtas has always taken to matters related to the peace process. In that context I commend the excellent work of the Oireachtas Joint Committee on the implementation of the Good Friday Agreement, under the chairmanship of Deputy Joe McHugh. The important work of that committee illustrates the value of an all-party consensus approach to Northern Ireland issues. This has most recently been demonstrated on the ongoing all-party approach to the Finucane case and to prisoner cases.

I realise there is much thoughtful public discourse underway already in terms of how best to address these most difficult of issues. The 15th anniversary of the Agreement invites us to take stock of how far we have come and of how far we still have to go. The Government’s amendment to the motion is one I hope we can all agree. It amends the motion tabled by Sinn Féin in a number of important respects. First, it acknowledges the enormous progress achieved over the last 15 years in Northern Ireland. The primary political institutions of the Agreement are firmly in place and are transforming the totality of political relationships within Northern Ireland, between North and South and between Ireland and Great Britain. Second, it reflects
the particular responsibility of the Northern Ireland Executive and those in leadership positions in the Executive to play their part in ensuring full implementation of the Agreement and in tackling sectarianism and segregation. It is not months but years since the Government tabled proposals for a North-South consultative forum, sought an early and thorough review on North-South co-operation and tabled specific proposals to eliminate duplication and improve service provision with reduced resources. A response is awaited on each of these.

Third, it reflects the deep and continuous commitment of this Government to implementing and developing the peace process and to uniting in harmony and friendship all the people who share this island in all their identities and traditions. Fourth, it gives due importance to the principle of consent with regard to the constitutional status of Northern Ireland. The Good Friday Agreement recognised that it is for the people of the island of Ireland to bring about a united Ireland, or to maintain Northern Ireland’s status within the United Kingdom, subject to the Agreement and consent of a majority of the people of Northern Ireland. Finally, it reflects more fully some of the unimplemented aspects of the agreements - a bill of rights for Northern Ireland, an Irish language Act and a civic forum. These are not merely boxes to be ticking. Each can make an important contribution to the fair and well-functioning society in Northern Ireland that this House has worked so long to achieve.

I commend the Government’s amendment to the motion to the House and hope that all parties will work with the Government in taking this work forward, as we build on the achievements of our predecessors. In doing so, it is important that we work together. The strength of the Government’s position as co-guarantor of the agreements derives largely from the all-party approach that has always been taken on the issue of Northern Ireland and the peace process. I hope that will not change. I hope nobody present has an agenda to make Northern Ireland and the peace process into a domestic political issue. This Government is working the agreements and is fully engaged in the process with Northern Ireland. We are open to suggestions, to help and to assistance in carrying that work forward. We work closely with the First Minister and Deputy First Minister, whom I meet regularly, as we do with the Executive. I also meet regularly with the Secretary of State for Northern Ireland, Theresa Villiers. Great progress has been made, although difficulties, frustrations and differences of opinion are encountered at times, and our best prospect for overcoming obstacles is by working in unity and on a cross-party basis in this House.

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I welcome the opportunity to speak on this important topic and to support the Government’s amendment to the motion. I thank Sinn Féin for tabling the motion given that next Wednesday, 22 May, will mark the 15th anniversary of the ratification by referendum of the Good Friday Agreement. The Good Friday Agreement is arguably the most important agreement of our time. In 1998, it represented an historic breakthrough in the Northern Ireland peace process by committing all participants to exclusively democratic and peaceful means of resolving differences.

The Agreement underlines the legitimacy of seeking a united Ireland while also recognising the legitimate wish of a majority of people in Northern Ireland to remain part of the United Kingdom. Most important, it enshrines the principle of consent by stating: “It is for the people of the island of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish, accepting that this right must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland.”
As Minister for Arts, Heritage and the Gaeltacht, I am in ongoing engagement with my counterpart, the Minister of Culture, Arts and Leisure, Carál Ni Chuilín, MLA. We have jointly launched a number of initiatives in Belfast and Armagh, and we plan to launch many more during our terms of office. My Department and the Northern Ireland Department of Culture, Arts and Leisure co-sponsor two North-South implementation bodies, namely, Waterways Ireland and An Foras Teanga. Waterways Ireland, which is the largest of the North-South implementation bodies, carries out important work. One of the projects it is currently progressing is the restoration and reopening of the Ulster Canal between Clones and Upper Lough Erne. Planning permission has been granted by Cavan County Council, Monaghan County Council, Clones Town Council and, more recently, the Northern Ireland Department of the Environment planning service. I have established an interagency group to explore funding options for advancing the Ulster Canal project, including existing funding streams and leveraging funding from other sources. The group comprises county managers from Monaghan and Cavan county councils, the director of leisure development and arts from Fermanagh District Council, representatives from the Northern Ireland Tourist Board, Fáilte Ireland, the Strategic Investment Board, Waterways Ireland and senior officials from the Department of Culture, Arts and Leisure and the Department of Arts, Heritage and the Gaeltacht. The next meeting of the interagency group will take place later this week. This interagency approach has been effective elsewhere and I suggest it could be used for similar projects in future.

