



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

Report on Promoting a Sustainable Future for the Post Office Network: Statements . . . . .	47
Ceisteanna - Questions . . . . .	57
Priority Questions . . . . .	57
Planning Issues . . . . .	57
Water Services Provision . . . . .	58
Local Authority Housing Issues . . . . .	60
Leader Programmes Funding . . . . .	63
Homelessness Strategy . . . . .	65
Other Questions . . . . .	67
Water Charges Administration . . . . .	67
Social and Affordable Housing Provision . . . . .	74
RAPID Programme . . . . .	80
Topical Issue Matters . . . . .	82
Leaders' Questions . . . . .	83
Ceisteanna - Questions (Resumed) . . . . .	92
Cabinet Committee Meetings . . . . .	92
Official Engagements . . . . .	105
Appointment of Minister of State: Announcement by Taoiseach . . . . .	109
Order of Business . . . . .	109
Financial Services (Protection of Deposits) Bill 2013: First Stage . . . . .	117
Fight Against Fraud and Regulation on Europol: Referral to Joint Committee . . . . .	118
Legal Services Regulation Bill 2011: Financial Resolution . . . . .	118
Topical Issue Debate . . . . .	119
Foster Care Supports . . . . .	119
Magdalen Laundries Issues . . . . .	122
Pension Provisions . . . . .	125
Departmental Contracts . . . . .	128
Health (Amendment) Bill 2013 [Seanad]: Committee Stage . . . . .	132
Private Members' Business . . . . .	145
Garda Síochána (Amendment) Bill 2013 [Private Members]: Second Stage . . . . .	145
Health (Amendment) Bill 2013 [Seanad]: Committee Stage (Resumed) and Remaining Stages . . . . .	167
Construction Contracts Bill 2010 [Seanad]: Report and Final Stages . . . . .	181
Message from Seanad . . . . .	190

## DÁIL ÉIREANN

*Dé Máirt, 16 Iúil 2013*

*Tuesday, 16 July 2013*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 1 p.m.

*Paidir.*

*Prayer.*

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### **Report on Promoting a Sustainable Future for the Post Office Network: Statements**

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I wish to share time with Deputy John O'Mahony.

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

**Deputy Pat Rabbitte:** This is the second opportunity we have had within the past couple of weeks to discuss the report of the joint committee on the future of the post office network. I discussed it recently in the Seanad.

It is clear that the role played by the post office network is held in high esteem throughout the country and among all the political parties. Another significant report on the post office network, which was commissioned by the Irish Postmasters' Union, compiled by Grant Thornton and published last year, contains some interesting proposals with regard to the direction the network might take in the future. I agree with the thrust of the report compiled by Deputy O'Mahony's committee. The committee examined the current configuration of the network and the importance of Government contracts and its report contains suggestions in respect extra business opportunities for post offices. The pivotal role post offices play in communities, in both financial and social terms, is acknowledged in the report. Post offices act as a financial hub and as front offices for Government and utility providers and serve as a social hub for local communities. In the Upper House, a number of Senators urged that we should divert more Government contracts to the post office system. I am entirely in agreement with that general proposition but what was suggested must be done in accordance with procurement procedures. The latter must be acknowledged in the context of the strictures under which we operate. A common-sense approach to improving the viability and sustainability of the network is reflected in the recommendations contained in the report before the House. I am pleased to say many of the suggestions put forward may have already been adopted, at least in part, by An Post.

The local post office is seen as a stalwart and unchanging part of the Irish landscape. An Post and postmasters have, however, recognised that in order to remain relevant to the needs of local communities, the network must move with the times. While offices may appear fairly traditional on the outside, the network has experienced some significant developments. Foremost

among those development is the fact that the network is now fully computerised. Post offices operate in an increasingly competitive environment and face challenges from other retailers with electronic payment operations and from online channels. As a result, the investment in computerisation was timely.

One of the points made in the Seanad - this offers potential for the future but I am not sure it is being pursued as aggressively as might be the case - related to basic bank accounts. As Deputies are aware, in recent times An Post has engaged in diversifying its business, creating and offering new products to the public and reaching arrangements with particular banks, such as AIB and Danske Bank. This is the way of the future. The fact that the network has been computerised represents a major step forward. An Post was recently successful in winning the contract to handle half of the cash payments made by the Department of Social Protection to its clients. As that Department moves towards an electronic-transfer-of-funds model, challenges will arise. An Post will be as entitled as any other entity to bid for the business in this regard but even if it is successful, there will be less of a margin in respect of such business than is the case at present.

There is no doubt that An Post faces a number of challenges. As a result of the availability of e-substitution, its core business is in decline. However, it has managed to create new products and attract new business. It is modernising its network and its brand is trusted throughout the country. I am concerned, however, that when the electronic transfer of funds takes over, and even if An Post is successful in winning the relevant tenders, the yield, from a business point of view, will be lower than is currently the case. There are challenges but An Post has a solid brand and there is significant support for it.

My colleague, the Minister of State, Deputy Fergus O'Dowd, will reply to the debate. I understand he has agreed to share some of his time with Deputy Penrose.

**An Leas-Cheann Comhairle:** That is noted.

**Deputy John O'Mahony:** I thank the Minister for sharing his time with me on this important debate on the sustainability of the post office network. I welcome the fact that this report is being debated here today. As a member of the working group of the committee that helped to draw it up, I am very aware, having listened to all the presentations, of the huge challenges there are and the changing patterns of the lifestyles of our communities as they are being lived in the 21st century. However, as well as the challenges there are opportunities and while change is taking place, and there will be more to come, all the stakeholders, including the Government, An Post, the postmasters' union and, above all, our communities and the people the post offices serve must realise that in terms of An Post and the post offices, we have a very strong and trusted brand.

This network has delivered a vital range of services to the most isolated rural villages, as well as to the biggest towns and cities in the country. It is important also that this debate is taking place at this time when all the major banks have announced the closing of branches throughout the country. Allied Irish Bank did it last year and Ulster Bank announced it would be closing up to 40 branches a few weeks ago. In many respects, the local post office is the one part of the financial network system around the country that is trusted and that provides the services that are so vital to communities.

The post offices of this country continue to provide a personalised service which is still re-

16 July 2013

quired and appreciated by the vast majority of citizens. The post office is and always has been about much more than the services it provides. Changes in technology by the use of electronic substitutions or e-mail and so on has meant a decline in mail services and, as a result, the other sources of income to post offices are even more important. Two of the main sources are the Government contracts and financial services such as the NTMA contracts. In this regard, I very much welcome the recent announcement by the Minister for Social Protection that An Post was the preferred bidder for the delivery of the over-the-counter cash services in 2012. Some 43.7 million payments were made through the postal network of 1,152 post offices. However, along with this announcement came a sting in the tail with the aim to reduce the cash payments to 3% by the end of 2014. We should think carefully before this is processed. It should not be done at the expense of thousands of jobs in our post offices throughout the country. Post office income is based on each transaction that is processed on behalf of the client and if that money is paid electronically, that income will be drastically reduced. I note that for example in Ballymun post office, which is not in my constituency and, therefore, I have no brief to speak on its behalf, this would mean the reduction of 70% of the income of that post office.

It should also be noted that 13% of people do not have bank accounts and that they will have to pay to withdraw money from those bank accounts if it is paid electronically. Throughout the villages and towns of the country, whether it be a Friday or other days social welfare benefits are paid, the footfall for many of the local businesses and shops comes as a result of that money being passed out on those days.

Time prevents me from going into further details and recommendations of the report, but I want to briefly refer to two other matters. The range of services and Government services can be delivered efficiently to the people at local level. I am referring to motor tax renewals, property tax payments and water charge payments - we might wish some of them were not in place but they are in place - and people who pay them need to have an easy, convenient and accessible way to do this.

Some of the biggest controversies in recent years, in some of which I was involved, have surrounded the closing down of post offices. There needs to be a look at how that is done. Communities have to play a part also. There should be an early warning system where communities would be given the opportunity to demonstrate that they want to hold onto their local office. If they are not given that chance, there will be a feeling of bitterness in the community. In other words, if income is declining in the local post office, the community in question should be given a chance to use it or lose it.

**Deputy Michael Moynihan:** I would like to share time with Deputy Troy.

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

**Deputy Michael Moynihan:** I welcome the opportunity to contribute to this discussion. I understand the Minister has to return to the Cabinet meeting. We are dealing with an important report. The joint committee put a great deal of work into its examination of the future of the post office network. I do not think there is anything more emotive in urban or rural communities than the closure of an office of the State, in this case, a branch of the post office network. In recent years, communities that have suffered the closure of post offices have become lesser entities because of those losses. We fear that the efforts of the Department of Social Protection to move to an electronic-based payment by 2017 could affect the income of postmasters and post offices and almost cut off the lifeline to the post office network. This fundamental point

should be examined. There has been a fear over the years that social protection payments will be taken from post offices, on the basis of EU law, Irish law and everything else, and that such a measure will cause some damage. It seems that the Department of Social Protection is to issue a report on this proposal in September in the absence of any cost-benefit analysis or detailed analysis of its impact.

As long as I have been in this House, people have been talking here and elsewhere about motor tax and all the other State business that could be done in the post office. There does not seem to be any urgency about making sure that is done, however. There is always another agenda and another reason more payments are not being made at the post office. We should ensure this trusted brand, as the Minister quite rightly referred to it, operates as a community information office as well as a post office. While we acknowledge the great contribution of the joint committee in compiling this report and making proposals, this debate needs to have a serious focus on what is coming down the track. Is a Department considering the possibility of changing its system of payment in a way that would cut off the lifeline to the post office network throughout the country? It is vital a cost-benefit analysis to be done and proper procedures followed. The Department of Social Protection is highlighting the issue of savings, but we must not rush into cutting off the lifeline to the post office network. It would not be acceptable for the Department to make a decision that would be detrimental to a trusted brand that the people want to retain in their communities.

We could consider a raft of issues in the context of this debate on the joint committee's report, but I would like to put this specific point to the Minister of State, Deputy O'Dowd. I ask him to ensure An Post and, more importantly, the Department of Social Protection are aware of the need for a cost-benefit analysis to be done before any decisions are taken. If a decision is taken on foot of the report that is to be published in September and we move on from there, it will be too late for many of the smaller post offices that depend on Friday payments and weekly payments to generate an income, a trade and a footfall in small communities. This is vital, given that the retail sector in our small villages is suffering huge hardship at the moment. This debate is a signal of our serious intent regarding the recommendations that are in the report. A great deal of work was done and many people came before the committee to give an honest analysis of where things are at.

In 1994, an association called Conserve Our Rural Post Offices started up in my own community of Kiskeam. At the time, there were plans to only have mail in specific post offices. The association has been fighting since then. There is no sense of urgency on the part of the Departments of Social Protection or Communications, Energy and Natural Resources or An Post, which is wholly owned by the taxpayer, regarding protecting post offices, which are vital throughout this country. Every politician, be they from urban or rural Ireland, wants to maintain post offices. If there was a threat to post offices some 20 years ago, very little has been done to ensure that new State business is provided through the post office network.

**Deputy Robert Troy:** I thank my colleague for giving me an opportunity to speak in this important debate. I place on the record of the House that I have an interest in this area. I have been a postmaster in my constituency of Longford-Westmeath for the past eight years and am proud to be the fourth generation of a family that has provided a service in the community. Not only are we providing a service, we have been supported so well down through the years by people throughout the community we serve.

I am unashamedly supportive of the post office network and have first-hand knowledge of

16 July 2013

the pivotal role played by An Post and its network, particularly in rural Ireland. It plays a strong and pivotal role in urban Ireland but particularly so in rural Ireland. Only last Friday, I had occasion to spend a couple of hours in the post office and saw at first hand the number of people whose only outlet may be a weekly visit to the village to collect their old age pension, disability pension or carer's allowance and who then go on to support other businesses and commercial entities in the village in which the post office is located. It is not only about the post office but about supporting rural businesses also.

The Department of Social Protection's tender will go out in September 2013 and there is a very real threat that the payment of social welfare payments will be removed from post offices and be paid electronically, which is why we are here today. If this was to happen, one would see a reduction in cash payments from 51% to 3%, which would make many post offices totally unviable. It would pull out one last major piece of service from rural Ireland. We have already seen Garda stations close. Only this week, we saw the effects of a reduction in Garda personnel resources. We have already seen bank branches close. This is not the responsibility of the Government but it is another service coming out of rural Ireland. We see a policy where the Government wants to force the amalgamation of rural schools.

Instead of just coming forward with platitudes, niceties and compliments about the good work done and the pivotal role played by the post office network, the Government should follow them up with real actions. It should accept that the Department of Social Protection's strategy of electronic payments will have detrimental consequences for the post office network. The Minister of State should be man enough and honest enough to come out and accept that. The Government should carry out a cost-benefit analysis before this issue goes to tender. This analysis should look not just at the economic costs but at the social costs to rural communities if these post offices were to close.

We have witnessed it. If one looks at the United Kingdom where many rural post offices closed, one can see that not only did the post offices close, small family groceries became unsustainable as a result. We need to look at that. At a time when there has never been such little confidence and trust in our banking institutions, this Government is trying to force more people into the banking institutions.

It must be acknowledged that An Post has carried out a great deal of work on examining how it can produce and offer alternative services. It commissioned a report from Grant Thornton to examine how it could expand the services it offers. This independent report showed that at a time when we want to bring about greater efficiencies and savings in the public service, if An Post was able to offer motor tax renewal it would save the Department of the Environment, Community and Local Government €60.6 million a year. We should also examine An Post being eligible to offer other alternative services such as paying hospital fees. There is a myriad of services it could provide to ensure one of the most integral services in communities is maintained.

**Deputy Michael Colreavy:** During my short time in the Dáil I have noticed an absence of holistic planning in government and this has probably been the case for years. We tend to take a service or a set of services within a Department and analyse it and produce reports, but up to now we have not looked at the wider impact of these services and Departments. We have been slow to look at connections between Departments and take an holistic view. This report is a beginning in adopting such an holistic approach. It probably does not go as far as I would like, but it is beginning to get there. The report, which examines the context in which An Post's ser-

VICES are provided, outlines a number of recommendations and highlights several issues which affect not only the post office network but also those who avail of its services.

Post offices are the very heart of rural communities. I represent a rural area with a low population and I know how essential is the post office. Schools, Garda stations, local shops and pubs are at the heart of local communities and the post office is there with them. We are witnessing the closure of local Garda stations, shops and pubs and this damages our infrastructure, particularly in rural communities. The withdrawal of a school bus can have the effect of closing a school and ripping out the heart of a rural community. It is the same with post offices. Rural communities are also suffering because of emigration. Many rural communities are beginning to lose hope, which is the most frightening aspect of this. Every decision we make on what services are available and what we should do with them must take into account the impact on the wider rural community.

The post office network is part of the fabric of many communities and should be seen as a vital part of the campaign to hold our communities together. We often receive briefings from various groups and sectors with the aim of protecting their place in the community. What makes the post office network different is the fact it has the ability to be cost neutral if it is managed and utilised to the maximum.

The post office network has existed for decades and has built up trust over the years. It has been paid for by taxpayers and provides an essential service. It provides a service way beyond its statutory obligation. It is the conduit of communication for people in rural communities and the place where they meet. This report sets out nine recommendations. It is good that we did not come up with hundreds of recommendations that might never be implemented. There are only nine but they are all capable of being implemented and, if adopted, they would make the post office network more sustainable.

Given the social benefit of personal contact between post office staff and their customers, the committee recommended that other Government services should be made available through the post office network. Access to services is key and we should make it easy for people to do so. We have a ready-made network of facilities and we do not use it as well as we should. We must broaden our mind beyond the traditional services that were provided at post offices and make them busy places where even in rural communities people walk in and out and talk to each other.

Considering the isolation that can occur, especially among older people and in rural areas, it seems appropriate that Government services should be moved to a facility with which people are comfortable and in which they have confidence. I refer to the payment of motor tax renewals, hospital charges, business rates, rent and other Government payment services. We should examine every transaction between the citizen and the State involving paper or electronic communication with the aim of involving the post office.

The social welfare contract has been of major importance to the sustainability of the post office network. I welcome the recent announcement by the Minister for Social Protection, Deputy Joan Burton, that An Post is the favourite candidate to retain the social welfare contract into the future. The loss of the social welfare contract would have major implications for the sustainability of the post office network. However, I am concerned at the proposal to consider electronic funds transfer. We must take a cross-departmental approach. Unless and until every post office in the network is capable of handling electronic funds transfer the Government should,

16 July 2013

unashamedly - regardless of pressure from the banks or the European Union - say that the post office is the preferred carrier for electronic funds transfer. That might give rise to competition issues but let us deal with them. There is a danger that citizens will have to pay high banking charges from their already low social protection payments and we must champion them and the public post office services.

A very important aspect of the committee report was the need for a warning system for post offices that could face possible closure. We referred to an amber light warning system. I have seen in my area that in many cases the community is the last to know that the post office is about to close. One needs more than one month or two months notice. One needs between 12 months and two years to give a community an opportunity to consider whether it is possible to retain the service with different personnel or by introducing a slightly different model. Such notice would give communities some power to organise their own future. If one is going to take something away, a community should be given an opportunity to fill the gap itself before taking a decision to close a post office. That would allow for a community response to the problem and the possibility of community solutions.

One of the services in danger of closure, especially in rural Ireland, is the local bank. Post offices must be ready to handle financial transactions, including deposits and withdrawals in respect of credit unions and the major banks, but in particular they must be capable of dealing with electronic funds transfer from the Department of Social Protection, if that is to be the way forward. Let the banks complain. If the post offices can do it without charges and the banks want to continue to charge their customers, on their head be it.

During the hearings, there was no reluctance on the part of the staff organisations to examine ways of making processes more efficient, using bar codes, etc. However, the organisations fear that to become more efficient is to make the network leaner in order to have it privatised. Privatisation must be resisted every step of the way. Private companies would cherry-pick profitable areas and the taxpayer would pay more for services in rural areas. Streamlining should be for the benefit of services and customers. It should not be used to make the service a more attractive proposition for privatisation.

The post office network provides a valuable resource for local communities, particularly those in rural areas. With the loss of so many services, it is essential that the network be retained so that it can continue to provide for communities the length and breadth of the country.

**Deputy Thomas Pringle:** May I share time with Deputy Wallace, with five minutes each?

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

**Deputy Thomas Pringle:** I welcome this important debate on the committee's report. It is timely, given the recent announcement that An Post is the preferred bidder to continue the Department of Social Protection's contract. This is important for the future of the An Post service, as well as for all citizens.

The importance of the post office network to rural Ireland has been well rehearsed in the House. Donegal has seen a number of closures in recent years. These have had negative impacts on communities across the county. That the network is also vital in urban areas shows An Post's importance as an entity. For example, post masters have told me of the importance of human contact to people in urban areas who visit their post offices to collect their weekly pensions. The staff and customers have built relationships. This is good for the social well being

of everyone in rural and urban Ireland. We should maintain this aspect.

The report's amber light proposal is worthwhile. An Post should do more to communicate with communities about what is happening in the network. Currently, a decision to close a post office has already been made by the time An Post communicates with a community. It is not a discussion on whether to keep the office open, but on how to manage its closure. It is probably too late for the community to save the service.

The citizens of the country are the sole shareholder in An Post. Through this House and the Minister's office, we should be able to direct An Post to do what we want it to do. Clearly, people want it to provide services and to maintain a presence in rural communities. Government policy should be to ensure this. All Departments must work together to determine opportunities for rolling out government services through the An Post network, which is in most communities.

In this regard, one of An Post's best opportunities in the coming years will be that of the roll-out of the basic payment account. The Government must ensure that An Post is at the heart of that roll-out. Some 51% of An Post's payments are over-the-counter cash payments. People who are unbanked and cannot access bank accounts for electronic payments - approximately 18% of our society - are the same people who collect cash from An Post. We would be able to maintain this system if An Post was at the heart of the roll-out. People would have basic payment accounts and be able to collect money from tried and trusted people in their communities' post offices on a weekly basis. It would also benefit anti-fraud measures by the Department of Social Protection. I raised this point with the Minister, Deputy Burton, last week. There is less chance of fraud if human contact is maintained when people come to collect their social welfare payments. That is vital, especially when the new contract will see a move towards electronic payments. The Government, and society in general, need to realise that An Post is of vital concern to the postal network. If that means discussing the matter in Europe to maintain the network, then we need to do so. We should be maintaining what is a vital public service throughout the country.

**Deputy Mick Wallace:** The situation was well described by the Irish Postmasters' Union which stated:

Post offices are an important strategic asset for Ireland and we must ensure that the network is sustained for the future. The Grant Thornton report highlights how important the post office is for communities, especially in rural areas and for the elderly, disadvantaged and financially excluded. The network of post offices is too valuable to lose. The contribution of the local post office in sustaining the economic life of communities, especially in light of bank branch rationalisation, cannot be underestimated. Now is the time to act so that the post office, a vital ingredient in the life of communities throughout the country, is not lost like so much of the infrastructure that has already disappeared. The cost of losing the network cannot be understated in both social and economic terms.

If we only make decisions on the basis of the financial bottom-line, it will leave much to be desired. If I was prepared to maximise my own profit in building a house, the building might not be quite as good as it should be. There are many such matters to be considered in this context.

I ask the House to forgive the parish pump element, but a post office in Duncormick, a vil-

16 July 2013

lage near my home, has been closed. Some 1,200 people wrote to An Post appealing for it to be kept open. It was the last post office in the parish of Rathangan, and there is no post office left there now.

An Post seems to believe that if people do not have to travel more than 10 km, that is grand. The reason so many people wrote to complain is because it is too far to travel to another post office. Many old people in rural areas do not have bank accounts or transport. The local post office means so much to them. Too many people are affected by such closures and the Government should not abandon them.

I realise that An Post has a financial mandate to turn a profit, even though it is a State agency. If necessary, however, the Government should help rural post offices to remain viable. If State aid is required, then that is what we should provide. It would be money well spent. Joined-up thinking is seriously lacking in this regard. It would be very positive to provide such help and, in the long term, it would be financially beneficial for the Government to keep rural post offices open, even though they may not appear to An Post to be financially sustainable.

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd):** I wish to share time with Deputies Penrose and Bannon.

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

**Deputy Fergus O'Dowd:** I apologise for the unavoidable absence of the Minister, Deputy Rabbitte, who is attending a Cabinet meeting.

As we draw this discussion on the post office network to a conclusion, I acknowledge and appreciate the opportunity to discuss this important topic. It is clearly evident from the various speakers how much the post office network matters to the daily lives of ordinary people. The post office is often the first port of call when personal, commercial or financial matters need to be transacted.

As the Minister said in the Seanad and in an address to the Irish Postmasters Union, the post office is unique in that it provides a personal face-to-face service with its customers in this era of increasing moves towards faceless electronic transactions. That point has also been well made by many Members of the House.

All post offices are now computerised and automated. This, coupled with the personal touch, can only augur well for positioning the post office to do its best in rising to the demands of new business opportunities in the rapidly developing electronic commerce world. I thank the Joint Committee on Transport and Communications for its comprehensive report, which has captured the essence of the range of issues facing the post office network. An Post, the IPU and the Government are desirous of having a strong economically viable nationwide network of post offices, where this makes sound and reasonable commercial sense. As set out in the joint committee's report, any efforts for new business must be mindful of public procurement and compliance with all relevant national and EU legislative provisions. Notwithstanding this, I wish all involved in the post office network every success as it charts its way forward. As Minister for Communications, Energy and Natural Resources and a shareholder in An Post, Deputy Rabbitte will do all he can to ensure that the future will be one in which the tradition of the well respected post office network will be passed on to new generations.

**Deputy Willie Penrose:** I thank the Minister of State for sharing time with me. I, too, com-

pliment the Joint Committee on Transport and Communications on its focused, clear and targeted report, the recommendations of which are precise and leave no room for doubt or ambiguity.

The Irish Postmasters' Union commissioned report by Grant Thornton outlines in detail the range of services that could be provided through the post office network in Ireland and sets out a compelling case for new services and contracts. The post office network, which comprises approximately 1,150 post offices countrywide, is a key natural resource and a significant retail network. In many rural communities, the post office may be the only retail outlet available. They may, in the context of bank closures, be the only one available.

The post office network has the capacity to facilitate additional services. The Grant Thornton report identified such future services as motor taxation payments, extension of current banking facilities, payment of the household charge and hospital charges. It must be acknowledged, when considering long-term sustainability of the post office network, that the socio-economic factors are substantial. For many local businesses and residents, the closure of a post office could result in significant additional expenses, including time and cost of travelling to a post office located further from them. From a community perspective, it is undoubtedly the case that the post office acts as a focal point for information exchange that facilitates social inclusion and reduces isolation. It is important we are actively involved in post offices continuing to play a vital role in communities. The biggest danger in this regard is the Department of Social Protection's tender on electronic transfer of social welfare payments due in September which, if lost to the post office network, could lead to a significant reduction, from 51% to 3%, in cash transactions from December 2017 and could result in the closure of approximately 400 post offices, to the devastation of rural Ireland.

I support what has been proposed.

**Deputy James Bannon:** I thank the Minister of State for sharing time.

As we all know, post offices are the cornerstone of rural communities, in particular for the elderly. I believe they should play a greater role in the future, including by way of provision of additional banking services. The potential growth and economic benefits of the post office network for rural areas cannot be ignored. The provision of additional services by post offices would save the taxpayer millions of euro, increase business and save jobs. The Grant Thornton report on the future of the post office network in Ireland should be supported. It is a proactive approach to the development of the post office network. Furthermore, post offices, of which there are approximately 1,100 branches, are the largest retail network in this country. It is important we support the provision of services to the communities by the post office network.

What is needed is provided for in the report. I am sure if time permitted every Member would wish to speak on this issue. There is political support for the concept of the post office network, which should be translated into real action. The politicians of this country believe the post office network should be maintained and expanded for the benefit of communities.

*Sitting suspended at 1.50 p.m. and resumed at 2 p.m.*

16 July 2013

## Ceisteanna - Questions

### Priority Questions

#### Planning Issues

53. **Deputy Barry Cowen** asked the Minister for the Environment, Community and Local Government the timescale for the appointment of an independent inquiry into planning irregularities following the High Court decision of 14 June 2013 to quash part of the internal planning review; and if he will make a statement on the matter. [33939/13]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** The planning review report I published on 12 June 2012 was prepared internally by my Department. I committed to having the report assessed by an independent planning expert and on 8 March 2013, I published the independent evaluation of the planning review report of June 2012 prepared by Mr. Hendrik van der Kamp. The planning review report produced strong recommendations which have stood up to independent assessment. Both reports are available on my Department’s website, *www.environ.ie*.

On 14 June 2013, the High Court made an order quashing that part of the planning review report relating to County Donegal following a settlement between my Department and another party who had brought judicial review proceedings in respect of that part of the report. The matter has now been disposed of to the satisfaction of both sides.

I am continuing my efforts to restore public confidence in the planning system by opening up the review process and system to maximum scrutiny. Accordingly, and for the avoidance of any doubt over the validity of the process to date, I have decided to appoint independent consultants, following a new tendering process to be commenced shortly by my Department, to conduct an independent review of the application of planning practices and procedures in the other six local authorities included in the planning review report in light of the settlement of the judicial review proceedings. A request for tenders will issue shortly. I have also sought the Attorney General’s advice on how best to proceed in the case of Donegal County Council.

**Deputy Barry Cowen:** I thank the Minister of State for her reply. On foot of her statement that the Department is in the process of instigating a new independent review and considering that we are back in the position we were in three years ago, does she accept that the original decision to terminate the independent inquiries was incorrect? In light of the decision made by the Government to bring down the independent review and the High Court decision in this matter, is it a fair analysis that the Government has concluded it is necessary to establish a new independent review? Would the Minister of State not consider utilising the panel put in place by the former Minister, Mr. John Gormley, in January 2011 in order to expedite any such process involving putting an independent review back in place?

**Deputy Jan O’Sullivan:** In the interest of accuracy, first, it was a review and not an inquiry and second, it was not instigated. A panel was set up but the process was not commenced by the then Minister, Mr. Gormley, nor was it commenced by Deputy Ó Cuív who took over when Mr. Gormley resigned from the then Government. A decision was made in good faith by my

predecessor to carry out an internal review. It was held open that if necessary there would be an independent review, but it was always a review and not an inquiry. I have now decided, in view-----

**Deputy Barry Cowen:** We are now back where we were two years ago.

**Deputy Jan O'Sullivan:** No, we are not because we have had a number of recommendations from the internal review and also from Mr. van der Kamp's appraisal of the review. I intend to implement those very solid and practical recommendations with regard to the planning process.

On the Deputy's second point, I am now having a review by external experts. I cannot use the process and the people put on the panel by Mr. Gormley. Apparently for fair procedure we have to start a new process because of the time that has elapsed.

**Deputy Barry Cowen:** Does the Minister of State consider they were inappropriate?

**Deputy Jan O'Sullivan:** It will not take long. We will shortly put it out to tender. There is a period of probably two months or so when that will need to be considered and then a decision will be made. I expect the process to be in operation in the autumn.

### **Water Services Provision**

54. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government the progress being made on the Dublin, Garryhinch, Shannon water supply project; and the timeframe for planning, construction and completion phases of this project. [34089/13]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd):** The Dublin water supply scheme long-term water source is listed as a scheme at planning stage in my Department's water services investment programme 2010 to 2013. Dublin City Council is the lead authority for this scheme, on behalf of all of the water services authorities in the greater Dublin area.

Studies carried out for the city council and a strategic environmental assessment have identified a preferred option which involves abstraction of raw water from Lough Derg and pumping the abstracted water through a new pipeline to a proposed storage reservoir at Garryhinch cut-away bog in County Offaly, forming part of a proposed midlands water-based eco-park. After treatment, water would then be conveyed to the west of Dublin where the new supply would be integrated with the existing storage and trunk distribution system.

In December 2012, the Department approved a brief for the engagement of consultants for the planning and statutory approval phase of the scheme. Dublin City Council has carried out a procurement process and I understand it will shortly be in a position to appoint a consultant to advance the further planning of this scheme.

The programme for project implementation has been developed based on the planning and statutory approval phase taking approximately two years. The detailed design and procurement phase should take a further two years, while the construction and commissioning phase should be completed in three years

16 July 2013

Following their appointment by Dublin City Council, the consultants will undertake the environmental impact statement and other statutory requirements in preparation for a submission to An Bord Pleanála which will adjudicate on the matter.

**Deputy Brian Stanley:** I thank the Minister of State for the reply. This is a huge project with major implications for the midlands and in particular for Laois and Offaly in terms of long-term jobs and jobs in construction, and it is clearly the Government's preferred option. However, the reply the Minister of State just gave does not outline when a planning application will be made, when it will start construction or when we are likely to have completion. Is Dublin City Council, as the lead authority, pushing it? A 12-month monitoring stage to collect data is required before it can start at all. Finance needs to be accessed and legislation is required, as the Minister of State will know, to establish Irish Water. I understand that legislation has implications for this project.

Where is it at and where is it going? I understand very little has happened on the project in the past two years. It needs to go through various phases, including the planning phase. The Minister of State has just outlined that if this started tomorrow morning it would be seven full years before it would be brought on stream, that is, 2021. I assume that it will not start for some time yet since Dublin City Council is only now in the process of working out how to hire consultants for some of the studies and the planning phase. We need something firmer in terms of a start-up date.

We have been told that Dublin and parts of the east coast are running out of water. I realise this is partly due to leaks but this is what we are being told by the Minister of State and experts in the Department. It appears to me this project is on a go-slow. If the Minister of State is serious about going ahead with it, then it needs to be pushed on. My concern is that with all the toing and froing associated with the establishment of Irish Water this project has been left to one side.

**Acting Chairman (Deputy Olivia Mitchell):** Deputy, the Minister of State needs some time to respond.

**Deputy Brian Stanley:** Regardless of whether one is for or against it we need to know when the construction phase will start, as well as the estimated completion date.

**Deputy Fergus O'Dowd:** With respect, it has to be done properly and well. Although it may take up to seven years it does not mean each process is not fully thought out and planned. All of the issues that might arise must be dealt with. The project requirements for implementation by 2020 include the planning phase and the preparation of the environmental impact assessment; the preparation and submission of the planning application to an Bord Pleanála; the processing of the planning application by An Bord Pleanála; compliance with EU procurement directives; the assessment of procurement options; the drawing up of contract documents; the procurement and assessment of tenders; the appointment of service providers, contracts and operators, since the construction phase will involve multiple contracts operating in parallel in greenfield site conditions; and commissioning.

Dublin City Council is running the project. It is not that the Department has been doing it up to now. The council is procuring a consultant to progress the planning phase. It is envisaged that Irish Water will be responsible for the delivery of capital projects from 1 January next year. Responsibility for the delivery of the project will, therefore, transfer to Irish Water

in 2014. Bord na Móna has a key critical role in the successful delivery of the project. The recommended location is a Bord na Móna cutaway bog at Garryhinch. The proposed route of the raw untreated water pipelines traverses the heartland of Bord na Móna's activities and the communities in which it operates.

We cannot afford to rush this but some things can be done in parallel. In other words, when Irish Water takes ownership of the project it may be able to find synergies in terms of times within the seven-year period. The fact is that this must be done right and properly. Clearly, significant planning issues are involved. I am confident that it will progress. There has been no delay on the part of the Minister or the Department in this matter.

**Deputy Brian Stanley:** The Minister of State has said that Dublin City Council is the lead authority. I am aware of that but the point is that the project seems to have been put in the go-slow lane for the past two years. It appears from the reply of the Minister of State that when Irish Water takes over in 2014 it may move on at that stage. To me, the fact that Dublin City Council is only now setting about procuring consultants to examine the planning phase tells me that nothing is moving fast under this project. It needs to be moved on if we are to go ahead with it.

**Deputy Fergus O'Dowd:** Dublin City Council is aware that there is only a 1% difference between supply and demand. Therefore, if anything significant occurs the supply could be in crisis. Normally, a city has a 15% surplus because of other outages or problems that might arise. I refute utterly that Dublin City Council is dragging its heels. If the Deputy has questions then, he ought to ask Dublin City Council to come before the relevant Oireachtas committee and he can carry out due diligence and question the council. That is the proper place to bring the council at this time. I believe the council is doing its best and there is no unnecessary delay in this matter.

**Acting Chairman (Deputy Olivia Mitchell):** I understand Deputy Joan Collins is taking Question No. 55 with the agreement of the Ceann Comhairle.

### **Local Authority Housing Issues**

55. **Deputy Richard Boyd Barrett** asked the Minister for the Environment, Community and Local Government to outline his plans to deal with the circa 90,000 persons on the housing waiting list; if he will provide a progress report on the number of National Asset Management Agency units that have been given over for social housing; if he will provide full details of all plans for social housing new builds throughout the country; the timeline for the transfer of rent supplement to his Department; and if he will make a statement on the matter. [33941/13]

**Deputy Jan O'Sullivan:** The Government's housing policy statement, published in June 2011, clearly identifies that the priority for Government will be to meet the most acute needs of households applying for social housing support. I am determined to ensure the social housing programme optimises the delivery of social housing and the return for the resources invested. To achieve this, it is essential that we tailor the use of available Exchequer supports to prevailing conditions and explore the full range of solutions to address housing needs.

The financial parameters within which we will be operating for the coming years rule out a return to large-scale capital funded construction programmes. The Government is commit-

16 July 2013

ted to responding more quickly and on a larger scale to social housing support needs through a variety of mechanisms, including through increased provision of social housing. In July 2012, I announced details of a three-year funding programme of €100 million to deliver some 800 new units of voluntary and local authority owned social housing. This includes a construction programme for 185 local authority houses and 111 houses for special needs accommodation for the approved housing bodies.

Delivery of social housing will be facilitated through more flexible funding models such as the rental accommodation scheme and leasing, but the Government is also committed to developing other funding mechanisms that will increase the supply of permanent new social housing. There is also obvious potential, across a range of housing programmes, for the Government's objective of sourcing and providing suitable residential units for use as social housing to be aligned with the commercial objectives of the National Asset Management Agency.

At the end of quarter 2, 2013, some 296 properties had been delivered for social housing from NAMA's portfolio, with contracts signed in respect of a further 101 properties. This brings the overall total number of residential properties completed or committed to social housing under the initiative to date to a little under 400 properties. It will continue to be my Department's objective in 2013 to maximise the delivery of social housing from the NAMA portfolio using all of the resources available. In spite of the currently challenging circumstances the overall final outcome for social housing in 2012 is some 5,000 units. It is provisionally estimated that in the region of 5,000 units will be provided in 2013.

In March 2012, the Government approved in principle the transfer of responsibility for recipients of rent supplement with an established housing need from the Department of Social Protection to local authorities using a new housing assistance payment, HAP. My Department and the Department of Social Protection have been working closely on the legal, policy and operational issues involved in the project. It is intended that the test phase of the HAP would be carried out in early 2014 subject to the necessary housing and social welfare legislative provisions being in place, including those relating to facilitating deduction of rents at source from welfare payments. Once the test phase is complete the scheme will be extended to other local authorities.

**Deputy Joan Collins:** The Minister of State should admit to the reality that we have a housing crisis. This is the main issue that comes through my door every day. People come having waited ten years for a housing allocation and with problems with transfers. The rental accommodation scheme is drying up. Some landlords figure they can get more from the private rental schemes than the RAS. We are moving to a position whereby rent allowance is being run by the local authorities. How will it be run? Will the same conditions of the RAS apply such as not allowing landlords to push people out of private rented accommodation unless they are selling the home? Staffing levels in the local authority are having to deal with this. Are the resources in place? Housing workers are under severe pressure without having to take on rent allowance.

Between 90,000 and 100,000 families in the State are on housing waiting lists but the Minister of State referred to 397 units from NAMA, 800 voluntary housing units, 185 new builds and a total of 285 units in Dublin city between 2013 and 2016. It is a disaster. The Minister of State, a member of the Labour Party, is standing over all of this. Why is there no immediate plan to sit down and figure out that 90,000 families need to be housed? That does not include the homeless section. Some ten people present themselves every day to the local authorities from the homeless sector. It is a disaster and there should be a critical response from the Min-

ister of State to the crisis we are facing.

**Deputy Jan O’Sullivan:** I agree with the Deputy that we have large housing waiting lists. Those housing waiting lists have been building up for many years, including during the Celtic tiger years when there was money around. Unfortunately, we are constrained in terms of funding. That is why we are adopting a flexible approach whereby we are delivering 5,000 units per year.

The Deputy asked a specific question about the HAP. People will pay a differential rent when they transfer to the HAP. It will be different to rent supplement. We will be getting rid of the poverty traps under the rent supplement arrangement. This has generally been welcomed throughout the House.

The Deputy asked about private landlords and whether people in private accommodation could be subject to the whims of the landlord. The Government is also amending the legislation under which the Private Residential Tenancies Board operates and this measure is going through the Oireachtas at present. The Government wishes to give as much security as possible to tenants in all situations, no matter who is their landlord, be it a local authority, a private landlord or an approved housing body. As for NAMA, it has been very slow and I have expressed my concern about the transfer being slow but it has speeded up this year. This is because what is called a special purpose vehicle has been put in place into which NAMA is gathering appropriate units and that is speeding up the process. This is the reason there has been a much more significant number this year than was the case last year, bringing the total from NAMA up to almost 400. The Department meets NAMA regularly and in so far as it can, it is putting on pressure to ensure delivery from NAMA. However, the Government is in a tight financial position and cannot spend money the State does not have. Nevertheless, I am as concerned as the Deputy to ensure the needs of people who need housing support are addressed and this is the reason the Government is taking all the measures being taken.

**Acting Chairman (Deputy Olivia Mitchell):** While the time for the question has expired, I call Deputy Joan Collins for a brief question.

**Deputy Joan Collins:** No real plan is in place.

**Deputy Jan O’Sullivan:** Yes, there is.

**Deputy Joan Collins:** The Government has not stated, given that 95,000 families nationally are concerned, how it should address this issue over a three to five-year period. It will not be resolved through the provision of 5,000 houses per year, even were the Government to meet that level. As for the rental accommodation scheme, RAS, I have encountered cases in which a RAS landlord has sold the housing unit and the occupant has remained in that house awaiting support from the local authority. The landlords in the area realise they now can get more from private rentals and that person remains stuck and cannot move. A free for all is taking place and it is absolutely horrendous. The Minister of State has no plan.

**Acting Chairman (Deputy Olivia Mitchell):** I thank the Deputy but must stop her there, as we are way over time.

**Deputy Jan O’Sullivan:** I must make two points in response. First, of those people on the housing waiting list, approximately 40% are in receipt of rent supplement and therefore are already getting some support from the State. Second, with regard to the RAS, such schemes are

16 July 2013

the responsibility of local authorities. Consequently, if the landlord sells the house, the local authority has a responsibility to the people concerned.

### **Leader Programmes Funding**

56. **Deputy Barry Cowen** asked the Minister for the Environment, Community and Local Government the total amount of money provided for projects in the Leader programme 2007-2013; the amount sanctioned in each measure to date; the amount that remains to be sanctioned; the total spend to date on projects in the programme; and if he will make a statement on the matter. [33957/13]

**Deputy Jan O’Sullivan:** The Leader elements of the Rural Development Programme 2007–2013, RDP, commenced in February 2009 after a delay of more than two years. This reduced the time available to allocate funding to less than five years, rather than the original seven.

Following the reduction of funding available under the programme due to the increased co-funding rate from the European Commission for 2012 and 2013 and the opening of the programme on a “first come first served” basis in 2012, the local development companies, LDCs, were issued with revised programme allocations in May 2013 on the basis of an estimated programme value of €370 million. The final programme value will not be known until the end of 2013 when the precise value of programme expenditure that can be reclaimed from the Commission at 85% can be established. All programme expenditure after the end of 2013 will be refunded at the original co-funding rate of 55%.

Expenditure to date under the programme has been slow, with €19.6 million spent in 2009, €44.2 million in 2010, €47.5 million in 2011 and €53.2 million in 2012. My Department is monitoring commitments and expenditure on an ongoing basis and has given a commitment to examine all unallocated funding at 31 August with a view to reallocating funding to other qualifying projects. The final date for approvals under the programme is December 2013.

The total expenditure to date under the programme is €189 million, which includes administration costs of €42.7 million. The value of outstanding contractual commitments is €101 million, leaving a balance of approximately €80 million to be allocated to new projects and for administration costs. While up to 20% of each LDC’s total programme expenditure can be spent on administration costs, all LDCs have been advised they should aim to spend substantially less than the maximum 20% allowed.

The European Commission has allowed Ireland to spend its programme in line with demand rather than on specific allocations under each measure of the programme. A revised financial plan will be submitted to the Commission by the end of 2013. My Department has requested that all LDCs submit financial plans indicating and detailing their estimated monthly administration and project expenditure in order to conclude the programme during 2014. As soon as these plans can be agreed, the LDC contracts will be extended accordingly.

I propose to circulate in the Official Report a tabular statement setting out the information requested at measure level.