An Foras Teanga comprises two separate agencies. The first is Foras na Gaeilge, which has the principal responsibility of promoting the Irish language in every aspect of life throughout the island of Ireland. The second is the Ulster Scots Agency, which has the principal responsibility of promoting the Ulster Scots language and culture both within Northern Ireland and throughout the island of Ireland. In my role as Minister for Arts, Heritage and the Gaeltacht and especially in the context of the North-South bodies co-sponsored by my Department, I attend North-South Ministerial Councils and other events on both sides of the Border, as well as events related to these bodies and cultural or heritage developments on the island.

I am acutely aware of the importance of the Good Friday Agreement and see at first hand the positive impact it has had for the people who live and work on this island. The agreement has effectively transformed political relations in Northern Ireland, on the island and between Ireland and Britain. Relations between the Republic and the UK have never been stronger and the relationship between Northern Ireland and the Republic has never been better. What is happening now certainly was not happening 20 years ago. While I understand why people are concerned about the lack of progress, it has in fact been significant. I have been in this House 30 years but I never thought I would see the day when we would be able to travel freely to Belfast or any other part of Northern Ireland without fear or intimidation. I love visiting Belfast. It is a wonderful city with a special atmosphere thanks to the Good Friday Agreement and all the people, including Deputy Adams, who were involved in putting it together. We would not be enjoying peace on this island but for the Good Friday Agreement. The Government has reiterated its commitment to working with the British Government, the Northern Ireland Executive and the parties in the Northern Ireland Assembly to ensure is fully implemented. The Tánaiste gave his commitment that progress will not be allowed to slow or be held back.

I have a great personal interest in the language and we are prepared to offer any advice or support we can based on our own experience. The Minister of State at my Department with responsibility for the Gaeltacht, Deputy Dinny McGinley, has offered his advice on several occasions. This is an area in which we can make considerable progress. I was heartened to visit
Coláiste Feirste while on a recent trip to Belfast. An joint arts project has been developed by both communities and there is great interest in the Irish language among the Unionist community. This is a very positive development.

The Good Friday Agreement commits us to a spirit of tolerance and mutual trust. It is only through tolerance that we will understand the differing views and experiences that combine to produce the shared history of all who live on the island of Ireland. I am acutely aware of the importance of tolerance and mutual respect in my role of leading and guiding the decade of centenaries commemorative programme for the Government. In this role I chair an all-party Oireachtas group on centenary commemorations, which is advised by an expert group of historians headed by Dr. Maurice Manning and assisted by Dr. Martin Mansergh. Deputy Ó Snodaigh is an active participant in that group. The primary focus of our commemorative programme is to follow events as they happened 100 years ago up to the centenary of the 1916 rising. From that point, we will then follow the events that unfolded up to the Civil War. The period between 1912 and 1923 was one of immense change for Ireland. In a mere decade the social and political landscape changed completely. Throughout 1912 and 1913 the debate on home rule had taken place in the House of Commons and House of Lords. Alongside the great agreements reached in recent times, including the Downing Street declaration and the Good Friday Agreement, we should not forget that the Home Rule Bill stands as one of the defining moments in the relationship between Ireland and the United Kingdom. To understand the Government of Ireland Act 1920, the Treaty of 1921, the Anglo-Irish Agreement, the joint declaration and the Good Friday Agreement, we must also understand home rule because this is when the divisions appeared on this island. I advise Members to read the debates that took place in the House of Commons, including what was said by Redmond, Carson, Craig and Dillon.

9 o’clock

The debate set future boundaries. Students of history need to understand fully what took place during the Home Rule debate if they are to fully understand subsequent events.

Later this year, we will commemorate the centenary of the foundation of the Irish Volunteers and suffragette movement as well as the Dublin lockout. Three major commemorative events have taken place in Northern Ireland. We had an event to commemorate the centenary of the Balmoral review, Ulster Day, which marks the signing of the Covenant, and an event to commemorate the centenary of the establishment of the Ulster Volunteers in January 1913. All the commemorations passed peacefully and without violence. Next year will provide an opportunity for the Republic and Northern Ireland to commemorate their shared history in the First World War. Moves are afoot in both communities in Northern Ireland and here in the Republic to have shared commemorations of 1914 next year.

The Good Friday Agreement provides a unique opportunity to make further progress on this island and work closer together as a community. Without the Agreement, the House would not be discussing this motion. Notwithstanding claims to the contrary, I believe we have made major progress on the island.

Deputy John Deasy: I could not help noticing some contradictions buried in the motion. Sinn Féin is trying to give the impression that it is the honest broker trying to deliver on an agreement that was made 15 years ago and that it is somehow the party that wishes to move on and leave the past behind. It seeks to do so, however, purely on its terms. The line in the motion that caught my attention was a call on the Government to “renew substantive engagement
with the British government”. The political party that has proven itself in the past 15 years to be uninterested in substantive engagement is the party that tabled the motion.

The Minister referred to Home Rule. Sinn Féin’s elected members, including the Deputy First Minister, Martin McGuinness, constantly speak of remembering and recognising the Irishmen who fought in the First World War. However, when the Queen visited Islandbridge a couple of years ago Mr. McGuinness boycotted the event.

**Deputy Gerry Adams:** To which Queen is the Deputy referring?

**Deputy John Deasy:** Where was the substantive engagement in his refusal to attend? Sinn Féin, in opposing the visit of the Queen, stated it would cause great offence to many Irish citizens. That was not the case. Where was the renewal of substantive engagement when the Queen visited?

If one digs a little deeper, one finds double-speak gushing from the motion. The text refers to “respect and equality for all citizens”. The Sinn Féin press statement issued when the Queen visited stated the following: “The values she represents have no place in Ireland. Values of privilege, deference and inequality”. These are not words of engagement. It is a common theme running through virtually everything Sinn Féin does that it will boycott anything that does not suit it.

Who cares if the party’s policy in the North is the polar opposite of its policy in the South? Its priority is to ensure policies fit into the politics of opposition, rather than engagement or addressing reality.

**Deputy Aengus Ó Snodaigh:** The Deputy should get back into his bubble.

**Deputy John Deasy:** The classic example of differing policies North and South is Sinn Féin’s opposition to the household charge in this State. In Northern Ireland, the party supports taxes on the household, where people pay at least £500 per annum in rates. Sinn Féin is part and parcel of an administration in the North that will introduce water rates at the start of next year. Its position on water rates in the South is the reverse of its position in the North. It is difficult to take seriously a politician or political party when such unbelievable contradictions pop up all over the place.

Sinn Féin suits itself when it comes to real and substantive engagement and tries to have it both ways at all times. It is the party of obstructionism, having refused in recent years to nominate members to the Northern Ireland Policing Board or endorse the Police Service of Northern Ireland.

**Deputy Aengus Ó Snodaigh:** The Deputy is stuck in 1998.

**Deputy John Deasy:** It refuses to co-operate properly with tribunals established in this State and wants loyalist flags taken down in Belfast while refusing to take down its flags in Armagh. It refuses to name members who have committed crimes North and South of the Border, take its seats in Westminster or engage substantively with the House of Commons or British Government. The motion, however, refers to working “with the British government and all parties in re-energising the peace and political processes”. All I see in this motion is contradiction. It has been tabled to maintain Sinn Féin’s credentials and to be seen to be doing something on the North.
Deputy Sandra McLellan: What did the Deputy ever do?

Deputy John Deasy: Given Sinn Féin’s track record of obstruction and negativity, its calls for substantive engagement are difficult to take. I would like some proof of its substantive engagement because I have not seen any thus far.