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

Table 1: RDP Expenditure Information by Measure

-	<i>Total Activity</i>	<i>Committed</i>	<i>Total Paid</i>	<i>Outstanding Commitments</i>
<i>Axis 3</i>				
<i>311 - Diversification</i>	<i>€20,331,895</i>	<i>€9,824,622</i>	<i>€4,976,637</i>	<i>€4,847,985</i>
<i>312 - Business creation</i>	<i>€61,936,691</i>	<i>€34,717,927</i>	<i>€18,054,375</i>	<i>€16,663,552</i>
<i>313 - Tourism</i>	<i>€65,275,848</i>	<i>€36,815,986</i>	<i>€20,326,026</i>	<i>€16,489,960</i>
<i>321 - Basic Services</i>	<i>€74,631,713</i>	<i>€53,601,610</i>	<i>€34,496,705</i>	<i>€19,104,905</i>
<i>322 - Village renewal</i>	<i>€81,998,512</i>	<i>€45,492,557</i>	<i>€24,423,927</i>	<i>€21,068,630</i>
<i>323 - Conservation and up-grading</i>	<i>€46,377,025</i>	<i>€22,897,709</i>	<i>€14,120,424</i>	<i>€8,777,286</i>
<i>331 - Training</i>	<i>€25,552,508</i>	<i>€18,575,278</i>	<i>€11,344,217</i>	<i>€7,231,061</i>
<i>341 - Skills acq, animation</i>	<i>€9,789,939</i>	<i>€8,050,513</i>	<i>€4,151,499</i>	<i>€3,899,014</i>
<i>421 - Co-operation</i>	<i>€7,455,290</i>	<i>€5,047,736</i>	<i>€2,511,690</i>	<i>€2,536,046</i>
<i>Total Axis 3</i>	<i>€393,349,422</i>	<i>€235,023,939</i>	<i>€134,405,500</i>	<i>€100,618,438</i>
<i>Axis 1</i>				
<i>123 - Adding Value to agricultural &amp; Forestry</i>	<i>€3,196,359</i>	<i>€706,904</i>	<i>€102,294</i>	<i>€604,611</i>
-	<i>€396,545,781</i>	<i>€235,730,843</i>	<i>€134,507,794.12</i>	<i>€101,223,048</i>

**Deputy Barry Cowen:** I look forward to the tabular details of the funding, as requested in the question. It could be construed and may appear that the Government could be on course to underspend significantly on this programme due to failure to plan effectively. This being the case, at this juncture would the Government not allow immediately Leader companies to approve additional projects, based on the fact that no additional funding can be allocated after March 2015? Based on previous years, there is a 10% rate of non-take-up and consequently, would it not be appropriate, prudent or effective for the Government to allow Leader companies to put in place a qualified list and qualified commitments? This could be done rather than maintaining the hard and fast rules in which the Government seeks to establish the position after the horse has bolted by virtue of what commitments were made, what was spent at the end of 2013, an examination of those figures with a view to making a decision on how this might meet the demand in the following year and so on. Would it not be a lot easier to allow for companies to make qualified commitments, which are understood by those who may be in receipt of them, should the opportunity arise, on the basis of the failures of others, to maximise the potential or the use approved to the latter in the initial allocations?

**Deputy Jan O'Sullivan:** First, the Department is monitoring the position carefully and, as I

16 July 2013

indicated in my initial reply, there is a commitment to examine all unallocated funding at 31 August with a view to reallocating money. Consequently, the Minister would consider it prudent financial management to ensure he does not ask them to enter into contractual arrangements that could not be honoured. The intention is to monitor carefully, at 31 August to reallocate money that apparently will not be spent and to impress upon all the various bodies and local development companies that in the first instance, they should ensure they allocate fully and second, they should ensure full expenditure.

**Deputy Barry Cowen:** As I stated, my fear is based on the possibility to construe that there has been a failure to plan effectively in this regard. The Minister of State obviously will contradict that, which is her right and is understandable as long as she can back it up with factual figures bearing out the point. Can the Minister of State give an absolute commitment to Members, to Leader companies nationwide and, by association, the public who can derive benefits from such funds that can have the positive impact the programme was meant to have in the areas for which it is designed, that there will be no loss in funding by the State with regard to the allocation that comes towards the Leader programme in its entirety?

**Acting Chairman (Deputy Olivia Mitchell):** The Minister of State to respond, briefly.

**Deputy Jan O'Sullivan:** The local development companies must ensure they play their part also. This is the reason there is ongoing communication with such companies and it is being impressed on them they must be accurate and must give the Department the correct information as to what they can allocate and spend. They have a responsibility to ensure this happens, the allocations are accurate and the expenditure is carried through fully. However, the Minister is determined that Ireland will get every bit of the money to which we are entitled.

**Deputy Barry Cowen:** The Minister of State is convinced.

**Acting Chairman (Deputy Olivia Mitchell):** Thank you, Deputy.

**Deputy Barry Cowen:** It is okay, it is on the record.

### **Homelessness Strategy**

57. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government his targets for the delivery of the homelessness strategy; the short and medium-term goals for the ending of long-term homelessness; and any deadlines related to these goals. [33778/13]

**Deputy Jan O'Sullivan:** My Department's role in respect of homelessness involves the provision of a national framework of policy, legislation and funding to underpin the role of housing authorities in addressing homelessness at local level. Statutory responsibility regarding the provision of accommodation and related services for homeless persons rests with the housing authorities. Expenditure on homeless accommodation and related services of approximately €50 million will be funded by my Department and housing authorities in 2013. While it is clear that a proportion of funding must be used to provide sufficient bed capacity to accommodate those in need of emergency accommodation, it is equally important that resources are channelled to deliver more permanent responses in a more focused and strategic way.

When I published the homelessness policy statement in February, I outlined the Govern-

ment's aim to end long-term homelessness by the end of 2016. The statement emphasises a housing-led approach which is about accessing permanent housing as the primary response to all forms of homelessness. The availability and supply of secure, affordable and adequate housing is essential in ensuring sustainable tenancies and ending long-term homelessness. A set of indicators will be used to demonstrate the dynamics of homelessness as it is addressed. These indicators will give a clearer picture of homelessness in Ireland and, in quantifying its ongoing extent, will support the introduction of realistic and practical solutions.

The arrangements for devolving funding to tackle homelessness to the lead housing authority in each of the nine regions in 2013 will seek to ensure the measures being pursued by housing authorities reflect the housing-led approach, that actions are in place to achieve the target of ending long-term homelessness by the end of 2016 and that evidence to support progress will be presented through the reports on the indicators.

**Deputy Dessie Ellis:** I thank the Minister of State. Focus Ireland has recently stated the number of people who are homeless or at risk of losing their homes and seek support from the charity has increased by 23% over two years from 6,500 in 2010 to more than 8,000 last year. Recently, it warned that the continued impact of the recession and additional factors, including a feared increase in the number of family homes being repossessed due to the new code of conduct on mortgage arrears, will mean many more people and families will be at risk of homelessness.

The Minister of State said there would be a multifaceted and housing-led approach to homelessness. How will that work in the short and medium term? The use of rental supplement does not provide permanent housing. It is one part of the plan, in conjunction with local authorities.

There are different needs in terms of homelessness. There are people with mental health difficulties and those who have nowhere else to go. Homelessness involves a multitude of factors. Are the 2016 targets realistic? Meeting them will be very difficult unless we produce more social housing. NAMA is not delivering quickly enough one way or another on the amount of social housing it is providing.

The Minister of State referred to 400 homes, and 100 more are promised in addition to the 280 in place. We are not delivering housing quickly enough. I have seen an increase in homelessness. Placement units have reported that an increasing number of people are coming to them. It is clear many people are sleeping rough. We need to have more goals and to make social housing available. Until we do so, we will not be able to address the multitude of problems encountered by those experiencing homelessness.

**Deputy Jan O'Sullivan:** I agree with the Deputy that this is very challenging and that there has been an increase in the number of people presenting as homeless. That is why we have been so focused on a housing-led policy. Research has shown it is a much more effective way of ensuring people settle in a home with the necessary supports and do not, as has happened in the past, present repeatedly as homeless. We want a more long-term solution that works for the people which the Deputy correctly said often have very complex problems. I am working very closely with service providers and the agencies to which the Deputy referred.

We will build more social housing as soon as we can. I will continue to make the case for social housing under stimulus packages. I believe in that very strongly. In the meantime, we have to use the various methods to which the Deputy referred, such as the rental accommoda-

16 July 2013

tion scheme, RAS. We have to provide support, which is something I also feel strongly about. There may need to be visits to ensure someone is all right, people may need to liaise with the health services, and so forth.

With regard to repossessions, the mortgage-to-rent scheme will address some, but not all, of the cases where people qualify for social housing area and are in danger of repossession. The number of mortgage-to-rent homes has increased in recent times. Things were slow to start because it was a new scheme.

**Deputy Dessie Ellis:** One of the major concerns is youth homelessness. A strategy was announced. Many single people are living in their parents' homes or living rough and moving from place to place. We are not seeing the full extent of the problem. A single person has little or no chance of being housed because there are more than 98,000 families on housing waiting lists. We need to examine youth homelessness. The problem needs to be addressed in a more rigorous manner because some people will end up in long-term homelessness. In many cases we need to urgently tackle short-term homelessness.

**Deputy Jan O'Sullivan:** I have liaised, and will continue to liaise, with the Minister, Deputy Fitzgerald, who published a document on youth homelessness. The voluntary sector is particularly effective in the area. It has worked very hard in terms of provision but there are ongoing issues.

## Other Questions

### Water Charges Administration

58. **Deputy Seán Crowe** asked the Minister for the Environment, Community and Local Government if he will confirm that he will raise the option of the installation of block meters with a more cost effective option for domestic water meters; and if he will make a statement on the matter. [33801/13]

59. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government the way he envisages that public representatives will be included on the board of Irish Water; the number and when they will be elected. [33799/13]

68. **Deputy John Browne** asked the Minister for the Environment, Community and Local Government his plans for water charging; and if he will make a statement on the matter. [33765/13]

71. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government the timeframe for the roll-out of water metering; when it will begin; when it is due to be completed; the number of units covered by water metering; and if he will make a statement on the matter. [33762/13]

81. **Deputy Brendan Smith** asked the Minister for the Environment, Community and Local Government the specific measures that have been taken to ensure at least 20% of those employed in the roll-out of water meter installation are drawn from the unemployment register; and if he will make a statement on the matter. [33760/13]

88. **Deputy Martin Ferris** asked the Minister for the Environment, Community and Local Government if he will provide a detailed local authority by local authority breakdown of when he expects the installation of domestic water metering to commence. [33800/13]

91. **Deputy John McGuinness** asked the Minister for the Environment, Community and Local Government the number of subcontractors appointed for the roll-out of water meters throughout the country; and if he will make a statement on the matter. [33758/13]

93. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government if the forthcoming water services Bill allows the transfer of local authority water section assets, including land, installations, networks and other property, to Uisce Éireann without a section 183 ban passed by councils; and if it will allow the local authorities' outstanding debts and payments on public private partnerships to be absorbed by Uisce Éireann; and if he will make a statement on the matter. [33798/13]

835. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government if a decision has been made on appointing regional subcontractors for the installation of water meters; and if he will make a statement on the matter. [35378/13]

**Deputy Fergus O'Dowd:** I propose to take Questions Nos. 58, 59, 68, 71, 81, 88, 91, 93 and 835 together.

The programme for Government and the memorandum of understanding with the EU, IMF and the ECB provide for the introduction of domestic water charges. The Government considers that charging based on usage is the fairest way to charge for water and has, therefore, decided that water meters should be installed in households connected to public water supplies. International evidence has shown that where meters have been installed, significant reductions have been achieved in the level of consumption, and this is also borne out by the water savings achieved with metering in the group water sector. Block metering or district metering is already widely utilised by water services authorities in the management of the water services network and should be seen as complementary, rather than as an alternative, to domestic metering. While district metering can assist the monitoring of consumption at a network level, it does not provide any information to individual households on their consumption or any incentive for customers to use water resources more efficiently.

The Government has also decided to establish Irish Water, a new State-owned water company to be established as an independent subsidiary within the Bord Gáis group. The Water Services Act 2013 provides that Bord Gáis will establish Irish Water as a company under the Companies Acts and conform to the conditions set out in the Act. The Act also provides that the memorandum and articles of association of Irish Water are to be in a form consistent with the Act, as may be approved by the Minister for the Environment, Community and Local Government with the consent of the Minister for Communications, Energy and Natural Resources and the Minister for Public Expenditure and Reform. The arrangements for the appointment of directors to the board of Irish Water are set out in the articles of association.

The water sector reform implementation strategy, which is published on the Department's website, is focused on ensuring appropriate policy and legal frameworks are put in place for Irish Water and the water sector. The implementation strategy provides clarity on the steps involved in this process and the key milestones and deliverables to be achieved this year. The transfer of assets and liabilities from existing water services authorities to Irish Water sup-

16 July 2013

ports the overall objective of delivering efficiencies within the sector by allowing Irish Water to control assets, revenue and costs, thereby supporting better economies of scale in terms of capital investment and operating costs, and optimising borrowing capacity. The identification and valuation of the relevant asset base and the development of policy and legislation for the transfer of these assets is being progressed. Work is also under way on identifying the liabilities which will transfer to Irish Water.

Irish Water will be responsible for the domestic water metering programme and the collection of water charges. Regional management contractors are due to be appointed by Irish Water later this month following a public tendering process. They will have responsibility for appointing subcontractors. It is expected they will utilise the resources of the subcontractors from the pre-qualified panel created by my Department.

The installation of meter boxes and domestic water meters will be rolled out as quickly as possible. At least 25% of the estimated 1,600 jobs created directly by Irish Water's domestic water metering programme will be given to people from SMEs, the unemployment register, school leavers, graduates and apprentices.

This social inclusion commitment will form part of the regional management contractor's contracts. It has been decided, following the previous review of the memorandum of understanding by the European Commission, the IMF and the ECB, that water charges will commence with effect from quarter 4 of 2014. It is expected, therefore, that Irish Water will issue the first bills to customers in quarter 1 of 2015. An exact date in this regard will be decided by the Government.

**Deputy Brian Stanley:** Will the Acting Chairman clarify whether questions Nos. 88 and 93 are being taken in this group?

**Acting Chairman (Deputy Olivia Mitchell):** Yes, they are being taken.

**Deputy Brian Stanley:** How much time do I have to pose supplementaries?

**Acting Chairman (Deputy Olivia Mitchell):** As four questions in the group were tabled by Sinn Féin Deputies, there is one minute available in respect of a supplementary relating to each.

**Deputy Brian Stanley:** That is fine.

**Acting Chairman (Deputy Olivia Mitchell):** The Deputy need not necessarily take all of the time available on this occasion. There are four minutes in respect of the four questions.

**Deputy Barry Cowen:** Did Sinn Féin ask the same question in four ways?

**Acting Chairman (Deputy Olivia Mitchell):** I suggest Deputy Stanley use two minutes now and I will return to him later.

**Deputy Brian Stanley:** That is no problem. On 15 June, the Minister for the Environment, Community and Local Government, Deputy Hogan, indicated that he would raise the option of installing block meters with his Department and Uisce Éireann and then make a statement on the matter. We are of the view that these meters present a more cost-effective option. When did the Minister raise the matter and what response did he receive? Would it be possible for copies of the response to be circulated to Members? This is a critical issue for members of the public

who are going to be asked to pay for metering and water. Public money is being used for the project and district metering costs between €4 and €8 per house. That is significantly cheaper than other options. In the interests of transparency, will the Minister of State provide copies of the questions posed by the Minister and also copies of the responses he received.

Question No. 59 relates to the involvement of public representatives on the board of Uisce Éireann and the Minister of State did not provide a reply in respect of it. How many public representatives - councillors, etc. - will be on the board of the company? Will the Minister of State indicate where democratic accountability on this matter will lie in the future? For example, a year from now whom should I, as Sinn Féin spokesperson on the environment, community and local government, and my counterparts in Fianna Fáil and the other parties and local authorities, contact if we have queries? What will be the line of communication in this regard and from whom will we be able to obtain answers.

In Question No. 88 we asked for a detailed breakdown, on a local authority by local authority basis, of the cost of the installation of domestic water meters. We need to be informed as to what is going to be the position in this regard. Taxpayers in counties Laois, Offaly and Louth have a right to know how much they are going to be obliged to pay in respect of the installation of water meters.

In Question No. 93 we inquired whether the forthcoming water services Bill will allow for the transfer of assets, including sales, to Uisce Éireann. Will section 183 bans, passed by local councillors, be required in order to transfer the assets? There are some absolutely huge assets involved here - some of which are owned by local authorities and others of which came into their possession through group water schemes - and they are going to be transferred to Uisce Éireann. It is going to operate under the umbrella of a semi-State company, Bord Gáis, parts of which - according to its NewERA proposals - the Government is going to privatise.

**Deputy Fergus O'Dowd:** I will answer those questions as best I can. In the context of the first of them, in my initial reply I provided a clear answer on block meters. A parallel process will obtain here. Block meters are essential and useful. They measure the amount of water going into a particular block of properties - be it 24 houses or 300 - and one can then ascertain how much of this is being used. They can also be used to identify the location of a leak in a particular area and, consequently, the street and home in which that leak is occurring. Block meters are an important aspect of district metering and, as I understand it, they are already being installed in most local authority areas.

In the context of the questions posed by the Minister, Deputy Hogan, and the responses he received, I will ask the Minister to respond to the Deputy directly because I am not familiar with the correspondence which has been taking place in this regard. The Minister made a commitment and I have no doubt that he honoured it.

In the context of public representation on the board of Irish Water and as I stated, the articles of association relating to the company include the process by means of which directors will be appointed. The information in this regard is obviously not yet in the public domain. However, I am in a position to say that Irish Water is required to prepare a memorandum of understanding in respect of the articles of association. I understand this has been done. The governance provisions, including the process relating to the appointment of directors, will be addressed in the articles of association. Any appointments to the board of Irish Water by Bord Gáis will be subject of approval by the Ministers for the Environment, Community and Local Government

16 July 2013

and Communications, Energy and Natural Resources.

The issue of accountability will be addressed in legislation to be brought before the House prior to Christmas. The legislation in question is in preparation and while the Government has agreed on the broad principles involved, the details in this regard will be decided in conjunction with the Attorney General and others.

The question on the cost of metering is an important one. We cannot state what will be the cost prior to the commencement of the process. However, there will be total transparency and accountability when metering is completed. It would be wrong to provide an actual figure in respect of costs prior to the procurement of the meters required. Until those meters are purchased, referring to actual amounts could lead to the cost to an increase in the cost to the taxpayer.

The Deputy's final question related to the transfer of assets. All assets are being assessed at present and date for their transfer to Uisce Éireann is 1 January 2014.

**Deputy Barry Cowen:** I welcome the opportunity, prior to the summer recess, to establish what progress has been made by Irish Water in respect of the provision of water services for the public at large. Has Irish Water yet provided the Government with a detailed audit in which it is outlined what will be the reinstatement costs countrywide, the cost of supplying directly to Dublin from reservoirs such as that at Garryhinch and up-to-date information on the issues which persist in Dublin and other places? When it won the contract, Irish Water indicated that it would provide such an audit in the months immediately following. However, it has yet to be made available and we have yet to be made aware of the costs involved in order that we might make at least a calculated guess at what might be the ultimate bill for the taxpayer.

What is the position with regard to local authority staff and the negotiations with them and Irish Water in respect of proposed contracts into the future? What will be the length of such contracts and will staff - contrary to the position which has obtained until now - be offered permanent positions?

The final matter to which I wish to refer relates to local authority representation. It is incumbent on the Minister of State to inform the House that he will use the powers relating to the Minister for the Environment, Community and Local Government in order to ensure an adequate number of suitable local authority representatives will be appointed to the board. If nothing else, this will ensure that the tenuous link between local authorities and the provision of water services will be retained. Will the Minister of State confirm that the troika has given the Government permission to delay the imposition of charges for water on the public until after the local and European elections?

**Deputy Fergus O'Dowd:** The Deputy's first question relates to the audit and the costs involved in bringing the network up to date before metering commences. Each local authority is involved in an ongoing process to identify the number of homes with single water supplies which can be upgraded immediately. Some homes have shared water supplies and for others the point of entry for the supply is to the rear of the property. There are issues in this regard and such properties may not be upgraded during the first phase. In excess of 1.05 million homes are expected to be metered. Those which will be upgraded first will be those in respect of which there is clarity about their location, access to the network etc. Costs are a serious issue and assessing the costs involved is part of the work that is ongoing. I am subject to correction but I understand this work is being carried out by local authority staff. Those staff will be working

in the context of service level agreements between Irish Water and the local authorities and the company will obtain the necessary information by means of the terms of those agreements. It is an important issue. Some of the new build is not as good as it was anticipated it would be but I do not have the full figures. They will all be part of the final build because, ultimately, our water infrastructure must be fit for purpose. If 42% of treated pumps, stored water, never get to a household, that is a significant issue.

The cost of the Garryhinch proposal is on the Dublin City Council website. The contract for that project is expected to be in the order of €5 million.

The question of staff transfers and the relationship between Uisce Éireann and the local authorities is a key issue. It has been subject to considerable negotiation and an agreement has been reached with local authority staff representatives, county managers and Uisce Éireann which will allow for service level agreements to continue beyond 2017, I understand, for at least a 12-year period. Therefore, there is certainty for staff in local authorities as to the work they will be doing should they wish to remain in the local authority.

**Acting Chairman (Deputy Olivia Mitchell):** I must interrupt the Minister as I have to bring in Deputy Joan Collins.

**Deputy Joan Collins:** The establishment of Irish Water and the metering of water is a huge mistake, politically, economically and socially. The Minister of State said that the metering of water will lead to a significant reduction in the consumption of water but reports show that in London and elsewhere that happens initially but then the level of consumption increases as people revert to their general usage level because they need to. Initially they are cautious and then their usage increases.

We should have had a national plan under which we would have examined every home and building in this city and then a system should have been set up where clean water pumped through the system, for which we pay dearly, would be used for drinking water only, and the remainder of the water needed should have been serviced by rainwater harvesting and other such measures. That is what should have happened rather than what happened, which has led to the privatisation of our water services.

At the last environmental committee meeting in Dublin City Council, Tom Leahy, a councillor who is an expert in water metering, said that not one house had been checked to date in the Dublin City Council area in terms of the information gathering that the Minister of State mentioned. Has that happened? Are its staff out on the street checking every home to see if they can be metered? How long will the metering process take? Are members of the public supposed to pay for the cost of putting that infrastructure in place?

**Deputy Brian Stanley:** Regarding public representatives on the board of Uisce Éireann, the notion of having one county councillor on that board was mentioned here in the past year.

**Deputy Barry Cowen:** It was included in the initial Bill.

**Deputy Brian Stanley:** The Minister of State might clarify that point. In terms of the reform of local government, councillors will have to play a role in that respect. The local authority system is being swept to one side and councillors are being relegated to the sidelines. The Minister of State might clarify that point.

16 July 2013

Regarding the local authorities and a breakdown of when this work will start, taxpayers' money will be used to pay for this. We were given a commitment that the work would start in July and today is 16 July. Can the Minister of State confirm if the work on the installation of water meters has started?

**Deputy Barry Cowen:** My point relates to the final point made by Deputy Stanley. Can the Minister of State inform the House if any contracts have been confirmed or agreed between the Department and Irish Water and, if so, is it an overall contract on a countrywide basis with subcontractors on a regional basis, or what configuration will it have? There has been much deliberation by us and others in recent months on foot of representations from many within the sector, the plumbing sector especially, who felt that they were outside the loop in terms of any possibility they might have of securing gainful employment from what is proposed. There is further concern that it might be all swallowed up by an overall contract and subsumed on a regional basis for those who have certain turnovers well in excess of that to which many might be accustomed, both in my local town or that of the Minister of State.

**Deputy Fergus O'Dowd:** The issue of rainwater harvesting raised by Deputy Joan Collins is an important point. Conservation measures must go hand in hand with water metering in order to get public acceptance of what is happening. The selling of the message through Irish Water, Uisce Éireann, to the consumer is critical. I concur that all the issues need to be addressed in order that the public understands them. There will be an intensive national, regional and local campaign to provide information to consumers so that they will accept and acknowledge the fact that if they use less water they will pay less for it, but if they use more they will pay more. That is what metering is about, namely, that one accounts for the water one uses through what one pays for it. If we can encourage people to use less water, it will reduce the demand on the State for infrastructure down the road.

I do not accept that this move is politically and economically negative. Rather, I believe it is important because we will save money, we will have new synergies and a better water supply. The reality is that the evidence, nationally and internationally, and I have spoken to people about this everywhere I have visited, shows there is a significant reduction in consumption following metering. I have not seen a percentage less than at least 12% in this respect. I have seen figures as high as 50%, 60%, 70% and 80% in terms of the conservation of water in some places. I would not be worried about that aspect.

**Deputy Joan Collins:** That is not what I have seen in reports.

**Deputy Fergus O'Dowd:** I would be happy to share with the Deputy the information I have.

The question of privatisation does not, will not, cannot and is not arising. The next legislation in this area will make that absolutely clear. The existing legislation does not allow for privatisation. The legislation in the course of preparation will make that as crystal clear as is possible and I would be confident that will happen.

On the question of the start date, I would expect that there will be an announcement in the next few days on the awarding of the contracts and the names of the companies involved. There will be total transparency. It is not a matter for the Department but for Irish Water, Uisce Éireann. That announcement is imminent. In terms of clarity, there are some 159 approved subcontractors who are pre-qualified outside the eight different contracts and Irish Water is on-

record as stating the number of companies that will get those eight contracts is three. It is up to it to clarify that issue but there are other pre-qualified local contractors who are available to be used by the regional contractors.

**Deputy Barry Cowen:** They are not compelled - that is the point.

**Deputy Fergus O'Dowd:** They are not compelled. That is a critical point, which I accept, but I assume they would have to have very good reasons not to opt for a company that is pre-qualified, local, that has the capacity and has tax clearance certificates. However, it does not preclude Uisce Éireann from doing-----

**Deputy Barry Cowen:** Three contractors have now been appointed.

**Deputy Fergus O'Dowd:** I cannot say that. I believe that Irish Water has said that but I personally have not seen anything about that matter but that is what the firm is on record as saying. I understand, subject to correction, that there will be three regional contractors of the eight different regions followed by the subcontracting. The start date for metering will be announced shortly. It is imminent. When the companies are appointed I presume they will start the work straightaway. I would expect it to start-----

**Deputy Brian Stanley:** There is also the matter of the representatives on the board.

**Deputy Fergus O'Dowd:** I agree the representatives on the board is an important point. Unfortunately, the Minister, Deputy Hogan, is not here to clarify the position regarding his proposals on that. As I said, it will also involve the Minister, Deputy Rabbitte, but the Deputy's points are well made. I do not see any reason there will not be a satisfactory conclusion in terms of the principle involved. If that is fair enough, that is as far as I can go.

**Acting Chairman (Deputy Olivia Mitchell):** Question No. 60 is in the name of Deputy Kirk. I understand this question was dealt with partly under Priority Questions.

**Deputy Jan O'Sullivan:** Will I read out the reply?

**Acting Chairman (Deputy Olivia Mitchell):** It is the same reply.

**Deputy Jan O'Sullivan:** It is more or less the same reply.

**Acting Chairman (Deputy Olivia Mitchell):** It is dealt with already.

*Question No. 60 lapsed.*

**Acting Chairman (Deputy Olivia Mitchell):** We will move on to Question No. 61 in the name of Deputy Mac Lochlainn.

### **Social and Affordable Housing Provision**

61. **Deputy Pádraig Mac Lochlainn** asked the Minister for the Environment, Community and Local Government if he will provide a breakdown of the social housing construction projects currently under way and the number of units that will be delivered and outline the time-frame, locations and cost. [33780/13]

**(Deputy Jan O'Sullivan):** In March 2013 I announced a capital provision of €275 million

16 July 2013

for allocation to 34 city and county councils in respect of a number of measures under my Department's social housing investment programme, SHIP, for 2013.

The allocations included some €65 million for the local authority housing construction and acquisitions programme, some €40 million for the voluntary and co-operative housing construction and acquisitions programme, some €80 million for the construction of new homes and the refurbishment of existing properties under the national regeneration programme, *3 o'clock* some €15 million for the capital advance leasing facility and some €4 million in respect of Traveller-specific housing. Given the level of capital resources available, there is a shift away from the traditional local authority housing construction and acquisition programmes towards more flexible funding models.

In 2013, new social housing supply will be largely delivered through the social housing leasing initiative, the capital advance leasing facility and the rental accommodation scheme. The limited capital funding available is being targeted at the acquisition of built properties, including NAMA properties, the construction of new homes for people with specific categories of housing need and meeting general housing need in areas where the supply of properties for leasing is low. With a view to making optimum use of the capital funding available under the housing programme over the 2012-14 period, I announced funding of €100 million in July 2012 for a three-year housing construction and acquisition programme to deliver some 800 new units of social housing by the end of 2014. This includes a construction programme for 185 local authority houses and 111 houses for special needs accommodation for the voluntary sector. I propose to circulate in the Official Report tables identifying the projects included in the three-year programme and the regeneration and Traveller accommodation programmes.

The local authorities and approved housing bodies also augment their housing stock through targeted acquisitions programmes. Earlier this month, each city and county council was invited to submit proposals for the purchase of new permanent social housing units to meet specific identified housing needs, to be funded out of the capital provision for 2013. Local authorities were also invited to submit a programme of acquisitions by approved housing bodies, to be funded under the capital assistance scheme, which will facilitate people with a disability to live independently within communities. I will announce details of these acquisition programmes over the summer period. My Department supports a robust programme of social, economic and physical regeneration at six locations across the country, including Dublin city. Approximately 412 new units of accommodation will be delivered under construction contracts recently completed or under construction in 2013. The 2013 capital allocations to local authorities also include funding in respect of Traveller-specific accommodation as well as outstanding commitments on items such as final accounts, contingencies and retention sums on housing schemes completed prior to 2013.

#### Local Authority Construction Programme 2012-14

<i>Housing Authority</i>	<i>DECLG Ref and Project Title</i>	<i>No of Units</i>	<i>Total Estimated Cost</i>
<i>Carlow County</i>	<i>Special Needs Units in Bagenalstown</i>	<i>6</i>	<i>€692,400</i>
<i>Cavan County</i>	<i>Ballyjamesduff</i>	<i>5</i>	<i>€507,575</i>
<i>Clare County</i>	<i>Clonlara (Phase 1)</i>	<i>10</i>	<i>€1,700,000</i>

<i>Cork County</i>	<i>Special Needs Units at Ringaskiddy &amp; other locations</i>	<i>5</i>	<i>€750,000</i>
<i>Cork City</i>	<i>Infill Project</i>	<i>5</i>	<i>€827,000</i>
<i>Donegal County</i>	<i>3 Rural Houses</i>	<i>3</i>	<i>€345,000</i>
<i>Dún Laoghaire - Rathdown</i>	<i>Rochestown House</i>	<i>13</i>	<i>€3,520,000</i>
<i>Dublin City Council</i>	<i>Bluebell Project</i>	<i>19</i>	<i>€3,000,000</i>
<i>Fingal County Council</i>	<i>St. Cronan's Cottages</i>	<i>2</i>	<i>€300,000</i>
<i>Galway County</i>	<i>3 Rural houses at various locations</i>	<i>3</i>	<i>€420,000</i>
<i>Kerry County</i>	<i>3 Single Rural Dwellings</i>	<i>3</i>	<i>€420,000</i>
<i>Kildare County</i>	<i>Athgarvan Road, Newbridge</i>	<i>13</i>	<i>€2,050,000</i>
<i>Kilkenny County</i>	<i>Rural Cottage at Timberroe</i>	<i>1</i>	<i>€120,000</i>
<i>Laois County</i>	<i>Churchfield, Castle-town</i>	<i>1</i>	<i>€160,000</i>
<i>Leitrim County Council</i>	<i>3 houses at various locations</i>	<i>3</i>	<i>€350,000</i>
<i>Limerick City</i>	<i>Rathbane Estate</i>	<i>8</i>	<i>€1,200,000</i>
<i>Limerick County</i>	<i>Special Need Units</i>	<i>3</i>	<i>€600,000</i>
<i>Longford County</i>	<i>Rural Houses</i>	<i>3</i>	<i>€420,000</i>
<i>Louth County</i>	<i>The Mell - Phase 11</i>	<i>10</i>	<i>€1,000,000</i>
<i>Mayo</i>	<i>2 houses for Special Needs</i>	<i>2</i>	<i>€375,000</i>
<i>Meath County</i>	<i>4 houses at various locations</i>	<i>4</i>	<i>€644,000</i>
<i>Monaghan County</i>	<i>McCurtain Street</i>	<i>9</i>	<i>€1,755,759</i>
<i>Offaly County</i>	<i>Kylebeg, Banagher</i>	<i>8</i>	<i>€1,347,100</i>
<i>Roscommon County</i>	<i>Abbey Court, Roscommon.</i>	<i>2</i>	<i>€300,000</i>
<i>Sligo County</i>	<i>Fr. Flanagans Tee Phase 1</i>	<i>10</i>	<i>€1,500,000</i>
<i>South Dublin</i>	<i>Deerpark, Tallaght, D 24</i>	<i>8</i>	<i>€1,400,000</i>
<i>Tipperary North County</i>	<i>The Barracks, Borrisoleigh. Tipperary</i>	<i>2</i>	<i>€326,517</i>
<i>Tipperary South County</i>	<i>Infill at Spafield Crescent, Cashel</i>	<i>1</i>	<i>€170,000</i>
<i>Waterford City</i>	<i>Infill at Cathedral Square</i>	<i>5</i>	<i>€1,093,000</i>

16 July 2013

<i>Westmeath County</i>	<i>Ennell Court, Westmeath.</i>	<i>6</i>	<i>€840,000</i>
<i>Wexford County</i>	<i>Infill at Walnut Grove</i>	<i>5</i>	<i>€750,000</i>
<i>Wicklow County</i>	<i>Emoclew Arklow</i>	<i>7</i>	<i>€1,125,000</i>
<b><i>TOTAL</i></b>	<b><i>---</i></b>	<b><i>185</i></b>	<b><i>€30,008,351</i></b>

Capital Assistance Scheme - Construction Programme 2012-14

<i>Local Authority</i>	<i>Name of Approved Housing Body</i>	<i>Address of Proposed Project</i>	<i>No of Units</i>	<i>Estimated Cost</i>
<i>Cork County</i>	<i>Renewal Sheltered Housing Ltd.</i>	<i>Fellowship House, Spur Hill, Togher</i>	<i>31</i>	<i>€4,500,000</i>
<i>Cork City</i>	<i>Respond! Housing Association</i>	<i>Dublin Street, Blackpool, Cork</i>	<i>10</i>	<i>€1,735,716</i>
<i>Kilkenny County</i>	<i>Good Shepherd Centre Kilkenny Ltd</i>	<i>Church Lane, Kilkenny</i>	<i>2</i>	<i>€150,000</i>
<i>Kilkenny County</i>	<i>Camphill (Callan)</i>	<i>Coolaflaghs, Callan, Co. Kilkenny</i>	<i>2</i>	<i>€200,000</i>
<i>Limerick County</i>	<i>St. Joseph's Foundation</i>	<i>Bakers Road, Charleville Co Cork</i>	<i>9</i>	<i>€1,417,500</i>
<i>Limerick County</i>	<i>St. Vincent De Paul</i>	<i>Newcastle West Co Limerick</i>	<i>4</i>	<i>€300,000</i>
<i>Limerick City</i>	<i>Novas Initiatives</i>	<i>Brother Russell House, Mulgrave Street, Limerick</i>	<i>33</i>	<i>€3,000,000</i>
<i>Mayo County Council</i>	<i>Irish Wheelchair Association</i>	<i>Logmore, Belmullet</i>	<i>7</i>	<i>€858,000</i>
<i>Monaghan</i>	<i>Respond</i>	<i>Convent Lands, Carrickmacross</i>	<i>6</i>	<i>€1,158,360</i>
<i>Roscommon County</i>	<i>Roscara Housing Association Ltd</i>	<i>Lisroyne, Strokestown Roscommon</i>	<i>7</i>	<i>€680,000</i>
<b><i>TOTAL</i></b>	<b><i>---</i></b>	<b><i>---</i></b>	<b><i>111</i></b>	<b><i>€13,999,576</i></b>

Halting Bays Currently Under Construction (2013)

<i>Local Authority</i>	<i>Location</i>	<i>No of units</i>	<i>Cost</i>	<i>Project Completion</i>
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Dáil Éireann

<i>South Dublin County Council</i>	<i>Cherryfield Way – Day House Extension</i>	<i>1</i>	<i>€183,451</i>	<i>Q4 2013</i>
<i>Limerick County Council</i>	<i>Provision of 4 bedrooms at Kilmurry HS</i>	<i>1</i>	<i>€147,577</i>	<i>Q4 2013</i>
<i>Dún Laoghaire-Rathdown County Council</i>	<i>St. Michael's Monkstown</i>	<i>3</i>	<i>€375,043</i>	<i>Q3 2013</i>
<i>Total</i>	<i>--</i>	<i>5</i>	<i>--</i>	<i>--</i>

Group Housing Schemes Currently Under Construction (2013)

<i>Local Authority</i>	<i>Location</i>	<i>No of units</i>	<i>Cost</i>	<i>Project Completion</i>
<i>Cork County Council</i>	<i>Single Storey at Grangewood Drive, Douglas</i>	<i>1</i>	<i>€60,000</i>	<i>Q4 2013</i>
<i>Dublin City Council</i>	<i>Avila Estate Pyrite Works</i>	<i>6</i>	<i>€420,000</i>	<i>Q4 2013</i>
<i>Laois County Council</i>	<i>GH Scheme at Ballymorris, Portarlinton</i>	<i>6</i>	<i>€813,451</i>	<i>Q4 2013</i>
<i>North Tipperary County Council</i>	<i>Extension to house at Cormack Drive</i>	<i>1</i>	<i>€40,000</i>	<i>Q4 2013</i>
<i>Wexford County Council</i>	<i>Healysland, New Ross – 2 Group Houses</i>	<i>2</i>	<i>€355,575</i>	<i>Q3 2013</i>
<i>Total</i>	<i>--</i>	<i>16</i>	<i>--</i>	<i>--</i>

Regeneration Schemes

<i>Local Authority</i>	<i>Project</i>	<i>No of units</i>	<i>Cost</i>	<i>Status</i>
<i>Dublin City Council</i>	<i>St. Michael's Estate, Inchicore</i>	<i>76</i>	<i>€18,148,087</i>	<i>Under construction</i>
<i>Dublin City Council</i>	<i>Sillogue 4, Ballymun</i>	<i>124</i>	<i>€20,830,645</i>	<i>Under construction</i>
<i>Dublin City Council</i>	<i>Sillogue 1c, Ballymun</i>	<i>5</i>	<i>€1,058,373</i>	<i>Under construction</i>
<i>Dublin City Council</i>	<i>Coultry 6, Ballymun</i>	<i>25</i>	<i>€5,454,241</i>	<i>Under construction</i>
<i>Limerick City Council</i>	<i>Cliona Park</i>	<i>34</i>	<i>€5.5m</i>	<i>Completed</i>

16 July 2013

<i>Limerick City Council</i>	<i>Southill Sheltered Accommodation Scheme</i>	<i>35</i>	<i>€5.8m</i>	<i>Under construction</i>
<i>Limerick City Council</i>	<i>Vizes Court Phase 2 Sheltered</i>	<i>29</i>	<i>€4.3m</i>	<i>Under construction</i>
<i>Limerick City Council</i>	<i>Sheltered Housing Scheme at Lord Edward Street</i>	<i>79</i>	<i>€12.7m</i>	<i>Preliminary Approval issued</i>
<i>Tralee Town Council</i>	<i>St. Brendan's Park Tralee</i>	<i>5</i>	<i>€594,000</i>	<i>Nearing completion</i>

**Deputy Dessie Ellis:** As I have said previously, there seems to be an increased move towards the use of rent supplement and the rental accommodation scheme as part of the housing programme and a move away from the construction of more social housing. The local authorities are having problems. In the past, they used to buy back properties to house senior citizens and others. They used to be able to get financial contributions from such people. That is no longer happening. That avenue has been closed off to local authorities that are seeking to provide housing. The small amount of money that is being allocated for Traveller accommodation is inadequate. I believe we need to focus on building more social housing. The solutions offered by the rent supplement and rental accommodation schemes are temporary rather than permanent. They will not provide us with a long-term answer to the crisis we are facing. Almost 100,000 people are on housing waiting lists. Some 5,000 people are homeless. These figures are startling and are getting bigger. People on the mortgage to rent scheme are being put out of the places they are in because landlords want to sell their properties, or are under pressure to sell them. These people are ending up on the lists. While money is being provided, over the years there has been a hell of a big reduction in the amount of money put into capital projects. We need to be more realistic in our approach to how we are going to deliver more social housing.

**Deputy Jan O'Sullivan:** We have addressed this issue many times. I am trying to do as much as I can under the various funding mechanisms we have at our disposal. There have been reductions in the housing capital budget in recent years. We are positioning ourselves to expand the construction programme as soon as the economy improves. As I have said, I am making a strong case under the various stimulus packages that are under consideration. In the meantime, we have to do whatever we can to provide housing for people. Yesterday, I launched a voluntary code for the approved housing bodies sector. The purpose of the code is to ensure the voluntary housing associations and the co-operative housing associations have proper governance and to facilitate them in raising money from banks, credit unions, pension funds and other sources. It is acknowledged that the sector has or will have the capacity to help to address housing need. In Britain, the voluntary housing sector is a significant provider of social housing. As not-for-profit organisations, the voluntary housing associations are set up for that purpose. That is one area where we want to see extra provision. Unfortunately, we will have to keep using all the various methods, including the private rented sector, which is much larger in other European countries than it is in Ireland. I want to ensure the sector is regulated in order that people can have as much security as possible in their homes, regardless of whom they are renting them from.

**Acting Chairman (Deputy Olivia Mitchell):** The time for this question has expired. We

will come to this issue again under Other Questions. Perhaps Deputy Ellis can come in then.

### **RAPID Programme**

62. **Deputy Timmy Dooley** asked the Minister for the Environment, Community and Local Government the number of RAPID area implementation teams that have full-time co-ordinators at present in view of the importance of this programme and the importance of their having full-time co-ordinators; and if he will make a statement on the matter. [33731/13]

**Deputy Fergus O'Dowd:** The RAPID programme covers urban areas designated as disadvantaged by reference to a range of socio-economic criteria including the level of early school leaving, the proportion of one-parent households, the unemployment rate, the proportion of social housing and the age dependency ratio. The RAPID programme aims to ensure priority attention is given to tackling the concentration of poverty and social exclusion in these areas nationally. The programme has made significant progress in identifying the needs of disadvantaged communities and introducing appropriate local projects to respond to those needs. The primary role of the co-ordinators who are employed by the local authorities where RAPID areas are located is to co-ordinate and support the local area implementation teams. This is mainly done through working with the agencies represented on the area implementation teams in developing a strategic plan that identifies key local needs and priorities for local areas and the roles and responsibilities of local agencies in delivering a response to those needs. These responses are based on developing a more co-ordinated approach to service delivery between agencies, developing service integration initiatives and accessing local and national funding streams. The Department is not in a position to make a contribution to the 2013 salary costs for RAPID co-ordinators. The local government fund continues to provide significant general purpose funding to local authorities to assist in meeting day-to-day operational costs. It is understood from information received by the Department that seven local authorities employ full-time RAPID co-ordinators. In other local authorities with RAPID areas, this role is combined with other responsibilities. It is important that a focus is maintained on all RAPID areas, through the range of local and community development interventions which are available on an area basis. Enhanced alignment between local government and local development is intended to improve the targeting of such local development activity. In that context, there will be an opportunity for a stronger collaborative focus to be put on support for RAPID areas.

**Deputy Barry Cowen:** The Minister of State did not answer the question I asked about whether permission has been sought from the troika, as a going-away present, to defer the billing of households until after the local and European elections. Can he confirm whether that is the case?

**Deputy Fergus O'Dowd:** Okay. No problem.

**Deputy Barry Cowen:** Most of the Minister of State's reply to this question involved a description of what the programme involves. Like many of my colleagues, I am well aware of what is involved. He eventually confirmed that there are just seven full-time RAPID co-ordinators throughout the country. It could easily be inferred that the Government has little or no interest in urban social deprivation. To emphasise that point, I would like to ask whether the Minister of State or any Minister has attended any national co-ordinating committee meeting this year, or since the Government came to office. How many such meetings have they attended? When did they take place?

16 July 2013

**Deputy Fergus O'Dowd:** I have no responsibility for that issue in the Department.

**Deputy Barry Cowen:** That is why I asked whether the Minister of State or any Minister has attended one of these meetings.

**Deputy Fergus O'Dowd:** I want to answer personally. The Minister, Deputy Hogan, would be able to give the Deputy the details he is seeking, which are not mentioned in Question No. 62. Therefore, I cannot give him an answer. I accept there are financial difficulties but clearly the budget for RAPID is a priority budget. In 2004, it was €3.276 million while it will be €3.077 million for 2013. Notwithstanding the difficulties we are in, that is not an insignificant amount of money. Of course, I would like more money to be given. Everyone would, but that is the reality within which we must work.

In respect of the Deputy's question about the troika, I thought I made it clear in the answer that charging for water will commence from the third quarter of 2014 but the first bill will not issue before 1 January 2015, for which the date for will be set by the Government.

The question about Dublin City Council was asked earlier. More than 500,000 houses have been assessed as to whether water meters can be installed at this time. I can get the Deputy the figures for Dublin city later.

**Deputy Barry Cowen:** I respect the Minister of State's answer in respect of his responsibility within the Department and how he is not able to answer for the Minister in this regard. However, as a matter of urgency, could he instruct his Department to furnish me with information on the national co-ordinating committee meetings of the RAPID programme and tell me about attendance, if any, by a ministerial representative since the Government came to office?

The Minister of State also gives credence to the fact that the Government's poor record regarding the RAPID programme is somehow a response to the diminishing local government fund. I might not agree with many of the measures the Government has initiated or instigated in respect of how it sees that fund being supplied into the future and how it might be increased. Considering the Government has made plans in that regard *vis-à-vis* the property tax, water charges and any consideration it might give to an alternative form of rates that might instigate a methodology that might be more appropriate, accountable and aligned with the current commercial realities, does the Minister of State see a mechanism by which the local government fund will be increased as opposed to the huge decreases we have seen in recent years? If that is the case, will it only be then that the Government takes a keener interest in areas like the RAPID programmes and ultimately represents them far better than through the talk and mantras made prior to the last general election?

**Deputy Fergus O'Dowd:** The messages given by certain parties were acted on by the public, which can be seen in the paltry presence of the Deputy's party in this Chamber. I wish to make clear that in 2011, funding from my Department for RAPID was €2.269 million. This year, it is €3.077 million, so notwithstanding the serious economic difficulties we all face, the fact is that money was significantly increased, although it is nothing like what we would want it to be. The priority is clear and it has an increased priority in terms of last year's budget compared with this year's. It is a matter for individual Departments to report on the provision of funding and progress in delivery with regard to projects that are their responsibility in the different RAPID areas. Funding of the programme is a highly complex issue. The central ethos of the programme is to provide priority and front-loaded access for RAPID areas to existing funds

and hence no overall defined RAPID budget was put in place. I am confident the Government is doing its best to give an increased priority to funding as it did in the past 12 months.

### **Topical Issue Matters**

**Acting Chairman (Deputy Olivia Mitchell):** 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 Michael Healy-Rae - the issue of off-licences and the sale of cheap alcohol which affects vintners and off-licence proprietors themselves; (2) Deputy Gerald Nash - the need for improved services for young people with inflammatory bowel disease, IBD, and to ensure the provision of a dedicated ward at the new national children's hospital for young people with IBD; (3) Deputy Caoimhghín Ó Caoláin - the teacher needs of the pupils of Scoil Mhuire, Magherarney, Smithborough, County Monaghan; (4) Deputy Andrew Doyle - the need for a direct commercial air route between Ireland and Asia as part of national aviation policy; (5) Deputy Simon Harris - the filling of the posts set out in the Health Service Executive service plan 2013 for mental health services; (6) Deputy Maureen O'Sullivan - the filling of the posts set out in the Health Service Executive service plan 2013 for mental health services; (7) Deputy Anthony Lawlor - the reason County Kildare receives significantly less Department of Children and Youth Affairs funding than other counties; (8) Deputy Stephen S. Donnelly - the need for clarity on the Central Bank's pilot scheme for consumer multi-debt restructuring; (9) Deputy James Bannon - the need to address the unemployment crisis in Mullingar, County Westmeath; (10) Deputy Eamonn Maloney - the provision of nursing home care for the elderly; (11) Deputy Pádraig Mac Lochlainn - the recent spate of armed robberies along the Border region of Donegal; (12) Deputy Denis Naughten - the need to take immediate steps to protect the fishery assets on the River Suck; (13) Deputy Mary Lou McDonald - the refusal of the four religious congregations that ran the Magdalen laundries to make any financial contribution to the compensation fund; (14) Deputy Derek Keating - the need to introduce regulations and-or guidelines governing the supervision of pupils during school trips; (15) Deputy Seán Ó Fearghaíl - the position regarding the victims of thalidomide; (16) Deputy Robert Troy - the need to expedite measures to combat rural crime; (17) Deputy Martin Ferris - special needs assistants at Coolard school, County Kerry; (18) Deputy Brendan Smith - discussions held with the Northern Ireland Executive and the British Secretary of State for Northern Ireland in respect of ongoing violence in Northern Ireland; (19) Deputy Patrick O'Donovan - the urgent need for the Construction Contracts Bill to be enacted; (20) Deputy Aodhán Ó Ríordáin - the need to discuss the horse and greyhound fund in light of new published legislation for the gambling industry; (21) Deputy Seamus Kirk - the need to ensure promised mental health posts are filled; (22) Deputy Clare Daly - the High Court action taken by a person over their right to secure a home birth; (23) Deputy Mattie McGrath - the absence of a crime prevention officer for Tipperary; (24) Deputy Jack Wall - the supports and services available for children in foster care who are turning 18 and will be leaving State care; (25) Deputy David Stanton - the urgent need to open a dedicated specialist stroke unit in Cork University Hospital; (26) Deputy Colm Keaveney - the funding allocated for hiring much needed staff within the mental health services; (27) Deputy Seán Kyne - the need to safeguard the future of small quarries; (28) Deputy Timmy Dooley - the need to discuss the Pensions Board's rejection of the proposals agreed by Aer Lingus and its unions to ensure the company's pensions scheme is sustainable; (29) Deputy Áine Collins - the need to postpone the tender processing for paying social welfare payments; (30) Deputy Michael Moynihan - the position regarding patients requiring disability services who may be

16 July 2013

obliged to co-fund their care; and (31) Deputy Dessie Ellis - the need to approve funding for the long overdue refurbishment of Lower Buttercup, Darndale, Dublin 17.

The matters raised by Deputies Jack Wall, Mary Lou McDonald, Timmy Dooley and Áine Collins have been selected for discussion.

### Leaders' Questions

**Deputy Micheál Martin:** In recent months, thousands of people have received letters from the HSE initiating reviews of their medical card entitlements and, in many instances, removing their medical cards. This has caused huge anxiety, grief and concern throughout the country. Many of these people are elderly and in receipt of medical cards. Nowhere is this more cruelly felt than in the persistent underhand campaign to reduce the number of discretionary medical cards. In essence, a discretionary medical card is for people who are over the income limit but have a chronic long-term illness necessitating high medication costs and visits to doctors.

I will give the Taoiseach an example. Yesterday, a 68 year old gentleman called to see me. He had received such a letter taking the card off him. The card's expiry date was 2021. This person has a very complex medical history with multiple issues necessitating high medication and so on. He has been out of work since 1985 because of his medical condition but the card was taken off him, which shows the campaign that is under way.

The grief and concern felt by people was added to by the Minister for Health last week when he confirmed that cancer patients are no longer entitled to a discretionary medical card unless they are terminally ill. I read a response to the Minister in a blog from a cancer survivor yesterday.

**An Ceann Comhairle:** Does the Deputy have a question?

**Deputy Micheál Martin:** The level of outrage and anger articulated in that blog is something he should read because the phrase "not such a bad diagnosis at all" was adding insult to injury and is something that people with or who have come through cancer cannot comprehend. The person talks about the financial hellhole that the condition entailed involving numerous medications and visits to doctors. Many survivors and many people with cancer are very angry. They see this medical card as the saving grace and lifeline during such a condition. Could the Taoiseach get the Minister to apologise and withdraw those remarks? More importantly, will he reverse the policy of not facilitating people with cancer with discretionary medical cards and stop the policy of reducing the number of discretionary medical cards held by people with long-term chronic illnesses? In recent years the number has been reduced by 21,000. A campaign is under way and I call on the Taoiseach to stop it and reverse it.

**The Taoiseach:** The medical card has always been an important element of this country's society. When they were operated by the various health boards through clinics throughout the country there was a more personal connection with those who applied for them and it was always possible to explain directly what an individual's circumstances might be. At present more medical cards are issued than ever before.

**Deputy Joan Collins:** There is more need.

**The Taoiseach:** Deputy Martin raised an issue about discretionary medical cards which,

according to newspaper reports, have been reduced by 20,000 in recent years. He called on the Minister to apologise in respect of a particular case. I do not have the details of this case and I invite the Deputy to send them to me and I will have the Minister examine it.

When a person gets the results of a series of tests which show a major complication or ailment it is always a huge shock. The discretionary medical card was available for particular purposes. I do not have the details of the case Deputy Martin mentioned-----

**Deputy Micheál Martin:** It is not a case; it is a policy change regarding cancer.

**The Taoiseach:** -----but if the person has been unemployed since 1985 and has multiple issues, with other complications as well as cancer, and a card issued to the person involved until 2021 has now been withdrawn, there is a reason for somebody making this decision and we need to find this out. I have no doubt about the veracity of the case mentioned by the Deputy, and if the person has been out of work since 1985 because of medical complications, and has cancer and multiple issues which make life very challenging, I do not see why a decision was made to suddenly alter a previous decision made in good faith to issue the person with a medical card until 2021 when it would be reviewed. Medical cards have always been reviewed on an annual or biannual basis. Sometimes people moved away or passed on, and sometimes an ailment cleared up or the complication was such a medical card might never be required again but discretionary cards are a particular type of card and are issued to people with particular problems.

The Minister, Deputy Reilly, is as concerned as anybody else that those who deserve cards should have them. I do not suggest the person mentioned by Deputy Martin should not have a card but we will investigate this case and I would like to see the results of the inquiry myself.

**Deputy Micheál Martin:** The Minister, Deputy Reilly, stated cancer can range from a desperate diagnosis to not such a bad diagnosis. He confirmed it is now Government policy not to issue medical cards to cancer patients unless they are terminally ill. This is the point I made. It is this statement which has caused such outrage and anger.

I read extracts from the blog I referred to yesterday. The person who wrote it stated her not such a bad diagnosis brought her to her knees in ways one could only know if one had been handed one. She stated the medical card was the one saving grace in her life and still is. She details the doctors, pills and antibiotics and describes how it was such a financial hell. She was not terminally ill and is 14 months clear of cancer.

The Minister and HSE have stated one will only receive a discretionary medical card if one is terminally ill with cancer and any other cancer diagnosis no longer qualifies. The discretionary medical card was available for people with cancer and other life-threatening illnesses and for those who did not have cancer but who had long-term chronic illnesses. The reason was the necessity for frequent visits to doctors and dependence on a significant amount of medication.

Will the Taoiseach reverse this policy on cancer and discretionary medical cards and stop the ongoing underhand campaign to reduce the number of discretionary medical cards being issued, which was signalled in the budget when the eligibility thresholds were raised and it was stated 20,000 cards would be taken out of the system this year? It was under the radar and buried in the detailed documentation of the budget. People are now beginning to see it with letters coming in the door taking medical cards from them. This is the reality of life on the ground in terms of discretionary medical cards and I ask the Taoiseach to reverse this policy.

16 July 2013

**The Taoiseach:** There is not a household in the country which has not been affected by cancer, including mine, and everybody understands the gravity and shock which comes with the dreaded word being diagnosed, but it is true to say medical science has advanced to a great degree in the past 30 years and many of the initial diagnoses of cancer are treatable and are dealt with and people move on to live very normal lives for a very long time. In other words, their cancers get cured, although clearly not in all cases.

**Deputy Timmy Dooley:** It is costly.

**Deputy Barry Cowen:** It has a financial dimension.

**The Taoiseach:** Professor Kerin and the researchers involved in breast cancer research in Galway do enormous work. I spoke to somebody whose wife went through this quite recently who told me he would never again question the necessity of having centres of excellence, because his wife received such wonderful treatment and is now deemed to be clear.

**Deputy Micheál Martin:** I accept the treatment is much better.

**The Taoiseach:** This is wonderful and is an advance of medical science.

A total of 43% of the population now have medical cards and last year the number of people covered was 1.854 million. This year we want the figure to reach 1.9 million people.

**Deputy Micheál Martin:** I am speaking about discretionary medical cards.

**The Taoiseach:** The number of medical cards is increasing-----

**Deputy Micheál Martin:** It is because of unemployment.

**The Taoiseach:** -----and so is the cost.

Nobody would disagree with the gravity of the situation which arises when cancer, leukaemia or motor neurone disease is diagnosed.

**Deputy Micheál Martin:** Will the Taoiseach re-examine it?

**The Taoiseach:** Most people in the House have friends and family involved. The principle which underscores medical cards, as the Deputy knows because he was in the Department previously-----

**Deputy Micheál Martin:** It has changed.

**The Taoiseach:** -----under the Health Act 1970 is to provide comprehensive free medical care to anybody who cannot without hardship afford it. The decision taken allows for a case-by-case analysis of whatever the consequence of diagnosis might be. I will see to it the Minister examines the case mentioned by the Deputy-----

**Deputy Micheál Martin:** I am not speaking about a case.

**Deputy Michael Healy-Rae:** We all know such cases.

**Deputy Micheál Martin:** I am speaking about the policy on cancer patients and medical cards.

**An Ceann Comhairle:** We are over time.

**The Taoiseach:** The policy is to cover 1.9 million people in the country with medical cards this year.

**Deputy Micheál Martin:** I asked about the policy regarding cancer patients and discretionary medical cards.

**The Taoiseach:** This number is rising-----

**Deputy Micheál Martin:** The Minister made a statement last week-----

**An Ceann Comhairle:** Please stop interrupting.

**Deputy Micheál Martin:** All I want is an answer to the question I asked.

**An Ceann Comhairle:** This is not Question Time.

**The Taoiseach:** It is not true, as I understand it, to state the Minister or the HSE stated one will not receive a medical card unless one has terminal cancer. The Minister disagrees with this and is clear he did not state this.

**Deputy Timmy Dooley:** What did he say?

**The Taoiseach:** The Health Act 1970 sets out the general principle of which Deputy Martin is well aware-----

**Deputy Micheál Martin:** Will the Taoiseach confirm the policy is not what the Minister stated last week?

**The Taoiseach:** -----which is that a person is entitled to comprehensive free medical care in the medical card system in situations where, by virtue of hardship or financial difficulties, he or she cannot meet the costs.

**An Ceann Comhairle:** I ask Deputies to respect the Chair. We are four minutes over time on this question.

**The Taoiseach:** It is not true that because somebody gets cancer suddenly the Minister states one will get a medical card only if it is terminal. I will have the case followed up.

**An Ceann Comhairle:** I ask Members please to stick to the time limits or arrange through the Whips to extend them. Do not ask me to run the Chamber on the basis of limits when Members do not adhere to them.

**Deputy Gerry Adams:** Last night was the fourth night of recent violence in the North. Police officers have been attacked by rioters still wearing their orange regalia. Many police officers have been injured. There were attacks last night, including bomb and petrol bomb attacks on St. Matthew's Church and on homes in the Short Strand. Violence from any quarter must be condemned and deplored but what we are witnessing on the streets at this time is naked sectarian aggression.

I do not believe the scenes we are witnessing reflect the majority within the Orange Order and the loyal orders and more especially the majority of citizens in the North. I hope the Taoiseach will join me in saying that solutions can only be found through dialogue involving the

16 July 2013

loyal orders and residents of the host communities. The experience of Derry and other areas is evidence of that.

I argue specifically again very strongly that we must all recognise that Orangeism is a part of who we are as a nation and a people. The loyal orders have the right to parade and to promote their sense of identity but that must be on the basis of equality and tolerance. We cannot tolerate sectarianism, bigotry or incitement to hatred. Will the Taoiseach join me in calling for an end to the street protests, appeal for calm and urge the order to enter into real dialogue on the contentious parades? The Taoiseach will recall that I have constantly argued for the Government to be in continuous contact with the British Government as part of its responsibility as co-guarantor of the Good Friday Agreement. The Agreement specifically affirms the right of citizens to live free from sectarian harassment. Has the Government spoken to the British Government on the recent violence?

**The Taoiseach:** The answer is “Yes”. The Tánaiste was in direct contact with the Secretary of State, Ms Villiers, on the matter and the Minister of Justice in Northern Ireland, Mr. Ford. Everybody agrees with the sentiment Deputy Adams expressed that there should be harmony and community peace in Northern Ireland.

On the morning of the recent North-South Ministerial Council in Dublin Castle the Orange Order issued a statement saying it wished to engage with communities in the Ardoyne about the parade and the issues that might arise. Clearly, the Government supports the role and the remit of the Parades Commission and the PSNI, which has been under serious pressure in carrying out its duties in terms of maintaining peace and community cohesion.

The Orange Order addressed the Seanad last year and made its comments. I met it myself. Clearly, Deputy Adams will not find anyone in disagreement with the sentiment he expressed in the House. All we can do is reinforce the message by continued direct contact with the representatives of the British Government and of the political parties. I am also aware of the comments made by Vice President Biden. Everyone is now aware of the appointment of Richard Haass, the experienced special envoy, to chair the work dealing with parades, protests, flags, symbols and emblems dealing with the past. Those are serious issues. I saw some of the television pictures of naked sectarianism at work and it is not a pretty sight.

This House should unite in its call to all the communities to show restraint. This is not good for Northern Ireland, its reputation and the perception of the people of Northern Ireland. Following on the successful G8 summit where the reputation of Northern Ireland and its people was greatly enhanced this does down the economy, in particular of Belfast, and it also does down the reputation of community efforts to have cross-community peace and harmony. In so far as sending that message is concerned, we will reinforce it very strongly and will continue our contacts directly with the British Government and the representatives of the people in all of the parties.

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

**Deputy Gerry Adams:** I thank the Taoiseach for his answer. I know that there are lots of worries and responsibilities upon the Government at this time but these issues must be continually worked at. It is all relative. The violence was quite localised; it was only in Belfast. It is disastrous for people who live in those small terraced houses in what are called interface areas to live under that constant threat and worry. It is something I would not wish on anyone. A total

of 550 orange parades took place over 12 July. That is a huge amount of parades. The full total of parades by the loyal orders was 4,993. That is outside the experience of most people from this part of the island of Ireland.

It is welcome that Drew Nelson, the grand secretary of the Grand Orange Lodge addressed the Seanad. I also welcome the fact that at the last moment the Orange Order engaged in dialogue of a sort. The Government must find ways of continuously engaging. I refer to normal ministerial visits. I do not mean high profile visits, but small visits to the Short Strand and loyalist areas such as the Newtownards Road. Ministers will be given a very good welcome. That should be possible under the aegis of the Good Friday Agreement. We must find ways to encourage dialogue because that will allow us to find a resolution to the outstanding matters. Could Ministers be asked to visit the North more often, in particular the poorest, most disadvantaged working class areas that suffer the brunt of the sectarian violence?

**The Taoiseach:** The answer is “Yes”. I spoke to Mr. Nelson last year when he visited Dublin. That was one of the issues the parties discussed for inclusion in the multi-annual financial framework, MFF, of substantial funding under the peace dividend, the inclusion of INTERREG funding, and a recognition that of the many parades to which Deputy Adams referred the vast majority passed off without any difficulty, rancour or confrontation.

Deputy Adams knows better than most that in the interface communities it is community leaders on both sides who are able to bring about a sense of restraint and calm. What happened before and after Christmas did not help the situation. The intervening period of calm was for a small minority a period of build-up to what is happening now. I hope community leaders and the political process will keep very active and vigilant and that we can get through this period with no further serious violence as we have seen in the past.

The answer to Deputy Adams’s question on ministerial visits is “Yes”. Arising from the North-South ministerial meetings, a great deal of work is going on. The fact that the Presidency went from 1 January to the end of June did require a great deal of attention from all Ministers. Deputy Adams can take it that I am determined that Ministers and Ministers of State will involve themselves on a more active basis in visiting areas in Northern Ireland and different communities there in respect of building on the work of the North-South Ministerial Council and the engagement that is ongoing on a constant basis. That is only to be expected and would be in the interests of building further on the harmony between different communities. That will happen from the autumn.

**Deputy Mattie McGrath:** As we move towards the summer recess it is appropriate to raise one final time with the Taoiseach some of the key concerns I have put to him on the floor of the House but which have failed to receive any kind of meaningful response. Over the course of this Dáil session I have tried to engage with the Taoiseach on a number of extremely important issues such as the plight of the Omagh bomb victims, the ongoing denial of justice to the family of the late Fr. Niall Molloy, the refusal to meet or engage with the families of the Stardust tragedy and the pursuit of policies by this Government which have done nothing to reverse the horror of mass youth unemployment and emigration.

Last but not least I wish to raise the Taoiseach’s heavy-handed approach to ramming through the so-called Protection of Life During Pregnancy Bill. Instead of promised change----

**An Ceann Comhairle:** This is not statements. This is Leaders’ Questions.

16 July 2013

**Deputy Mattie McGrath:** I know it is not. I am coming to the question.

**Deputy Robert Dowds:** It is rubbish.

**Deputy Mattie McGrath:** I thought you said I had two minutes, a Cheann Comhairle.

**An Ceann Comhairle:** This is Leaders' Questions. The Deputy is supposed to put questions.

**Deputy Mattie McGrath:** I am putting a question.

**An Ceann Comhairle:** We are not making statements.

**Deputy Mattie McGrath:** If you will allow me, a Cheann Comhairle, I am making the point that I failed to get answers to certain questions.

**An Ceann Comhairle:** Deputy McGrath cannot go back over the entire year.

**Deputy Mattie McGrath:** You are taking up my time now, a Cheann Comhairle.

**Deputy Micheál Martin:** It is a fundamental point to make.

**Deputy Mattie McGrath:** Will I get some time back for the interruption? Instead of promised change and new politics, a reduction in quangos and a five-point plan, all we received were broken promises. It is the same old politics, the same quangos with a few new ones and a Government that has the nerve to award itself an A grade for a job well done. We have a raft of extra taxes, less money in people's pockets and threats by Revenue to small businesses, while giant multinationals walk away scot free. Women on maternity leave have been taxed more, carers have been targeted and people in bankruptcy or negative equity are told to live on €20 per week. All of these have one aspect in common. They point to an arrogant and out-of-touch Government in which the people can no longer have any faith.

Given the shameful legacy of broken promises at the Government's half-way point, why should anyone believe a word that comes out of the Taoiseach's mouth? How can citizens have any trust that their lives, job prospects and education or health needs will be in a stronger position at the end of the Government's term than they were before it? Does the Taoiseach not accept that he has failed to make any meaningful impact on the ordinary daily lives of most people? Can he at least be honest about that?

**An Ceann Comhairle:** Will the Taoiseach be honest about that?

**Deputy Ray Butler:** Did Noel Davern write that?

**The Taoiseach:** That is a rhetorical question actually-----

**Deputy Timmy Dooley:** Sit down, so.

**The Taoiseach:** -----written by the local chairman of Deputy Mattie McGrath's independent organisation.

**Deputy Patrick O'Donovan:** Noel Davern. Did he write it?

**The Taoiseach:** For instance, there has been no increase in income tax like the Deputy mentioned. There have been 16,000 new start-ups of individual businesses in the past 12 months.

We have halted the rot of losing 7,500 jobs per month for three years to a point where 2,000 jobs are now being created every month. Today, the Deputy will have heard the news about Symantec announcing 400 new jobs, 200 this year and 200 more in the next two years. Last week, we had the privilege of breaking ground with Kerry Group on a €100 million investment in Naas. We have had the major investment by Glanbia on the Kilkenny-Waterford border, with up to 1,500 jobs across the Deputy's constituency and right up as far as County Louth. We have had the progress made by the finance Ministers in respect of our European colleagues and the progress made in regard to the Presidency about the approach towards banking union, a single supervisory mechanism and so on. We have had inclusions in the last budget, particularly in regard to small and medium enterprises, of opportunities for new access to credit. I note statements from banks saying they are now lending more than previously. They are required to lend because of targets set by the Central Bank and so on.

I do not accept the Deputy's long litany of issues that he raised. I met the people from the Stardust tragedy on many occasions in the past and the question of the late Fr. Molloy was raised in the House on a number of occasions, but these are issues the Deputy has raised before. He can raise them by way of Topical Issue or parliamentary question. His rant is rhetorical.

**Deputy Michael Healy-Rae:** He got no answers.

**Deputy Michael Noonan:** He did not ask any question.

**Deputy Mattie McGrath:** The Taoiseach should look in the mirror when he talks about my ranting. We should get a big mirror and place it there for him. He rants, but no one believes him. I do not know whether the Minister, Deputy Noonan, wants to pinch him to bring him back to reality, but I do not believe him. Like all of the Taoiseach's other replies, that was an exercise in denial and an evasion over the real state of the country. If he cared to ask, anyone would tell him that.

**Deputy Jan O'Sullivan:** How did the Deputy know what the Taoiseach was going to say when the Deputy wrote that?

**Deputy Mattie McGrath:** I wonder whether the Taoiseach remembers the remarkable disability campaigner, Joanna Jordan, who has accused him of back-tracking on his personal promise-----

**Deputy Michael Noonan:** How did the Deputy know the reply when he wrote that?

**An Ceann Comhairle:** Hold on one second. Will the Deputy ask a supplementary question?

**Deputy Mattie McGrath:** This is a fact. The truth is bitter.

**An Ceann Comhairle:** This is not an Adjournment debate.

**Deputy Mattie McGrath:** I did not say it was.

**An Ceann Comhairle:** This is Leaders' Questions.

**Deputy Mattie McGrath:** I will come to my question. I have two minutes, as the Ceann Comhairle pointed out-----

**An Ceann Comhairle:** The Deputy does not have two minutes.

16 July 2013

**Deputy Mattie McGrath:** -----and one minute.

**An Ceann Comhairle:** The Deputy has two minutes to ask a question.

**Deputy Mattie McGrath:** If the Ceann Comhairle had been fair to me other times and given me cover, I would have appreciated it.

**An Ceann Comhairle:** We do not have Adjournment debates on Leaders' Questions, for goodness sake.

**Deputy Mattie McGrath:** It is Leaders' Questions, but the Taoiseach wanted to come back with a rant and a spin. No one believes it.

**Deputy Ray Butler:** Where is the question if it is Leaders' Questions?

**Deputy Mattie McGrath:** The Taoiseach does not believe it himself. He referred to my speech being written by the chairman of my constituency organisation. I do not have one. Thankfully, I do not have a list of overpaid advisers-----

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

*(Interruptions).*

**Deputy Mattie McGrath:** -----keeping me aloft and away from the people.

**Deputy Patrick O'Donovan:** What about the €50,000 in a leader's allowance?

**An Ceann Comhairle:** Will Deputy Mattie McGrath please put his question?

**Deputy Mattie McGrath:** I must answer for myself to the people of Tipperary.

**Deputy Ray Butler:** Is the Deputy's family doing this work for him now?

**An Ceann Comhairle:** Will Deputies stay quiet?

**Deputy Ray Butler:** No one else can get a job.

**An Ceann Comhairle:** Deputy Butler, will you, please, settle down? It is hard enough without you adding to it.

**Deputy Finian McGrath:** He should settle down.

**An Ceann Comhairle:** Will Deputy Mattie McGrath ask his question?

**Deputy Mattie McGrath:** I am trying to, but-----

**An Ceann Comhairle:** It is a supplementary question.

**Deputy Mattie McGrath:** Yes. I just said that.

**An Ceann Comhairle:** Well, put it to the Taoiseach.

**Deputy Mattie McGrath:** The cuts to child benefit and the back to school clothing allowance amounted to savings of €153 million, yet only €18.5 million of that was redirected into services and programmes for children. For what it is worth, will the Taoiseach commit to

increasing this paltry amount in order that the alarmingly high levels of child poverty in this country will be tackled once more?

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

**Deputy Mattie McGrath:** Will the Taoiseach at least try to keep this promise in order that our children will not continue to number among the worst in Europe in terms of high rates of consistent poverty? This is from a child poverty group. These are not my words. They were not written by any of the scriptwriters or spin doctors the Taoiseach has. He has many of them.

**Deputy Patrick O'Donovan:** Some €50,000 per year in a leader's allowance for it.

**A Deputy:** Copious notes.

*(Interruptions).*

**The Taoiseach:** I am not sure what the Deputy does with his Independent allowance unless he has someone writing for him. He should be able to go back to that person and say he read it out anyway.

**Deputy Mattie McGrath:** The Taoiseach gets plenty of ranting letters. His spin doctors have things written out for him before he even enters the Chamber.

**The Taoiseach:** In fact, the big news from Tipperary, particularly in Newcastle and the surrounding region, was why Deputy Mattie McGrath made representations to the Taoiseach to appoint a Minister of State in south Tipperary. He got his answer. He delivered the Minister of State.

**Deputy Mattie McGrath:** We are all delighted. I will tell the Taoiseach one thing-----

*(Interruptions).*

**Deputy Mattie McGrath:** I did not think I had that much influence over the Taoiseach.

## **Ceisteanna - Questions (Resumed)**

### **Cabinet Committee Meetings**

1. **Deputy Gerry Adams** asked the Taoiseach the number of occasions on which the Cabinet sub-committee on health has met since the Easter recess. [25203/13]

2. **Deputy Gerry Adams** asked the Taoiseach the number of occasions on which the Economic Management Council has met since the Easter recess. [25204/13]

3. **Deputy Micheál Martin** asked the Taoiseach the number of times the Economic Management Council plans to meet before budget 2014. [28692/13]

4. **Deputy Micheál Martin** asked the Taoiseach if he attended any Cabinet sub-committee meeting in the month of May. [30043/13]

5. **Deputy Timmy Dooley** asked the Taoiseach the number of times the Cabinet sub-com-

16 July 2013

mittee on infrastructure has met since the Government took office; and if there has been any meeting of the committee in 2013. [31047/13]

6. **Deputy Micheál Martin** asked the Taoiseach if the Cabinet sub-committee on mortgages has met recently. [31472/13]

7. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will detail the schedule of meetings of the Economic Management Council prior to budget 2014. [31856/13]

8. **Deputy Richard Boyd Barrett** asked the Taoiseach the number of meetings of the Cabinet sub Committee on Mortgages have taken place this year and the meetings scheduled for the rest of the year [33196/13]

9. **Deputy Joe Higgins** asked the Taoiseach if the various Cabinet sub-committees have met in the last two months. [35070/13]

**The Taoiseach:** I propose to take Questions Nos. 1 to 9, inclusive, together.

The Cabinet committee on health has met three times since the Easter recess. The Economic Management Council, EMC, has met six times since the Easter recess, most recently on 4 July. Two of these meetings were in May and the council has met five times in the past two months. In general, the EMC meets weekly and will continue to meet in the coming months in advance of the budget.

The Cabinet committee on economic infrastructure has met on 14 occasions since the Government took office, including four meetings to date in 2013, of which one took place in May.

The Cabinet committee on economic recovery and jobs has met five times so far this year, including twice since the Easter recess and once in May. A sub-committee of this committee, dealing specifically with Pathways to Work, has met six times so far this year, including twice since the Easter recess and once in May.

The Cabinet committee on mortgage arrears and credit availability has met on four occasions in 2013. Its next meeting is scheduled for 22 July.

I also attended a Cabinet committee on European affairs in May. In June, I chaired meetings of the Cabinet committees on economic recovery and jobs, social policy, economic infrastructure, public service reform and health.

**Deputy Gerry Adams:** I cannot ask what was discussed at these Cabinet meetings, which seems rather short-sighted. In terms of the ongoing economic situation, the main issue that has caught people's attention has been the leaking and drip-feeding of the Anglo Irish Bank tapes. The Taoiseach may be aware that, in response to a parliamentary question, it has been acknowledged that the Department of Finance was aware of the existence of these tapes, yet the Minister for Finance has stated that he was not told about them. Will the Taoiseach ask the Minister to make a full statement in the Dáil on this issue before the recess?

Are further meetings of the Cabinet sub-committee on mortgage arrears scheduled for the summer, given the reports that the Money Advice & Budgeting Service, MABS, has withdrawn from a Central Bank pilot scheme on mortgage arrears? This is a worrying development for the perhaps as many as 750 people who agreed to be a part of the process. Will the Taoiseach give us some sense of how the Government will act on this issue? Is this an accurate report of

what is happening?

In terms of health, there is an ongoing concern about the failure to deal adequately with mental health issues. Some €35 million was supposed to be set aside for recruiting 477 professionals to fill the gap, given that three people take their lives every day, while others self-harm and attempt suicide. It seems, however, that the money that was set aside is now at risk owing to overspending in the health sector. That is what happened last year. Will this be allowed to happen and will those 477 posts be left vacant? How many of the 414 posts which were promised in 2012 are in place?

**The Taoiseach:** The Minister for Finance answered questions quite recently in the House about the Anglo Irish Bank tapes. He confirmed that tapes were held in other banks as well. They came to light following the warrant issued by the Garda, and the tapes in question were sent to the Director of Public Prosecutions for the preparation of books of evidence. There are 120 written questions down today to the Minister for Finance about a range of issues, including some reference to those matters.

I have noted the conversation concerning the withdrawal of the Money Advice & Budgeting Service, MABS, but this is a pilot scheme the Government and the Central Bank want to see continue. It is short of the formal legal arrangement but it is one we think could add greatly to the opportunity for people to get out of their mortgage difficulties and relieve the pressure and stress they are under.

I understand an article in one of today's newspapers suggests that the recruitment of mental health posts in 2013 is at risk due to a HSE overspend this year. As the Deputy is aware, the programme for Government contains a commitment to ring-fence €35 million annually from the health budget to develop community mental health teams and services, as outlined in the document, *A Vision for Change*. In that way, more appropriate services would be made available earlier for adults and children, and there would be far greater integration with primary care services. Part of that funding is to deal with the Reach Out programme, which is the national suicide prevention strategy, as referred to by Deputy Adams.

In 2012, a special allocation of €35 million was provided for mental health. That was used primarily to strengthen community mental health teams further, to advance activities in the area of suicide prevention, to initiate the provision of psychological and counselling services in primary care, and to facilitate the transfer of mental health service users from institutional to community-based care. A total of 414 posts were approved to implement the 2012 package of special measures. As of 30 June this year, 366 of the 414 posts have either been filled, are under offer or are awaiting clearance.

For 2013, a further €35 million has been approved and allocated, as per the commitment. A total 477 posts have been provided this year for the continued development of mental health services. As of 28 June 2013, 55 of those 477 posts have been accepted by candidates with clearances being processed. A further 147 posts have been offered to candidates to express an interest in accepting the positions.

The HSE is working hard ensure the remaining posts are filled as soon as possible from existing panels, or in the absence of panels, through competition at the earliest opportunity. In previous years, the HSE sought to wait until it had achieved other headcount reductions before proceeding with priority posts. This is one reason there were delays in 2012 in the commence-

16 July 2013

ment of recruitment for posts in line with Government priorities.

The HSE's director general designate has confirmed that this is not the case in 2013. He has assured the Minister of State at the Department of Health, Deputy Kathleen Lynch, that it is his clear intention to deliver on these mental health posts as set out in the 2013 service plan. The Minister of State has received assurances from the HSE that the recruitment process for the new posts being funded in 2013 and outstanding posts from the 414 which were approved in 2012, are receiving priority. That deals with the question of allocations.

**Deputy Gerry Adams:** Will the Taoiseach repeat those figures?

**The Taoiseach:** Yes. There were 414 posts approved to implement the 2012 package. As of 30 June, 366 of the 414 posts were either filled or are under offer or are awaiting clearance. As regards 2013, a further €35 million was allocated. A total of 477 posts were provided for the continued development of mental health services. As of 28 June 2013, of those 477 positions, 55 have been accepted by candidates and 147 are being processed with clearances. They have been offered to candidates to express an interest. Of the 2013 allocation, 55 have been accepted and 147 have been asked to express an interest. The HSE's director general designate has confirmed that there will be no delay, as happened previously, in the continued recruitment of the remainder of the 477 posts for 2013, and any of the outstanding ones of the 414 for 2012. I hope that by the end of this year, there will be 891 new posts filled to provide community and enhanced mental health services. By any standard, that should bring about a much more connected service for those who need it.

**Deputy Micheál Martin:** I have three questions in this group. I do not think the Taoiseach said how many times the Cabinet sub-committee on infrastructure met. The question was tabled by Deputy Timmy Dooley in addition to my three.

**The Taoiseach:** It met 14 times.

**Deputy Micheál Martin:** Capital investment is a significant issue and for the past two years there has been under-investment in the capital programme. It fell short of its budget target last year. The Government is looking at fresh capital investment. There is a key need to change policy and accelerate the level of capital investment in the economy to create some sort of domestic stimulus.

As regards the mortgage arrears issue, the Taoiseach indicated that the sub-committee met on four occasions in 2013. By any yardstick, mortgage arrears form one of the more fundamental issues currently affecting the economy. It concerns thousands of people. Some 94,000 people have been in arrears for over 90 days, which is causing huge anxiety. I thought we would have seen more activity by the Cabinet on behalf of those in mortgage arrears. There should have been more meetings to deal with the crisis as it unfolds. There is a sense that MABS is being significantly sidelined by the Ministers concerned. Will the Taoiseach review the situation and check it out to ensure MABS has a far more significant role than has been allocated to it, to date, concerning this crisis?

The banks have, in essence, been given free rein in recent months to act unchecked concerning people in arrears. The existing protections in the older code of conduct have been diluted and greater leeway and facilitation have been given to banks in the new code of conduct and also in the new Land and Conveyancing Law Reform Bill.

The Economic Management Council is the core Government entity dealing with the formulation of economic policy. The council seems to meet in parallel to, or independent of, the Cabinet.

Last year, the Minister for Agriculture, Food and the Marine, Deputy Coveney, and the Minister for Transport, Tourism and Sport, Deputy Varadkar, articulated considerable concern about the degree to which they were being excluded from economic decision making. The Minister for Social Protection, Deputy Burton, also articulated concern about the degree to which economic management is in the hands of a few Ministers, namely, those who are members of the Economic Management Council, to the exclusion of the remainder of the Cabinet. The Taoiseach might confirm if the concerns and complaints articulated by the Ministers, Deputies Varadkar and Coveney, have been addressed and if he has spoken to them, in the context of Economic Management Council meetings this year, regarding their level of participation in economic policy making.

In terms of the health agenda, the Taoiseach said earlier that there were three meetings on health this year. Approximately six weeks ago, the Taoiseach and the Minister of State, Deputy White, gave a commitment to the publication of legislation regarding eligibility for primary care. I have not yet had sight of that legislation or any proposal designed to fulfil the commitment in the programme for Government on free access to primary care for those with long-term chronic illnesses. Despite this solemn commitment we have not yet in the last week of this session had sight of this. The Government has missed deadline after deadline. Despite the many commitments of various Ministers in the past two and a half years in this regard nothing has happened. The former Minister of State, Deputy Shortall, was essentially shafted by the Government when she tried to pursue this agenda. I note the Taoiseach is smiling. That is what happened. The Minister of State, Deputy White, and the Taoiseach gave a commitment to the House that the legislation would be published by the end of this session. We are still awaiting publication of the legislation or, at least, the proposals.

**The Taoiseach:** The Deputy has raised a number of issues. First, every Minister is as a matter of course consulted about issues which affect his or her Department or Estimates. As the Deputy is aware, the Economic Management Council comprises me, the Tánaiste, the Minister for Finance and the Minister for Public Expenditure and Reform. In many ways, it is an opportunity for cohesive conversation on major issues arising prior to their going to the Cabinet for full discussion by members of the Cabinet. In other words, it does away with the necessity for full Cabinet meetings on every issue. In that sense, it allows for a streamlining of issues that are reflected upon by the EMC and later brought to the Cabinet as part of the process of Government decision making on issues.

The role of the Economic Management Council is to manage the Government's programme in respect of economic, planning and budgetary matters; the economic recovery programme, including the representation of Ireland internationally in negotiations with the EU, the IMF and the ECB; the integration of the work of Departments and agencies in these matters; and the co-ordination of banking policy. The EMC has the status of a Cabinet committee, comprises only four members and has the broad remit I have just outlined. It provides a forum for discussion by those who may have a differing view on strategic issues prior to their presentation to the Government for decision. This means there is a more streamlined and cohesive approach to issues. It does not replace the whole Government, whereby all Ministers have an opportunity to contribute to decision making and where all Ministers, whose Departments are involved, are consulted individually. It is good practice in terms of our needing to learn from experiences

16 July 2013

of the past and provide a forum where relevant Ministers and, where necessary, officials and advisers can consider the economic strategy based on the best available advice. For instance, in terms of preparation of the budget for 15 October, the forum allows for strategic discussion on issues prior to their being presented to the Government. Obviously, the budget must be discussed and agreed by the Cabinet in due course. The Economic Management Council has met 43 times so far this year.

On the Deputy's other question, the Minister of State, Deputy White, will shortly bring his proposals in respect of general practitioner care to Government. On mortgage arrears and credit availability, the committee was established in March to oversee the effective implementation on a cross-departmental basis of the Government's response to the issue of mortgage arrears. We have previously discussed this issue in the House. As such, the Deputy will be aware of the progress on implementation of the specific reports in this area, including the setting of targets by the Central Bank in regard to engagement by lenders with distressed mortgage holders, which targets will increase into the future not only for engagement purposes but in regard to the putting in place of sustainable solutions for people who are caught in this bind.

The review of the code of conduct on mortgage arrears, CCMA, is part of the Central Bank's wider response to the growing problem of mortgage arrears and is intended to provide protection to borrowers from unfair lending practises and to ensure there is a strong process in place for the delivery of solutions for borrowers. The three main objectives are to strengthen existing protections where necessary, to ensure transparency and fairness for borrowers and facilitation of resolution of arrears. A number of changes were made in this regard, including the replacement of the current restrictions in terms of the number of unsolicited contacts allowed with contact policies set out by lenders and approved by the boards of those lenders; amendment of the definition of a non-co-operative borrower such that key protections are extended only to borrowers who engage constructively with lenders within a specific period and in a manner that is consistent with addressing their arrears; and consideration of amendments to permitting modifications of the interest rate setting mechanism where the lender has offered an alternative arrangement which is advantageous to the borrower in the longer term - in other words, a debt write-off. As with other offers, the borrower may accept or reject this offer. A further change for co-operating borrowers is replacement of the current 12 month moratorium with a three month notice period, subject to an overriding minimum period of eight months from the commencement of arrears. All of these are significant changes.