Deputy Brendan Smith: We have tabled as amendment as follows:

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

“notes that:
— the Good Friday Agreement marked a seminal moment in Anglo-Irish relations and vindication of the efforts of constitutional nationalism after decades of bloody conflict; and
— the aspirations of the Agreement were the achievement of a real substantive peace and reconciliation, not simply the absence of violence on this island;

calls on:
— the Government to provide a renewed impetus to relations with the Northern Ireland Executive, North/South bodies and British government in a sustained effort to fully pursue the objectives and aspirations of the Good Friday Agreement;
— the Northern Ireland Executive to re-assess the failed approach of divided politics and focus its political energies on maximising the full benefits of the Good Friday Agreement settlement; and
— all parties to the conflict to provide a full and accurate account of their role in the violence that scarred this island as part of the process of reconciliation and understanding for all those who have suffered and lost loved ones including the families of the disappeared; and

recognises the immense potential for the full implementation of the Good Friday Agreement to provide a real peace dividend across all communities who share this island.”

Everyone in this House will remember the remarkable sense of optimism and hope across this island on Good Friday 1998. The bitter and bloody feud of so many years, which had claimed so many lives, was at last coming to an end. The dark chapter in Irish history was being closed, opening a new era of inter-communal and Anglo-Irish relations. It was the culmination of tireless and courageous work by a generation of constitutional Nationalists whose commitment to a peaceful settlement never wavered. I commend all who contributed to the achievement of the Good Friday Agreement.

Fifteen years on from that special moment in Irish history, we are left with the thwarted ambition of a divided Executive, as is evident in commentary from politicians and political analysts in Northern Ireland, the spectacle of a parties dividing the spoils and putting up walls around them and complacent Governments. There is, unfortunately, an overarching sense of lost opportunity seeping into Northern society. This sentiment needs to be addressed very quickly because peace was too hard won and is too fragile to be taken for granted.

The Northern Ireland - indeed, the entire island - envisaged by the Good Friday Agreement was not simply about the absence of violence but about achieving a real substantive peace on this island. The work towards a genuine reconciliation between the communities who share
this country has not been realised by the Northern Executive and the necessary programme of work has not been progressed adequately. The failure of the Northern Executive to move on sufficiently from the failed and divided politics of the past and focus on the bread and butter issues that impact upon the people of Northern Ireland is disappointing, to say the least. The sight of disillusioned loyalists embarking on a leaderless show of anger in the recent flag protests that crippled Belfast and affected other towns is symptomatic of a malaise that runs deep in Northern politics and must be removed. The various Ministries seem content to divide up the spoils of office, rather than genuinely co-operate to address the profound challenges Northern Ireland faces.

Deputy Crowe referred earlier to the meetings we had with many communities, particularly those in loyalist areas. The members of these communities are of the view that they have not benefited from a peace dividend. The level of educational attainment in the communities to which I refer is very low and the standard of public services provided to them is inadequate. All of these issues have an impact on the communities involved and they must be addressed. That to which I refer was not what the Good Friday Agreement promised in the spring of 1998. Sinn Féin knows that, and the people of Northern Ireland are only too well aware of it. Those to whom I refer seem all too happy with politics as usual and they conveniently blame those on the other side or, when it suits, perfidious Albion, while never living up to the responsibility of office and the challenge of policy. As the Minister, Deputy Deenihan, stated earlier, there are responsibilities that come with holding office. In addition, there is always the challenge presented by policy. The prospect of truth and reconciliation and a wholehearted acknowledgement and understanding of the suffering endured by all sides during the brutal years of conflict remains distant. The historical gymnastics of some high-profile members of Sinn Féin in respect of their past would make members of the old Soviet Politburo blush.

The campaign for the truth does not seem to extend to the families of those who were disappeared by the IRA during the Troubles. No less than any victims of British aggression or loyalist collusion, these families deserve the truth. At a minimum, all victims deserve the truth. In that context, the failure of the British Government to hold a public inquiry into the murder of Patrick Finucane is not acceptable. The British Government is actually breaking an international agreement in this regard.

In our jurisdiction, a dispiriting development has also occurred. The focus, energy and commitment which previous Governments displayed in respect of the peace process have not been shown by this Administration. I am aware, from cross-Border and constituency work, that one member of the Cabinet who is actively engaged in this is the Minister for Arts, Heritage and the Gaeltacht, Deputy Deenihan. In the early 1990s, he and I served on the then British-Irish Interparliamentary Body. At that stage, when relations between Members of the Houses of Parliament at Westminster and Members of the Oireachtas were extremely bad, no one was very optimistic about the prospect of achieving something like the Good Friday Agreement. Thankfully, much progress has been made in the meantime. All of us who are involved in politics cannot fail to acknowledge the peace process or the Agreement reached in 1998, which was overwhelmingly endorsed by all the people on this island. On 22 May 1998, we had the privilege of voting in a 32-county context on the same question. We were the first generation since 1918 to have this opportunity.