While concern was expressed that implementation of the Dunne judgment would lead to a rash of repossessions, the Deputy will be aware that the judgment had the unintended consequence in certain cases of restricting lending institutions from exercising certain of their repossession options via the courts. This lacuna in the law is addressed by the Land and Conveyancing Law Reform Bill 2013, the primary purpose of which is to confirm that the law in force prior to the commencement of the 2009 Act should continue to apply to mortgages created prior to that date. The Government's strategy is to, where appropriate and possible, keep people in their homes. Accordingly, the Bill provides the court with an option as it may consider appropriate to adjourn repossession proceedings to allow the parties involved to explore whether a personal insolvency arrangement under the Personal Insolvency Act might be more appropriate and provide a more acceptable alternative to repossession. As I have previously stated on many occasions, homes are exceptionally important to people in this country and repossession should be seen as the absolute last resort.

Deputy Martin asked about the position in so far as mortgage arrears are concerned. The

most recent Central Bank arrears statistics published on 21 June 2013 show that while there has been a decline in the formation of PDH arrears in recent months, the number of borrowers in long term arrears continues to rise. For this reason, the Government welcomes the publication by the Central Bank of specific time-bound targets for the main banks, which will ensure they take resolute and sustainable action in regard to those in long term arrears. In addition, people can avail of the debt restructuring arrangements offered by the Insolvency Service of Ireland. This is a pilot project operated by the Central Bank and supported by the Government. The Money Advice & Budgeting Service, MABS, has a different view of what its involvement might be in this regard, which is short of the formal legal position under the insolvency process.

The Deputy also asked about the availability of credit to SMEs. The results from the recent Department of Finance and RED C credit demand survey show that SME credit demand, while remaining low, continues on a gradual upward trend. This is to be welcomed as a sign of what could be described as creeping confidence in the right direction. It has been helped by a back-drop of continued stabilisation in the marketplace, which has been driven by improved trading conditions for larger SMEs. From speaking to business people, I get the sense that they believe things have improved and there are opportunities ahead.

The overall rate of decline remains unchanged at the levels that were recorded in December 2012. On the positive side, more loan applications are being approved in full, rather than partially. We also extended the remit of the Cabinet committee on mortgage arrears to include credit availability. Deputies will be aware of the investment by the National Pensions Reserve Fund of €500 million in three new funds for small and medium enterprises. This will result in up to €850 million being made available for SMEs through equity, credit and restructuring investment from the NPRF. A ten point tax reform plan has been introduced with the aim of improving the cash position of small and medium enterprises.

Last Monday week, I visited Waterford with the Tánaiste and the Ministers for Jobs, Enterprise and Innovation and Social Protection to announce the JobsPlus programme, which will deliver a cash injection and improvement in cashflow for employers who take on persons who have been on the live register for 12 months or more. When the TalkTalk facility closed in Waterford with the loss of many hundreds of jobs a new company, Eishtec, emerged from its ashes. Run by three experienced operators, the new company has taken 60% of its employment force from the live register and currently employs 400 people. The sense of optimism and determination to make this work was palpable during our visit.

All these initiatives, from the micro-finance scheme to the improvement in availability of finance from the European Investment Bank, European Investment Fund, Silicon Valley Bank and National Pensions Reserve Fund partnership, are targeted at the innovation sector. Combined, they provide opportunities for new credit which will bring about innovation and jobs. We are always open to ideas on that front.

**Deputy Gerry Adams:** I am trying to tease out the figures provided for the recruitment of staff in the mental health service. As with every other Member of the House, the Taoiseach will have personal experience of people who have taken their lives. Without exaggerating the position, suicide has reached almost tsunami proportions.

I took note of some of the figures cited by the Taoiseach, including that provision was made for 477 posts and 55 candidates accepted positions. This means only 55 of 477 positions have been filled, while a further 177 posts are being processed. Even if these posts are all successful-

16 July 2013

ly processed, we will have a grand total of 202 of the 477 new positions - less than half - filled. I am being contacted by people who cannot get an appointment to see the appropriate expert for dealing with the issues they are experiencing. Sometimes we can be befuddled by figures but halfway through the year, not even half of the 477 positions have been filled. Will the Taoiseach provide an explanation? Has the Cabinet committee on health addressed this issue?

To return to my earlier question, the Taoiseach is correct that the Minister for Finance made a statement in the House about the Anglo Irish Bank tapes. However, his initial response was that he had no knowledge of the existence of the tapes. He now states he was aware of them. In response to a parliamentary question, the Department of Finance also indicated it was aware of the tapes but did not state when it became aware of them. The Minister has not told the House when he became aware of them. He also indicated the Central Bank was not aware of the tapes, whereas Mr. Alan Dukes has indicated the Central Bank should have been aware of them. I am not making accusations but simply asking whether the questions raised in this regard provide sufficient grounds for the Minister to make a statement in the House.

Eliciting information on this matter is like drawing teeth. Deputy Doherty and others have tabled approximately 100 parliamentary questions and freedom of information requests on these matters. The Taoiseach promised a democratic revolution and new way of working but, without wishing to blame the Minister, the answers we are receiving are evasive. One asks a straight question but it seems the old adage that if one does not ask the right question, one will not get the right answer applies. I invite the Minister to make a statement clearing up the matter before the recess.

**The Taoiseach:** This all happened four and a half or five years ago. When the Minister for Finance, Deputy Noonan, went into the Department of Finance, he did not know of the existence of the tapes. While the Department would have known there were tapes, it would not have known of their content. It was only when the activities of the bank in question were brought to public attention that the warrants were served by the Garda and the tapes confiscated and made available to the Director of Public Prosecutions as part of its preparation of the books of evidence.

The Minister has answered this question umpteen times already. The Department of Finance would have known there were tapes in existence but would not have known their content as it only came to light because the tapes were made available to the Director of Public Prosecutions. Persons involved may have received tapes relevant to themselves or whatever and some of them have come into the public domain. It is four and a half or five years since the conversations on the tapes took place.

On the programme to recruit persons to deliver enhanced mental health services in the community, in all my years in the House the entire mental health area has been treated as some kind of Cinderella outfit and was effectively treated as if it were not part of the health system. The Government decided to make mental health services part of the mainstream structure of the health system. Previously, when moneys were allocated to mental health services by means of parliamentary Vote, the funds were diverted to make up for funds that were draining away in other areas and it became virtually impossible to trace where they had gone. Once they were disbursed, it became difficult to ascertain to where X amount, which had originally been allocated for mental health services, had been allocated. I am not saying the money was misappropriated but it was directed all over the place. In the past two years, €70 million was specifically allocated and ring-fenced for mental health services and it is now clear that more than 800

professionals will be recruited to deliver enhanced mental health services in the community. This is a very progressive development which will have beneficial consequences for those who experience mental health challenges from time to time as well as those who need to avail of mental health services on a regular basis.

I pointed out to the Deputy that the reason for delays in 2012 was that the Health Service Executive used to wait until it had a sufficient headcount to start the recruitment process. This took a long time, which resulted in matters being backed up and the required number of people were not appointed. However, the HSE director general designate has confirmed that this will not apply in 2013 and the posts are moving through the system. Some 55 have accepted positions; 147 have been offered positions and the remainder of the 444, or whatever the number is, will be pursued as effectively and quickly as possible. I hope this stands up and that by the back end of the year we can all say that as distinct from two years ago there are now nearly 900 extra professional people working in the delivery of mental health services for people who need them in communities throughout the country. I think that is good. Government made its decision to say that instead of this being some sort of end of a Vote or the Cinderella of the health services, it is now a central part of it. The figures show that one in four or one in three people face mental health challenges of one degree or another during the course of their normal lives. I hope that these 900 professional people will bring their skills, enthusiasm and service to those who need it most and that will be good for the country.

**Deputy Micheál Martin:** I asked about the role Economic Management Council has in terms of the wider Cabinet. The Taoiseach seems to have confirmed that the wider Cabinet is excluded from many key decisions. I was somewhat struck by his remark in saying that it provides a forum for those with a different view to discuss issues before they get to the Cabinet. Who are the “those”?

**The Taoiseach:** Some people had the view that this was the Government.

**Deputy Micheál Martin:** Who are the people?

**The Taoiseach:** Okay, I will get that information for the Deputy.

**Deputy Micheál Martin:** We are talking about four senior Ministers and it seems that even officials could have a stronger role in strategic decision making than members of the Cabinet. The Taoiseach used the phrase: “it does away with the necessity for full Cabinet meetings on every issue.”

**The Taoiseach:** Yes.

**Deputy Micheál Martin:** Is that constitutionally sound? We are not talking about everything; we are talking about economic management issues. The Taoiseach has more or less confirmed today that a separate Cabinet sub-committee has evolved and it takes all the essential strategic decisions, argues the toss on various angles, wraps them up and then goes to the rest of the Government with the outcome. I am not sure that is constitutionally sound or wise.

**The Taoiseach:** I will clear that for the Deputy - he is jumping the gun a bit.

**Deputy Micheál Martin:** I am only quoting the Taoiseach’s use of language.

**An Ceann Comhairle:** We will get a reply in a moment.

16 July 2013

**Deputy Micheál Martin:** We certainly will and I hope it is not as lengthy as the previous reply.

It is a very important issue because other Ministers have been complaining about this. They feel excluded from the Cabinet's economic and financial decision making. Ministers have been leaking this, articulating this and querying this.

**The Taoiseach:** The Deputy's question is a good one.

**Deputy Micheál Martin:** I get worried when the Taoiseach says my question is a good one.

I do not agree with the Taoiseach that mental health service has been a Cinderella area in the past ten years. In fact there was very significant concrete investment in health from 1998 or 1999 onwards with additional funding and staff. We know that numbers in the health services expanded significantly. The key point is the Taoiseach's last point that the posts are net posts to the mental health services. As we know, in the past three years there has been a significant reduction in overall public service numbers and particularly in the health service. We are hearing many stories from people in maternity services and so on who are really experiencing great difficulty on the front line in terms of having sufficient staff to provide an adequate care pathway for patients. I am hearing from nurses in particular that patient care is being jeopardised on a daily basis because of the lack of staff on hospital wards.

In recent years there seems to have been a suppression of any articulation of dissent or concern by HSE staff. People on the front line are no longer allowed to speak out on issues in the health service. There is a fear across the health service that it may not be good for people's careers to speak out about these things and so they are better off saying nothing.

**An Ceann Comhairle:** We might get back to questions, please.

**Deputy Micheál Martin:** The Taoiseach took huge latitude in his reply to me. He went all over the place.

**An Ceann Comhairle:** I cannot interfere with replies, but I can certainly interfere with the questions.

**Deputy Micheál Martin:** I have noticed that.

**An Ceann Comhairle:** I cannot interfere with replies.

**Deputy Micheál Martin:** I know you cannot.

I recently met representatives of the Irish Nurses and Midwives Organisation who told me they were banned from articulating concerns they have about patient care and patients under their care. That is unhealthy and the Taoiseach should be concerned about it. He should make it clear to the HSE that healthy articulation of the needs of the health service is a good thing from those who are practising and involved in it. People should not be penalised for speaking their minds on reduced services, and services that are under strain and causing difficulties for patients in many hospitals.

The Taoiseach read out a long reply and went through the presentation as we had it on mortgage arrears. He must realise that this is one of the central crises affecting many families. There is an alternative way. I put it to the Taoiseach that the code of conduct is wrong because

it has removed protections for people in mortgage arrears. The changed legislation arising from the Dunne judgment has put the banks in the driving seat regarding people in mortgage arrears. That is essentially what has happened and people are concerned and anxious.

We need long-term sustainable mortgage solutions - split mortgages, shared equity, permanent interest rate reductions and so on. We have not been getting that to date. Despite the fact that the Cabinet sub-committee has met on four occasions on this topic, there is no sign of any framework or model of sustainable mortgage resolutions coming. It has got worse in the past two years. The numbers in arrears have doubled. The number of Cabinet meetings has not doubled but I suggest it should double in order to get some meaningful intervention by Government to ensure there is a pathway out of the crisis for people in arrears individually with knock-on consequences in the wider economy. We have lacked an imaginative and creative response to date and there is no sign of such a response coming. Regardless of whether it is right, there is a sense that the next six months will be very difficult for people in mortgage arrears. People are fearful of the number of repossessions that will arise in the next six to eight months. The Cabinet committee on mortgages needs to pull up its socks, meet more often and adopt a more interventionist response to ensure the protection of those in mortgage arrears.

**The Taoiseach:** Let me put the Deputy at ease. The Economic Management Council does not go through each of the items that apply in a normal Cabinet meeting because there is no point in going through all of that again. If issues of a broader nature need to be discussed, these are obviously political personnel dealing with the strategy to be followed. We do not go into the detail of each individual Minister's requirements. Every decision taken has to be discussed and endorsed by the Cabinet to make things constitutionally proper. Even if the Economic Management Council were to decide on position X or Y, obviously if individual Ministers are involved in that sort of area, that is discussed with them, but it also goes before the entire Cabinet for discussion, questioning, analysis and decision. There was a time when Cabinet meetings lasted ten or 15 hours or more. It is important for the smooth running of government to have an effective system of arriving at, discussing and making decisions. I would like to think that we try to put that into practice. For example, the Economic Management Council examines and reflects on the overall strategy and the point we are at in terms of its implementation. The council moves on to recommend decisions for the Cabinet that make that happen. It is not a case of others having different views. Some people seem to believe the EMC is a separate government and that people are excluded. It is merely a streamlining forum that allows for clarity about what needs to be decided. Obviously, decisions go before the full Cabinet for discussion and decision as required by the Constitution and so on.

Deputy Martin referred to the changes taking place to the structure of health. As the Deputy knows, it is a massive juggernaut. I was pleased to see the approval of the Haddington Road agreement. I am pleased to note the acceptance of hospital groupings whereby contracts are to the group rather than isolated individual hospitals, small or large, operating in separate tunnels. I share the view that if people have something to say about the workings of the health system or individual hospitals, there is a facility for them to do so. It is not a case of being afraid to speak out or being afraid to make a case that needs to be made.

**Deputy Micheál Martin:** Does the Taoiseach believe they should be allowed to speak out?

**The Taoiseach:** Yes, of course. As Deputy Martin knows, they have many facilities for doing so. The hospital groupings and the acceptance of the Haddington Road agreement are important.

16 July 2013

I put it to Deputy Adams that I hope the document, A Vision for Change, can be implemented, and the appointment and approval of the professional people who know what they are talking about will be an important element of this also.

The Dunne judgment left a lacuna in the law. This has now been addressed under the Land and Conveyancing Law Reform Bill 2013. What does that do? It merely restores the position that applied before 2009. Deputy Martin was a member of the Government at the time and the previous Governments which dealt with that. There is a genuine interest not only in having the banks engage with mortgage holders and persons in distress but in working out solutions that are sustainable and that will allow those people to get out of the difficulties they have been in. That does not mean applying interest-only arrangements, because the principal is never reduced in those cases.

It comes back again. The answer is an improvement in the economic condition of the country. That is why the Minister for Finance was very active during the EU Presidency in working out the progress towards a banking union. Jobs are the answer to confidence and to growth in the economy. That is why where the Government can act, it will act to provide opportunities for employers to have access to credit, for banks and lenders to meet their targets as set out by the Central Bank, and to ensure we avail of every facility at home and abroad to inject stimulus into the economy to provide opportunities for jobs, growth and economic development. That brings confidence in itself and it also means those in mortgage distress can see things beginning to improve and, one hopes, get into a more sustainable position.

I believe I have given Deputy Martin these figures before. At the end of March this year, a total of 79,689 principal dwelling house mortgage accounts were categorised as having been restructured. That meant bank officials engaging with all those people. Some 53% of that cohort were not in arrears at the end of the first quarter. As a percentage of the total stock in arrears, both early arrears or 90 days plus, a total of 26% or 37,454 were classified as restructured. New data collected this quarter indicate that 76% of those with restructured principal dwelling house accounts were deemed to be meeting the terms of their arrangement. That would have meant bank personnel discussing the situation directly with those people and what they could do to work out a solution with the customers to allow them to get on with their lives and, at the same time, to be able to meet the requirements under the mortgage over an extended period or by different circumstances.

Last month, the Government noted the publication by the Central Bank of the code of conduct on mortgage arrears, to which Deputy Martin referred. The code provides protection for consumers in mortgage difficulties. It specifies the concrete actions lenders must take in their fair treatment of customers and to deal with their arrears as part of a resolution. For example, to provide a practical roadmap for borrowers in distress, the code ensures that, at a minimum, eight months will have passed between arrears arising and any legal action that may be taken on repossession. Of course, a longer period is allowed if it is necessary to complete the mortgage arrears resolution process, MARP. For the first time, lenders are obliged to give three months notice before they are allowed to commence any legal action on crisis arrears cases, and they can only take this course if they have exhausted all other options. The revised code requires both lender and borrower to engage in activities during the vital first 12 months of mortgage arrears to facilitate the process rather than allowing it to deteriorate to the point where it is unworkable, as has happened in the past.

The Government is keen for borrowers in difficulties to fully engage. Independent research

by the Central Bank shows that more than 70% of borrowers who undertook MARP were broadly positive. The code of conduct is focused on ensuring early engagement with customers to prevent the problem getting out of control. Tools are now in place and there is a broad framework of support to help borrowers towards a sustainable solution of their mortgage difficulties. I hope the targets set for the end of June and which increase in number for the end of the year will be realised by the banks. It is not simply a case of making a contract and suggesting it has been dealt with. Who would wish to see 100,000 families locked out, in limbo economically or excluded as whatever progress we can make as a Government passes them by? Clearly, there is an onus for direct engagement. Naturally, there is a difference between those who cannot pay and those who will not pay. This is why so many measures have been put in place for persons who find themselves in those difficulties. I hope it works. The Economic Management Council and the Cabinet committee dealing with mortgage arrears and credit availability will engage on a systematic basis with the banks to assess how they are measuring up to the conditions and targets set for them by the Central Bank.

**An Ceann Comhairle:** Deputy Adams, very quickly. I am keen to get on with the other questions. I think we have exhausted this one.

**Deputy Gerry Adams:** I wish to tease out another issue. Before I do so, I congratulate the new Minister of State, Deputy Donohoe, on his elevation to the post. I also welcome his distinguished visitors to the House. I presume they are not part of his local cumann. Anyway, céad míle fáilte.

Let me preface what I wish to tease out. If 900 posts have been filled by professionals to deal with mental health issues, I would be the first to congratulate the Taoiseach. The Taoiseach is well intended on the issue. However, the posts were not filled last year. What happened to the funding allocated for those posts not filled? That is the difficulty I have in coming to terms with the figures the Taoiseach has given to me. The fact is that we have filled fewer than half the posts. Money was allocated last year. Was it reserved? Is it still in the kitty? Has it been spent on something else?

**The Taoiseach:** Yes, I would assume that, as the money was ring-fenced last year and this year - last year 414 posts were approved and at the end of June this year, 366 of those were filled, are under offer or are awaiting clearance. I believe this means that 48 posts were not filled out of the aforementioned 414 posts. However, I assume that the money approved for those posts would be carried forward this year and the same would apply this year, were any of the 477 unfilled by the end of this year. I will have the Minister for Public Expenditure and Reform confirm that to the Deputy.

**Deputy Gerry Adams:** Okay.

**The Taoiseach:** The Deputy has asked a legitimate question on what has happened to the money in respect of the positions that were unfilled and I assume that as the process is still under way to fill those remaining posts-----

**Deputy Micheál Martin:** It was used to balance the budget last year.

**The Taoiseach:** -----this money will be carried through.

**Deputy Micheál Martin:** It was fresh money this year. The money was used to balance it last year.

16 July 2013

**The Taoiseach:** However, I will have the Minister confirm this.

**Deputy Gerry Adams:** I believe it was used for the deficit in the health budget.

**Deputy Micheál Martin:** It was used to reduce the deficit.

**An Ceann Comhairle:** We will move on to Question No. 10, which will be our last question to the Taoiseach this session.

### Official Engagements

10. **Deputy Micheál Martin** asked the Taoiseach the issues he discussed with the Greek Prime Minister at their recent meeting; and if he will make a statement on the matter. [26615/13]

11. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to Chancellor Angela Merkel recently; and if he will make a statement on the matter. [26616/13]

12. **Deputy Gerry Adams** asked the Taoiseach if he will report on his meeting with the Greek Prime Minister, Antonis Samaras, on 23 May 2013. [26619/13]

13. **Deputy Micheál Martin** asked the Taoiseach if he attended any bilaterals while attending the May EU Council meeting; and if he will make a statement on the matter. [26620/13]

14. **Deputy Micheál Martin** asked the Taoiseach if any papers were circulated by him or any other Prime Minister at the May EU Council meeting; and if he will make a statement on the matter. [26623/13]

15. **Deputy Thomas P. Broughan** asked the Taoiseach if he has been involved in discussions to nominate an individual to run as a candidate to succeed the current President of the European Commission, José Manuel Barroso, in 2014. [26627/13]

16. **Deputy Gerry Adams** asked the Taoiseach if he will report on his meeting with the Italian Prime Minister Enrico Letta in Rome on 10 June 2013. [28680/13]

17. **Deputy Gerry Adams** asked the Taoiseach if he will report on his meeting with the Finnish Prime Minister, Jyrki Katainen, in Helsinki on 7 June 2013. [28681/13]

18. **Deputy Gerry Adams** asked the Taoiseach if he discussed the use of the European Stability Mechanism, ESM, to retrospectively recapitalise banks during his meeting with the Finnish Prime Minister, Jyrki Katainen, in Helsinki on 7 June 2013. [28682/13]

19. **Deputy Gerry Adams** asked the Taoiseach if he discussed the possibility of the ESM taking a stake in the Irish pillar banks, during his meeting with the Finnish Prime Minister Jyrki Katainen in Helsinki on 7 June 2013. [28683/13]

20. **Deputy Gerry Adams** asked the Taoiseach if he will report on his recent visits to Lithuania and Latvia. [28684/13]

21. **Deputy Thomas P. Broughan** asked the Taoiseach if he will recommend new proposals to the European Council, before the end of the Irish Presidency of the European Union, to address the high unemployment levels in the eurozone and the European Union, which pose a threat to the sustainability of the eurozone and the wider European project. [28690/13]

22. **Deputy Gerry Adams** asked the Taoiseach if he has discussed the issue of youth unemployment in his recent discussions with the Italian Prime Minister Enrico Letta. [28881/13]

23. **Deputy Gerry Adams** asked the Taoiseach the discussions he has had on the EU budget during his recent meeting with the Italian Prime Minister, Enrico Letta. [28882/13]

24. **Deputy Richard Boyd Barrett** asked the Taoiseach the recent discussions he has had with Chancellor Angela Merkel; and if he will make a statement on the matter. [33195/13]

25. **Deputy Richard Boyd Barrett** asked the Taoiseach the issues he discussed in his recent meeting with the Finnish Prime Minister; and if he will make a statement on the matter. [33197/13]

26. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the issues he raised at the recent European Council meeting; and if he will make a statement on the matter. [33198/13]

27. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the discussions at the EU Council on Europe's deepening unemployment crisis and the views he expressed on this issue; and if he will make a statement on the matter. [33199/13]

28. **Deputy Richard Boyd Barrett** asked the Taoiseach if he has had any recent discussions with the Portuguese Prime Minister; and if he will make a statement on the matter. [33201/13]

29. **Deputy Joe Higgins** asked the Taoiseach if he will report on his meetings with other Heads of State during the last EU Council. [35071/13]

30. **Deputy Joe Higgins** asked the Taoiseach if he has met with the Greek Prime Minister; and if they discussed the issue of unemployment in Greece and the European Union. [35072/13]

**The Taoiseach:** I propose to take Questions Nos. 10 to 30, inclusive, together.

I met Prime Minister Samaras of Greece on Thursday, 23 May. We discussed economic developments in Greece and in Ireland, as well as our respective efforts to secure economic recovery; the Irish EU Presidency; preparations for the Greek EU Presidency; and the outcome of the May European Council, which we had both attended the previous day. While in Athens, I also attended a meeting with representatives of Greek businesses and SMEs.

I visited Vilnius on 6 June for meetings with President Dalia Grybauskaitė and Prime Minister Algirdas Butkevičius. Later that day I travelled to Riga, where I met Prime Minister Dombrovkis and President Andris Bērziņš. On 7 June, I travelled to Helsinki for meetings with President Niinistö and Prime Minister Katainen. I also met Prime Minister Letta in Rome on 10 June. During each of these meetings, discussions focused on economic matters, including Ireland's economic recovery, preparations for the June European Council, the multiannual financial framework, the ambitions for the remaining part of the Irish Presidency, the proposed EU-US transatlantic trade and investment partnership and bilateral relations.

As Members are aware, I wrote to each of my colleagues in the European Council ahead of the May meeting. I expressed my appreciation for the excellent level of co-operation we had received as Presidency and highlighted a number of areas on which we were seeking further support. I spoke with a number of my colleagues in the margins of the May European Council meeting in this context.

16 July 2013

I have spoken to Chancellor Merkel on a number of occasions, both in person and on the telephone, including at the May and June European Council meetings. I also travelled to Berlin on 3 July for a conference on youth employment, chaired by Chancellor Merkel. While I have not formally met with Prime Minister Coelho since my meeting with him on 28 April in Lisbon, I did see him and all my European Council colleagues at the meetings of the European Council in May and June.

The European Council has not engaged in discussions on nominating a candidate to succeed the current President of the European Commission, José Manuel Barroso, as yet.

The agenda for the June meeting of the European Council was prepared in the normal way. President Van Rompuy prepared an annotated draft agenda, which was considered by the General Affairs Council on 21 May, which was chaired by the Tánaiste. President Van Rompuy then circulated draft conclusions for the June European Council, which were discussed by ambassadors in Brussels and were discussed by Ministers at the meeting of the General Affairs Council on 25 June, which the Tánaiste again chaired. In the usual manner, at each step in the process, Ireland contributed views, as appropriate.

As I already made a statement on last month's meeting of the European Council, I will confine myself to a summary overview at this time. The focus of the meeting was on economic issues, with leaders agreeing a comprehensive approach to combat youth unemployment and a new investment plan for Europe. These are developments that I welcome, as they will contribute to addressing key challenges we face. The Heads of State or Government also concluded the 2013 European semester by endorsing country-specific recommendations for reform. Last month's European Council also welcomed the agreement reached on the next multiannual financial framework, MFF, and called for rapid formal adoption of the MFF regulation and associated inter-institutional agreement. One year after its adoption, leaders reviewed the implementation of the compact for growth and jobs, acknowledging that while considerable progress had been made, more remained to be done. The meeting also discussed completion of the economic and monetary union, EMU, including banking union, enlargement and the European Union's relations with its strategic partners. The European Council expressed its sympathy with those affected by the recent flooding in central Europe and called for the appropriate financial resources to be mobilised to support relief and reconstruction efforts, as well as future preventive actions. Leaders welcomed Croatia as a new member of the European Union as of 1 July and congratulated Latvia on fulfilling the convergence criteria to allow it to adopt the euro from the beginning of 2014.

**An Ceann Comhairle:** As one minute remains, I suggest that Deputies Martin and Adams put their questions and that will be it.

**Deputy Micheál Martin:** I thank the Ceann Comhairle. Within that minute, I also wish to congratulate Deputy Donohoe and welcome his family to the Chamber for what is a significant and privileged day for him and his family. I congratulate him and wish him the best of success in the discharge of his duties.

**An Ceann Comhairle:** Hear, hear.

**Deputy Micheál Martin:** I have one straightforward question for the Taoiseach. I am aware he met the Portuguese and Greek Prime Ministers, both of which countries, and Portugal in particular, are still having significant difficulties and challenges. As for Ireland and the on-

going issue pertaining to the retrospective recapitalisation of its banks, I asked whether papers were circulated by the Taoiseach in his bilateral meetings or to the summit meeting. What specifically does Ireland seek in terms of retrospective recapitalisation? This really is a core question. I note the Minister for Finance last year asked whether we really wished to sell the shares the Government has in Allied Irish Banks and Bank of Ireland to the European Stability Mechanism, ESM. Does the Taoiseach consider the ESM fundamentally to be about future recapitalisations or is there a retrospective element to it and what exactly do we seek?

**Deputy Gerry Adams:** May I say that in my short time here, I have never seen a Deputy as chuffed looking as is Teachta Donohoe? He has put me in good form.

**Deputy Eamonn Maloney:** He is always chuffed.

**Deputy Micheál Martin:** He is more chuffed than Deputy Peadar Tóibín.

**Deputy Gerry Adams:** My question relates specifically to Questions Nos. 17 and 18, which pertain to the retrospective recapitalisation of the pillar banks. I noted the chairperson of the Eurogroup last week stated there was no political support in the Eurogroup for retroactive recapitalisation of the banks. Does the Taoiseach agree this is a hammer blow? At the time, Sinn Féin warned that the spin from the Government, which was to describe the initial Eurogroup statement as a game changer or, as the Taoiseach described it, as a seismic shift, was overselling it. Does the Taoiseach have a plan - a cunning plan - to ensure this issue does not effectively fall off the European agenda?

**The Taoiseach:** The Deputy is one of the best at devising his memories as to what it was about which he warned the Government and so on. He said the same about the promissory notes and the extension of loan maturities, namely, these things would never happen. In respect of the questions of both Deputy Adams and Deputy Martin, the Government seeks to get the best outcome to be able to deal with our debt in a sustainable fashion.

**Deputy Micheál Martin:** What is that?

**The Taoiseach:** On 29 June 2012, the Council did decide to break the link between sovereign and bank debt. The Council did decide that Ireland would receive particular treatment because of what it called its well-performing programme. This was recognised further in public statements by the French President and the German Chancellor. The work that followed in respect of putting together the architecture for the single supervisory mechanism, the capital requirements directive IV, the approach towards banking union and the issue of recovery and resolution concluded with it being written into the decision that the possibility, as was envisaged on 29 June 2012, still applies for retrospection. The position of the Minister for Finance, on behalf of the Government, has been to set out in a clear fashion that the Government seeks an outcome that will benefit the Irish taxpayer and the Irish people and which will allow Ireland and its people to deal with the extent of our debt in a sustainable fashion. We can certainly work towards that from a variety of points of view.

We were pleased with the outcome. Views abound in different ways in different countries. I met principals, many of whom spoke in public about the particular and specific circumstances which applied in the case of Ireland when our economic crash occurred. The tools and mechanisms have now changed following the decision taken in respect of Cyprus. I was happy to see the outcome of the Ministers for Finance, as endorsed by the European Council. That gives us the opportunity to continue to negotiate creatively and imaginatively in the time ahead so that

16 July 2013

the principle of the decision of 29 June last year can be achieved and the outcome of that is a more sustainable debt position for our country.

*Written Answers follow Adjournment.*

### **Appointment of Minister of State: Announcement by Taoiseach**

**An Ceann Comhairle:** I call on the Taoiseach to make an announcement for the information of the House.

**The Taoiseach:** I wish to announce for the information of the House that, on 11 July 2013, I accepted the resignation of Deputy Lucinda Creighton as Minister of State at the Departments of the Taoiseach and Foreign Affairs and Trade.

The Government, on my nomination, has appointed Deputy Paschal Donohoe to be Minister of State at the Departments of the Taoiseach and Foreign Affairs and Trade, with special responsibility for European affairs, with effect from 12 July 2013. I am sure Oscar and Lucy will be very pleased.

### **Order of Business**

**The Taoiseach:** It is proposed to take No. 11, motion re referral to joint committee of proposed approval by Dáil Éireann of a directive of the European Parliament and the Council on the fight against fraud and a regulation of the European Parliament and the Council on Europol and repealing Decisions 2009/371/JHA and 2005/681/JHA; No. 12, Legal Services Regulation Bill 2011 - Financial Resolution; No. 19, Health (Amendment) Bill 2013 [*Seanad*] - Committee and Remaining Stages; and No. 20, Construction Contracts Bill 2010 [*Seanad*] - Order for Report, Report and Final Stages.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 9 p.m. tonight and shall adjourn not later than 11 p.m.; Nos. 11 and 12 shall be decided without debate; the Committee and Remaining Stages of No. 19 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 10 p.m. tonight by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Health; Report and Final Stages of No. 20 shall be taken tonight and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 11 p.m. by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Finance; and in the event a division is in progress at the time fixed for taking Private Members' business, which shall be No. 44, Garda Síochána (Amendment) Bill 2013 - Second Stage, Standing Order 121(3) shall not apply and Private Members' business shall, if not previously concluded, adjourn after 90 minutes and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 9 p.m. on Wednesday, 17 July 2013.

**An Ceann Comhairle:** There are five proposals to be put to the House. Is the proposal that the Dáil shall sit later than 9 p.m. tonight and shall adjourn not later than 11 p.m. agreed to? Agreed.

Is the proposal for dealing with Nos. 11 and 12, motion re referral to joint committee of proposed approval by Dáil Éireann of a directive of the European Parliament and the Council on the fight against fraud and a regulation of the European Parliament and the Council on Europol and repealing Decisions 2009/371/JHA and 2005/681/JHA and the Legal Services Regulation Bill 2011 - Financial Resolution agreed to? Agreed.

Is the proposal for dealing with No. 19, Health (Amendment) Bill 2013 [*Seanad*] - Committee and Remaining Stages, agreed to?

**Deputy Micheál Martin:** It is not agreed to. I will not force a vote on this. I again want to articulate our disquiet at the frequent use of guillotines in regard to such Bills. This is an important Bill which will have a very significant impact on many patients and people who will have to attend our public hospitals in the coming months and years. It merits significant debate on Committee Stage, in particular, as well as on Remaining Stages. It will receive very limited time today.

In the context of overall Dáil reform and the democratic revolution which was promised, day by day and week by week the actual experience of Dáil business, in terms of its scheduling and organisation, is falling far short of what was promised. It reflects the frustration of the Chief Whip who, two weeks ago, described the Government's performance as deplorable in regard to the reform of the Dáil.

**Deputy Paul Kehoe:** It was four weeks ago.

**Deputy Micheál Martin:** In the four weeks since things have become worse in terms of reform procedures. We see the evidence of that all the time.

**Deputy Gerry Adams:** No. 19 is an important Bill which will have the effect of increasing charges on public patients and the contributions paid by clients of long-term residential care. It needs full discussion. I will not press it to a vote but, as I said to the Taoiseach many times, what I have seen since I was elected to the House has not involved reform or doing business better, but has been about cutting debates short.

**The Taoiseach:** This is a matter of considerable importance. The Minister for Health has engaged with insurance companies about reducing their cost base. The preparation of this Bill is an important element in the consideration of the conclusion of those negotiations. The main Opposition leader sought extra time on the courts of appeal Bill last Thursday and there was only one speaker from that side. Second Stage of the Health (Amendment) Bill concluded in less than two and a half hours. It is necessary that it be passed with a commencement order to start. It is a short Bill. No other speakers were involved on Second Stage and the Minister is anxious to have the matter concluded so that, in the interests of patients, we can have the reduction in the cost base envisaged under the private health insurers.

Question, "That the proposal for dealing with No. 19 be agreed to," put and declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with No. 20, Construction Contracts Bill 2010 [*Seanad*] - Order for Report, Report and Final Stages, agreed to?

**Deputy Gerry Adams:** I very much welcome the Bill, which is good and has been eagerly awaited by small contractors. I rest my case; it is the same point I made earlier.

**The Taoiseach:** I understand spokespersons met with officials after Committee Stage last

16 July 2013

week and worked on the 20 amendments which were tabled. I understand there was a great deal of discussion about that. The Bill has been around for some time. It did not come before the House because of the necessity to work on amendments. It is important, in the interests of sub-contractors and related issues arising, that this be dealt with.

Question, “That the proposal for dealing with No. 20 be agreed to,” put and declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with No. 5, Private Members’ business, agreed to? Agreed.

**Deputy Micheál Martin:** I wrote to the Taoiseach on 3 July in regard to the delay in filling the position of Secretary General-Clerk of the Dáil post which is to become vacant on 5 August 2013. The Clerk will retire tomorrow and we might have an opportunity to speak on that issue.

I wrote a lengthy letter to the Taoiseach in which I pointed out that the process relating to the appointment of the Clerk or Secretary General of the Dáil should be transparent and accountable. In December 2012 the Minister for Public Expenditure and Reform, *5 o'clock* Deputy Howlin, gave a commitment to amend the Staff of the Houses of the Oireachtas Act 1959, which he described as being outmoded and in need of change. His predecessor in the Department of Finance made similar comments in 2009. During a Topical Issue debate on 15 May 2013, the Minister stated:

I believe the objective in filling top posts of the Houses of the Oireachtas service should be to employ professionally organised and independent competitive selection mechanisms such as those that exist throughout the wider Civil Service to ensure the best possible person is selected from as wide a pool of talent as possible to lead the parliamentary service in future.

I accept that the nomination of a suitable candidate for appointment by the Taoiseach rests solely with the Ceann Comhairle, following consultation with the Houses of the Oireachtas Commission. In light of all of the pledges made in respect of public and transparent selection processes and in view of the way in which the House has modernised and evolved to date, will the Taoiseach indicate the current status of the legislation in respect of which the Minister for Public Expenditure and Reform, Deputy Howlin, made a commitment? Is it the Taoiseach’s intention that the process relating to filling the position in question will be as wide-ranging and transparent as possible and that it will reflect the spirit of the programme for Government? There have been commitments from those on all sides to the effect that as wide as possible a range of people should be in a position to apply for consideration under the selection process.

**An Ceann Comhairle:** The Deputy has made his point.

**Deputy Micheál Martin:** This is a very important issue.

**An Ceann Comhairle:** I am sure it is, but we are on the Order of Business and Deputies should inquire about promised legislation.

**Deputy Micheál Martin:** This is the final opportunity I will have to raise the matter prior to the summer recess.

**The Taoiseach:** The existing legislation bestows responsibility and roles in this regard on both the Ceann Comhairle and the Taoiseach. Deputy Martin can take it that the process which will be put in place will be open, transparent and accountable.

**Deputy Micheál Martin:** Will the Taoiseach write back to me?

**The Taoiseach:** Of course I will write back to the Deputy.

**Deputy Micheál Martin:** It has been a month since I wrote to the Taoiseach.

**The Taoiseach:** I will write to the Deputy at length and in good time.

**Deputy Micheál Martin:** This is a serious issue.

**An Ceann Comhairle:** We are not discussing letters here. The Taoiseach provided the Deputy with a reply.

**Deputy Micheál Martin:** Members would like to know how the key administrative position in the House is going to be filled.

**An Ceann Comhairle:** Exactly, and it will be filled.

**Deputy Micheál Martin:** We are not going to be informed as to how it will be filled. That is contrary to everything which has been said to date.

**An Ceann Comhairle:** The Deputy inquired about legislation and the Taoiseach provided a reply.

**Deputy Micheál Martin:** It is also contrary to everything the Government indicated would happen.

**The Taoiseach:** The Deputy is suggesting it will not be open, accountable and transparent.

**Deputy Micheál Martin:** We have had no transparency from the Taoiseach on it and no proposals have been forthcoming.

**The Taoiseach:** I shall write to the Deputy.

**Deputy Micheál Martin:** We have no sense of what is going to happen and this is despite all the commitments given by the Taoiseach and the Minister for Public Expenditure and Reform, Deputy Howlin.

**The Taoiseach:** I shall write to the Deputy and explain all.

**Deputy Micheál Martin:** Legislation was promised and it has not been forthcoming.

**An Ceann Comhairle:** Deputy Martin should resume his seat.

**Deputy Micheál Martin:** What is happening is regrettable. The House is being badly treated.

**Deputy Gerry Adams:** The programme for Government contains a commitment to develop a cultural plan for future commemorative events such as the centenary of the Easter Rising in 2016. This morning a number of other Oireachtas Members and I visited Moore Street and the buildings there which have been deemed to constitute a national monument and which stand in a state of considerable decay. The Taoiseach visited the same location and described it and the surrounding area as the “laneways of history”. There is a clear view that this entire battle-field site should be preserved. I understand the Minister for Arts, Heritage and the Gaeltacht,

16 July 2013

Deputy Deenihan, brought a memo on this matter to the Cabinet this morning. The relatives of the signatories to the 1916 Proclamation who were with us on the plinth outside the Houses earlier were not informed of this fact or given any notification in respect of it. The memo was given to the media, which is unfortunate. Will the Taoiseach provide the Dáil with the detail of the memo?

**The Taoiseach:** This is an important issue which has been discussed in the House on many occasions. The Minister for Arts, Heritage and the Gaeltacht brought a memo to Government this morning and a decision was made in respect of it. As the Deputy is aware, the national monument comprises Nos. 14 to 17 Moore Street. No. 16 is the location at which the final council of war took place and is owned by a company which is in possession of planning permission from Dublin City Council for a very extensive development.

**Deputy Gerry Adams:** It is owned by NAMA.

**The Taoiseach:** The Minister is concerned that buildings to the rear of Nos. 14 to 17 Moore Street, which were in existence either in 1916 or beforehand, should not be demolished. He is also concerned with regard to the proposal to put an underground car park in place beneath Nos. 14 to 17 Moore Street. For that reason, he recommended to the Cabinet that approval be given for the element of the development for Nos. 14 to 17 Moore Street - including conservation, presentation, interpretation, etc. - in respect of which there is no difficulty but that he would refuse to allow the demolition of buildings to the rear and the installation of an underground car park. The Government accepted the Minister's recommendation.

**Deputy Gerry Adams:** It is a mistake of historic proportions to give a developer who was part of the inner circle relating to the former Anglo Irish Bank permission to develop a shopping mall adjacent to a site of historic importance.

**An Ceann Comhairle:** The Deputy can raise this matter in another way.

**Deputy Anthony Lawlor:** I have raised this matter on a number of occasions and the name of the relevant Bill has changed on a couple of occasions. Will the Taoiseach indicate when the assisted decision-making (capacity) Bill will come before the Cabinet, when it will be published and when it will be introduced in the Dáil?

**The Taoiseach:** That legislation was cleared by the Cabinet last week and I expect it will be published this week.

**Deputy Mattie McGrath:** As I am sure has been the case for other Deputies, I have been contacted by many GPs in respect of the new attack launched against them. As everyone is aware, GPs provide a tremendous service. Not all of them work in primary care practices and they are being obliged to deal with successive cuts. Some of them literally cannot continue to operate. In the context of the Medical Practitioners Act 2007 (amendment) (medical indemnity insurance) Bill, it must be recognised that GPs constitute one of the only functioning aspects of the health system at present. These people work independently to provide employment and valuable services to their communities.

**An Ceann Comhairle:** We will obtain an answer in respect of the Bill for the Deputy.

**Deputy Mattie McGrath:** They are coming under such pressure that they are being obliged to close their practices. They are being obliged to let staff go and they are also being forced out

of small towns and villages. As stated, they represent the only part of the health system which is functioning.

**The Taoiseach:** The legislation was on the A list and was due for publication during this session. However, this will not now happen. A great deal of work has been done on the Bill - it has virtually been completed - but it will not be published before the House rises for the summer.

**Deputy Frank Feighan:** When will the pyrite levy Bill be introduced?

**The Taoiseach:** Later in the year.

**Deputy Peter Fitzpatrick:** When will the data sharing Bill, the purpose of which is to underpin better risk-based enforcement, efficiency and co-operation in business regulation by allowing specified public bodies to share specified data relating to businesses, be published?

**The Taoiseach:** There is not yet a date for publication. I will inform the Deputy of the work which has taken place since the previous occasion on which he raised the matter.

**Deputy Michael Healy-Rae:** I wish to declare a personal interest in the matter I wish to raise. Earlier today, the House heard statements on the report, Promoting a Sustainable Future for the Post Office Network. I thank the Government for allowing that important and informative debate to proceed. In the context of the programme for Government, will the Taoiseach indicate the legislation that is going to be put in place in respect of securing the future of the post office network? This matter is vital to every town and village throughout the country in which there is a post office.

**The Taoiseach:** I do not have a date in respect of that matter.

**Deputy Michael Healy-Rae:** The Taoiseach should have a date in respect of it.

**The Taoiseach:** I know. According to the Deputy, I should have a date for everything.

**Deputy Michael Healy-Rae:** That is not a good answer.

**Deputy Bernard J. Durkan:** Will the Taoiseach indicate when the Garda Síochána (compensation for malicious injuries) Bill is likely to come before the House? Have the heads of this legislation been discussed or approved? When is it likely that it will be passed into law? Will the Taoiseach also indicate the position with regard to the planning Bill, which will provide for the implementation of planning recommendations in the report of the Mahon tribunal and other matters? Have the heads of this legislation been approved and when is it likely to be published and brought before the House?

**The Taoiseach:** The planning Bill, which relates to the Mahon tribunal, is due this year. The heads of the Garda Síochána (compensation for malicious injuries) Bill were cleared last July and it is due for publication later this year.

**Deputy Bernard J. Durkan:** I thank the Taoiseach.

**Deputy James Bannon:** The proposed industrial wind turbine development is a highly controversial issue across the midlands. The Taoiseach may or may not be aware that public meetings are being held in every parish across the midlands on this issue. We are still working under the 2006 guidelines for wind turbines. It is an issue that----

16 July 2013

**An Ceann Comhairle:** Is there promised legislation on this?

**Deputy James Bannon:** Politicians across the board are being called on to have a moratorium on such development until the guidelines are changed. Perhaps new guidelines for wind turbines could be covered under the common arrangements that will apply under the gas or EirGrid legislation. It is an issue that has been promoted by the Government since it took office.

**An Ceann Comhairle:** Thank you, Deputy. You have made your point.

**Deputy James Bannon:** People want a stay on such developments until new guidelines are drawn up.

**The Taoiseach:** There is no date for the publication of those Bills. The Deputy has raised this issue on a number of occasions. I will have the Minister for Communication, Energy and Natural Resources contact him. This is not all within the Minister's control. There are planning applications, environmental impact studies and all of that. I will have the Minister consult the Deputy.

**Deputy Barry Cowen:** When is it expected that next the Bill regarding the setting up of Irish Water will be brought before the House? I am conscious of the fact and have been led to believe that lucrative contracts for water metering will be announced next week when the Dáil will not be sitting. I thought we might have been informed of the content and extent of those contracts during this week when the Dáil is sitting.

**The Taoiseach:** The water services Bill is to be introduced later on in the year. The contracts, as I understand this - I will have the Minister contact the Deputy - are for the major regional contractors who in turn will employ subcontractors to do the work on numbers of houses.

**Deputy Barry Cowen:** They are not compelled to employ subcontractors.

**The Taoiseach:** No, but they have at their discretion the option of employing pretty significant numbers of local contractors and unemployed persons from the construction sector, competent persons in the plumbing business and so on. I think these tenders are in; they are probably known at this stage. The announcement in respect of the regional contractors is to be next week, as the Deputy pointed out. I will ask the Minister, Deputy Hogan, to let the Deputy know about that.

**Deputy Seamus Kirk:** If I might revisit the Narrow Water Bridge project, as the Taoiseach will know there is huge disappointment north and south of the Border about the fact that the project appears to be on hold because of a financial shortfall. In view of the fact that the Minister for Finance is along with the Taoiseach today, I suggest this project be considered with the projects intended under the National Pensions Reserve Fund development structure. Given the symbolic and strategic nature of this project, it would be great pity if it did not proceed. It is shovel-ready and the Taoiseach has the structure in place to get the necessary finance to augment what is already there. I exhort him to give this suggestion serious and sympathetic consideration.

**An Ceann Comhairle:** There is no promised legislation on this.

**The Taoiseach:** No, there is not. This is a matter that has the support of Europe in the sense that an allocation of €16 million has been made available for it and there are also contributions to be made from Northern Ireland, Louth County Council and the Government here, but the

tenders are very seriously in excess of the amount estimated. The local authority is in discussion with the designers and the consultants here. I am not sure of the extent of the scale of the bridge that is planned for the tender that came in. We do not want a situation where tenders of any size can come in and the taxpayer is expected to foot the Bill at the end of the day. It is a matter, as Deputy Kirk is aware, and Deputy Fitzpatrick has brought this to my attention also, that the local authority is now talking to the consultants about the scale and the preparatory work in respect of getting to the point where the bridge will be constructed. There are serious developments involved on either side of Narrow Water.

**Deputy Seamus Kirk:** If needs be, the Taoiseach could consider it in terms of the National Pensions Reserve Fund.

**Deputy Seán Ó Fearghail:** I have repeatedly raised on the Order of Business the plight of the 32 survivors of thalidomide. Last Tuesday, responding to a similar question from my party leader, Deputy Martin, the Taoiseach indicated that the Minister for Health had discussions with the organisations representing the thalidomide survivors. It is my information having spoken to the bodies during the course of last week that the Minister for Health has had no discussions with them. I am sure the Taoiseach's information was inadvertent but will he set to rights the record of the House and indicate when the Minister for Health will meet the bodies involved?

**An Ceann Comhairle:** We are straying from the Order of Business.

**Deputy Seán Ó Fearghail:** This is in the programme for Government.

**The Taoiseach:** I would not want to give anybody the impression that I was misleading the Dáil. My words may not have been entirely accurate. I had been speaking with the Minister for Health and as I understood it the discussions that had taken place had been progressive. I take the point that senior officials from the Department of Health and not the Minister met both the Irish Thalidomide Association and the Irish Thalidomide Survivors Society - there are two groups representing the 32 survivors.

The German foundation is set to increase substantially by between 150% and 500% its monthly payments to thalidomide survivors, including Irish survivors, with effect from 1 August 2013, backdated to 1 January 2013. The State does not wish to take any action which would have the effect of jeopardising current or future payments to Irish survivors by the German foundation and, as such, the Department has requested the State Claims Agency to meet the German Ministry and report back in regard to the implications of the issue that was raised concerning the application of German law to the payments made to Irish survivors of thalidomide. Both thalidomide organisations will be kept informed of developments. The Minister is obviously interested in this. If I inadvertently gave the impression that he had been meeting the associations, clearly, it was senior officials from his Department who met them and I correct my words in that regard.

**Deputy Ray Butler:** When is publication expected of the customs Bill to consolidate and modernise national legislation relating to the administration of customs by a single piece of legislation?

**The Taoiseach:** That will be later this year.

**Deputy Thomas P. Broughan:** In regard to the Seanad abolition referendum, does the Taoiseach intend over the summer to bring forward legislation on reform of this House to give it

16 July 2013

strength and powers like other unicameral Legislatures such as New Zealand or Sweden? Will he spell that out clearly to the public, in other words, to people who would say they would vote for abolition of Seanad if the Dáil was reformed? Is that the Taoiseach's plan of action?

**The Taoiseach:** I hope to set out those changes for next week.

**Deputy Thomas P. Broughan:** Will legislation follow or will the changes require legislation?

**The Taoiseach:** It may be necessary in some cases but I think we can make the vast majority of changes and run the place far more effectively without legislation.

**Deputy Micheál Martin:** It speaks volumes that they are to be set out when the Dáil will be in recess.

**Deputy Thomas P. Broughan:** The Deputy's party used to do the same thing.

**Deputy Micheál Martin:** The Taoiseach can text all the changes to us.

**Deputy Timmy Dooley:** He can get the new Clerk to deliver it.

#### **Financial Services (Protection of Deposits) Bill 2013: First Stage**

**Deputy Michael McGrath:** I move:

That leave be granted to introduce a Bill entitled an Act to prohibit the imposition of a levy on deposits which are covered by the deposit guarantee scheme.

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

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

Question put and agreed to.

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

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

Question put and agreed to.

#### **Fight Against Fraud and Regulation on Europol: Referral to Joint Committee**

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

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

(i) Proposal for a Directive of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law – General Approach, and

(ii) Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA,

copies of which were laid before Dáil Éireann on 12 June 2013 and 3 April 2013, be referred to the Joint Committee on Justice, Defence and Equality, in accordance with Standing Order 82A(4)(j), which, not later than 18 July 2013 shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

### **Legal Services Regulation Bill 2011: Financial Resolution**

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I move:

That provision be made in the Act giving effect to this Resolution:

- for the charging, in accordance with regulations made under the Act by the Legal Services Regulatory Authority, of fees by the Authority in respect of the performance of its functions, the provision of services and the carrying out of activities by the Authority under the Act; and

- for the payment in accordance with that Act of a levy in each financial year on legal practitioners, being a levy for the purposes of financing the operating costs and administrative expenses that are properly incurred by the Authority and by the Disciplinary Tribunal in the performance of their functions under the Act.

Question put and agreed to.

### **Topical Issue Debate**

#### **Foster Care Supports**

**Deputy Jack Wall:** I thank the Minister, Deputy Fitzgerald, for taking this Topical Issue. After-care is a relatively new development in the long history of State care for children. While the delivery of after-care is provided for in the terms of the Child Care Act 1991, whether it happens is solely at the discretion of the State. Further after-care is not defined by law. The quality and nature of after-care supports and services varies from area to area and from child to child. Some children fare better than others in getting continued support from the HSE, which is over-burdened and financially stretched. The term “corporate parent”, which was used some years ago by the then Minister of State with responsibility for children and youth affairs to refer to the State's responsibilities to children in State care, feeds into negative perceptions of a cold and distant parent who is operating on the basis of financial concerns rather than doing the right

thing in the best interests of the child.

When young people leave care, the move often comes too soon. CSO figures indicate that on average, offspring continue to enjoy the supports and comforts offered in the family home until the age of 25 years. The picture is different and rather bleak for children in care. Their preparations for leaving care begin at the age of 16 years and they formally leave care at the age of 18 years. While further supports may be made available to young adults leaving care, they often reject further intrusion in their lives and decline any form of after-care support. Those who avail of such supports often find they are limited in nature and scope. Current HSE after-care practice falls far short of fulfilling the diverse needs of young adults when they are perhaps at their most vulnerable. Outcomes for such young adults are poor. They are more likely to have poor educational attainment, engage in criminal activity, get involved in prostitution, attempt suicide or abuse substances. Those are just some of the many pitfalls they face. We must act to prevent these poor results. We must put in place a mechanism that will make a difference for these children.

Last night, I met a young girl who has been in 25 foster homes. Luckily, she has met foster parents who are making a difference in her life. Now that she has reached the age at which her care finishes, all the wonderful work that has been done in recent months will be wiped away and she will be put out into the wide world. Seven members of her family are in foster care. She has no support anywhere. I ask the Minister to ensure something is done in her Department to extend the after-care service. I have also met people with experience in this area who are involved in the After Residential Care Trust. They know what it is about, having been involved in after-care for all of their lives. They are trying to meet the demand that exists, but they are not getting financial support from anyone. The young lady I met last night was bubbly and enthusiastic about everything life could offer. It struck me that if we cannot look after this girl, we are not doing what we should be doing with regard to after-care services.

There is an urgent need to meet needs in this regard. We must not repeat the mistakes of the past, when young people were sent into rented accommodation and moved from house to house and no one was responsible for looking after them. I ask the Minister for Children and Youth Affairs to examine this very serious situation. I call on her to do everything possible in the instance I have mentioned. I believe a step-down facility should apply to the payments that are made to foster carers. That would enable them, slowly but surely, to move away from the young person and give him or her the responsibility that is necessary. At the moment, the payments are cut off and that is the end of the story. That is not good enough.

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I thank the Deputy for raising this important topic. Many changes have been made in the after-care area to deal with the precise situation he described. Clearly, it is completely unsatisfactory that the young woman he met had 25 placements. If she has found a stable placement, we should be in a position to support her, even if she has reached the age of 18. I ask the Deputy to bring the details of her case to my attention. While the vast majority of children in care have stable placements, a small cohort of children have the kind of multiple placement experience he described. We need to put a great deal of attention and supports into working with young people in such circumstances.

Young people who leave State care are entitled to advice, guidance and practical support. It should be developed in partnership with those who know them, including social workers, key workers and foster parents. A needs assessment should be carried out before a young person

leaves care to identify his or her accommodation, financial support, social networks, training and education needs as he or she is about to leave care. That is in place. Obviously, a vulnerable group of young people leaving care may have had a short-term placement, or may have been in residential care, shortly before reaching the age of 18 years. Children who come into care in their mid teens or late teens may not have developed the kinds of relationships with staff or after-care workers that help to ensure there are good outcomes.

It is important to realise that the vast majority of children who are in care - 91% of them - are living in foster homes. Many of them continue to live with their foster families, and receive ongoing financial support and advice, when they reach the age of 18 years. I can advise Deputy Wall that at the end of last year, some 639 young people who had left care were supported financially to remain living with their foster carers. We have changed the policy. I would be very sensitive to that policy. I agree that the State support provided to a young person should not stop just because he or she has reached the age of 18 years. Young people who do not have to face the transition described by the Deputy do not have to leave their foster carers at the age of 18 years. Many of them, in addition to having access to an after-care worker, receive their key supports from their foster carers. That is the ideal situation. Young people who do not have such family support should be helped to find accommodation in supported lodgings, sheltered housing or independent accommodation. The core eligible age range - from 18 to 21 years - can be extended to 23 if the young person is in education or training.

I have set out the policy as it exists at present. There have been many changes in recent months and years. I agree with Deputy Wall that after-care did not get the kind of attention it needed in previous years. As a result of the efforts of young people and of organisations like Empowering People in Care, there has been a change in Government policy and there is now a greater focus on after-care. Since I was appointed as Minister for Children and Youth Affairs, I have asked for more information on this group. We did not have statistics at national level about the number of young people who stayed living with their foster parents, for example, or who continued in education. Now that we are getting those figures at national level, we are in a better position to plan how we can do the best for these children.

At the end of December 2012, some 1,457 young people were in receipt of an after-care service. Some 1,073 of them were between the ages of 18 and 21. Some 384 young people over the age of 21 years were receiving some aspect of after-care support. Given that young people in care often get stereotyped about their care experiences, it is interesting to note that after the age of 18, some 61.1% of those young people were in some form of education or training and some 55.8% of them were in full-time education. I accept that obviously means almost 40% of them were not in education. Nevertheless, it is worth noting that 55% of those who leave care go on to further education. They should get the range of services outlined by the Deputy. It is understandable that some young people may not want to continue to receive State services and are reluctant to engage with them. Even if young people leave a particular service, they can come back in and avail of it again even if they drop out for a year. We have made that very clear. With the increasing consultation with young people, they are increasingly aware of their rights and the access they can have to services.

We also have an after-care implementation group working at national level developing protocols, which are very important, with the Department of Social Protection, mental health services, primary care in the HSE and the Department of the Environment, Community and Local Government; therefore, we are trying to build up an increased awareness. The Ombudsman for Children in her recent report spoke about the need for the Department of the Environment,

16 July 2013

Community and Local Government to be more sensitive to the needs of young people who leave care when dealing with housing. We are developing protocols with those.

I am examining legislative options to strengthen the provision of after-care. I hope to introduce an amendment to the Child and Family Support Agency Bill on Committee Stage to ensure children who have been in care have a legislative right to an assessment of needs.

**Deputy Jack Wall:** I thank the Minister for the detailed reply she has given. It offers hope to the people in the cases I mentioned and those I have on file. Everything the Minister has said is positive and I greatly welcome it, but it does not seem to be getting out on the ground where these people are. That is a significant problem. The big question is how we are going to do that. If we are to be successful, and I want to put everything I have in support of the Minister in trying to reach that goal, the one thing we must do is give something to these children in terms of the next step. When I spoke to the young lady last night, we talked about whether she got on that first step of education. She must go for treatment before she gets there. It is her ambition to get on that first step. It was wonderful to see that she had that and is willing to follow up on it.

I welcome what the Minister said, but I want to see it in the area and involvement in all the areas because together the foster parents, the children and the relevant State agencies can make a success of this. There is a considerable amount of work attached to it and there is a significant problem involved in getting children to go in the right direction but it is possible to have a successful conclusion. I will bring the cases to the attention of the Minister. One issue was that this family of seven has not been together in over six months. This girl is the elder child at this stage and there is a need to show her that there are family connections, as well as the wonderful family she is in the care of.

**Deputy Frances Fitzgerald:** The issue of contact with natural family is dependent on a range of factors and I do not want to comment on an individual case. One must always ask whether it is in the best interests of the young person to have contact because there may be cases where it is not. I want to make that point. Sometimes young people deserve a second chance with another family and it sounds like that young woman has got that also.

I assure the Deputy that there are increasing numbers of aftercare workers working directly with young people and there is an increasing budget. We are spending many more millions of euro. One of the reasons we have difficulties in connection with budgeting is because so much more money is going into the after-care service. Over 1,457 young people are in receipt of an aftercare service. The situation has changed dramatically. It has been acknowledged by those working in the field that young people over the age of 18 years are getting more supports than they ever received previously. As I say, there can always be an individual situation where for some reason it has not worked out as well as one would have liked. I recognise the Deputy's commitment and interest in this area. It is very important. We should support these young people, who have been in care for several years, after they leave care to help them to continue in education, training or employment and give them supports because they can be very vulnerable.

### **Magdalen Laundries Issues**

**Deputy Mary Lou McDonald:** When the Taoiseach got to his feet in the Dáil and issued an apology to the survivors of the Magdalen laundries, everybody gathered here and beyond understood this was the beginning of the end game for those women. It is astonishing to hear

the four religious orders - the Sisters of Mercy, the Sisters of Our Lady of Charity, the Sisters of Charity and the Good Shepherd Sisters - say today that they will not contribute to the compensation fund for these women. Let it be said that the compensation and redress scheme envisaged is very modest and that despite the publication of the Quirke report, we have not had the necessary opportunity to debate and scrutinise that redress scheme in the Dáil. I raised the issue with the Minister for Justice, Equality and Defence and the Taoiseach. It was remiss of us as public representatives not to scrutinise the scheme.

It should also be said that the McAleese report which informed the work of Mr. Justice Quirke was an incomplete piece of work and at no point reflected the full brutality of the regime suffered by the girls and women in the Magdalen laundries. That said and given its lack of completeness, it must be said that the McAleese report represented the point in time where officially, finally and conclusively the State recognised the wrong done to those women and girls. These were women who were held against their will, who were subjected to forced labour and who suffered the stigma, shame and silence around their experiences in these laundries for many decades afterwards.

Women with direct experience of the laundries were very angered when they got word today that the religious orders have simply turned up their noses at them and that everybody is sorry for what happened but not sorry enough to make a financial contribution to the very modest redress and compensation these women are due. I very much hope the Government is equally angered. I noted the comments by the Minister for Justice, Equality and Defence earlier in the day and I understand he expressed disappointment. He needs to express more than disappointment. I would like him to tell us about the nature of the meetings with the religious congregations, who met them and when. What was the ask of Government to these congregations? Most crucially, what does the Minister propose to do about this matter now?

**Minister for Justice and Equality (Deputy Alan Shatter):** I thank the Deputy for raising this important matter and for the opportunity to speak in the House today on this issue. The Deputy knows that when I took up office, I was determined that we would address the issue of the Magdalen laundries and the position of the former residents. My Government colleagues were fully briefed by me on today's matter at our Cabinet meeting this morning.

The House will be aware that the Minister of State with responsibility for disability, equality and mental health, Deputy Kathleen Lynch, and I announced a scheme of payments on 26 June 2013 for women who were admitted to and worked in the Magdalen laundries, St Mary's Training Centre, Stanhope Street, and House of Mercy Training School, Summerhill, Wexford. This followed the publication of the report by Mr. Justice Quirke, president of the Law Reform Commission, on the establishment of an *ex-gratia* scheme and a comprehensive range of supports for the women involved. More specifically, the Government decided that a scheme should be introduced for the benefit of those women who were in the Magdalen laundries. It was agreed that a fund should be established for this purpose and to invite the religious congregations involved in the running of the laundries to make an appropriate contribution to the fund as a reflection of their desire to participate in the healing and reconciliation process.

There were four religious congregations involved in the running of these institutions - the Good Shepherd Sisters, the Sisters of Our Lady of Charity, the Sisters of Mercy and the Sisters of Charity. The Minister of State and I met the four congregations involved and raised the issue of a financial contribution to the cost of implementing the scheme recommended by Mr. Justice Quirke. We met with them before and subsequent to the publication of Mr. Justice Quirke's

16 July 2013

report. At our meeting, we explained that it was a restorative justice scheme and as such the Cabinet expected that the congregations would contribute to the fund being established and that we had been informed by some of the women who resided in the laundries that they believed the congregations should make such contribution. Some perceived this to be part of a reconciliation process between them and the congregations, but of course this was not the perspective of all. The congregations were given time to reflect on the recommendations contained in Mr. Justice Quirke's report and were asked to respond to both me and the Minister of State, Deputy Kathleen Lynch. The four congregations were also asked to co-operate fully with the provision and checking of records held by them, which is essential for the implementation of the Magdalen scheme, and to make a financial contribution to the cost of the scheme.

The Deputy will appreciate that the full cost of the scheme is difficult to estimate at this time. It will depend on the number of women who apply and the duration of their stay in a Magdalen home. While information on how it will apply and the possible range of payments and supports are set out in considerable detail in the Quirke report, as accepted by the Government, it is expected to cost between €34.5 million and €58 million.

Regrettably, all four religious congregations have informed us they do not intend to make a financial contribution. I regard their response as very disappointing. It is my view the congregations have a moral obligation to make a reasonable contribution to the fund required under the scheme and this view is shared by all my Cabinet colleagues. It is a view I believe will be shared by a majority of people outside this House. I hope all four congregations will further reflect on the response we have received from them and will again consider making a contribution to the fund and reducing the burden imposed on taxpayers throughout the State.

It is important I inform the House that all four congregations have stated they will continue to co-operate fully with the provision and checking of records held by them and to provide all the assistance they can in this regard to assist us in validating applications made under the scheme and length of stays in the relevant institutions. It is also important I recognise the congregations gave unprecedented access to their records and fully co-operated with Dr. McAleese in his preparation of his report. As we proceed to quickly implement the recommendations contained in the Quirke report, their assistance is crucial in supporting and verifying the applications of former residents who wish to apply for benefits or support from the scheme. It is also important to note the religious congregations still care for more than 100 elderly women who originally resided in the Magdalen laundries.

I would like to take the opportunity to confirm that arrangements are in place in the Department to process applications from the women involved. A copy of Mr. Justice Quirke's report, together with an application form, was posted to all women who had registered an expression of interest with the Department. As of yesterday evening, 212 completed application forms had been received and more are arriving by the day. These applications are being processed as quickly as possible and I am happy to state the religious congregations are co-operating fully in the checking of records held by them and are providing all the assistance they can in this context.

**Deputy Mary Lou McDonald:** I agree with the Minister on one point, which is people throughout the country expected much more from the religious congregations. I do not believe they should be given a bye ball on the basis they have co-operated with access to records and gave Dr. McAleese full co-operation. One would expect no less given the scenario and what was being investigated. Unlike the Minister I do not find response disappointing; I find it de-

spicable and unacceptable.

What does the Minister propose to do? It is all very well for him to hope the congregations will reflect on their decision. Rather more than this is required. It needs to be stated very plainly to these congregations that the women and girls of the Magdalen laundries - they were laundries, not homes - were abused comprehensively, that the State has acknowledged its involvement in this abuse and that the congregations themselves bear a moral, ethical and social duty to pay into a very modest compensation fund.

What will the Minister do? It would be a travesty of the most basic sense of justice for a Government and Cabinet which agree the congregations need to come forward and contribute to the fund to stand back and laud the same congregations for basic levels of co-operation in respect of documentation with which any reasonable decent person would simply expect them to come forward. What will the Minister do now? He has clearly been given the brush-off by the congregations. Surely he is not considering for a second this will be the end of the matter. I want to hear more than an appeal for reflection. We need to see action and see these congregations finally do a very modest, but very decent, thing.

**Deputy Alan Shatter:** I agree entirely with the Deputy that the congregations, as she put it, have a moral, ethical and social duty to contribute to the fund. As I stated, the majority of people outside the House would expect such a contribution, and many of the former residents of the Magdalen laundries or homes expect such contributions. I do not believe anything can be achieved by me as a Minister being abusive of those who are members of these congregations. In my view this is a moral and ethical obligation. I will not pretend there is something I can do which is not doable - if I can put it that way for the Deputy - either for the sake of a headline in a newspaper or in the context of responding to the Deputy.

I am proud of the fact I am a member of a Government which has finally addressed the enormous legacy of the Magdalen laundries and the impact they had on so many women whose plights were ignored by successive Governments. We commissioned the report which Dr. McAleese produced. I do not believe this report deserves criticism. It is comprehensive and revealed information never previously available. We asked Mr. Justice Quirke to look at a restorative justice scheme. We wanted to move away from the approach of the redress board where individuals had to detail the horrors of what they experienced. We have put in place a scheme which I believe will work extremely well.

I am disappointed the congregations do not recognise their moral, ethical and social obligation to contribute to the scheme. I urge them to reconsider the approach they are taking. There is an issue when they say, as they have, they want to effect a reconciliation with so many of the women, but the good faith or bona fides of this approach is tested by the manner in which they respond. This response, and it is fair for me to acknowledge it, is partly co-operation in accessing records, which is important, and the fact they continue to care for approximately 130 elderly and frail women, many of them very frail and who have been in their care for decades, but it is not enough. It is the united view of all sides of the House, and of the vast majority of people outside the House, that there is a moral obligation. I hope, bearing in mind the congregations' position, their background and ethical understanding of the world, that this moral obligation will be recognised. I cannot play my role as Minister for Defence and arrive with the tank outside the gates of one of these congregations and demand they provide funding.

**Deputy Mary Lou McDonald:** No one is suggesting that.

16 July 2013

**Deputy Alan Shatter:** I must urge them, as I and the Minister of State, Deputy Kathleen Lynch, did privately, to respond positively to the Quirke report and contribute to the scheme, and I am now doing so publicly. I hope they will reconsider the position they have taken. On reflection they may recognise many of the members of the congregations would like to approach this matter in a manner whereby the wider public regards them as accepting some level of responsibility for the difficulties which occurred in the lives of these women.

### **Pension Provisions**

**Deputy Timmy Dooley:** It is welcome that the Minister is in the Chamber to discuss this matter. The plans by Aer Lingus and its unions to plug the €780 million hole in the pension scheme have been rejected by the Pensions Board. In May, following six months of talks, the Labour Court recommended a deal involving payments from Aer Lingus and the Dublin Airport Authority, DAA, totalling almost €200 million and freezing the existing benefits. The Labour Court plan involved Aer Lingus paying approximately €110 million with regard to active members of the scheme and €30 million for deferred members, in other words, those who have left but not reached retirement. I understand the DAA was to pay approximately €52.75 million for active members and an undisclosed sum for deferred pensioners. The Pensions Board told the trustees of the Irish airlines superannuation scheme, IASS, that the outlined proposal to meet the minimum funding standard for the scheme was not acceptable. The IASS covers workers in Aer Lingus, the Dublin Airport Authority and the now defunct SR Technics. The proposal stated it would be up to 70 years before the scheme would meet the funding standard. The Pensions Board rightly stated that such a lengthy derogation from the obligation to meet the funding standard would not be consistent with the objectives of the pension fund.

It is incumbent on the Minister to bring proposals to Government to deal with the issue. I do not expect him to hide behind the fact that he is a minority shareholder in Aer Lingus, which is the case. Aer Lingus is a publicly traded company and the Minister is a passive shareholder in that regard. However, he is a significant shareholder and therefore as Minister, he should have a view. The Government will have to take a position on it.

The Minister is the only shareholder and consequently the owner of the Dublin Airport Authority, which has a significant requirement to meet the funding standard as set out by the Pensions Board. If nothing else, he owes it to the workers, those who have departed the company and are deferred pensioners, and to the pensioners to provide certainty on their future. It is a considerable worry, in particular for those who have gone beyond working age and who depend on their pension. They want to know whether they will be able to sustain their standard of living and stay in their homes. It is a tremendous worry for people who are reaching the latter days of their lives and who hope to live with a degree of certainty and security to find that ongoing concern has been raised about their future. It is difficult for everyone but in particular for that cohort.

I accept that there is a pension crisis, but a pension is really only a deferral of salary. People have worked for it and made their contribution. They did not get the type of pay increases they might have expected but they did expect that they would have certainty at a later stage. Many pensioners find themselves in a difficult position. Some of them had nest eggs which they hoped would assist them in conjunction with their pensions. Many of the nest eggs have been lost because of poor investments in financial institutions on which they got advice from finan-

cial advisers. All the money is gone. Some sought to help their sons and daughters to get on the property ladder, but they are now in negative equity and are not in a position to give back what was borrowed on the understanding that it might be paid back. Others invested in education for their families, some of whom have now emigrated, are out of work or generally not in a position to help their parents. I am not trying to heap the impossible upon the Minister. I know he will look on the situation compassionately. However, we need Government action for this particular cohort of workers who have served the State well. It is a group that deserves the efforts of the State to try to bring some certainty and clarity to their future financial needs.

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I should make it clear that, as Minister for Transport, Tourism and Sport, I have no function in relation to this matter, and for that reason there is little I can say.

The resolution of the funding difficulties in the Irish airlines (general employees) superannuation scheme, IASS, is primarily a matter for the trustees, the members of the scheme, the companies participating in the scheme and the regulator of such pension schemes - the Pensions Board. The IASS is a multi-employer scheme involving the employees of the Dublin Airport Authority and the former SR Technics, SRT, as well as Aer Lingus. It is estimated that Aer Lingus membership constitutes around 69% of the total, with DAA and SRT representing 27% and 4%, respectively.

The funding situation is clearly of concern for the 14,800 or so members of the scheme and their families. Similar funding concerns are affecting many defined-benefit pension schemes across the country. It has been reported that the Pensions Board has written to the trustees of the scheme indicating that some aspects of the outline funding proposal for the scheme are not acceptable to the board. It is understood the Pensions Board and the trustees will have further discussions on the matter.

The future funding arrangements in the IASS scheme have been a key uncertainty in Aer Lingus's finances in recent years. As a minority shareholder in the company, the Government would welcome a resolution of the matter and has always encouraged the parties to engage fully in the process using the State industrial relations apparatus where necessary. However, as Minister, I do not have a role in the resolution of the funding difficulties - that is a matter for the trustees, the companies participating in the scheme, and its members. They must agree to any decision made.

The various stakeholders in the scheme have been engaged in discussions on the funding of the scheme for a number of years now. After failure to reach agreement in previous discussions, in November last year IBEC and ICTU issued a joint statement requesting that the Labour Relations Commission, LRC, make contact with Aer Lingus and its union groups on the funding of the scheme. The parties then engaged with the Labour Court for the purposes of setting out recommendations on the resolution of the pension issue and the court issued its recommendations on 24 May 2013. Separate recommendations were issued to DAA and Aer Lingus on the matter. Following consideration of the recommendation in relation to Aer Lingus, the company stated that it believed the Labour Court's recommendation represented a compromise that could form the basis upon which a solution could be implemented in the interests of all parties, including shareholders, employees and customers. The Labour Court recommendation included a cash injection of €110 million to a new defined-contribution scheme and a one-off contribution of €30 million to the same new defined-contribution scheme in respect of former employees who are deferred members of the IASS. Aer Lingus stated that any implementation

16 July 2013

of the recommendation is dependent on a series of further steps. These steps include, but are not limited to, the following agreements being reached and approvals being achieved: agreement with the Irish Congress of Trade Unions and the trade unions concerned; agreement by the trustee of the IASS with the sponsoring employers; Aer Lingus shareholder approval; trade union member ballot approvals; approval of IASS rule changes by affected members; and the successful conclusion of a range of implementation steps, including rule changes, by the trustee of the IASS among others.

The company has said that if these further steps are achieved it will seek shareholder approval to implement the measures. The State's shareholding is in the name of the Minister for Finance and the relevant Ministers will consider any such proposal carefully before casting a vote on the matter. The company stated it would engage directly with ICTU and the trustees on the matter. The company will issue further updates as and when appropriate.

**Deputy Timmy Dooley:** I thank the Minister for the comprehensive reply. I accept the point that it is not necessarily within the Minister's gift to resolve the matter but he is a significant shareholder. I worked out that he has approximately an 18% responsibility through his shareholding in Aer Lingus and a 27% responsibility through his relationship with the DAA. Therefore, the Minister has a 45% responsibility in terms of the overall pension pot, which is significant. I do not think the Minister can afford to rely, or allow the pensioners involved in this situation to rely, on others to solve the problem.

I understand the derogation. I also understand the responsibilities of trustees of the pension fund. The State has a commitment to the workers as they were State employees - many of them still are - and, therefore, there is a responsibility on it to look after its employees and former employees. Many staff who were part of the privatisation of Aer Lingus believed they had certain insurances in that regard, as did those who worked with SR Technics. I appeal to the Minister to examine the matter from a legislative point of view, if necessary, or from the perspective of a Government decision in terms of putting in place a structure by which the pension fund could be brought in line with the requirements of the Pensions Board on the standard of funding that is required. I do not believe the State can in any way wash its hands and leave it to IBEC and others or the industrial relations machinery to resolve the situation. The Labour Court has already done its work and it has reached what it believes to be a suitable solution but that does not comply with the Pensions Board regulations. The latter indicated that it would take 70 years to reach the funding standard. Therefore, the Government must act.

**Deputy Leo Varadkar:** I noticed in the Deputy's original comments that he said he agreed with the position of the Pensions Board that the solution put forward by the Labour Court was *6 o'clock* not acceptable. That will come as a surprise to many of the workers in Aer Lingus, the DAA and some of the pensioners, many of whom share my view that the recommendations made by the Labour Court would have resulted in a fairer outcome by which they would have had security about their pensions.

Any proposal to amend legislation on pensions would not be within my remit. Pensions and the Pensions Board are under the remit of the Minister for Social Protection. Any change in legislation that affected this and other defined benefit schemes would need to come from her Department and not mine.

If the Deputy has specific proposals on how to resolve this particular issue without recourse to legislation, I would be interested in hearing them. It is worth pointing out that the Government's responsibility as a shareholder is not just to the employees and former employees of the company. The shareholding is held on behalf of everyone in the State. I must bear in mind the fact that any solution could devalue that shareholding in certain ways.

The next step is the meeting between the company and the trustees. I hope it will lead to some modification of the proposals that would make them acceptable to the Pensions Board, but that is not a determination for me to make.

### **Departmental Contracts**

**Deputy Áine Collins:** I thank the Minister of State for taking this debate. The decision by the Department of Social Protection to issue a new tender this coming September for paying social welfare benefits could, if implemented, see the closure of up to 400 post offices. This would have a devastating effect on rural communities. Bank branches in rural areas have already closed. I am concerned that this will continue not only in many villages, but also in substantial towns. It is possible that, within a few years, bank branches will only be located in cities and large provincial towns.

If post offices close in my constituency of Cork North-West, a majority of people will have no access to a financial institution in any town or village, with the possible exception of credit unions. Credit unions are being considered for rationalisation and are not open for normal hours of business in many places. The current proposals require a reduction in cash payments for social welfare benefits at post offices from the current level of 51% to 3% by 2017. This reduction in cash payments would directly result in the closure of 400 post offices.

People are sore with banks after what has happened in recent times. A new type of banking is being developed under which we must pay for each transaction. People who are in receipt of social welfare payments already have strained budgets. Many have gone through significant personal crises in recent years. Asking them to reduce their spending power in order to pay for every transaction is not something that I would support.

In many areas, the only available shop is attached to a post office. We know from a similar experience in the United Kingdom that most of these shops will close down. No cost-benefit analysis has been carried out to take into account the potential damage that could be caused by the Department's actions socially, economically and to the overall community.

Security is also an issue. In recent times, there have been horrific crimes against older people and thugs have robbed them for small amounts of cash. In the new scenario, these same thugs will know that every pensioner will have a swipe card and a pin number, leaving them vulnerable to being forced to hand over their cards and details, guaranteeing a cash return for the robbers. Fraudulent payments could also be an issue. Making an automatic payment into a bank account with no necessity for someone to show up for payment is wide open to abuse. Unscrupulous people need not interrupt their days' work to collect unemployment benefit fraudulently. Recipients of other payments can be living in another jurisdiction while continuing to draw their payments illegally without any fear of being detected.

During the banking crisis, the Department of Finance has benefited from significant levels

16 July 2013

of savings being deposited at post offices. If 400 post offices close, that money will gradually return to the banking system. The proposed changes may have short-term financial gains for the Department of Social Protection, but these will be more than offset by costs to other Departments, for example, the Departments of Justice and Equality, Finance and Transport, Tourism and Sport, as well as an unseen cost to the Department of Social Protection.

We must consider the potential for errors in electronic systems, such as that which occurred today. Electronic payments made to bank accounts have been delayed today due to a processing issue. Payments through post offices are a way of avoiding such a situation. This kind of delay can cause serious hardship for people who are living on the edge, where every cent counts. We all remember the impact of such a technological glitch when Ulster Bank had problems with its systems last year.

Will the Minister of State postpone this process until the impact can be fully assessed? I am not just referring to the financial impact, but to a wider community impact. I am seeking an assurance from the Minister of State that this will not be a *fait accompli* when we return in September. We need more in-depth consideration of these issues.

**Minister of State at the Department of Health (Deputy Alex White):** I am responding to this Topical Issue debate on behalf of my colleague, the Minister for Social Protection, Deputy Burton.

The payment strategy being considered by the Government has the goal of reducing significantly the level at which welfare payments are made in cash. This goal is shared by the national payments plan and the roll-out of the standard bank account. Reflecting its central role in the delivery of cash transactions, this will in particular impact on An Post, notably in the context of the delivery of welfare payments.

The payment strategy is a multi-phase strategy to be achieved over a number of years. The first phase is progressing, with the Minister being able to announce recently that An Post had been selected as the preferred bidder for the cash payments service, subject to contract agreement. This will ensure a cash service will be available at local post offices for up to six years while other aspects of the strategy are progressing. The second phase of the strategy will be the public procurement competition for a new electronic payment solution to commence later this year. This e-payment solution will supplement existing direct payment by electronic funds transfer, EFT, into customer accounts in financial institutions while strengthening the Department's approaches to fraud and control.

The Department must look for opportunities to provide better and more secure customer service, while continuing to serve the most vulnerable in our society. In building on the visible movement of welfare customer towards EFT, the strategy sets out a roadmap for progressive movement towards the increased use of electronic payment channels. In support of national competitiveness, cost containment and cost efficiencies in the payments process are crucial in light of budget constraints and the Government's policy to protect the value of social welfare payments.

Analysis undertaken for the payment strategy indicates a significant variation in the cost of different payment methods. It costs six and a half times more to issue a payment to a customer in cash than it does by EFT. The movement of cash also has societal costs and imposes security risks on customers and staff alike who handle, distribute and receive these moneys. Cash limits

the scope for customers to avail of cheaper prices online and curtails the financial inclusion of customers. Cash also perpetuates transactions in the shadow economy.

Undeniably, a loss in the current revenue stream from social welfare payments would impact on An Post. The Government understands that in anticipation of the increasing use of EFT generally, An Post has prepared and implemented a strategy that aims to address the reality of increased use of electronic payment methods within the economy. On the revenue side, An Post has made significant progress in developing new commercial opportunities with other financial and payments institutions, notably AIB and Danske Bank. It is understood that agreement has also been reached with Aviva on transferring the Aviva branch network to An Post. New lines of business have been generated, such as foreign exchange where An Post now holds 30% of the domestic foreign exchange business. Post offices were also used as a payment channel for the property tax.

The Minister has asked me to assure the Deputy that welfare customers will be assisted in a period of managed conversion to electronic payments so as to limit the risk of anxiety or stress for customers. This will also benefit the board of An Post in devising and implementing suitable strategic business options for the delivery of its services and the maintenance of its network.

**Deputy Áine Collins:** I thank the Minister of State for his comments. While I accept the need for rationalisation and cost savings in government, particularly in the Department of Social Protection, which has the largest budget, we are discussing more than just a financial cost. Who will pay for the lodgement to the bank? Every time a transaction is carried out on an account, the individual must pay for it.

In rural Ireland, social protection means more than giving money to people in the most cost-effective way. A connection with the post office is sometimes the only outlet for social interaction that many older people have in the entire week. They look forward to their few hours on Thursday or Friday when they collect their pensions, meet their friends and do the little shopping that they require. This benefit to the entire local economy is badly needed at this time. We are all aware of the difficulties being experienced on rural high streets. Yesterday, I spent some time with traders in Charleville alongside Retail Excellence Ireland. They emphasised the importance of the mix of retail and services. The post office would be a necessary part of this mix.

We need to open a discussion on what type of society we want. Anyone who tried to shout “Stop” about the property bubble was ignored or ridiculed. We must not make the same mistake now and not shout “Stop” about changes that have the potential to rip the heart out of communities throughout the country. These changes will have a long-term impact on the type of society and communities in which we live, work and grow old. I cannot overstate the importance of this issue for my constituents and people in rural Ireland generally. We are all now facing into the holidays and a new tender process will commence in September. I ask the Minister to postpone this process and allow the Government time to examine the potential impact. This action will have devastating consequences for urban and rural areas, and society in general.

I acknowledge that An Post has challenges outside the issue of social protection. We have examined the idea of paying motor tax in post offices and the Minister of State also referred to Aviva and various other payments. In small rural villages, however, such payments will not keep local post offices viable. Without social welfare payments, such post offices will not be viable. We are looking at the closure of 400 post offices and the effect that will have on jobs.

16 July 2013

**Deputy Alex White:** The Deputy has made the case very well concerning the importance of post offices. She has said how vital rural post offices are in provincial towns and villages. Post offices are also extremely important in suburban Ireland as they are central to the social interaction the Deputy outlined.

The Government accepts that while cost is a hugely important factor and must be uppermost in our minds, particularly at the moment, there are broader considerations such as those referred to by the Deputy in the course of her contribution.

An Post is aware of opportunities to develop and enhance new lines of business, and it is doing so already. An Post is a strong organisation and it will continue to develop. From that perspective, therefore, there are such opportunities.

The Deputy made the point that change is happening quickly. The response I have given from the Minister for Social Protection indicates that while the Department is moving on with its proposals, there is nothing particularly sudden in respect of what is occurring. Opportunities have been provided for a period of managed conversion and change. There is a run-out period, as I have outlined, and there will be opportunities for the Deputy and others to contribute to this discussion as it proceeds.

While the financial context is not the only consideration to be taken into account, it is a very real one. From that perspective, I have nothing further to add to what the Minister for Social Protection has stated in response.

## **Health (Amendment) Bill 2013 [Seanad]: Committee Stage**

### SECTION 1

**An Leas-Cheann Comhairle:** Is section 1 agreed to?

**Deputy Caoimhghín Ó Caoláin:** No.

Question proposed: "That section 1 stand part of the Bill."

**Deputy Caoimhghín Ó Caoláin:** I again record my opposition to the passage of this Bill. I intend to oppose vigorously the measures contained within it. It is a major disappointment. Only now is there an emerging realisation on the part of a great number of the citizenry of what is incorporated in these proposals. I oppose the Minister's intent. It is regrettable that the only laudable aspect of the Bill is not part of an overall plan, or an outline and clearly defined plan to introduce universal health insurance. I am speaking specifically about the requirement of those availing of public hospital beds, who are privately insured, to pay the appropriate cost of their inpatient care. That is something I have repeatedly advocated but is also ill-provided for by this Bill. Other measures include a significant increase in the cost of the fair deal scheme and increased costs from €75 to €80 for patient care, which is absolutely unacceptable on top of all the other additional costs people are having to bear in these times. I, therefore, oppose the Bill and wish to indicate that at the very beginning of Committee Stage.