The Government must provide the leadership required to restore momentum that is much-needed. No one expects there to be the same type of intensive contact that existed when the Agreement was being negotiated. However, diligence and effort are required. The Tánaiste and
Dáil Éireann

Taoiseach can refer to the number of set-piece meetings that have taken place. Such meetings, the communiqués relating to which are prepared in advance, do not provide a complete picture in respect of ongoing activity and engagement. I accept, however, that these meetings have a critical role to play. The Government must take up the challenge of the peace process and fully re-engage with the various parties, the Northern Ireland Executive and the British Government. The peace process needs new momentum. The Government must re-engage, consistently and constantly, in respect of both Northern Ireland and all-Ireland issues, maximise the potential of existing North-South bodies - a matter to which the Minister, Deputy Deenihan referred - and expand the important agenda of all-island economic development.

I welcome the opportunity to make a short contribution to the debate on this issue. Our party leader, Deputy Martin, has constantly raised such issues during the past 18 months. He has also referred to the workings of the Northern Ireland Assembly and the Executive. We cannot afford to take risks in respect of this matter. All of us who remember the sense of opportunity and hope on Good Friday in 1998 should feel ourselves being pushed by the hand of history into not squandering the achievement reached on that day. We have the opportunity to derive maximum advantage from an agreement that can benefit everyone on this island. There is no substitute for hard work and direct engagement with all the parties in the North in order to ensure that the Good Friday Agreement delivers on its potential for all the people who live on this island.

A small but important initiative in respect of this matter could be undertaken by the Government. The latter’s failure to mark the anniversary of the Good Friday Agreement in any meaningful way shows its partisan reluctance to acknowledge any achievement that reflects well on others - there were many people who made noble contributions to the achievement of the Agreement - and is in contrast to the actions of wider civil society, which used the 15th anniversary to reflect on where the Agreement has worked and on the areas in respect of which it has, as yet, failed to deliver. The Government missed the opportunity presented by the 15th anniversary to explore how the Agreement can still deliver real change for people in their daily lives. However, it is not too late. The Good Friday Agreement was truly a national milestone. The greater the focus placed on it in the political sphere and in civil society, the better will be our chances of progressing all outstanding issues.

This island cannot afford to allow the Northern Ireland Executive and Assembly not to focus on the issues that are of concern to people - jobs, health and education - on a daily basis. Reinforcing suspicion, division and confrontation will only promote disillusionment among people rather than fulfilling the promise of peace and reconciliation and the resultant benefits. There is no doubt that benefits have been realised and progress achieved since the signing of the Good Friday Agreement in April 1998. However, it behoves everyone, particularly the parties in power in the Northern Ireland Executive and the Government in this jurisdiction, to work with all political interests to ensure that we derive for our people all the opportunities presented by and realise the full potential of the Agreement. The Good Friday Agreement is critical for everyone on this entire island.

Deputy Éamon Ó Cuív: I am surprised that the motion does not mention justice issues, particularly those which relate to prisoners in the North of Ireland. Deputy Ó Snodaigh is well aware of the matter to which I refer because he visited a number of prisons in that jurisdiction in recent times. I will try to outline the nature of the issues to which I refer and also of the injustices that have been perpetrated. I recognise that the Tánaiste and Minister for Foreign Affairs and
Trade and the Taoiseach have made representations in respect of these issues. It is important, however, to place on the public record the facts about what is happening.

I wish, first, to refer to the case of Marian McGlinchey - also known as Marian Price - and Martin Corey. Both of these individuals were released on licence many years ago. Marian was actually released in the very early 1980s. In the past two years, they were both arrested and imprisoned. Neither they nor we know what the allegations against them are. It seems extraordinary that, at this remove, someone can be put in prison and not be informed as to the nature of the evidence against them. These people were arrested and imprisoned on the order of the British Secretary of State. There is no limit to the amount of time that can be taken to hear their cases. If parole is refused, neither will be informed of the grounds for this. It is impossible to refute evidence if one does not know the nature of it. If this was happening in any other part of the world, motions of condemnation of a state which allowed such a justice system to obtain would be tabled all over the place.