**Minister for Health (Deputy James Reilly):** I have heard the Deputy, but I made my points very clearly on Second Stage. I intend to press ahead. I wish to address amendment No. 1 unless the Deputy has an objection.

Question put and declared carried.

NEW SECTION

**An Leas-Cheann Comhairle:** Amendment No. 1 is in substitution for amendment No. 1 on the principal list of amendments dated 15 July 2013. Acceptance of this amendment involves the deletion of section 2 of the Bill.

**Deputy James Reilly:** I move amendment No. 1:

In page 3, before section 2, to insert the following new section:

2.—(1) Subject to *subsection (2)*, this Act, other than *Part 1* and *sections 5, 6, 7* (but not including *paragraph (e)(ii)* of *section 7*) and *14*, shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes and different provisions.

(2) *Sections 13, 15, 16 and 17* shall come into operation on 1 January 2014.”.

Section 2 provides for the commencement of the Bill. This is a technical amendment to provide that in addition to sections 6 and 7, with the exception of paragraph *(e)(ii)* of section 7, Part 1 and sections 5 and 14 shall commence upon the enactment of the Bill. Other sections of the Bill shall be commenced as appropriate by way of commencement order.

Sections 13 and 15 to 17, inclusive, all refer to elements of the private inpatient charge and require co-ordination in their commencement. As a result of discussions my Department has had with the private insurance industry in order to agree a phasing in of the charges for all private patients, including those who occupy public beds, I have decided to implement these charges from 1 January 2014 to ensure the agreed additional revenue is realised.

The deferral of the implementation date of the new charge will allow time to assure the private health insurers that these new charges will only raise the intended €30 million in 2014 in line with a phased approval, by carrying out an independent assessment of private patient activity and charges. If it is necessary, I will amend the rates in the autumn by amending legislation to deliver the €30 million. I, therefore, ask Deputies to support this amendment.

**Deputy Caoimhghín Ó Caoláin:** What is the logic of commencing these sections on 1 September but not others? In the Department’s consideration, what is the demarcation between one set of sections and others as regards their coming into effect?

In the course of his Second Stage address, the Minister indicated that charging insurers the full cost of private patients in public hospitals might not be introduced or implemented depending on how the private insurers respond. Will the Minister elaborate on that point? Amendment No. 1(2)(2) clearly states that “*Sections 8, 9, 13, 15, 16, 17 and 19* shall come into operation on 1 September 2013”. It seems that what the Minister indicated in his Second Stage contribution is at variance with what is now presented. It means that if this amendment is agreed section 2 as drafted will be deleted. It is clear from the language used that section 13 shall come into operation on 1 September. Perhaps the Minister will explain the apparent contradiction between his Second Stage contribution on this Bill and what is now presented to us on Committee Stage.

**Deputy Denis Naughten:** The Minister might in his response clarify the basis of the €30

16 July 2013

million of which he speaks. Many figures, in terms of how much money will accrue as a result of this provision, have been bandied around. The insurance industry has made one argument, the Department has made another and we are now being given a figure of €30 million. Perhaps the Minister might explain the basis of this €30 million.

What will happen if it becomes evident that the amount required is significantly in excess of €30 million? The reality is that this money will come from the pockets of private health insurance members. If the amount required is in excess of €30 million further demand will be placed on these people by way of increases in premiums. The vast majority of insurance premia in this country are being pushed beyond the reach of many families. More will haemorrhage out of the system if further increases are forthcoming.

What mechanism will be employed should the €30 million not be achieved?

**Deputy James Reilly:** The Deputies have raised reasonable points. I agree with Deputy Ó Caoláin that I did say on Second Stage that implementation would be dependent on how much co-operation there was with the insurance industry. I am happy to say that we have had good discussions with the insurers. On Deputy Naughten's point, the same applies. In other words, as a result of the discussions which my Department has had with the private insurance industry on the phasing in of the charges for all private patients, including those who occupy public beds, I have decided to implement the charges from 1 January 2014. This will allow me time, in the context of an independent assessment, to further examine costs. There is dispute between the departmental figures, which are based on the HIPE data, a survey of all hospitals, bar three, of which two were hospices, which correlate with the HIPE data in this regard and the insurers. The fairest thing to do is allow for an independent assessment, possibly by the Health Insurance Authority, of the reality in this regard and the values that need to be put in place. I hope I have explained the situation in terms of the delay in implementation. For my part, I do not wish to raise more than €30 million. If more or less is raised, adjustments will be made.

**Deputy Caoimhghín Ó Caoláin:** The Minister has stated that following positive engagement with the private health insurers he proposes holding the position until 1 January 2014. The Minister may correct me if I am wrong but, as I understand it, section 13 applies specifically to those who hold private health insurance. Subsection (2) of the amendment proposes that the sections shall come into operation on 1 September 2013. There is nothing about it that suggests a delay of four months. Perhaps the Minister will clarify the matter. If I am getting the wrong end of the stick, I am willing to acknowledge it. The amendment specifically provides that the charges shall come into operation on 1 September 2013, yet the Minister in his reply stated that he has the wherewithal to hold off until 1 January 2014 following further consideration. I would like the Minister to clarify the matter.

**Deputy Denis Naughten:** I take the Minister's point but would like to return to the logistics of the issue. The Minister may correct me if I am wrong but if his figure is wrong, one way or the other, Schedule 1 would have to be amended. Is the Minister saying that following conclusion of the assessment by the Health Insurance Authority or other intermediary, agreement will be reached by both sides in regard to how the €30 million is to be calculated? When issues have arisen in the past in relation to health insurance legislation, the Department has been slow to amend it. Can the Minister assure the House that if the figures set out in Schedule 1, as amended, are not achieved the Schedule will be amended or is he saying that the amount set out is the actual cost of these beds to the Exchequer on a daily basis? I am seeking clarity on the logistics of this provision. Is flexibility in this regard built into this legislation? If so,

it is important that those changes would come before the House or, at least, the committee, for consideration before adoption.

**Deputy James Reilly:** On Deputy Ó Caoláin's question, the original amendment included a reference to 1 September 2013. However, the supplementary amendment accepted by the Ceann Comhairle on foot of the agreement with the private health insurers includes a reference to 1 January 2014. I hope that clarifies the matter for the Deputy.

On Deputy Naughten's question, the Deputy is correct that if I am required to adjust the figures up or down I will have to come back to the Dáil to do so.

**Deputy Caoimhghín Ó Caoláin:** I do not wish to be confrontational and am merely seeking to have an issue clarified. Is the Minister proposing by way of a supplementary amendment to change the implementation date from 1 September 2013 to 1 January 2014? Is that the net effect of the Leas-Cheann Comhairle's notification?

**Deputy James Reilly:** Correct.

**Deputy Caoimhghín Ó Caoláin:** That clarifies that point.

**Deputy Denis Naughten:** I am sure the Minister's failure to respond to my earlier question was an oversight on his part. The charges set out in the revised Schedule 1 differ from those in the original text. Are the new figures based on the Department's estimated cost of a hospital bed or the need to generate an income of €30 million per annum? It is either one or the other. Does the Department expect the new charges to generate the €30 million required or does it consider these charges to be the actual cost of maintaining a bed in a public hospital?

**Deputy James Reilly:** The former.

**Deputy Denis Naughten:** The charges will raise €30 million.

**Deputy James Reilly:** Yes.

Amendment put and declared carried.

Section 2 deleted.

Section 3 agreed to.

#### SECTION 4

**Deputy Caoimhghín Ó Caoláin:** I move amendment No. 2:

In page 4, to delete lines 1 to 4 and substitute the following:

“(b) In administering the Scheme the Executive shall ensure that it is user-friendly and that applicants are assisted at every stage in the making of their applications and that application procedures are as straightforward and comprehensible as possible.”.

The proposition in subsection (3)(b) did not receive any political, not to speak of public, attention prior to the publication of the Bill. I certainly did not pick up any signal that it would be included in the legislation. The paragraph reads as follows: “The Executive may enter into an arrangement with a person under which that person may perform any part of the Executive's function arising under paragraph (a) on behalf of the Executive.” In simple terms, it is a man-

16 July 2013

date for the privatisation of the executive function of administering the nursing homes support scheme, otherwise known as the fair deal scheme. The insertion of this paragraph is incredible and tantamount to a vote of no confidence in the public service. I do not know for what reason it has been included but it can only have one purpose, namely, to accommodate an intent which has not been presented or explained heretofore.

The purpose of the amendment is to delete subsection (3)(b) and substitute the following paragraph: "In administering the Scheme the Executive shall ensure that it is user-friendly and that applicants are assisted at every stage in the making of their applications and that application procedures are as straightforward and comprehensible as possible." I included this series of requirements, not by reaching to the clouds but based on some not inconsiderable experience of helping people deal with what is a complex process. I seek to delete that part of section 4 which provides for the privatisation of the administration of the nursing homes support scheme. As I stated, this provision had not been signalled previously and amounts to another brick in the wall of the Government's privatisation measures, which have been especially visible in the Minister's stewardship of the health services.

The Minister of State, Deputy Kathleen Lynch, has confirmed that means testing and charges are in prospect for people requiring community-based services such as home care. This alarming prospect, which was only signalled in recent days, constitutes a further attack on older people and people with disabilities, notwithstanding the Minister's attempt in more recent commentary to row back in the latter area.

Last year, when the Minister published the so-called reform framework, Future Health, I pointed out that the types of charges to which the Minister of State alluded were in prospect. According to the Future Health document, social care services such as services for older people, people with a disability and those who need mental health services will be outside the universal health insurance system. Under the strategy, the so-called fair deal scheme of funding nursing home care may be extended to the disability and mental health services. These were the early signals of what is currently transpiring and I strongly oppose any such proposition.

As I indicated, we have the prospect of means testing for community-based care and charges arising from the extension of the so-called fair deal scheme to incorporate these other areas of care need for older people. This has potentially serious consequences, notably in respect of demand for residential care in future.

In addition, under section 4, we now face the prospect of privatisation of the administration of the fair deal scheme. I reiterate the question I put to the Minister on Second Stage - from where has the proposal to privatise the administration of the fair deal scheme come? What is the motivation behind its incorporation in the Bill? Will the Minister provide a clear answer and indicate precisely his intention in this regard? In my view, the issue is bare-faced and, therefore, requires an open and fully frank elaboration. The Minister must share with the House any plans he may have in this regard, however far back in the pipeline they may be. What research or consultation has taken place in respect of any proposal to remove the administration of the nursing home support scheme from the public service?

The fair deal scheme is a key State scheme, which requires great care, sensitivity and scrupulous fairness in its implementation. The right of citizens who qualify under the scheme must be vindicated. I have experience of assisting people with the process of applying to the scheme and they describe it to me as complex, confusing and drawn out. In tandem with the ever deep-

ening economic crisis of recent years, the application process has becoming increasingly complex. It has become a bureaucratic and legal nightmare and needs to be simplified, streamlined and better fitted to the needs of citizens who require the service.

The purpose of my amendment is to oppose what is, I presume, the Minister's intent in subsection (3)(b) and replace it with a firm commitment to an administration of the scheme that would be commensurate with the needs of ordinary service user applicants, specifically those who are at a stage in life where they need all the compassion and understanding our State systems can provide.

**Deputy James Reilly:** I reject out of hand the contention that the Deputy is trying to make that we are privatising the administration of the scheme - we are certainly not. The subsection states:

(b) The Executive may enter into an arrangement with a person under which that person may perform any part of the Executive's function arising under paragraph (a) on behalf of the Executive."

The effect of the Deputy's amendment would be twofold. First, it would delete the provision which would enable the HSE to outsource some of its functions under the scheme. Second, it would insert a provision requiring the HSE to ensure the application process for the scheme is user-friendly and that applicants are assisted at all stages.

The programme for Government makes a commitment that a Government-wide review will be carried out to identify and eliminate non-priority programmes and outsource, where appropriate, non-critical functions. I have stated previously that this provision is only enabling in nature and that there are no specific functions under consideration for outsourcing at this time.

However, should it be deemed appropriate or desirable in the future to outsource any elements of the scheme, this provision would facilitate that process. We all know the State's financial situation. We cannot say that circumstances would never arise whereby services could prudently and efficiently be provided in the private sector. Moreover, if a case could be made that outsourcing a certain function would free up existing staff to assist in other areas or facilitate the recruitment of additional frontline staff, this would have to be considered.

With regard to the provision that this amendment proposes to insert, I argue that terms such as "user-friendly" and "straightforward and comprehensible" are subjective and, as such, cannot be legislated for. In addition, applications are processed by local nursing home support offices which are available to assist applicants, or potential applicants, with any queries they have. The legislation also enables various categories of representative to assist a person with the application process.

The HSE is always striving to ensure that the application process is as user-friendly as possible. The documentation for the scheme has been revised in the past and will be revised again after the Bill is enacted. Furthermore, the review of the nursing homes support scheme will include consideration of the ease of use of the application process. For these reasons, I cannot accept the amendment.

**Deputy Caoimhghín Ó Caoláin:** The Minister starts by rejecting the case I have made and then after a trickle of sentences uses the language of "at this time" and "if in the future". This is exactly what I have described. It is provision for the privatisation of the administration of

16 July 2013

this scheme or any part of it. No amount of wriggling will get away from the fact that the only reason this is here is that consideration is being given - however cursory at this point in time and even that I am unconvinced of because it may be much further advanced than that - to taking away the administration of all or any part of the nursing homes support scheme. To my mind that is a very serious prospect. I am absolutely opposed to the privatisation of public services or public service administration. I have every confidence in the public service. I want to see it strengthened and supported. I do not want legislation going through this House that provides for its dismantling at any time in the future under any guise or excuse. I stand foursquare behind public services and those who work in providing them.

Some time ago I reminded the Minister of something he said when addressing the Nursing Homes Support Scheme Bill in 2008. I believe I incorporated it into my comments on Second Stage of the Bill. He said: "We must be mindful of what happened with the HSE. We cannot allow that type of mess to be inflicted on people." He was of course speaking from this side of the Chamber at that time. He made considerable sense when he was an Opposition spokesperson on health. I was very much of a similar mind on a whole range of issues on which we each presented our respective parties' positions. How that has changed since he has crossed the floor to take up his position as Minister. Nowhere is it more evident than in the reference to the Nursing Homes Support Scheme Bill at the time.

What could the so-called outsourcing of the scheme as provided for in section 4 possibly achieve? The Minister has talked about freeing up staff into a range of other roles or services. This is a role and service that our public servants are there to oversee and administer. I believe that is where it should remain. We have seen so many people removed from the public service. Does this indicate intent of further reductions in public service numbers? We have seen a significant reduction across a range of public service responsibilities. It has been a traumatic time for people employed in the public service and their dependent families. What is this meant to achieve apart from cutting out the public service element and bringing in private contractors with staff likely on lower pay and enriching privateers? That is exactly what happens. It is not that there will be a real saving; it is that others will make money out of it. That is why they stand forward as private investors in terms of what we have traditionally viewed as public service provision.

I urge the Minister to dispense with that part of section 4 and adopt my amendment, which I believe to be reasonable. Whatever about its language construction, that is the language that people I represent understand. It reflects their current dissatisfaction with access to the fair deal scheme. It places a clear obligation on those administering the scheme to act as I have spoken of in a straightforward and comprehensive way in dealing with applicants in need of that support. That is what citizens need and, most especially, older citizens and people with disabilities who seeking access to residential nursing home care out of necessity because they are no longer able to remain in independent living settings. We certainly do not need another aspect of this or any other scheme to be farmed out to privateers.

**Deputy James Reilly:** There is no wriggling. This section leaves room for options to use the private sector as required into the future when it is to benefit of the service and the patients using it. The Deputy has alluded to a quote on the mess that was the HSE. The mess that was the HSE is being sorted out. I point out to Deputy Ó Caoláin that the function of the scheme is to ensure long-term nursing home care is accessible and affordable for everyone and that people are cared for in the most appropriate settings. The overall objective of the reviews we are carrying out is to examine the future sustainability of the nursing homes support scheme, taking ac-

count of Government policy, relevant demographic growth trends and the current and projected fiscal situation, and to make costed recommendations on how the scheme should operate in the short to medium term to ensure it best supports Government policy and, more important, that it best supports people.

Certainly, some people need long-term care, but many would much rather stay in their homes. They need supports to live in dignity and with independence in their homes and communities for as long as possible. We want to review the nursing homes support scheme to see how best the funds we have can best support the maximum number of people. Therefore, I do not intend to accept Deputy Ó Caoláin’s amendment.

**Deputy Caoimhghín Ó Caoláin:** There is no getting away from the fact that the subsection I have referred to and that I seek to amend is a provision for privatisation, either in whole or in part, of the scheme’s administration, which is currently within the public service ambit and which, I strongly believe, should remain there. I support the review of the overall administration to improve it and make it more applicant-friendly and more easily understood. However, I will not and cannot support the provision, irrespective of the intent today or tomorrow. Clearly, the provision is for an intent, perhaps at some time in future, to move the administration of the scheme, in whole or in part, from the public service to private overseers. That is simply wrong. Those who currently seek access through the fair deal scheme and those who will present in future should not have to deal with private profit-motivated interests in having any part of their application or entitlements assessed. The process should stay wholly and solely within the public service, where it properly belongs. My amendment is important because it seeks to remove the offending section and reiterates the importance of straightforward and comprehensible applications procedures. Many of those who are presenting no longer have the same comprehension abilities that they once enjoyed throughout their youth and adult lives. The process should be simplified and made more understandable. Sadly, aspects of it are not ticking those boxes today. I believe my amendment achieves both purposes.

Question put: “That the words proposed to be deleted stand.”

<i>The Dáil divided: Tá, 67; Níl, 27.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bannon, James.</i>	<i>Adams, Gerry.</i>
<i>Breen, Pat.</i>	<i>Browne, John.</i>
<i>Bruton, Richard.</i>	<i>Calleary, Dara.</i>
<i>Butler, Ray.</i>	<i>Collins, Joan.</i>
<i>Buttimer, Jerry.</i>	<i>Colreavy, Michael.</i>
<i>Byrne, Catherine.</i>	<i>Cowen, Barry.</i>
<i>Byrne, Eric.</i>	<i>Crowe, Seán.</i>
<i>Cannon, Ciarán.</i>	<i>Daly, Clare.</i>
<i>Carey, Joe.</i>	<i>Ferris, Martin.</i>
<i>Coffey, Paudie.</i>	<i>Flanagan, Luke ‘Ming’.</i>
<i>Collins, Áine.</i>	<i>Fleming, Sean.</i>
<i>Conaghan, Michael.</i>	<i>Healy, Seamus.</i>
<i>Conlan, Seán.</i>	<i>Healy-Rae, Michael.</i>
<i>Conway, Ciara.</i>	<i>Mac Lochlainn, Pádraig.</i>

16 July 2013

<i>Corcoran Kennedy, Marcella.</i>	<i>McDonald, Mary Lou.</i>
<i>Creed, Michael.</i>	<i>McGrath, Finian.</i>
<i>Deasy, John.</i>	<i>McGrath, Mattie.</i>
<i>Deenihan, Jimmy.</i>	<i>McGrath, Michael.</i>
<i>Deering, Pat.</i>	<i>McGuinness, John.</i>
<i>Doherty, Regina.</i>	<i>McLellan, Sandra.</i>
<i>Donohoe, Paschal.</i>	<i>Murphy, Catherine.</i>
<i>Dowds, Robert.</i>	<i>Ó Feargháil, Seán.</i>
<i>Doyle, Andrew.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Durkan, Bernard J..</i>	<i>O'Sullivan, Maureen.</i>
<i>English, Damien.</i>	<i>Smith, Brendan.</i>
<i>Feighan, Frank.</i>	<i>Troy, Robert.</i>
<i>Ferris, Anne.</i>	<i>Wallace, Mick.</i>
<i>Fitzpatrick, Peter.</i>	
<i>Gilmore, Eamon.</i>	
<i>Griffin, Brendan.</i>	
<i>Harris, Simon.</i>	
<i>Heydon, Martin.</i>	
<i>Humphreys, Heather.</i>	
<i>Humphreys, Kevin.</i>	
<i>Keating, Derek.</i>	
<i>Kelly, Alan.</i>	
<i>Kenny, Seán.</i>	
<i>Kyne, Seán.</i>	
<i>Lawlor, Anthony.</i>	
<i>Lynch, Ciarán.</i>	
<i>Lynch, Kathleen.</i>	
<i>Lyons, John.</i>	
<i>Maloney, Eamonn.</i>	
<i>McCarthy, Michael.</i>	
<i>McHugh, Joe.</i>	
<i>McLoughlin, Tony.</i>	
<i>McNamara, Michael.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Murphy, Eoghan.</i>	
<i>Nash, Gerald.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Mahony, John.</i>	
<i>O'Reilly, Joe.</i>	
<i>Perry, John.</i>	

<i>Phelan, Ann.</i>	
<i>Phelan, John Paul.</i>	
<i>Rabbitte, Pat.</i>	
<i>Reilly, James.</i>	
<i>Ring, Michael.</i>	
<i>Ross, Shane.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Twomey, Liam.</i>	
<i>Wall, Jack.</i>	

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

Question declared carried.

Amendment declared lost.

**An Leas-Cheann Comhairle:** May we have some silence, please, in dealing with the rest of the Bill? Members who wish to have conversations should do so outside the Chamber.

Question, “That section 4 stand part of the Bill,” put and declared carried.

Section 5 agreed to.

## SECTION 6

Question proposed: “That section 6 stand part of the Bill.”

**Deputy Denis Naughten:** The Minister should elaborate on what precisely is the Department’s thinking in this regard. It is about the abolition of the backdating of the nursing homes support scheme to those who were in care prior to its commencement. The reason I ask is that presumably, at this stage only a handful of people would fall into this category, that is, those who are not in the fair deal scheme at this stage or perhaps would have been in the nursing home subvention scheme. What is the need for this provision?

**Deputy James Reilly:** The Deputy is right. Very few people could apply for the scheme at this point in time. We need certainty and it has been decided to close the scheme. Some four years have elapsed within which time people could have availed of the facility put in place. The Exchequer needs some certainty on its figures and liabilities.

**Deputy Denis Naughten:** I do not disagree with the Minister, but surely it would make more sense to set a date 12 months from now and allow people to apply for the scheme. I presume only a handful of people would fall under the provision. It may cause financial hardship; I do not know. I know of a case which will not fall under this provision because the person

16 July 2013

is already in the scheme. Significant arrears, which would put an undue financial burden on people, have to be addressed. Could a date be set to ensure no financial hardship arises?

**Deputy James Reilly:** The scheme has been running for four years. The Nursing Home Support Scheme Act 2009 provided for a person in nursing home care when the scheme commenced who applies for the scheme to have his or her State support backdated to 27 October 2009. There has to be a cut-off point. One can always argue that another 12 months should be allowed, and I accept from where the Deputy is coming, but there comes a point when a scheme has to be closed. This is the appropriate time to do so. The manner in which it has been administered to date has been more than fair.

**Deputy Denis Naughten:** The only issue I have is that people receive notice.

Question put and agreed to.

## SECTION 7

**An Leas-Cheann Comhairle:** Amendments Nos. 3 to 6, inclusive, are related and may be discussed together.

**Deputy Caoimhghín Ó Caoláin:** I move amendment No. 3:

In page 5, line 36, to delete “7.5 per cent” and substitute “5 per cent”.

My amendments seek to delete the Minister’s proposal to increase the asset contribution to 7.5% and retain the current position of 5%. I do this with some reluctance. An increase from 5% to 7.5% is a 50% increase on the calculable asset value of the recipient of the fair deal scheme. It is very instructive that the Government, in particular Fine Gael, has set its face against any increase in income tax. It makes almost a high moral position of this in repeated statements and assurances from the Taoiseach and others in Fine Gael that it will not contemplate any increase in income tax for the highest paid in the State.

I cannot refer to Fine Gael alone because whatever about the position of the Labour Party on higher levels of income tax for the highest paid or a wealth tax, when it comes to squeezing more money out of older peoples’ pockets there is no reluctance whatsoever. An increase from 5% to 7.5% is what this amounts to. Many of the citizens concerned - we should remind ourselves of this fact - have spent their working lives paying significant income tax to the Exchequer. They or their spouses paid taxes over many years at a time when low and middle income PAYE workers bore a hugely excessive burden of the cost of providing for the services of the State.

When people who worked for the greater part of their lives, or their dependent surviving spouses, in later life seek help from the State, they are asked to shoulder a further burden having contributed to services throughout decades of their lives. This goes to the heart of what is wrong with the Bill and the original Nursing Homes Support Scheme Bill. Despite Government claims that it is going in the opposite direction, the fact of the matter is that it is moving us away from universal entitlement to hospital and residential care. That is no longer the case and has not been for some considerable time.

Such charges post one’s death do not fit with a universal entitlement to hospital and residential care. As we have seen, care is being contracted out and patients are made to pay, a situation which is continuing. Instances of it have been demonstrated in terms of the intent of the

Government, as I said earlier, in the recent comments of the Minister of State, Deputy Kathleen Lynch.

We constantly hear the refrain about money following the patient but in this instance, and given what is involved in section 7 of the Bill, what we are actually looking at is more money being taken from the patient who may be old, infirm and no longer able to live independently. Once again we are taking more from a person's net worth. That is completely and absolutely wrong.

**Deputy James Reilly:** I utterly reject the last contribution. The Deputy referred to income tax in regard to the Bill. There is no relationship, but as he mentioned it, increases in income tax are increases in taxes on work. We want to get people back to work because that is how the country will recover.

The contention of the Deputy that the proposal is taking money from older people is not the case. It is taking money from their estates which they leave behind to a maximum of three years. Nobody will pay more than the cost of care, but the Deputy probably believes nobody should pay anything towards his or her care and that a fantasy fairy will come from somewhere to support health services and social care costs.

The first €36,000 of a person's assets, or €72,000 for a couple, is not taken into account during the financial assessment. The principal residence is only included in the financial assessment for the first three years of a person's time in care. Where an individual's assets include land and property in the State, the contribution based on such assets may be deferred and collected from his or her estate. This is the optional nursing home loan element of the scheme.

Individuals keep a personal allowance of 20% of their income or the maximum rate of the State non-contributory pension, whichever is the greater. Certain items of expenditure called allowable deductions can be taken into account during the financial assessment. These allowable deductions include health expenses. There is a financial review mechanism which takes account of the fluctuating value of assets and the fact that cash assets will naturally deplete over time as payments are made to nursing homes, etc.

Section 7 provides for an increase in such contributions from 5% to 7.5%, as announced in the budget. The proposed amendment seeks to retain the current asset contribution of 5% per annum, yet we all know how the value of assets has collapsed in the past five years. The latest CSO projections anticipate a significant increase in the over 65 population the coming years. The number of those aged over 80 years who makes up approximately 70% of the long-stay nursing home population is expected to increase even more dramatically.

Simply put, the funding available for services for older people is not increasing at the same rate as the population. The budget for the nursing home support scheme this year is €974 million. The State has limited resources. However, the demands being made of these resources continue to increase.

The increase in the asset contribution is necessary to ensure the sustainability of the scheme. When the legislation is enacted, the increase will only apply to new entrants to the scheme. Anyone who is already in receipt of financial support under the scheme will not be affected. The scheme contains several safeguards which ensure both the person in the nursing home and his or her spouse or partner, if applicable, will be adequately provided for. These safeguards are unaffected by the provisions of the Bill. The proposed amendment does not take account

16 July 2013

of the fact that section 7(h) provides that in the case of a couple, the total contribution based on the principal residence shall not exceed 22.5%. The amendment, if accepted, would create an anomaly in the legislation. As a result, I do not propose to accept it.

**Deputy Caoimhghín Ó Caoláin:** Sadly and despite all his protestations, which I cited in respect of amendment No. 2, one did not expect the Minister to do so. Talk about performing a *volte-face*. The position he holds now is a complete reversal of that which he held when he was on the Opposition benches. Essentially, he is a cheerleader for all he opposed when he was an Opposition spokesperson on health. His position is no longer recognisable. The only thing which is recognisable is his face. What is happening here is extremely sad because it will feed into the loss of confidence among so many people in the political process. Citizens cannot believe in or depend on voices in this House because what those voices are saying changes to suit the moment. There must be a restoration of confidence in order that people can believe that a position taken while in opposition is one which will be followed through on in government.

The proposal to increase the contribution from 5% to 7.5% will act as a deterrent. I am concerned about the impact it will have on families engaging in a consideration of the needs of their loved ones and alternatives to residential care. The latter is not the first choice or option for families in the context of loved ones who are in their later years. The normal and natural inclination is to do everything possible to allow loved ones to remain in their homes, where they are happiest and in familiar surroundings. If they are able to offer an opinion - some cannot do so as a result of a deterioration in their circumstances - I am of the view that the overwhelming majority will indicate that they want to remain at home. Sadly, however, there comes a time when residential care becomes a real option. In some instances, it is not an option at all but is rather a requirement. It is a sad point in the life of any family when a parent, elderly sibling or whoever must have recourse to residential care.

I am concerned on a number of levels. A distinction should not be made between the provision of care to people with dementia, Alzheimer's and a range of other degenerative and life-impacting conditions and other areas of care in respect of which asset charges do not apply. Such charges have, however, applied in this area since the introduction of the scheme in 2008. We should consider the health care of all citizens equally and provide universally on the basis of need alone rather than on the basis of ability to pay or geographic location. Those are principles.

My amendments do not do what I would like them to do. However, they acknowledge the situation which obtains and seek that there will not be a two-tier system whereby those already in the scheme will only pay a contribution of 5% while those whom enter the scheme subsequent to the passing of the Bill will be obliged to pay 7.5% in respect of the net asset value of their estates. It is important we should treat everyone equally and that we should not create two-tier approaches in this or any other area relating to meeting the health care needs of and providing supports for citizens. All people should be treated equally and respectfully.

I again urge the Minister to retain the current contribution of 5%. He made an excuse to the effect that as a result of the reduction in the value of property, there is no alternative to imposing the increase in order that the level of intake will subsequently increase. The Bill does not provide for the Minister to revisit and reduce the asset contribution at some point in the future when matters might come full circle. Damn right he will not revisit and reduce it if there is an upturn in fortunes - as we hope there will be - in the short to medium term. Sadly, the position is that, once imposed, the increase will be here to stay. For all of the reasons I have outlined, I

believe amendments Nos. 3 to 6, inclusive, should be accepted.

**Deputy Denis Naughten:** I have some concerns about to the section to which the amendments relate. Perhaps the Minister might clarify a few issues because the position is quite confusing and there are quite a few calculations involved. To whom will the provisions of the section apply? Will they apply to someone who is currently in a nursing home and who has not applied under the fair deal scheme? I refer, for example, to a person who has been paying for a private residential scheme and who might come under the category ruled out under section 6 or who may already be contemplated under the nursing home subvention scheme. Will the provision apply to someone who has made an application in respect of the scheme and in respect of whom a decision is pending? Under the revised rules, the scheme does not kick in until approval issues in respect of the national waiting list rather on the day on which someone enters a nursing home. Will the Minister clarify the logistics relating to this matter?

I understand the 7.5% will kick in on the date on which someone's application is approved. The 5% contribution used to kick in on the original date on which a person entered a nursing home. There is probably not much of a difference in this regard. On the basis of the value of the capital asset, however, there is a substantial difference between a contribution of 5% and one of 7.5%. The capital asset disregard will remain unchanged. As a result, someone who enters the scheme will - on the basis of capital assets decreasing in value - be disproportionately better off than a person who entered the scheme when it was originally devised. The reason for this is that value of capital assets was significantly higher in 2008.

Where a capital asset is generating income, will that asset be disregarded and the income calculated or will there be a double whammy whereby the income and the value of the asset will both be taken into account? If that is the case, surely that is a double charge on a single asset. Is that not unfair?

Progress reported; Committee to sit again.

### **Private Members' Business**

#### **Garda Síochána (Amendment) Bill 2013 [Private Members]: Second Stage**

**Deputy Mick Wallace:** I move: "That the Bill be now read a Second Time."

**An Leas-Cheann Comhairle:** Is the Deputy sharing his time?

**Deputy Mick Wallace:** I wish to share my time with Deputies Clare Daly, Luke 'Ming' Flanagan and Catherine Murphy.

I am disappointed the Minister, Deputy Shatter, is not here. I did not think he would flunk this debate.

I would like to start by thanking those who have helped to bring the Bill to this point, namely, Leah O'Leary and Alison Spillane, who work in our Dáil office. I would like to acknowledge pieces of work by different people and organisations, whose words and ideas we have built into this legislation, namely, Professor Dermot Walsh, Dr. Vicky Conway, Fr. Peter McVerry, Dr.

16 July 2013

Shane Kilcommins, the UN, the Council of Europe, the European Committee for the Prevention of Torture, the Irish Human Rights Commission, the Irish Council for Civil Liberties, Combat Poverty, Transparency International Ireland, the Patten report, and the Morris tribunal.

In 2008, the Morris tribunal completed its extensive work cataloguing corruption, systemic failures in senior Garda management and working practices, and the failure of accountability systems. The Garda Síochána Act 2005 was then posited as the panacea to the many deep-rooted issues uncovered by Mr. Justice Morris. However, it is that Act which this Bill amends. I strongly believe that the recommendations of the Morris tribunal have never been fully addressed by the State, and that the 2005 Act does not provide the tools and structures needed to overcome the embedded cultural problems underpinning discipline, and the blue wall of silence so bleakly exposed by Mr. Justice Morris. The many people across the country who have contacted me and other Deputies can testify to this failure through the sorry telling of their own experiences at the hands of some members of An Garda Síochána.

In this Bill, we have proposed the establishment of the Garda Síochána independent board with monitoring, supervisory, and oversight functions over An Garda Síochána. We consider this to be an important step in strengthening the democratic accountability of An Garda Síochána, which is necessary to promote public confidence and trust in the force. The board's objectives would include the promotion of respect for human rights within An Garda Síochána, and the board's functions would include the human rights proofing of all Garda policies, procedures and practices, and the publication of all codes and operational policies of An Garda Síochána.

Some human rights requirements are partly provided for by existing arrangements, but they have only an indirect effect with respect to human rights compliances. A police organisation should be focused on keeping human rights central to everything it does, in its dealings with members of the public, whatever their background or social standing, and in its management of its own members.

As far back as 2006, Dermot Walsh and the Irish Council for Civil Liberties expressed concern that the new formal structures of the Garda Síochána Act 2005 ran the risk of over-centralising as well as politicising the Garda, which would ultimately undermine its independence. The police must be the people's police service, and not a tool of government. By allowing the Minister for Justice and Equality to set priorities for An Garda Síochána, to issue directives to the Commissioner and require the production of documents, by making the Commissioner directly accountable to the Minister, and utilising the vague term "Government policy", the Garda's protection from political interference is potentially diminished within the present structure.

What is missing from current Garda oversight structures is civic oversight in the form of an independent policing board, similar to the Northern Ireland Policing Board which was considered a central plank of reform in the Patten report. An independent Garda board could also have an oversight role in issues such as the allocation of Garda contracts, management performance, the setting of clear performance goals to which the Commissioner would be accountable on an annual basis, and the appointment of senior Garda officers up to and including the Commissioner, as well as members of the Ombudsman Commission.

There has never in the history of the State been a root and branch independent review of the workings of An Garda Síochána. One of the board's new functions would be to conduct a five yearly review of working practices in An Garda Síochána, accountability, operational management and governance. The board would also hold monthly meetings with the Garda Commis-

sioner regarding the performance of An Garda Síochána.

The board would see to it that human rights would be incorporated into every aspect; it would become a fundamental part of policing, rather than a token gesture. Human rights proofing is not possible currently because the Garda force do not do it internally, and because it does not publish the Garda code it is not possible to assess whether it meets human rights standards. Although there is provision in the Garda Act 2005 for the adoption of a code of ethics to set out the standards of conduct expected from each garda, the missing Minister has not seen fit to produce or adopt one. The need for greater transparency would be much helped by the requirement to publish all relevant codes, operational policies and procedures. The new independent board would also be involved in the training and education of gardaí in human rights.

The independent board would do much to improve democratic accountability by the very civic nature of the board's make-up but also by greater community engagement and consultation. There would be quarterly meetings of the joint policing committees, JPCs, which are made up of local authority, community members and a senior garda. The JPCs would have an input into the annual policing plan, and through communication with the board, in setting priorities of the police force and the strategy statement. Policing by consent must be a primary aim of An Garda Síochána, and for this to happen the people must have some say in how they are policed. A young adult in Darndale should be able to express his views as to how he thinks he should be policed, he should be able to go to a local Garda station and discuss the matter.

The independent board would be involved in policing unlike the Garda Síochána Ombudsman Commission, GSOC, which is on the outside looking in, but the board would not be a police body. Giving power to the board would be a diffusion of power and a depoliticisation of the police force - it would no longer be in the hands of one person, one political grouping. With the present structure, for the Minister to criticise the Garda would be a bit like him criticising himself, not something he is prone to do. The Garda is currently accountable to the Dáil, via the Minister - elected members may challenge the behaviour or workings of the police force through questions to the Minister, whose answers will vary from the interesting to the non-informative - which is a poor system of accountability by any measure. Furthermore, the then Minister for Justice explicitly stated in this House in 1987, that the government of the day should never criticise An Garda Síochána. This overly deferential treatment of the organisation and management of An Garda Síochána was identified by Dr. Vicky Conway as having prevented the absorption of Mr. Justice Morris's most over-reaching findings, and has allowed the acceptance of the fact that wrongs had occurred, but also the denial of a need for ongoing concerns regarding the workings of An Garda Síochána. Challenging the workings of An Garda Síochána would be unlikely to garner favour for a Deputy, be it on the street, in the media or at the ballot box. The Morris tribunal did not just identify malpractice and corruption on the part of individuals, but was also at pains to stress that many of the problems were institutional; the tribunal highlighted the existence of a culture that needs to be challenged if we are to have a police force that operates to the best international standards.

A recurrent theme at the heart of the accountability deficit in An Garda Síochána is the unwillingness of some gardaí to submit to and co-operate with the disciplinary authority. It is one of the features of Garda practice that the Morris tribunal found most shocking. As Dermot Walsh said, "Sometimes discipline within the force is frustrated by members deliberately seeking to derail criminal or disciplinary inquiries against colleagues, or combining to maintain a blanket denial of any wrongdoing on their part - the Blue Wall of Silence".

16 July 2013

The Bill also provides for the reform of the Garda Síochána Ombudsman Commission, to strengthen its independence and impartiality. Much of this reform has been requested by the commission. Its powers and functions are broadened, recognising that the commission's remit was always intended to be investigatory, rather than one of review and oversight.

The admissibility criteria for complaints are widened, first, in regard to time limits by extending the six-month time limit to one year, or two in cases where there is an alleged criminal offence. Second, the definition of Garda is expanded to include former members of An Garda Síochána.

A third ground of admissibility is introduced which relates to a newly created code of service. The Garda Síochána Ombudsman Commission has admitted that serious failure of service or inefficiency currently fall into something of a grey area of inadmissibility, for which this new code of service would provide. The 2011 and 2012 figures show that GSOC receives an average of six complaints per day regarding Garda misconduct, but the most recent inadmissibility figures show that approximately 40% of all complaints received by GSOC are deemed inadmissible. This is wholly unsatisfactory from an accountability perspective. The Bill addresses that situation.

At present, the Garda Síochána Ombudsman Commission is confined to investigating individual complaints and is not allowed to examine policies or procedures. We propose to amend section 106, as recommended by the UN special rapporteur, Margaret Sekaggya, in her recent report to the United Nations. This will allow the commission to initiate its own investigations of Garda policies and procedures where it sees fit to do so, rather than relying on the consent of the Minister as is currently the case. There was a controversial incident when the commission was refused permission from the Minister of the day to investigate the Garda management of protests against the Corrib gas project. The Bill would also require mandatory supervision of any investigation referred back to the Garda. One third of investigations arising from admissible complaints are referred back to the Garda for internal unsupervised investigation. This needs to change. In addition, it should not be possible for a complain to be referred back to the Garda without the consent of the complainant.

This Bill proposes the removal of the provision in the 2005 Act which allows serving gardaí to be seconded to the Garda Síochána Ombudsman Commission. It also proposes the insertion of a new section to give the commission full and independent access to systems such as PULSE, subject to State security requirements. This would eliminate the need for serving gardaí to be in the commission. It is proposed to expand the definition of "serious harm" to include injuries that would correspond with the definition of "torture, inhuman or degrading treatment" in Article 3 of the European Convention on Human Rights and injuries that would amount to rape or sexual assault, an omission that has been highlighted many times by the commission. Importantly, the Bill also provides for a more prompt supply of evidence to the commission. This is a response to the commission's unprecedented move in May of this year to speak publicly about the serious issues it is encountering with regard to information exchange and cooperation with the Garda Commissioner.

Mr. Justice Morris warned in his report that in the absence of substantial long-term efforts to introduce reforms, the activities documented by the Morris tribunal would be repeated elsewhere in Ireland. Recent reports certainly indicate this is the case. I refer to the penalty points controversy, the treatment of whistleblowers, the report on the Garda handling of the Fr. McCabe allegations, the Minister and Garda Commissioner's recent abuse of their powers with an

explicit political motivation, the Garda Síochána Ombudsman Commission's unprecedented criticism of the Garda's lack of co-operation and the commission's criticism of Garda handling of the management of informers. The recent comments of Mr. Justice Murray of the Supreme Court, when that court overturned the High Court decision to extradite Ian Bailey to France, were perhaps most damning of all. The Supreme Court referred to a DPP document regarding the Garda investigation as "dramatic and shocking" in its content. The court referred to a former Director for Public Prosecutions' description of the Garda investigation as "thoroughly flawed and prejudiced", culminating in "a grossly improper attempt to achieve or even force a [prosecution] which accorded with that prejudice". Mr. Justice Murray said that this amounted to conduct in the course of a police investigation which, if true, strikes a blow against the fundamentals of the rule of law on which this State is founded.

Our police force is separated from the rest of our society by the powers afforded to it. Rights to liberty, privacy and property can be superseded by the need for police officers to perform their functions - the prevention and investigation of crime - as effectively as they can. To achieve balance with the interference to these rights, police officers are required to answer for the use of their powers to ensure they are being used in an effort to enhance the rights of the majority. Their power must be limited by obligations to the rights of citizens such as the right not to be subjected to torture, inhumane or degrading treatment. Accountability is necessary to ensure police officers use their powers only when they should and always with respect to the human rights of every individual, regardless of his or her background or station in life. If one gives someone lots of power, one must introduce checks and balances to go with it. The cultural change that is required is unlikely to come from within. We need a Government with the will to make it happen.

**Deputy Clare Daly:** It was difficult for Deputy Wallace to introduce this substantial body of work in 15 minutes. On the surface, An Garda Síochána enjoys a high level of public support and confidence. If one scratches the surface, however, a different picture will appear quite quickly. Most citizens will rarely cross the path of a garda - perhaps only to get a passport application signed. If one contacts a garda to deal with a speeding offence, it might not be not as straightforward as it might once have been, following the recent revelations of a ticket-fixing scandal. It is really only when something happens - one becomes a victim of a major crime or some other accidental event causes one's path to cross that of an Garda Síochána - that one really experiences how our police force operates and a different picture emerges.