Deputy Maureen O’Sullivan and I visited Marian Price in hospital yesterday. Ms Price has been in hospital for nearly a year and last week she was moved to an acute unit. She is suffering from a multitude of ailments and her immune system is breaking down as a result of the various medicines with which she is being treated. I am concerned about the ongoing incarceration of these two people. Unfortunately, I do not have time to go into his case. Both cases are effectively detention without trial and will do more to destabilise the peace process than anything else of which one can dream.

Why were Mr. Gary Adams and Mr. Gerry McGeough, the so-called on-the-runs, picked to be put in prison? As Mr. McGeough was released after two years, it is obvious that the system does not view him as a threat to society. A part of the delay in Mr. Adams’s case has to do with who he was with he was in prison. It is extraordinary that someone could be refused parole because he or she was put into a certain part of a prison. I assure the Minister that choice of who to associate with in prison is not that great.

Regarding the so-called dissidents, a dirty protest continued for more than one year. When it concluded last year, undertakings were given in respect of change. Judging by what we were told during our visit to HM Prison Maghaberry yesterday, no change has occurred. It further transpired that many of the people in question were in prison on indefinite remand for court cases that were still awaited. The remand period can continue in such cases. This is detention without trial.

The arrests and convictions of Mr. Adams and Mr. McGeough were contrary to an international agreement between the Irish and British Governments, that being, Weston Park Agreement. I am amazed that this has not been mentioned on the Sinn Féin motion’s “To Do” list.

**Deputy Aengus Ó Snodaigh:** Nor in Fianna Fáil’s motion, for that matter.

**Deputy Éamon Ó Cuív:** It was decided today that I would contribute on this debate.

**Deputy Aengus Ó Snodaigh:** I am just telling the Deputy - it is not mentioned in his party’s motion.

**An Leas-Cheann Comhairle:** Please, Deputy Ó Cuív only has one and a half minutes left.

**Deputy Éamon Ó Cuív:** It was decided that I would devote half of Fianna Fáil’s limited
Deputy Aengus Ó Snodaigh: Fianna Fáil should have included it in its own motion. It should not wait for us.

Deputy Éamon Ó Cuív: I hope that Sinn Féin will also devote half of its time to this issue.

Serious abuses have occurred in the case of Mr. Brendan McConville and Mr. John Paul Wootton. It was due to be started in the appeal court before the prosecution stated that it had further evidence. It now appears that the prosecution was collecting intelligence on discussions held between another witness who would confound the prosecution’s evidence and his solicitor. Matters have become so serious that an application has been made to the Northern Ireland Court of Appeal to ask the Criminal Cases Review Commission to direct the police investigation, something that is possible in Northern Ireland.

When dealing with the issue of the North, it is equally important that we build relationships with the loyalist community. The politics of condemnation and keeping away from groups with which we do not agree is neither Christian nor a good way of bringing about peace. This week, I will meet representatives of the Orange Order. Last year, I visited the parade at which issues arose. I am glad that the order is willing to meet me to discuss the matter. By explaining the position from the other side, we can resolve issues. We must reassure those of different beliefs and persuasions that we can build a new Ireland, one in which respect for each community’s beliefs is vital, and that we will not try to do away with traditions as long as they are followed in a way that does not threaten other communities.

Deputy Maureen O’Sullivan: Táimíd an-bhuíoch go bhfuil síocháin againn agus ba mhaith liom aitheantas a thabhairt do gach éinne a ghlac páirt. Undoubtedly, the North is a different place because of the peace process and the Good Friday Agreement. I wish to remember those who lost and gave their lives, the many who suffered, those who compromised and engaged in the process and the leaders involved, for example, Bertie Ahern, Tony Blair and Mo Mowlam, as well as those who worked behind the scenes and Nationalist and Unionist leaders and communities.

I am a member of the foreign affairs committee. When we meet people from conflict areas, they take great heart from the Northern peace process. After generations of bloodshed, bitterness and deep division, peace was achieved. No one wants to see it undermined, but that is what is happening. Lasting peace cannot be achieved without justice, something that is being undermined in the North. I have raised the issue of prisoners at Maghaberry prison in Priority Questions and Topical Issues. With a group of Deputies, I visited the prisoners several times. Their human rights are being abused. I am not referring to their political views. How could a dirty protest continue for 18 months without anyone paying the prisoners a blind bit of notice? We have been told that the agreement is not being implemented in the prison.