With other Deputies who have highlighted ticket-fixing allegations and revelations, I have been contacted by people the length and breadth of this country. Many of those who contacted me looking for help and justice, particularly following my own arrest earlier this year, are in the Visitors Gallery. They have shared horrific and unbelievable stories of how their lives have intersected with the activities of An Garda Síochána. When one hears that some of the events in question happened a long time ago, one realises that the people in question will never get justice. Many lives have been destroyed. The number of stories makes it clear to me that these actions are not exceptional. We have an enormous problem because there is a lack of accountability in An Garda Síochána. The actions to which I refer are undermining the work of honest gardaí, the concerns of victims of crime and the rights of all ordinary citizens. As Deputy Wallace said, the blue wall of silence is as impenetrable as it was when Mr. Justice Morris completed his deliberations, spoke about incidents of negligence, perjury, corruption and mistreatment of vulnerable people and pointed to a total lack of accountability. While that case was shocking, it is more shocking for us that absolutely nothing has been done about it. When people try to

16 July 2013

do something, they get nowhere and often end up worse off.

I could be here all day dealing with specific cases of people who innocently crossed the paths of those who might be referred to as “connected persons”, but we do not have time for that. I can say, however, that there are people in the Visitors Gallery whose lives have been absolutely destroyed by their interactions with An Garda Síochána. I could mention the case of a man in my own area who employed 12 people. An employee of his, who set up a rival business, was in a relationship with a detective. The detective harassed and intimidated the man out of business and the 12 employees lost their jobs. I could speak about a non-Irish-born taxi driver who refused to give a drunk garda a lift on New Year’s Eve. He found himself harassed and intimidated to the extent that he had to give up his licence. I could refer to a couple who are loving grandparents. When they moved down the country, they happened to live beside a woman who was well connected with a garda. The woman in this couple, who is in the Visitors Gallery, was a victim of assault and the case ended up in court. She and her husband became the victims of ongoing Garda persecution. They had to spend of thousands of euro in the courts to vindicate their good name.

While these citizens were falling foul of members of the force, the State organisation charged with protecting their rights and dealing with their complaints - the Garda Síochána Ombudsman Commission - this year had to take the incredible and unprecedented step of going public about the lack of co-operation it is receiving from An Garda Síochána. What message does that give to the Minister who is sitting here tonight? Two months after the commission published that report, it said it had “grave concerns” about informant handling. These issues were well highlighted by Mr. Justice Morris but they were not implemented. The commission has documented that the level of co-operation it received from the Garda was “highly unsatisfactory”. It said that these issues would cause a “significant detrimental” impact on its investigations.

The steps taken by the commission were quite revolutionary, in a quiet way. If this is how An Garda Síochána treats the State body that is charged with investigating complaints, God help the poor members of the public who have to deal with the force. Quite frankly, the Garda has been brazen in its disregard for the commission. It has been blatant in how it has ignored the legal protocols that mean it is supposed to furnish information to the Garda Síochána Ombudsman Commission in a timely manner. It has responded to the commission by asking it why it is asking for certain information. That shows some neck, given that the Garda is obliged to provide it. There has been a move from a position where the commission was automatically entitled to be furnished with all Garda circulars, to the current position where that information is withdrawn. The Garda Síochána Ombudsman Commission has been told if it wants a circular to ask for it, but how is the commission supposed to know that a circular has been issued? This is activity that has been ongoing since the GSOC published its report and our question to the Minister concerns what he is going to do about it. When his party and the Labour Party were in opposition, they called for an independent police authority to oversee the activities of An Garda Síochána. Now they are in power, they have a chance to do something about it. We must go back to brass tacks. If one looks at this situation, one can see there needs to be a culture change starting at the top of An Garda Síochána.

We need only look at the penalty points situation to explain that point. Here we had an honest, decent garda who wanted to make the force better and to fulfil his legal obligation to report malpractice. He went to the confidential recipient who then went to the Minister and the Minister went back to the Garda Commissioner. That garda is now in very vulnerable position. There was an investigation. We believe the practice has now re-emerged because no action has

been taken to deal with it. Before the investigation even started, the Commissioner was on record as saying that there was no case to answer. We have been inundated with gardaí around the country telling us to keep raising these issues. If one has a system where a decent Garda inside the pack who tries to expose these issues does not get protected, what hope is there for transparency beyond that? The proposals we are putting forward for a new independent board could be a way of changing the confidential recipient situation by making them answerable to the board to have true independence because it is necessary to protect decent gardaí. Instead, the reality is that not only are those gardaí not being protected, they are being ostracised and demonised.

At the same time, we have examples of gardaí whose behaviour has been found to be far less appropriate but who have not experienced any disciplinary action at all. Not only is that reprehensible for the individuals at the heart of the malpractice, it costs the State money. Let us remember that the Morris tribunal cost €60 million while claims against the State have cost €34 million. We must say that the lessons are not being learned by the Government. Knowledge regarding these cases is in the public domain but from where we are sitting, very little has been done.

One only has to look at the Director for Public Prosecutions' report in 2001 into the murder of Sophie Toscan du Plantier in west Cork, to which Deputy Wallace referred. The Director for Public Prosecutions said that a prosecution of Ian Bailey was not warranted on the basis of the evidence. In the Supreme Court, the activity of the gardaí in the case was categorised as "breathtaking" misbehaviour. The Director for Public Prosecutions dealt with issues where the investigating Garda, Jim Fitzgerald, gave hash, cash and cigarettes to a drug user with criminal convictions in order to obtain incriminating evidence against Ian Bailey. Not only was no action-----

**Acting Chairman (Deputy Paudie Coffey):** I ask the Deputy not to name individuals who are not here to defend themselves.

**Deputy Clare Daly:** I was just referring to the Director for Public Prosecutions' report. Not only was no disciplinary action taken against that garda, the State actually sent him to France to assist the French authorities with their investigation. The same garda was involved in other cases which resulted in people being incarcerated - incarcerations later found to be unlawful and which will undoubtedly cost the State a huge amount of money. Not only that but we have the revelations in the recent GSOC report where it highlighted in an unprecedented way its grave concerns about the handling of informants, yet it is our understanding the chief handler of the informant at the centre of the Kieran Boylan case has recently been appointed assistant commissioner.

We believe the Minister must address these issues. As each day goes by, these problems are being compounded. Mr. Justice Morris said that unless systematic changes were implemented, what happened in County Donegal would happen all over again. Let us remember what happened in County Donegal - people being framed for murders that never happened, drugs being planted, bombs being found and false arrests. In our opinion and based on our experience, what happened there is happening again. It is happening in the midlands and parts of Limerick and west Cork, with which other Deputies will deal. The challenge to this Government in the interests of all citizens, decent gardaí and making our society a civilised place is whether it will listen to the body of evidence from the GSOC, all human rights organisations and others, and implement legislative changes that can make this situation better for all.

16 July 2013

**Deputy Luke ‘Ming’ Flanagan:** I believe the vast majority of members of An Garda Síochána are hardworking, decent, honourable people, in the same way as I think the vast majority of greengrocers are hardworking and straight people. However, the reality is that if a greengrocer did not have a till and weighing scale, he would inevitably come under suspicion regardless of how honest and decent he might be.

The following individuals approached us with their own experiences of An Garda Síochána and their subsequent efforts to seek remedies and resolution. They came to Buswells Hotel today to share their experiences as, unfortunately, it appears this is the only remaining forum for them. These experiences demonstrate incidents that provisions in the Garda Síochána (Amendment) Bill 2013 would now address, both in specific ways and in a general way by improving general mechanisms of oversight and monitoring within An Garda Síochána.

I will now talk about the first case - that of Shane Tuohey whose family has given us permission to talk about it. Some 11 years ago, Shane Tuohey from Clara in County Offaly died a violent death. He was socialising with friends on the night that he died. He was in his late teens. There was a physical altercation outside a certain nightclub which continued on throughout the night. Shane was assaulted and there is independent evidence from two American forensic experts indicating that he was dead prior to his body being placed in the canal. His remains were found some days later by friends and family from the area - not by the authorities. Shane’s family vehemently discounts the possibility of suicide and believe that the people who assaulted Shane are well known and very well connected to various high profile, well-respected and well-known people in the Offaly area.

The Garda investigation does not appear to have been up to the standards required by the State under Article 2 of the European Convention on Human Rights and a letter received from former Garda Commissioner Noel Conroy admits that normal Garda procedures were not followed in this case. The inquest into Shane’s death returned a verdict of “death through drowning” and it is the family’s contention that the main witness for the Garda was collected by four members of An Garda Síochána on the morning of the inquest and was clearly intoxicated while giving evidence resulting in the coroner disregarding her evidence. There was a subsequent inquiry by assistant commissioner Jennings in 2007 and the Director for Public Prosecutions concluded that no gardaí should face prosecution regarding the shortcomings of the Garda conduct alleged by the family. The family have contacted the GSOC on several occasions and have been told that the complaint was inadmissible. The admissibility criteria under the new Garda Síochána (Amendment) Bill have been widened in respect of time limits, which they would extend to two years for incidents which, if proved, would include criminal offences.

The second case concerns Dr. Richard O’Flaherty from Caherdavin in County Limerick. He is an eminent GP and a gentleman who has practised in Limerick city for the past 40 years. During the course of his career, he was frequently called to different Garda stations in Limerick city to attend to patients. Dr. O’Flaherty’s experience is that he has been subjected to the most serious, degrading and intimidating treatment by certain members of the Garda in Limerick city which he feels has intensified in the past 12 years. He believes many of his patients have been brutalised while in Garda custody and that his refusal to remain silent about this has led to Garda intimidation. His health has been seriously affected by this but Dr. O’Flaherty continues to practise his profession at his private home. Dr. O’Flaherty is still awaiting a response from the GSOC relating to complaints made. However, under the new Garda Síochána (Amendment) Bill 2013, his treatment would now come under the amended section 102 definition of “serious harm”, which has been expanded to include the European Convention on Human Rights Article

3 definition of injuries from “torture, inhumane or degrading treatment”. The definition has also been expanded to include rape or sexual assault, something which has long been called for by GSOC. Section 102 requires mandatory referral by the Garda Commissioner to GSOC. Alternatively, harassment by gardaí, which the GSOC previously admitted was something of a grey area in terms of admissibility, would now fall under the newly created code of service which forms a third ground of admissibility under this Bill.

The third case is that of Mr. James Goonan from Birr, County Offaly, who died in February 2002 at his home in Crinkle. He was confirmed dead by his elderly mother at the bottom of the stairs at his home which he shared with his wife, who was in the house when he died. He had 38 marks on his body and a 10 cm gash at the back of his head and his family suspect foul play. Despite many appeals from the family to this effect the family believe gardaí in Birr were unprofessional in their approach and failed to carry out a meaningful and thorough investigation into the cause of James’s violent death.

As the Goonan family were not considered immediate next of kin, they were compelled to go to the Supreme Court to gain access to the Garda case file. In November 2005 the Supreme Court ruled that James’s family was entitled to detail collected regarding when, where and how James met his death. The family say they were forced to seek access through the courts as the coroner had refused to engage with them.

Mr. Cyril Goonan and Mrs. Nuala Ramseyer, James’s brother and sister, contacted GSOC on several occasions about their brother and were told on each occasion they were out of time. The new Garda Síochána (Amendment) Bill extends admissibility criteria in terms of time limits, strengthens the requirement on the Garda Commissioner to provide evidence promptly and requires him or her to gather and preserve this evidence before informing any relevant gardaí of any impending GSOC investigation. The new Bill also requires GSOC to consider re-opening a discontinued investigation when previously unconsidered evidence is provided.

The fourth case is that of William Ryan and Margaret Delaney from Tullamore, County Offaly. They feel they have been subjected to repeated Garda harassment through inappropriate searches, false accusations and seizure of mobile phones in the past year. They also allege an assault by a garda during one of these searches. Mr. Ryan’s children were witness to some of this intimidation. During periods of detention, Mr. Ryan’s requirements due to a medical condition were ignored. Mr. Ryan’s complaint to GSOC was deemed inadmissibly on the grounds the behaviour alleged is not such that it would, if proved, amount to a breach of Garda discipline. One could hardly make this up. The new Garda Síochána (Amendment) Bill 2013 would improve this situation by extending the grounds of admissibility by introducing a new third ground to cover a breach of the newly created code of service. GSOC admits that Garda harassment is a grey area in terms of admissibility.

We always hear about great people such as Rosa Parks and Nelson Mandela and the type of people who stand up for themselves. We only hear about them from the establishment when what they have done is acceptable and everyone else is cheering them on. We hear in the Chamber how we are so sorry for the Magdalen laundries, what happened to the women who were tortured by symphysiotomy and numerous other matters. Why do we not get ahead of the game this time and instead of crying crocodile tears when it is too late we listen to the modern heroes who are in the Visitors Gallery?

One of my great heroes in life was Dermot Earley who was a great and honest man. I see

16 July 2013

a smile on the face of another man in the Chamber because he recognises this fact. I put the people I have met in recent months up there with a great man such as him. The reason I do so is because they are taking a risk to do the right thing. If anyone wonders what risk is involved I will state what was said to me after I was on “Tonight with Vincent Browne” and made a badly timed comment about Garda corruption. The first thing said to me when my closest of kin rang me was that we would nearly want to think about getting out of the country. Why would someone immediately react like this? It is because no more than in the greengrocers with no weighing scale or till one cannot trust a system which does not have checks or balances. When one sees what happened in the past and what is going on now, it is a perfectly normal reaction after standing up to it to think one would be safer to leave the country. This should never be the case in a democracy. One should never have such a fear. One should always be able to come out and do the right thing and be encouraged to do so, after which other people can do the same in the future. Everyone in the Visitors Gallery is a hero.

**Deputy Catherine Murphy:** I appreciate the work Deputy Wallace and others have put into preparing the Bill and I agree with the principle of the changes they seek to make. Independence from undue political interference, transparency and accountability are extremely important elements in the operation of public life and the institutions of the State. Adherence to these principles are necessary for public confidence and I acknowledge the Bill is framed from this perspective.

Everyone in the House is grateful to the vast majority of gardaí who every day do an extremely good job in ensuring we are not put at risk and assuring our safety. It would be wrong not to acknowledge this work.

**Acting Chairman (Deputy Paudie Coffey):** I apologise for interrupting the Deputy, but a telephone is interfering with the sound system.

**Deputy Catherine Murphy:** I do not have a telephone with me.

**Acting Chairman (Deputy Paudie Coffey):** I ask the Deputies close by to move their telephones because the recordings will not be heard.

**Deputy Catherine Murphy:** This work has been made much more difficult in these times when funding has been cut back and resources have been limited. It is also important to acknowledge there have been isolated and extremely worrying problems in the force with regard to abuse of the powers entrusted to it and some of these have been outlined. The Bill seeks to dramatically reduce any possibility that such powers can be abused while also not impeding the ability of the force to do its job. The establishment of the Garda Síochána independent board under the Bill is an idea I hope the Government will take on board. I understand such independent oversight bodies operate in many other countries. It is sensible and would only serve to enhance public and political confidence in the force.

The changes proposed to the powers of the Garda Síochána Ombudsman Commission are also welcome. The Bill expands its investigative remit to a few crucial areas which I was very surprised to learn are not covered in existing legislation, namely, rape, sexual assault and torture. The proposed independent board would also take on a key role in the operation of the Ombudsman Commission, therefore introducing a further degree of separation from the Government. I would also like to see promotion on the basis of merit.

One of the aims of the Bill is to enhance the concept of policing by consent and encourage a

greater role for community feedback in policing. This is crucial for the future growth and success of the force. I have tried for the past two and a half years to engage with the Garda Commissioner to try to understand the logic behind how Garda resources are deployed throughout the State. My research has shown an extreme variance in the ratio of gardaí to population, with Kildare at one end of the spectrum, having 666 persons per garda, while the Sligo-Leitrim area has 319 persons per Garda. The national average is 391. To my repeated disappointment I have not been able to find answers. The Commissioner would not agree to meet me and the other Deputies from Kildare. I was not attempting to interfere politically in the vital operations of the force, which obviously would not be the thing to do. I was trying to understand the processes at work. Had there been a channel for elected representatives, such as the independent board suggested, it would have gone a long way towards addressing the issue, which is incredibly important for our safety.

The public is being put at risk by having thin numbers of gardaí on the ground. Not only is the public at risk but also gardaí, as an incident may have to be attended by a garda on his or her own because, with such thin resources on the ground, only one garda is available. I believe that variation in the crime rates is due to under-estimation in certain locations. There is much to be welcomed in the Bill. I hope the Minister will take on board many of the suggestions and initiatives outlined in the Bill because it would go a considerable way towards improving policing in this country.

**Acting Chairman (Deputy Paudie Coffey):** I understand the Minister is sharing time with Deputies Heather Humphreys, Joanna Tuffy and Jerry Buttimer. Is that agreed? Agreed.

**Minister for Justice and Equality (Deputy Alan Shatter):** I am pleased to have this opportunity to respond to the case that has been made for the Garda Síochána (Amendment) Bill 2013. The Bill has two main objectives; one is to establish a Garda Síochána independent board, while the other is to strengthen the Garda Síochána Ombudsman Commission. I will deal with each in turn.

The Garda Síochána independent board would have general oversight of An Garda Síochána, in the process taking over many of the existing functions of the Minister and the Government. It would be made up of a chairperson and 15 members, including four Members of the Houses of the Oireachtas, two commissioners from the Human Rights and Equality Commission, the Ombudsman for Children, the Data Protection Commissioner, the Chief Inspector of the Garda Inspectorate, and six other members. It is not clear who these six other members would be. The board would very significantly change the law relating to the oversight of An Garda Síochána, as set out in the Garda Síochána Act 2005. The board would take from the Government the power to appoint and dismiss the Garda Commissioner and all of the deputy commissioners, assistant commissioners, chief superintendents and superintendents. In drawing up the annual policing plan and the three-year Garda strategy statement, the Garda Commissioner would have regard to the recommendations of the board, and not, as is currently the case, Government policy. It would also be the board, and not the Minister, which would approve, with or without changes, the annual policing plan, which sets out the proposals each year for policing the country. The Garda Commissioner would also be obliged to consult the board on the manner in which An Garda Síochána is distributed throughout the State, whereas at the moment that is entirely a matter for the Commissioner. The statutory functions of the Garda Commissioner under the 2005 Act would also be changed to require him to have regard to the policies of the board rather than the Government. The Bill would delete the statutory provision that makes the Garda Commissioner accountable to the Minister for Justice and Equality for the performance

of his functions and those of An Garda Síochána.

I do not believe the Bill would achieve its stated aim of improving the democratic accountability of An Garda Síochána. The 2005 Act provides that the Commissioner is accountable to the Minister for the performance of his functions and those of the force. In turn, as Minister I am accountable to this House. As Members will know, I frequently answer questions, take part in debates and generally respond to concerns raised in this House relating to An Garda Síochána, and that has always been the case with my predecessors. I simply cannot accept that the case has been made that transferring key oversight functions to a separate statutory body - such as the appointment and dismissal of senior Garda management and the approval of policing policy - would enhance democratic accountability.

In terms of accountability, it is worthwhile recalling that, in addition to the Minister of the day being answerable in this House for An Garda Síochána, the Garda Commissioner is, under the 2005 Act, the Accounting Officer for An Garda Síochána. In that capacity he is liable to appear before the Committee of Public Accounts. In addition, the 2005 Act established the independent Garda Síochána Ombudsman Commission, which is empowered to carry out independent investigations into Garda conduct. That Act also established the Garda Síochána Inspectorate, which provides expert advice on achieving the highest levels of efficiency and effectiveness in the operation and administration of the force. The accountability of An Garda Síochána has, through all these measures, been significantly strengthened.

Turning to the concept of a police authority - that is what the Garda Síochána independent board would essentially be - the main argument normally made is that it interposes an additional layer of independent accountability between the political process and the management of a police force. There are examples elsewhere of police authorities, but it is worthwhile looking more carefully at those examples to see what parallels, if any, there may be between those jurisdictions and ours. They can be found, for example, in jurisdictions where there are regional police forces, and where regional rather than central accountability is thought desirable. Probably the best known example of that, and one of the most relevant, is the jurisdiction of England and Wales. In England and Wales there are 43 police forces, and until recently each was answerable to its own police authority, except for the London Metropolitan Police which is answerable to the directly-elected mayor of London. However, in England and Wales police authorities were abolished and replaced last November by directly elected Police and Crime Commissioners, precisely on the grounds that the police authorities were not sufficiently democratically accountable.

It is true that Northern Ireland retains a police authority, namely the Policing Board. I believe we would all agree that this does a very good job in sometimes difficult circumstances. However, I believe everyone would also acknowledge that the need for the Policing Board in Northern Ireland arises in large measure from the unique circumstances of the North, in particular the need for confidence-building in a cross-community environment.

Another important point often overlooked by those who advocate a police authority is that An Garda Síochána is not only the police service in this jurisdiction but also the security and intelligence service, as well as the border control authority of the State. I find it hard to imagine circumstances where control of such critical national functions could be transferred to an unelected, unaccountable body. I certainly cannot easily think of an example in another jurisdiction where responsibility for oversight of these functions has been devolved from Government.

While I have made it clear that I have substantial difficulties of principle with the proposal in the Bill for a Garda Síochána independent board, there are also practical issues which proponents of the Bill must address. It is reasonable to ask, for example, whether a board made up of no fewer than 16 persons could operate effectively, especially given the wide range of functions it would have.

It must also be asked whether it would be appropriate for officeholders such as the Ombudsman for Children or the Data Protection Commissioner to have direct responsibility for the management of An Garda Síochána, including the appointment and dismissal of senior Garda management and the approval of operational policing policies. The Ombudsman for Children and the Data Protection Commissioner are independent officeholders who, within their areas of responsibility, have important oversight functions relating to An Garda Síochána and the public service in general. To impose on them direct responsibility for the management and oversight of An Garda Síochána would not be building on their existing functions, but would represent entirely new functions. Their position on the proposed board would not simply enable them to have more direct oversight of An Garda Síochána in relation to children's rights or data protection. They could not limit themselves to that perspective. They would have a common responsibility to oversee and in important ways to manage the entire force. They, with the other board members, would be responsible for appointing and possibly dismissing the entire cadre of senior Garda management. They, along with the other board members, would be responsible for a wide range of Garda policy. I question whether that could be right. Even in relation to children's rights and data protection issues, they would be responsible for Garda policy, which in their main roles they would be responsible for overseeing. One could ask whether that is sensible and if it would undermine and diminish the independence of their current roles. Surely it would risk confusing their separate and independent oversight roles with a completely different, and potentially incompatible, management role. I do not think it is unreasonable of me to ask whether this has been properly thought through.

There are also other more detailed aspects of the composition of the board that would benefit from more thought. For example, as we have seen, the Bill specifically provides that officeholders such as the Ombudsman for Children and the Data Protection Commissioner - as well as the chief inspector of the Garda Inspectorate, by the way, to take another example of potential role conflict - would be members of the board. However, it also provides that the special committee which nominates a person to be a member of the board must be satisfied that the person has the appropriate experience, qualifications, training or expertise for appointment to such a board. What would happen if one of the designated officeholders who was not approved by the special committee was to be appointed to the board. That is clearly an outcome contemplated by the Bill, or is it simply a meaningless condition? What would happen if a decision was taken that it was not appropriate for the Data Protection Commissioner or the Ombudsman for Children to be a member of the board? That has clearly not been worked through.

Let me also make a few brief comments on two other aspects of this part of the Bill, namely the role of joint policing committees, JPCs, and human rights. The role of JPCs is to advise and make recommendations to the Garda authorities and the local authority, as appropriate, in relation to local policing and crime prevention issues. JPCs are an important forum for developing co-operative approaches and enhancing co-operation between the Garda, local authorities, other relevant agencies as required, and local community interests. JPCs have never been intended to supplant the core policing functions of An Garda Síochána or the statutory functions of local authorities. An Garda Síochána is an essential and proactive participant in each of the

16 July 2013

114 existing joint policing committees, JPCs, and this participation is strongly supported by the Commissioner and his management team.

The circumstances applying locally will not be the same in each area and it is clearly incumbent on the Commissioner to take an overall national view in framing his annual policing plan. While the Commissioner and I are supportive of the idea of enhancing the role of JPCs, clearly this cannot be done in a way that dilutes or impedes the Commissioner's responsibility to frame a national policing plan. The present structures allow for full communication of JPC views to the Commissioner, and to me, through the requirement for JPCs to furnish annual reports under the Act. These are sensible and appropriate arrangements to facilitate the input of JPC views while upholding the essential role of the Commissioner and his statutory responsibilities under the Garda Síochána Act.

The Garda authorities have established a national JPC monitoring office to support effective Garda involvement in the JPC process. In addition, the Garda authorities have participated with my Department and the Department of the Environment, Community and Local Government in a review of the operation of JPCs, which has been ongoing in the last year or so. I am hopeful that, arising from this review process, we will be able to put in place improved operating guidelines for JPCs and enhance the overall communication in relation to their work, both at local level and national level.

On the question of human rights, I recognise that one objective of the board, as envisaged by the Bill, would be the human rights proofing of all Garda policies, procedures and practices, the monitoring of their implementation and the development of a human rights-based code of service for all Garda operational policies and procedures. No one could disagree with the intention behind this aspect of the proposal. We all agree that human rights are central to policing. The Garda Commissioner is fully conscious of the absolute requirement for all members of An Garda Síochána to respect and vindicate the rights of individuals. It is worth noting that all operational Garda directives make reference to relevant human rights principles to remind all members of the force of their obligations in this regard.

It is also the case that a strategic human rights committee was established in 2005 as a result of a recommendation made in a Garda human rights audit that year. The purpose of this committee is to advise the Garda Commissioner and Garda senior management on how to promote human rights policies and procedures internally and externally and to ensure that best human rights practice is at the core of the Garda policing service. The House will be interested to know that the committee includes representatives from human rights experts working in a number of outside bodies, such as the Irish Council for Civil Liberties, ICCL, Amnesty International Ireland and the Irish Human Rights Commission, IHRC.

I believe any fair-minded person would acknowledge the commitment to human rights that this demonstrates, and also the openness on the part of the Garda Commissioner to direct input from leading Irish human rights bodies. I am not saying for one moment that this excellent work could not be built on or that the good progress made so far could not be taken further, but the proposed mechanism for doing this - the Garda Síochána independent board - raises real and substantial difficulties of principle and practicality.

In respect of the wider case for changes to the structure and management of An Garda Síochána, I remind Members in passing that the Haddington Road agreement of May 2013 provides for a review of An Garda Síochána. This review is to commence in September and to

conclude no later than 1 June 2014. The review will encompass all aspects of the operation and administration of the force and is an opportunity for a range of options to be considered.

I now turn to the other main objective of the Bill, namely, the amendment of the provisions of the 2005 Act dealing with the Garda Síochána Ombudsman Commission. Some changes could usefully be made to the 2005 Act as it applies to the Garda Síochána Ombudsman Commission, but again any change needs to be carefully considered. One proposed change in the Bill is that the board, rather than the Government, would nominate persons for appointment to GSOC. Without going back over the difficulties I have with the concept of the board in the Bill, is it really argued that the fact that the Government nominates persons for appointment to the Garda ombudsman commission somehow compromises the latter's independence? After all, the nominations must be approved by resolutions of both Houses before the successful persons are appointed by the President. Of all the changes one might make to the 2005 Act relating to GSOC, changing such a robust procedure would not be the first move that would come to mind. The independence of GSOC has been clearly illustrated and demonstrated by some of the matters that Deputy Wallace referred to in his opening remarks.

The Bill also proposes a number of other amendments, for example, restricting the scope for investigation of complaints under the Garda disciplinary process, removing the requirement for a Garda member to agree to an informal resolution of a complaint, and enabling the Garda ombudsman commission to recommend not only a disciplinary hearing, but also a sanction. I believe that some of these issues, which have been aired publicly before, are worthy of consideration, but again I have to say that we need to work though these issues carefully. Key to this consideration will be the views of the Garda ombudsman commission itself. It has made proposals to me for change, proposals that differ in some significant respects from the provisions of the Bill before the House tonight. It is these proposals that surely must be the starting point in this debate.

It will also be important to take into account the views of the Garda Commissioner. That is the process in which I am now engaged and I want to finalise any proposal for change as quickly as a proper consideration of the issues involved will allow.

I acknowledge the genuine objectives behind this Bill, but also by asking in the same spirit for an understanding of why, for the reasons of principle and practicality I have outlined, I cannot support it.

I also want to note some of the cases raised by the Deputies with regard to individuals who either believe that matters have not been properly investigated or are making allegations of misconduct against members of An Garda Síochána. If there are particular details of any of these matters that the Deputies wish to submit to me, I will have them looked into and will respond to the Deputies. I cannot comment on allegations about conduct of the nature described or difficulties in the conducting of investigations without being privy to the totality of relevant information.

The Garda Síochána Ombudsman Commission is there to investigate allegations of misbehaviour, but there is a timeframe within which these types of investigation can be undertaken. I cannot, as Minister, supplant the role of the Garda ombudsman commission, but if Deputies have issues of concern that they want to draw my attention, they are very welcome to do so. I will do my best to respond to them in an appropriate manner.

16 July 2013

I thank the Deputies for tabling this Bill. I have detailed what I see as the many flaws contained in it but it gives us an opportunity to have a considered debate and discussion. There are some amendments that we need to make to the legislation. In particular, I have made reference to the Garda Síochána Ombudsman Commission. It has particular proposals that are being taken seriously.

It is good in this House that we have a debate of this nature but it is also right that we acknowledge that An Garda Síochána in the work that it has been doing has very substantial public support. Members of the force place their lives at risk on a daily basis for the protection of the public. The force has had particular success. We have had a lot of discussion in this House about the closure of Garda stations and the level of resources available but it is only fair to point out that under the leadership of the Garda Commissioner, the force has had considerable success in the context of a focused approach to the tackling of crime. In the context of that approach, we saw that the recent crime statistics showed crime over the 12-month period ending 31 March 2013 to be down overall by 8% and burglaries by 9.1%. As regards the focused Operation Fiacla that is taking place, over 5,000 individuals have been arrested and over 3,000 prosecutions have been brought.

I am very conscious that the Deputies are raising issues, but having genuflected briefly in the area of praising the members of An Garda Síochána they spent most of this evening criticising them. There are brave men and women in our Garda force and I believe it is right that we acknowledge the duty that they do to protect communities across the country.

**Deputy Heather Humphreys:** I welcome the opportunity to contribute on this Bill. I also welcome the Minister's announcement yesterday that he has received sanction from the Minister for Public Expenditure and Reform to begin the process of recruiting to the full-time Garda force. This will mean that 2014 will be the first time in almost five years that a new class of students will enter the Garda college. This is a positive development and is a clear indication that despite the difficult economic climate that we are facing, the Government is committed to ensuring we have adequate staff numbers in the Garda.

Returning to the Bill before us, I note that its main provision is to establish a Garda Síochána independent board, with general oversight of An Garda Síochána, removing existing functions from the Minister and the Government. I understand the objective behind this transfer of functions is to strengthen the democratic accountability of An Garda Síochána which would, in turn, apparently help to promote public confidence in the force.

On that point, I have absolute confidence in the Garda force. I know the vast majority of gardaí work extremely hard for their local community and are held in very high esteem in the areas in which they serve.

Under this Bill, it is proposed that the Garda Commissioner would have regard to the recommendations of the independent board. This would seem to indicate a lack of trust or confidence in the commissioner to do his job. The appointment of the commissioner is based on his or her ability to do the job, not on personalities, and that is how it should be. To be a commissioner one needs to have experience and a strong knowledge of An Garda Síochána in order to do what is an extremely demanding job.

This Bill will not improve the accountability of An Garda Síochána. The Garda Commissioner is accountable to the Minister who, in turn, is accountable to the House.

During the election campaign in 2011 one of the key messages we heard on the doorsteps was that nobody is accountable. I, for one, believe that Ministers should be accountable and the buck should stop with the Minister. We have a Minister who is accountable but this Bill is abdicating and absolving the Minister from his accountability. I do not agree with that. Ministers should be accountable and the current Minister, Deputy Shatter, is a very capable Minister who does not shy away from his responsibilities or hide behind unelected bodies. A perfect example that springs to mind of what we do not want is Mary Harney and the HSE.

On the issue of creating greater accountability in An Garda Síochána, it is important to point out that we have the Garda Síochána Ombudsman Commission. It is empowered to carry out independent investigations into Garda conduct and has far-reaching powers. We also have the Garda Síochána Inspectorate which provides expert advice on achieving best practice in policing services. There is also accountability at local level through the joint policing committees which are made up of elected members and local community representatives. I sit on the County Monaghan JPC and I find it a very effective body. I make every effort to attend those meetings.

At the JPC meetings issues are raised, policing needs of the district are identified and implemented, and policing plans are prepared through consultation with JPC members. This is a practical and accountable way of doing business.

I acknowledge the success of Operation Fiacla, which is an intelligence-driven specific burglary initiative implemented at regional level. The fact that over 5,000 people have been arrested and almost 3,000 charged is an indication of its success.

It is important to remember that policing is not just for urban areas; it is also for country areas. Unfortunately, a lot of machinery and cattle have been stolen from farmers in my area of north County Monaghan. While I acknowledge the excellent co-operation between the PSNI and An Garda Síochána, our close proximity to the Border presents further difficulties in trying to bring the perpetrators to justice.

The most recent difficulty in this respect is that thieves are stealing copper from telephone lines which causes major problems in rural areas where the telephone is often the only means of communication, particularly for the elderly. I urge the Minister to ensure increased resources are made available, specifically to tackle problem areas such as north Monaghan, in order to stamp out such activity once and for all.

Since the foundation of the State, the history of An Garda Síochána has been a good one. There are safeguards in place to ensure accountability and, therefore, I will not be supporting this Bill.

**Deputy Joanna Tuffy:** I am in favour of a separate Garda authority and of separating the roles of the Garda Commissioner and the Minister. In other words, I am in favour of the Bill in principle. We need more transparency, accountability and openness concerning An Garda Síochána. That also goes for all authorities in all walks of life. Everybody is talking about the need for reform but much of what is called reform has more to do with scalps on a plate, sacrificial lambs and cutbacks. Real reform would be the kind that is envisaged in this Bill, whereby powers would be devolved and thus there would be more democratic accountability.

Labour Party policy was for this kind of model, which is similar to the model adopted in Northern Ireland. The Northern Ireland model is considered best practice, but in developing it

16 July 2013

a large amount of consultation took place. They looked at best practice across the globe and, in addition, there was widespread consultation in the community. The idea was proposed that the police is the public and *vice versa*. The police is there for the public and the community, which is what policing is all about. I am not saying that aspect does not exist in our model, it does, but the idea is to make that the core of the police force. The whole idea is that community policing should be at the centre of policing activity, as well as promoting prevention rather than reaction.

We have adopted some of that model's aspects. In the aftermath of the reforms in the North, the then Minister for Justice, Michael McDowell, introduced the Garda Síochána Act which brought in some reforms, including the joint policing committees or JPCs. The JPCs, however, did not go as far as the equivalent policing boards in the North. The Minister, Deputy Shatter, said he would examine the possibility of enhancing the JPCs, but we need to have a review of how those committees are working in practice. They are good forums, as such, but they do not really have any powers. In addition, the public have not bought into them.

Recently, in my local area, the gardaí have done a lot to try to improve their relationship with the public. They hold local community meetings where they consult through what are effectively policing fora. I obviously welcome that but I still feel that we did not go far enough with the joint policing committees and the Garda Síochána Act. The Bill before us is welcome and I am glad the Minister did not totally write it off. However, we are not the same as other jurisdictions such as England or smaller jurisdictions that may have a similar population to ours and have this kind of model. We are not the same as the United States, the United Kingdom or Australia. We can learn from them and use their models but, like the North, we need to develop our own model that is suitable to our needs. I agree with the principle of this Bill which is the way forward, but there needs to be consultation with all the stakeholders beforehand. That is the direction to take. We should decide that the Garda force should be independent of the Minister and have its own democratic accountable structures.

Many other issues need to be dealt with. The gardaí have huge power and while they do good work, there are problems of accountability and transparency. I raised one issue in this respect recently. The gardaí have major powers to collect information but that information should not be abused. There are also issues concerning the use of data from PULSE. All these matters need to be addressed.

**Deputy Jerry Buttimer:** I welcome the opportunity to speak on this Bill. Members of An Garda Síochána must be independent, uphold the law at all times and must not abuse the powers vested in them. We should trust gardaí. I do not believe that the Bill will improve the democratic accountability of An Garda Síochána. However, I believe it will remove the direct link between the gardaí and the democratically elected representatives of the people. In establishing the Garda Síochána Ombudsman Commission and the Garda Síochána Inspectorate we have significantly strengthened the accountability of An Garda Síochána.

An Garda Síochána is not just a police force or police service. It is our security and intelligence service and the Border control authority of the State, which is often overlooked by many. It is imperative that those who carry out these functions remain directly accountable to government and that there is an onus on them to adhere to the policies implemented by the elected Members of the Oireachtas. That is our task as Members of the Legislature. Under the Haddington Road agreement a review of An Garda Síochána will take place within the next three years. This review will encompass all aspects of the operation and administration of the force. It is a necessary and long overdue review, one which it is hoped will bring about change

for An Garda Síochána.

The Minister, Deputy Shatter and Deputy Flanagan spoke in their contributions about human rights and heroes. On human rights and heroes, I would like in this part of my speech to single out Garda Paul Franey, who founded G-Force and has worked within An Garda Síochána to promote full rights for gay and lesbian members of the force and in the pursuit of human and civic rights for members of An Garda Síochána. It is important to recognise the work he does. Deputy Tuffey spoke about the joint policing committees, JPCs. Community Garda John Long in my area does Trojan work, often at the expense of his family time, in creating a bond between local gardaí in Bishopstown and the community. He is a leader within the community, is looked up to and is an inspiration to young and old.

Despite that we are in difficult economic times, the Minister, Deputy Shatter, is committed to the provision of resources to enable gardaí to carry out their duties. He secured an additional €400 million for the Garda plans for 2012, 2013 and 2014. He has also maintained Garda numbers above proposed Fianna Fáil reductions. Only this week, he announced recommencement of recruitment to An Garda Síochána. This means that for the first time since 2009 recruits will enter the Garda college in Templemore. These are positive steps to continue the trend of the commitment of An Garda Síochána to serve the people. Its task is to serve and police. The steps I have mentioned will strengthen the Garda Síochána and provide much needed employment to many young well educated people, including members of the Garda Reserve.

On the joint policing committees, I am a member of the joint policing committees in Cork city, Passage West and Anglesea Street. They are an important fora through which gardaí, communities and businesses can work together to curb and reduce crime. The latest crime statistics from An Garda Síochána in regard to Cork indicate that property crime has decreased by 4%, crime against the person has decreased by 5% and criminal damage and public order offences have decreased by 18%. These are welcome decreases. It is vital we continue to invest in and provide resources for An Garda Síochána.

**Acting Chairman (Deputy Paudie Coffey):** The Deputy must conclude.

**Deputy Jerry Buttimer:** The decision to recommence recruitment and to invest in the Garda fleet will provide much needed additional resources to allow An Garda Síochána continue its work in helping to reduce crime and work with communities to curb the threat of criminals.

**Deputy Timmy Dooley:** I thank Deputy Wallace for introducing this detailed Bill, the principles of which I broadly welcome. There are just under 13,500 members of An Garda Síochána working to keep the peace across the country. Their hard work and dedication down through the decades has kept the country safe from the scourge of criminality, the threat to usurp the democratic stability and security of the State in the name of republicanism and the forces of violence that would plunge this country into chaos. As a primarily unarmed force, it has achieved a level of co-operation and respect from the community which, I believe, is envied across the globe.

For me, the force represents a critical institution of the State, committed to protecting citizens and upholding the highest standards of justice. It is at times nauseating to listen to some members of Sinn Féin berate and praise the force, in equal measure, in this House. In this regard, one has only to look to recent history and the impact of the murder of Detective Garda Adrian Donohoe on society and the force. It is without doubt that the vacuum of lawlessness

16 July 2013

across the Border created by Sinn Féin and some of its supporters allowed such a heinous crime to be committed, with little chance of the perpetrators ever being brought to justice. Members of An Garda Síochána can take immense pride in their accomplishments and their proud historic record. It is a tradition that it has kept even in the midst of severe cutbacks and unprecedented financial and logistical pressures.

During the past two years, the thin blue line has been stretched even thinner by the Government as it systematically dismantled the security infrastructure of the State through the whittling away of Garda numbers and the closure of stations across the country. I am all too familiar with the extent to which both have impacted on people from County Clare, which I represent, to the suburbs of Dublin. The erosion of Garda vehicles and the depletion of the logistical support have all made the task of An Garda Síochána that much more difficult and tougher. They now face an even more complex and complicated criminal mindset. Despite these challenges, the dedication of members of An Garda Síochána remains widely respected as it continues to fulfil its role in society. The sensitive and special position of the police in any democratic State requires a delicate balancing act to ensure it enjoys public support, is subject to genuine accountability and is capable of carrying out its duties in keeping the peace.

A number of instances during the past few years have illustrated the need to reform the system of accountability in Ireland to ensure the force continues to enjoy popular respect and the vital support of the public. It is axiomatic that power without accountability corrupts. We have paid the price for this in the country across too many areas. It is vital that An Garda Síochána is fully scrutinised and held to account. I say that in the full belief that any further work in this regard will seek to strengthen the force, ensure its members retain the respect so hard fought for down through the years and ensures the premier role of An Garda Síochána as a police force. I believe the Government cannot be the sole guardian of this crucial role. The power must be effectively diffused to ensure that the work of the force is fully opened up to the light of transparency.

The expansion of the role, remit and investigatory powers of the Garda Síochána Ombudsman Commission is a welcome measure to copperfasten public faith in An Garda Síochána. The recently unseemly dispute between the Office of the GSOC and the Garda Commissioner illustrated for me the need for a constructive working relationship between the force and that particular body. A breakdown in relations between GSOC and An Garda Síochána is unsustainable for the maintenance of public trust in the justice system. It is important that the resources of An Garda Síochána are adequate to ensure it is not stifled by the burden of paperwork and administration and is capable of sufficiently dealing with the issues raised by GSOC.

From a Fianna Fáil perspective, steps towards strengthening the role of the Ombudsman and clarifying its relationship with the force are welcome. Expanding the remit of the Ombudsman to encompass an investigatory role independent of complaints is a measure which I believe will enable it to fulfil its role in upholding the public interest. The public interest is vital in terms of the relationship between it and An Garda Síochána. The Ombudsman should be empowered to undertake investigatory action to tackle any latent or growing concerns. There is little doubt that some members of An Garda Síochána believe some of the complaints against them are frivolous, vindictive, unfair and unnecessary. Some of these actions do tarnish the reputation of individual members. It is important there is respect by An Garda Síochána for the Ombudsman and that it can be assured that complaints will be investigated thoroughly and fairly and will not be done in a way that seeks to in any way diminish the work of An Garda Síochána. I know from personal experience the difficult and important work gardaí do and of their concerns in

regard to false allegations, in terms of how they react to a particular event, being made against them.

The challenges facing an Garda Síochána should never be underestimated. These are no different from those faced by other professionals, be they doctors, firemen, nurses and so on. There are occasions when a garda can make a wrong call. Where this happens the reputation of the garda should not be denigrated. This is what lies at the heart of much of the concern of the police force of this state, whose members seek to do their job in a thorough and professional manner. All of us accept that we sometimes make a wrong call or take the wrong decision. In light of the events of the past week, this may apply to some Members more than others.