Regarding Ms Marian Price, how could a royal prerogative of mercy that received significant coverage when given be lost so suddenly? She is the only female being held in isolation in a male jail. Her medical treatment leaves much to be desired. These are abuses of her human rights. Her hearing with the Parole Commissioners is repeatedly postponed. She has been held two years on the basis of allegations.

Equally disturbing is the case of Mr. Martin Corey, who has been in jail for three years having had his licence revoked on the basis of allegations. Following a judicial review, the
judge opted to release him, but the Secretary of State prevented that from happening. He is long overdue a parole review. It will not be held until July. This is internment without trial. In a democracy, due process should be followed. Level a charge, bring a person to court and let him or her have a say. If there is a conviction, it can be appealed. Otherwise, the person serves time. So-called evidence is being produced, but it will be closed. Barristers and solicitors will effectively be going into the case blindfolded.

The sword of Damocles is hanging over others who are out on licence. We have had the Birmingham Six and the Guildford Four. We now have the Craigavon Two, men who are being held following a series of allegations, dubious circumstantial evidence and serious issues relating to the PSNI and the covert surveillance of civilians. These injustices are putting the peace process in jeopardy. Do we never learn from history? Are we trying to create more martyrs and fill the ranks of dissident groups?

I believe in people’s democratic right to a fair trial. People in the North are being denied this right. Those being held on grounds of dubious allegations are not the problem. Rather, they would be a part of the solution if the situation was being addressed correctly and fairly.

Deputy Finian McGrath: I thank the Leas-Cheann Comhairle for the opportunity to contribute on this important motion on the historic Good Friday Agreement. I commend Sinn Féin on arranging this topical and urgent debate. This issue and the division of our country should never be allowed to slip from the political agenda. We all have a duty to ensure that the peace process does not remain still and to bring the people of this island together.

At Arbour Hill on Sunday of last week, I had the honour and privilege of being the guest speaker at the 1916-21 Club. I felt humbled to be asked. It was great to follow in the tradition of Tone, Connolly and Pearse. The great men and women of the 1916-21 period should never be forgotten. There must always be time to reflect on their ideals and actions as well as on our country’s future.

The 1916-21 Club was founded in the 1940s. Its motivation was to heal divisions created by the Civil War. Protagonists from both sides were invited to join. The Association of the Old Dublin Brigade Óglaigh na hÉireann was open to surviving members of the War of Independence. The club incorporated the association in the early 1980s as its membership declined. I refer to the club because its objectives are to honour and remember the dead who fought for Irish freedom and for everyone working towards its achievement. The second objective is to cultivate in our time a spirit of nationality and unity that marked the 1916 to 1921 period and to contribute to the cause of an Ireland - united, independent and sovereign. Another objective is to work for the reconciliation of all Irish people in the context of a united nation, in the belief that it is only such a united people who can effect a lasting and real peace with the British. A further objective is to promote Irish tradition and cultures. Those are their objectives and everyone, including those who speak in tonight’s debate, has a role to play - Catholic, Protestant, Jew, Muslim, Hindu, all other religions and none. As an Independent Deputy, I fit clearly into the dissenting tradition. Tone called for unity between Catholic, Protestant and dissenter. Sadly, we do not see enough of it in this current Dáil. Many Members of the Dáil have turned their backs on that great tradition but those of us present should pledge our allegiance to the ideals of 1916 which are about equality, justice and love of country, particularly in these difficult times. I am also in favour of standing with the weaker sections of society, for example, the 400,000 unemployed, the disabled and the dispossessed. The objectives are about supporting the men and women of no property. How relevant all of that is to society today.
I call on the Government to ensure the commitments in the agreements are implemented by both Governments. The Government must renew the substantive engagement with the British Government to progress the outstanding issues, including the establishment of the bill of rights and an all-Ireland charter of rights, in addition to other legislative commitments. I also call on the Government to ensure the realisation of the promised peace dividend and financial package agreed at St. Andrews, which the current British Government has failed to deliver.

Debate adjourned.

The Dáil adjourned at 9.35 p.m. until 10.30 a.m. on Wednesday, 15 May 2013.