A strong Garda Síochána Ombudsman Commission should be empowered to undertake investigative action to tackle any latent or growing concerns. This is the kernel of the issue. Clarifying time limits and enhancing the responsiveness of the Garda is a critical part of creating a fully functioning independent Garda ombudsman in which members of the public will have faith. The recent dispute between the Garda Síochána Ombudsman Commission and An Garda Síochána over response timelines cannot be allowed to fester and grow to the detriment of public trust in the system.

I caution that the significant increase in the powers and duties of the Garda Síochána Ombudsman Commission require a corresponding expansion of its resources to ensure it can fully conduct its work. Difficulties arise when organisations are not provided with resources commensurate with their powers. It is also necessary to ensure An Garda Síochána is fully resourced because gardaí are often stretched to an inordinate degree and sometimes work far beyond the call of duty. On occasion, this makes it difficult for individual gardaí to make the correct judgment. For this reason, the police force must be resourced adequately to enable members of the public to expect the outcomes they deserve. A further burden is being placed on the already strained resources of An Garda Síochána.

We cannot reasonably expect bodies to do more with the same resources. In the case of An Garda Síochána, it has fewer resources as a result of the cuts it has endured. If we are undertaking meaningful reform, the Garda must receive sufficient resources to implement required changes. To do otherwise would be to engage in a form of window dressing that would detract from the Garda's fundamental duties to keep the peace, to protect the security of the State and to bring those who deserve to face the rigours of the law before the justice system.

After a false dawn earlier this year, yesterday's announcement that the Minister is reopening Templemore must be taken with a large pinch of salt. Nevertheless, it is a welcome step towards ensuring we have access to sufficient Garda personnel to carry out the tasks of the force. Regardless of what safeguards and oversight mechanisms are put in place, an underresourced police force struggling to carry out its basic task will not enjoy public support.

The idea of a new independent board to assume much of the responsibility currently exercised by the Minister is a welcome step towards the effective depoliticisation of the police force. Similar to the reinvigorated Garda Síochána Ombudsman Commission, the creation of an independent board insulates the force from undue political interference, which would critically damage the central role of the concept of policing by consent. It is important that the independence of the board is fully respected. It must not be transformed into a glorified proxy for the Minister. In the past two and a half years, the Government has displayed blatant cronyism in its appointments to the boards under its control. The safety checks inserted in the Bill to

16 July 2013

ensure a diffusion of power must be maintained if the board is to be truly independent.

The role of the board in joint policing committees is especially important. As other speakers noted, community policing starts in the community and must enjoy the co-operation of local people. A strong link between the Garda and local communities through the forum of local government is important and should be further developed. Accountability, co-operation and responsiveness of the police force to its respective local area should be reviewed by the board and advanced to give a meaningful role to local representatives and organisations. The joint policing committee structure forms the bones of an effective mechanism to engage local communities in one of the most basic duties of the State, namely, to protect its citizens.

At a time when Garda stations are being closed and sold off, elderly people are living in fear of the threat of rural crime and resources are being stretched to breaking point, it is increasingly important that neighbourhoods feed into An Garda Síochána's work to ensure successful outcomes and the prosecution of the perpetrators of many of the crimes that bedevil our communities. At the same time, the Garda must uphold the highest standards of human rights in keeping with the democratic nature of the State it protects. A code of practice that enshrines these rights should be at the heart of the operations of the force. Citizens should know that their police force is based on these guiding principles. A new code that sets out the basic operating principles, one which has been reviewed by the board and Garda Síochána Ombudsman Commission, will help ensure that public trust in the Garda, which is a key theme of all reforms, is maintained.

The relationship between the Garda Commissioner and Minister is one of the most sensitive in the State. The exchange of confidential information and strategic discussions concerning individual citizens and the broader security situation are a crucial part of their working connection. The recent furore over the Minister's breach of trust with the Commissioner exposed the fragile nature of this relationship. Revelations on air on a television programme targeted the proposer of this Bill, Deputy Mick Wallace, and illustrated a failure by the Minister to uphold the basic integrity of his working role. The Minister's actions were nothing less than a betrayal of his ministerial seal.

Placing the power of appointment with the board marks a departure from the direct ministerial oversight the Minister has shown himself incapable of properly conducting. Diffusing power from the Minister and vesting it in an independent representative board will radically transform this relationship. The Garda will suffer if members of the public perceive that the Garda Commissioner is being exploited for crude political gain by the Minister. This scenario must be avoided.

Recent years have been extremely challenging for An Garda Síochána. However, members of the force have risen to the task with admirable determination despite the significant cuts they have had to endure. As legislators, we have a duty to ensure the Garda is capable of continuing to do so and ordinary gardaí struggling to carry out their duties are given the fullest possible support. One element of this support is the institutional framework of oversight and scrutiny that ensures members of the public have full faith and trust in An Garda Síochána. It is through policing by consent that the peace is kept and the Garda is able to do its job. The Bill proposes a series of measures which will assist in copperfastening public trust and securing the basis for policing by consent.

In light of the controversies into which it has slumped, the Government is obliged to ensure the highest standards apply in its dealings with An Garda Síochána and its crucial and critical

role in the State is subjected to full scrutiny.

It is vital that the work of the House, in framing legislation and introducing measures to strengthen the role of An Garda Síochána and addressing important issues of transparency, is done in co-operation with An Garda Síochána and in an understanding of the environment within which many gardaí work. As I noted, many police officers work in extraordinarily difficult circumstances, with limited back-up and resources. On occasion, they work longer hours than they are paid to do. We must frame the relationship between An Garda Síochána and the Garda Síochána Ombudsman Commission in a manner that takes cognisance of this. I do not know any member of the Garda who does not want wrongdoing in the force weeded out at the earliest opportunity and with the greatest haste. As with any other citizen, the perpetrators of wrongdoing in the Garda must be brought to justice. Those who are found to have been criminally negligent or to have engaged in criminal activity must be removed from the force and subject to the full rigours of the law. This is a fundamental aspect of ensuring that the good men and women of the Garda who work so diligently are protected and supported in their job.

**Deputy Sandra McLellan:** *Quis custodiet ipsos custodes?* is a phrase often used in legal circles and the judicial system. It means “Who will guard the guards themselves?” Simply put, the purpose of the legislation before the House is to answer this question by ensuring gardaí who do wrong in the name of the law are brought to justice. Sinn Féin has long called for greater oversight of the Garda and was among the first to call for an independent Garda ombudsman. In our view, it was necessary to establish an ombudsman’s office similar to that which exists in the North. In 2005, for example, at the time of the Morris tribunal, Pat Doherty MP stated the following:

Many questions about serious Garda misconduct in all parts of the State remain unanswered.... This is a systemic problem we have to confront. It is long past the time for the establishment of the fully independent complaints procedure under a single Garda Ombudsman.

It is worth remembering in the context of this legislation that the Garda Síochána Ombudsman Commission was established for a reason. It came about as a result of considerable campaigning and debate following the revelations of the Morris tribunal. Following much public pressure, it was established with a view to being seen to do something about Garda reform. From the beginning, Sinn Féin’s view was that the commission did not have adequate powers or the ability truly to assert its independence.

As early as 2008 Deputy Ó Snodaigh noted that there were delays in responding to and progressing complaints, failure to return calls, failure to adhere to the commission’s timeframe commitments and failure to provide reasons for decisions, thereby undermining the credibility of the process.

Debate adjourned.

16 July 2013

**Health (Amendment) Bill 2013 [Seanad]: Committee Stage (Resumed) and Remaining Stages**

SECTION 7

Debate resumed on amendment No. 3:

In page 5, line 36, to delete “7.5 per cent” and substitute “5 per cent”.

- (Deputy Caoimhghín Ó Caoláin).

**Deputy Caoimhghín Ó Caoláin:** Before the Minister replies to the contributions Deputy Naughten and I made, I again emphasise the seriousness of the proposed increase from 5% to 7.5% of the net asset value calculable in terms of the individual’s contribution under the terms of the nursing home support scheme. It is wholly inappropriate and excessive. Irrespective of current market values, there is no provision to reverse what is proposed if property market values were to improve. This is about taking more money from the net worth of individuals who have given a lifetime of work and contributions to the Exchequer and to providing for the essential services on which we all depend and which they need now in their latter days. I again urge the Minister to accept the proposed amendments.

**Minister for Health (Deputy James Reilly):** I have nothing to add.

**Deputy Denis Naughten:** I had hoped the Minister might respond to some of the questions I had raised on the issues regarding the nursing home support scheme, as they require clarification. Does the Minister wish me to repeat the questions?

**Deputy James Reilly:** The increase in asset contribution helps balance the decrease in property values as the income asset disregard has not been changed. I know the Deputy made some points that will be considered in the context of the review of the fair deal. It is based on ability to pay and the rent generated from a property is considered income for the purpose of the scheme. The property is also considered an asset and assessed accordingly. All those in receipt of subvention are entitled to remain on subvention. This was to ensure those in residential care on the introduction of fair deal would not be disadvantaged by the scheme. However, if they choose now to go on to fair deal, it will be at the 7.5% rate.

**Deputy Denis Naughten:** What happens to applications that are pending? Is it based on the date of application rather than the date of the determination?

**Deputy James Reilly:** Until the Bill is enacted, it remains at 5%.

Question put: “That the words proposed to be deleted stand.”

<i>The Committee divided: Tá, 69; Níl, 28.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Breen, Pat.</i>	<i>Adams, Gerry.</i>
<i>Bruton, Richard.</i>	<i>Calleary, Dara.</i>
<i>Butler, Ray.</i>	<i>Collins, Joan.</i>
<i>Buttimer, Jerry.</i>	<i>Colreavy, Michael.</i>
<i>Byrne, Catherine.</i>	<i>Cowen, Barry.</i>

<i>Byrne, Eric.</i>	<i>Crowe, Seán.</i>
<i>Cannon, Ciarán.</i>	<i>Daly, Clare.</i>
<i>Carey, Joe.</i>	<i>Ferris, Martin.</i>
<i>Coffey, Paudie.</i>	<i>Fleming, Sean.</i>
<i>Collins, Áine.</i>	<i>Halligan, John.</i>
<i>Conaghan, Michael.</i>	<i>Healy, Seamus.</i>
<i>Conlan, Seán.</i>	<i>Healy-Rae, Michael.</i>
<i>Conway, Ciara.</i>	<i>Kitt, Michael P.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Costello, Joe.</i>	<i>McDonald, Mary Lou.</i>
<i>Creed, Michael.</i>	<i>McGrath, Mattie.</i>
<i>Daly, Jim.</i>	<i>McGrath, Michael.</i>
<i>Deasy, John.</i>	<i>McLellan, Sandra.</i>
<i>Deering, Pat.</i>	<i>Martin, Micheál.</i>
<i>Donohoe, Paschal.</i>	<i>Murphy, Catherine.</i>
<i>Dowds, Robert.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Doyle, Andrew.</i>	<i>Ó Feargháil, Seán.</i>
<i>Durkan, Bernard J.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>English, Damien.</i>	<i>O'Sullivan, Maureen.</i>
<i>Feighan, Frank.</i>	<i>Pringle, Thomas.</i>
<i>Ferris, Anne.</i>	<i>Smith, Brendan.</i>
<i>Fitzpatrick, Peter.</i>	<i>Troy, Robert.</i>
<i>Flanagan, Charles.</i>	<i>Wallace, Mick.</i>
<i>Gilmore, Eamon.</i>	
<i>Harrington, Noel.</i>	
<i>Harris, Simon.</i>	
<i>Heydon, Martin.</i>	
<i>Humphreys, Heather.</i>	
<i>Humphreys, Kevin.</i>	
<i>Keating, Derek.</i>	
<i>Kelly, Alan.</i>	
<i>Kenny, Seán.</i>	
<i>Kyne, Seán.</i>	
<i>Lawlor, Anthony.</i>	
<i>Lynch, Ciarán.</i>	
<i>Lynch, Kathleen.</i>	
<i>Lyons, John.</i>	
<i>McCarthy, Michael.</i>	
<i>McHugh, Joe.</i>	
<i>McLoughlin, Tony.</i>	
<i>McNamara, Michael.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mitchell O'Connor, Mary.</i>	

16 July 2013

<i>Mulherin, Michelle.</i>	
<i>Murphy, Eoghan.</i>	
<i>Nash, Gerald.</i>	
<i>Neville, Dan.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Mahony, John.</i>	
<i>O'Reilly, Joe.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Perry, John.</i>	
<i>Phelan, Ann.</i>	
<i>Phelan, John Paul.</i>	
<i>Reilly, James.</i>	
<i>Ring, Michael.</i>	
<i>Shatter, Alan.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Twomey, Liam.</i>	
<i>Wall, Jack.</i>	
<i>Walsh, Brian.</i>	

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

Question declared carried.

Amendment declared lost.

**Deputy Caoimhghín Ó Caoláin:** I move amendment No. 4:

In page 6, line 15, to delete “7.5 per cent” and substitute “5 per cent”.

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

Amendment declared lost.

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

In page 7, line 40, to delete “7.5 per cent” and substitute “5 per cent”.

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

Amendment declared lost.

**Deputy Caoimhghín Ó Caoláin:** I move amendment No. 6:

In page 8, line 23, to delete “7.5 per cent” and substitute “5 per cent”.

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

Amendment declared lost.

Question, “That section 7 stand part of the Bill,” put and declared carried.

## SECTION 8

**An Ceann Comhairle:** Amendments Nos. 7 and 15 are related and may be discussed together.

**Deputy James Reilly:** I move amendment No. 7:

In page 9, line 44, after “treatment” to insert the following:

“(including care and treatment in respect of motherhood)”.

These amendments seek to clarify the current situation that maternity services for women are provided by or on behalf of the HSE, both in the hospital context and in a community or home setting. This is in line with current practice in hospitals and in the community. The majority of women choose to have their babies delivered in hospitals and, therefore, it is important to be clear that the HSE is in a position to provide this service. Amendment No. 7 provides this clarification in respect of inpatient services. I, therefore, ask Members to support the amendment.

**Deputy Denis Naughten:** I have one question on this amendment. The Minister is aware that as maternity services currently apply, a woman has the option of booking into the private or the public clinic at the outset for her first appointment and based on this, she then presents for delivery and goes into a private or a public bed, as the case may be. It is not possible for a woman to go into the public clinic, go through the public process and go to the hospital under the public system and be in a private bed. The Minister should correct me if I am mistaken but on foot of this legislation - I am unsure how this waiver will work and how it will be presented, which also will have implications for the implementation of this legislation - one could quite easily see a situation in which a woman with private health insurance could attend a public clinic as a public patient and yet be charged under her private health insurance for a bed, even though she has no access to a private hospital bed. I ask the Minister to elaborate on this point.

**Deputy James Reilly:** It is very straightforward; that is not possible. If she does not declare to go privately to the consultant, she will not be charged as a private patient in the hospital, regardless of whether she has insurance. If she elects to go privately to the consultant, she will be charged in the hospital.

Amendment agreed to.

Section 8, as amended, agreed to.

## SECTION 9

**Deputy James Reilly:** I move amendment No. 8:

16 July 2013

In page 10, lines 14 and 15, to delete paragraph (c) and substitute the following:

“(c) in subsection (3)—

(i) by the substitution of “Where,” for “Subject to section 54, where,”,

and

(ii) by the substitution of “does not avail of or waives his or her right to avail of, some part of those services” for “does not avail of, some part of those services”.”.

Paragraph (c)(i) is a technical amendment, as section 54 of the Health Act was deleted by the Health (Nursing Homes) Act 1990. This deletion of the reference to section 54 was contained in the original Bill. As for paragraph (c)(ii), it always has been the case that where a person does not avail of some part of inpatient services under his or her full or limited eligibility, under section 53 of the Health Act, he or she was deemed not to have full or limited eligibility, as the case may be, for those inpatient services and may therefore be charged accordingly. The insertion of “waives his or her right to avail of, some part of those services” mirrors the language used in section 13 of the Bill and reflects the freedom of choice that patients currently have to access private care if they so wish. I, therefore, ask Members to support the amendment.

**Deputy Denis Naughten:** On the structure of the waiver, while I discern the logic behind it, what are the implications of this measure as it is worded for someone who does not have an entitlement on the basis of legal status or where he or she has made his or her PRSI contributions here? This issue traditionally has been raised in this House in the context of the Immigration, Residence and Protection Bill, whereby people would have access to a basic level of medical care, particularly in respect of emergencies. Does this waiver, as it is constructed, have implications in this regard?

**Deputy James Reilly:** No, this Bill does not relate to emergency care. I hope that clarifies the point.

Amendment agreed to.

Section 9, as amended, agreed to.

Section 10 agreed to.

## SECTION 11

Question proposed: “That section 11 stand part of the Bill.”

**Deputy Caoimhghín Ó Caoláin:** While I will be opposing sections 11 and 12, I will deal with section 11 first. When the nursing homes support scheme was introduced, Sinn Féin and others expressed concern that it removed the universal eligibility for a place in a public nursing home as provided for under the Health Act 1970 and this Bill reinforces the position. This is a serious matter because it is drawing major distinctions between certain sets of circumstances that may present in the life of any citizen. The statutory eligibility to a bed in a public nursing home was provided for in the aforementioned 1970 Act but was never vindicated in terms of the provision of resources to make available those beds. This led to a huge reliance on the private nursing home sector, something which continues to a worrying extent. Even in respect of the ever-reducing number of public nursing home beds, I note that with the advent of the accepted

standards being imposed by the Health Information and Quality Authority, HIQA, rather than actually carrying out the necessary alterations, renovations and so on, it is becoming evident that to meet that measurement, there is an ongoing and critical reduction in the capacity of the public nursing home network. This is an extremely serious matter and further evidence of this came to light in recent weeks in my constituency. I believe the situation must change. One cannot continue to have an ever-contracting provision of public nursing home care. Moreover, worrying potential developments arise from the statement at the end of last week by the Minister of State, Deputy Kathleen Lynch, to the effect that means testing is to be introduced with regard to home care. That certainly will have consequences and one will find that where the State currently is saved significant sums of money by the heroic and at times herculean efforts of family and friends to allow for older people to remain where they are happiest and most wish to be, that is, in their homes, this situation will be challenged by these further measures now signalled. There is no evidence of any intent on the part of the Minister or the Government to address seriously the ever-decreasing capacity in respect of public nursing home provision. That is a very serious matter and, accordingly, I am opposing section 11.

**Deputy Denis Naughten:** The amendment of the primary section, section 53A of the 1970 Act, allows for persons residing in nursing homes to be charged the costs which are based on the average costs of long-term residential care in a public nursing home. As the Minister knows, there is significant variation in the care provided in public nursing homes, depending on the type of patient and level of dependency. Why has the Minister decided to go for an average rather than the actual cost of operating a nursing home? The calculation is already factored into the treatment purchase fund figures.

I wish to flag section 19. There seems to be an anomaly in regard to the charging structure which is being proposed. It is based on the State non-contributory pension. People who will be charged under that will receive €188 a week, which is significantly less than the State contributory pension. People could contribute the vast majority of their social welfare payments for those services.

**Deputy James Reilly:** On Deputy Ó Caoláin's opposition to the section and his contention that the review will introduce means testing, that was not said but means testing may be introduced. The current fund, which is very heavily funded, is for long-term care. The Deputy rightly pointed out that most people want to stay at home, yet the funding is not in place in the manner in which it might be. I am sure when his party talks about wealth taxes it would not have any issue with people who are quite well off paying some contribution towards home care or home help, rather than having to pay a contribution for long-term care before they need it.

The advent of the single assessment tool is something which I welcome because it will allow for a uniform approach to assess how the needs of older people can be met, including whether they need long-term care. The current situation has demonstrated that in the past few years people in certain parts of the country went into long-term care before they needed to. In other parts of the country people cannot access long-term care even though they badly need to. This is due to a lack of uniformity in a single assessment tool and its application, something which we are correcting.

In regard to the comments of Deputy Naughten on averages, the National Treatment Purchase Fund does not purchase from the public sector, rather it purchases from the private sector and some NGOs and voluntary organisations. I will not accept the amendment.

16 July 2013

**Deputy Caoimhghín Ó Caoláin:** I can assure the Minister that neither I nor my party would countenance those charges applying irrespective of the income stream of individuals. We believe in universal health care and its provision on the basis of need. We believe in a progressive form of taxation that will provide for these services. A wealth tax is exactly that, where people who are in a position to pay more should pay more based on a formula we have provided in recent years to the Minister's colleague, the Minister for Finance, and other members of the Cabinet. We argued that over a number of years with the preceding Government but it did not listen either.

There is a resolution to the difficult financial challenges which prevail but what is incorporated in this Bill, as in so many others presented to the Houses, is ill-suited to the purpose. All we are doing is penalising people who, invariably, are not in a position to take on further burdens. Section 12 proposes a €5 increase on the €75 charge for inpatient care. These may seem like small sums to the Minister but I happen to know people for whom they will be a significant additional burden.

I hold to public nursing home care provision. I am very pleased that, based on a recent engagement with senior HSE officials in regard to St. Mary's hospital in Castleblayney in my home county of Monaghan, required capital works will be undertaken in line with HIQA recommendations in its most recent reports. The net effect of that in terms of the capacity of St. Mary's is the loss of six beds. I have provided a specific example, but I could cite a number across any number of constituencies in the country. We fully understand and accept the criteria being applied by HIQA in terms of better standards of accommodation provision for residents, but we have to wake up to the fact that the ever reducing number of beds is having a deleterious impact across the board and is driving people ever more, not by choice but by necessity, into the private care providers.

I put it to the Minister that section 11 does not merit support. I will conclude because I will become annoyed about specific cases on which I am currently working. I do not want to go into any of the details, although I am sorely tempted to do so. I am opposing section 11 for all the reasons I have explained.

**Deputy Denis Naughten:** I ask the Minister to respond to my question on people with an intellectual disability. As I read the Bill, they will receive one third the amount an older person will receive under the nursing home scheme because of the manner in which section 19 of the Bill is constructed. I presume that is not the intention.

**Deputy James Reilly:** It is not the intention and it is not the case.

Deputy Ó Caoláin seems to have a problem with very well off people making a contribution towards care in the home, as opposed to not having a problem with them being charged for their care in long-term care. I find that very inconsistent, to say the least. It is all very well for Sinn Féin to talk about progressive taxes and a wealth tax. The bottom line is that the sort of money it attributes to what a wealth tax would raise is fantasy economics.

The reality is that we have an ageing population, something for which we should be very grateful. People are living longer. We want them to live well and at home for as long as possible, and to retain their independence for as long as possible. Something needs to be asked of a system which heavily supports long-term institutional care but not long-term care at home. It begs a serious question. Talking about wealth taxes as the solution to all of our ills and prob-

lems does not wash.

**Deputy Caoimhghín Ó Caoláin:** Of course the Minister resorts to silly nonsense when he no longer has any cogent argument. Nobody ever suggested a wealth tax was the panacea for all our economic woes and financial ills; far from it. It is part of a package of measures which we have consistently commended to a series of Governments. It is well documented and well costed, not by Sinn Féin but by the Department of Finance. Let there be no doubt about it, the facts and figures we present can be stood over and are sustainable. They are political choices and are clearly not the choice of the Minister. He prefers to impose these measures and thereby heap further difficulties on people who are already overburdened. Those are the facts. I am absolutely committed not only to having the level of care provision meet the highest possible standard but also to ensuring capacity will be increased. Such an increase is not happening and all that is occurring is continual contraction. I instanced one example in this regard but I could cite more.

With this Bill, the Minister has created a compendium of measures with which he is pressing forward and in respect of which a guillotine will apply in the next 20 minutes. This is par for the course for Governments in the closing days of any particular Dáil session. We need not revisit the contributions of the Minister, when he was Opposition spokesperson on health, to remind ourselves of how he reacted when those in the previous Administration did exactly what he is doing now.

Question put and declared carried.

## SECTION 12

**An Ceann Comhairle:** Amendment No. 9 is in the name of Deputy Kelleher. As the Deputy is not present to move the amendment, it cannot be discussed.

**Deputy Robert Troy:** Deputy Kelleher is away this evening and the Whip's office made arrangements to allow me to move the amendment.

**An Ceann Comhairle:** Is it agreed that Deputy Troy can move Deputy Kelleher's amendment? Agreed.

**Deputy Robert Troy:** I move amendment No. 9:

In page 12, line 49, to delete "15 days" and substitute "10 days".

I guarantee the Ceann Comhairle that I will not delay proceedings. Section 53C provides for charges to be raised in respect of acute public inpatient services in public hospitals at a rate of €80 per day, which is up from €75. The Department has stated that the new maximum will be €800 per calendar year, which is an increase of €50. However, the Bill allows the Minister to set the number of days for which the charges will be payable up to a maximum of 15. If the maximum number of days were chargeable, then the total amount for which a person would be liable in a calendar year would increase from the current €750 to €1,200. This represents an increase of 60%. We have a major difficulty with the fact that even though the Minister has stated that the maximum will be €800 per year, the Bill will allow him at any given time in the future to increase the maximum number of days from ten to 15. As indicated, this will increase the total amount due to €1,200. The power to increase charges will left completely in the hands of the Minister of the day. Even if we accept the current Minister's bona fides in this regard,

16 July 2013

there is no guarantee as to what one of his successors might do. We are of the view that if he or his successors wish to increase the charge at some point in the future, they should be obliged to return to the Dáil and debate the matter. It is for this reason that amendment No. 9 has been put forward.

**Deputy Caoimhghín Ó Caoláin:** I support the amendment, which Deputy Troy has moved on behalf of Deputy Kelleher. The Deputy quite rightly highlighted the increased level of charges that will apply. The argument to reduce the period in respect of which charges will apply to ten is reasonable. I am opposed to this section in its entirety, but I would be willing to accept the arguments in respect of the amendment if the Minister were to do likewise.

**Deputy Catherine Murphy:** The people who are most affected by this type of change are those whose incomes are just above the threshold relating to the medical cards and below the level at which they would be able to afford health insurance. This matter is of serious concern to them. There is no way they can be dealt with if they cannot afford health insurance. Many people are paying the universal social charge and pay related social insurance but they have access to a diminishing range of services. This is at a time when they are at breaking point. The least we can do is provide them with some certainty. The Minister is being given discretion to change the period, even though it is increasing and people are paying more, and I am of the view that we should oppose this.

**Deputy James Reilly:** There has been a great deal of discussion with regard to public capacity *vis-à-vis* long-term care and the public option. I record the fact that we are committed to maintaining that option.

In framing his amendment, Deputy Kelleher, in whose stead Deputy Troy moved the amendment, has misunderstood the purpose of the Bill. What is at issue is a statement which limits capacity. At present, it is open to the Minister of the day - that is, me or any of my successors - to apply the charge in respect of a period of 20, 30, 40 or 100 days. What I am doing is limiting the period up to a maximum of 15 days. While the new limit will be ten days and, as a result and in light of the increased charge, the maximum amount payable will be €800. If I were to leave matters as they stand, there would be nothing to prevent me or one of my successors from increasing the period to 20 days at a cost of €75 per day. What I am doing is providing, in the context of the maximum of 15 days, the certainty to which Deputy Catherine Murphy alluded. However, I am not saying that I intend to increase it to 15 days. My intention at present is to leave it at ten days. I am also putting in place a limit whereby I will be prevented from increasing it above 15 days. Currently, I could apply the charge in respect of a period of 15 days, 100 days or whatever else.

**Deputy Robert Troy:** If it is the Minister's intention to leave it at ten days, why will he not accept the amendment and substitute the term "10 days" for that of "15 days"? This would provide the clarity and certainty he indicated he wishes to give public patients who will be liable for the charge to the effect that, upon being hospitalised, they will not be obliged to pay more than €800 in a calendar year. I accept his bona fides with regard to the fact that at present he could charge for periods well in excess of 15 days. However, that is no reason for him to refuse to accept the amendment and limit the period to ten days. I hope the Minister will take the amendment on board, particularly as he stated that he has no intention of increasing the period. If that is the case, he should accept the amendment.

**Deputy James Reilly:** I repeat what I said earlier, namely, that there is currently no limit in

primary legislation on the number of days for which a Minister for Health can impose a charge on a public inpatient. Under existing regulations, the maximum number of days for which the acute public inpatient charge applies is ten. I reiterate that I have no plans to increase this. If, however, a future Minister for Health wished to increase the charge, under the Bill both his or her agreement and the consent of the Minister for Public Expenditure and Reform would be required. The leeway allowed to the Ministers before they would be required to return to the Oireachtas to increase the number of chargeable days further stands at a maximum of 15. That is a reasonable constraint and, therefore, I do not propose to accept the amendment.

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

Amendment declared lost.

Question proposed: "That section 12 stand part of the Bill."

**Deputy Caoimhghín Ó Caoláin:** Under section 12, we are having higher and further charges imposed, and for what? At the end of the day there is no doubt that it is for shrinking services. That is what we are looking at here. The Bill increases the daily charges for public inpatient services to acute hospitals from €75 to €80. If we consider the cohort of people who will be impacted by that increase, as I said in relation to section 11, the Minister might not think that extra is excessive but I can assure him that in many of the cases I know and represent in this House, that additional €5 is a substantial further burden and it does have consequences. Already, countless numbers of people, as many Deputies in this House can attest, are making the decision not to go to their general practitioner or not to go to hospital when they need to because of the cost. That is a fact of life. Parents with children are particularly vulnerable in this regard and many of them make the decision, and perhaps a number of times even in a single year, to put the health and other needs of their children before their own health considerations. That means, ultimately, they are neglecting their health and providing for their children, which is an understandable choice, but the consequences for themselves, while perhaps not immediately presenting in any severe way, will build up and there will come a day of reckoning. They pay a very serious price for their care pattern.

The Minister will say services have to be paid for and of course they do. We have made the case for this repeatedly. We have repeatedly proposed ways of raising and saving revenue. This has been made clear time and again by political voices in engagement with the troika. I have been a party to that engagement on a number of occasions, in addressing excessive salaries at the top of the HSE and in terms of the Department and the Minister's adviser staff, and in addressing the hugely excessive costs of medicines, which was highlighted again on the national airwaves today where the differential between the cost of medicines for the public on this side of Border is multiples of what people pay north of the Border and in a variety of European and other settings. As was highlighted today on the national broadcaster, people pay in excess of €100 for the same medicines here that they can buy with the words "made in Ireland" on the cover of the box overseas in Turkey for €3. What is being made in Ireland? The Irish public are being made a scapegoat for something and this is not being grabbed with in any serious way despite all the Minister's negotiations and the alleged €400 million savings in the cost of drugs.

I have highlighted again and again that a new top rate of tax and a wealth tax should be introduced. These are the alternatives the Government will not choose and that it has repeatedly rejected. It is indicative of a closed mindset in this regard. It is a very sad and sorry situation. We are asked to pass this and other legislation on the promise that all will be well under

16 July 2013

the Government's universal health insurance system, but we have yet to see the Government's White Paper in this regard. We have none of the detail only the continued mantra that all will be well once the universal health insurance system is presented. This is supposed to be a cornerstone of Government's health policy and not only of Fine Gael but of Fine Gael and the Labour Party. There is no cornerstone and, therefore, we know what the health policy really is - it is a shambles. The idea that it is going to be resurrected out of these unseen proposals is nothing other than a trundled out mantra. It will never be reformed under the Government and the Minister.

**Deputy James Reilly:** After that long diatribe, which is all I would call it, I would be delighted to respond and remind the Deputy across the floor that last year when we were facing a reduction in manpower, he was the one who went shroud waving, telling women they would not have a safe health service in which to have their babies and advising cancer patients they would not be able to get the treatments they needed to save their lives. I am happy to inform the Deputy and the House that since that time, thanks to the extraordinary and sterling work of the men and women who work on the front line in our health services, supported by the clinical programmes and by the SDU, we have seen 95% of inpatients at the end of last year treated under the nine-month target and that target is set for eight months this year. We have also seen 95% of inpatient children treated under 20 weeks, 95% plus treated in under 13 weeks for endoscopies; and a 24% reduction in the number of people who had to endure long trolley waits last year with a further 9% reduction this year. There are still too many people waiting and more will be done.

The Deputy said people are getting shrinking services when in fact we have a stroke programme which is saving a life a day now. We have gone from being at the bottom of the league in Europe for thrombolysis, the drug which busts a clot people have in a certain number of strokes, to being at the top of the league. We have a new congestive heart failure care programme. We have a frail older patient care programme for patients who are now admitted to specialist wards where their medical problems can be addressed aggressively and their rehabilitation can begin and as a result fewer and fewer people will end up in long-term care and more people will get home to live independent lives.

The Deputy mentioned the cost of drugs and passed over the €400 million saved in the IPHA deal in the next three years. Those savings will allow us spend €210 million over that period on new life-saving drugs for problems such as cystic fibrosis, malignant melanoma and other cancers. We have passed the drug reference pricing Bill which will now allow for the price of generics - something about which I have been concerned for some time - to fall considerably here.

During our Presidency of the EU we completed the cross-border health threats directive which allows us to join other countries such as the United Kingdom, Germany or France when ordering vaccines. A small population like ours does not have the same buying power as bigger nations and that directive will be to the benefit of the people.

We have made real improvements in our health services. We have much more to do and it will be done. We have brought in for the first time the biggest re-organisation of our hospitals through the hospital groups mechanisms which will give us the scale of hospital groups that will allow them to buddy-up with international partners and interest has already been shown in this. We will get much greater scales of economy in terms of management and human resources. It will help us to address our European working time directive, something that is of particular concern to me, and it will also greatly help in attracting and retaining the best of staff as people

move to join these bigger groups, rather than smaller hospitals having to struggle to attract personnel who are difficult to attract and sometimes difficult to retain.

I will not accept the proposal and I ask Deputies not to support the proposed deletion of section 12.

**Deputy Caoimhghín Ó Caoláin:** The Minister cannot all the time claim that the heroic efforts of front-line service providers is to his credit. It is to their professional credit and integrity, as we all acknowledge.

**Deputy James Reilly:** The Deputy twists everything I say. That is a sad but, unfortunately, consistent feature of his contributions in this House.

**Deputy Caoimhghín Ó Caoláin:** If the voices of those who are medical practitioners across a range of disciplines could be heard here - rather than the voice of the Minister who is a medical practitioner by profession - many of them would totally reject his claims. This Bill is deleterious to the health services and to the finances and health of ordinary citizens. I roundly reject the passage of section 12 and the Bill in its entirety.

**An Ceann Comhairle:** As it is now 10 p.m., I am required to put the following question in accordance with an order of the Dáil of this day: “That the amendments set down by the Minister for Health and not disposed of are hereby made to the Bill; that, in respect of each of the sections undisposed of, other than section 18 which is hereby deleted, the section or, as appropriate, the section, as amended, is hereby agreed to in Committee; that Schedules 1, 2 and 3, as amended, are agreed to in Committee; that Schedule 4 is hereby deleted and that the Title is hereby agreed to in Committee; that the Bill, as amended, is, accordingly, reported to the House; that Fourth Stage is hereby completed; and that the Bill is hereby passed.”

10 o'clock

Question put:

<i>The Dáil divided: Tá, 70; Níl, 32.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Breen, Pat.</i>	<i>Adams, Gerry.</i>
<i>Bruton, Richard.</i>	<i>Browne, John.</i>
<i>Butler, Ray.</i>	<i>Calleary, Dara.</i>
<i>Buttimer, Jerry.</i>	<i>Collins, Joan.</i>
<i>Byrne, Catherine.</i>	<i>Colreavy, Michael.</i>
<i>Byrne, Eric.</i>	<i>Cowen, Barry.</i>
<i>Cannon, Ciarán.</i>	<i>Crowe, Seán.</i>
<i>Carey, Joe.</i>	<i>Daly, Clare.</i>
<i>Coffey, Paudie.</i>	<i>Ferris, Martin.</i>
<i>Collins, Áine.</i>	<i>Flanagan, Luke ‘Ming’.</i>
<i>Conaghan, Michael.</i>	<i>Fleming, Sean.</i>
<i>Conlan, Seán.</i>	<i>Halligan, John.</i>
<i>Conway, Ciara.</i>	<i>Healy, Seamus.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Healy-Rae, Michael.</i>
<i>Costello, Joe.</i>	<i>Kitt, Michael P.</i>

<i>Creed, Michael.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Deasy, John.</i>	<i>Martin, Micheál.</i>
<i>Deenihan, Jimmy.</i>	<i>Mathews, Peter.</i>
<i>Deering, Pat.</i>	<i>McDonald, Mary Lou.</i>
<i>Donohoe, Paschal.</i>	<i>McGrath, Mattie.</i>
<i>Dowds, Robert.</i>	<i>McGrath, Michael.</i>
<i>Doyle, Andrew.</i>	<i>McLellan, Sandra.</i>
<i>Durkan, Bernard J..</i>	<i>Murphy, Catherine.</i>
<i>English, Damien.</i>	<i>Naughten, Denis.</i>
<i>Feighan, Frank.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Ferris, Anne.</i>	<i>Ó Feargháil, Seán.</i>
<i>Fitzpatrick, Peter.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Flanagan, Charles.</i>	<i>O'Sullivan, Maureen.</i>
<i>Gilmore, Eamon.</i>	<i>Pringle, Thomas.</i>
<i>Griffin, Brendan.</i>	<i>Ross, Shane.</i>
<i>Harrington, Noel.</i>	<i>Troy, Robert.</i>
<i>Harris, Simon.</i>	<i>Wallace, Mick.</i>
<i>Hayes, Brian.</i>	
<i>Heydon, Martin.</i>	
<i>Humphreys, Heather.</i>	
<i>Humphreys, Kevin.</i>	
<i>Keating, Derek.</i>	
<i>Kelly, Alan.</i>	
<i>Kenny, Enda.</i>	
<i>Kenny, Seán.</i>	
<i>Kyne, Seán.</i>	
<i>Lawlor, Anthony.</i>	
<i>Lynch, Ciarán.</i>	
<i>Lynch, Kathleen.</i>	
<i>Lyons, John.</i>	
<i>McCarthy, Michael.</i>	
<i>McHugh, Joe.</i>	
<i>McLoughlin, Tony.</i>	
<i>McNamara, Michael.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Eoghan.</i>	
<i>Nash, Gerald.</i>	
<i>Neville, Dan.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Mahony, John.</i>	

<i>O'Reilly, Joe.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Phelan, Ann.</i>	
<i>Phelan, John Paul.</i>	
<i>Reilly, James.</i>	
<i>Ring, Michael.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Twomey, Liam.</i>	
<i>Wall, Jack.</i>	
<i>Walsh, Brian.</i>	

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

Question declared carried.

### **Construction Contracts Bill 2010 [Seanad]: Report and Final Stages**

**An Leas-Cheann Comhairle:** Amendment No. 1 in the name of Deputy McDonald is out of order. Amendment No. 2 in the name of Deputy Fleming arises out of committee proceedings. Amendments Nos. 2, 7, 11 and 20 are related and may be discussed together.

Amendment No. 1 not moved.

**Deputy Sean Fleming:** I move amendment No. 2:

In page 4, between lines 41 and 42, to insert the following:

“ “social contract clause” means a clause that obliges an executing party to—

(a) employ some unemployed persons who are on the live register and who are under 25 years of age, and

(b) employ some persons who are long term unemployed;”.

I welcome the opportunity to discuss amendment No. 2, with amendments Nos. 7, 11 and 20. Essentially, as we discussed this on Committee Stage, we do not need a major discussion of it now. The essence of it is that all major contracts should have a social contract inserted therein. This relates to those working in construction who were laid off before they got to complete their apprenticeships, many of whom do not have any actual work. Youth unemployment is a major issue not just in Ireland but right across Europe. Amendment No. 2 seeks to insert a social contract clause into the various contracts referred to and covered by this legislation so that some unemployed persons on the live register and under 25 years of age and some people

16 July 2013

who are long-term unemployed can be employed.

The Government has introduced various initiatives to help employers take on people who are long-term unemployed and various schemes were announced last week by the Ministers for Jobs, Enterprise and Innovation and Social Protection. This is a classic example of where this can be put into practice.

Amendment No. 7 deals with a slightly different issue but states there would be a duty on the person carrying out the contract when making a request for payment to be in a position to supply the State contracting entity with a list of all subcontractors on site and to ensure subcontractors, employees and suppliers would be paid for the work they carry out on the project within seven days of receipt of payment.

The reason the amendments are grouped is to maintain a system whereby the PPS number of each person who enters the site at any stage during the construction contract shall be maintained by the company carrying out the project. There are many reasons for this, but primarily it is to ensure the existence of a record of everybody who works on a particular site in order that we do not have unscrupulous contractors paying people in the black economy while they claim social welfare at the same time. It would also help to ensure a full record of everybody on site to ensure they comply with the various registered employment agreements for payment purposes.

Maintaining PPS numbers should be an essential requirement under health and safety legislation in order that in the event of an accident on site there would be a record of who was on it. I know the Minister of State will say this is not the purpose of the legislation, but I respectfully suggest health and safety should be part of his concern with regard to State contracts, in particular. I suggest keeping a record of PPS numbers would have a beneficial effect for health and safety purposes. The main purpose is to ensure the existence of a record of people who work on a site and to ensure some people under 25 years of age and others who are long-term unemployed would be given an opportunity to work.

Amendment No. 11 states it would be a duty of the State contracting authority to ensure a social contract clause was inserted in every construction contract a State contracting entity might award to a prospective executing party. We want to put the onus on the Minister and the OPW to include in the procurement circulars issued to the various contracting authorities throughout the country, whether they be the HSE, Departments, school boards of management or local authorities, that every contract funded by taxpayers' money should be covered by this provision.

The Minister of State will say if people under 25 years were guaranteed a proportion of the jobs, by definition, somebody over 25 years would be put out of work, but somewhere along the line an effort must be made. Last week the Government launched an initiative to help long-term unemployed persons through a grants scheme to encourage employers to take them on. The principle should be extended to contracts awarded by State bodies.

**Deputy Mary Lou McDonald:** I am very pleased that we have reached the final Stages of the Bill which I have no doubt will be widely welcomed because it is so hugely necessary to secure payment for subcontractors. The Minister of State is probably not minded to accept amendments, but I hope he will reconsider. With Deputy Sean Fleming and others, on every Stage I have raised the issue of a social clause and social considerations to be factored in as part of public procurement processes. I anticipate the reply of the Minister of State to be that

he agrees with the sentiment of the amendment, but that this is not the legislative instrument in which to place these matters. I have no doubt that this is what he will state. Nonetheless, I want to underscore the absolute necessity for a social clause to be written and hardwired into the entire public procurement process.

An argument that affording opportunities to long-term unemployed persons or young people who are out of work, perhaps as part of the youth guarantee, somehow displaces others is wrongly cast. The very purpose of any investment in public works should be to generate new employment opportunities. The Minister of State will see that my amendment includes consideration of long-term unemployed persons and the availability of apprenticeship schemes, but it goes further than this and refers to issues such as environmentally sustainable approaches involving reuse and recycling. It knits together the best elements of good practice across a number of public policy areas in a way which would not make the contracting process impossible or overly complex or bureaucratic but would write large good practice. In the event that the Minister of State is not minded to accept the amendments for the purposes of this legislation, I again ask him to follow up on the commitment he has made, in fairness to him, on many occasions to ensure that when we examine the entire issue of public procurement in all of its guises the issue of social and equality clauses will be given the prominence necessary.

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** We had a good discussion on these amendments on Committee Stage and I thank my colleagues opposite for placing them on the agenda again. We are of one mind with regard to using, as Deputy Mary Lou MacDonald stated, public contracts as a means of trying to generate employment. As the economy picks up and we get more money into the construction sector, we all have a vested interest in getting more people back to work in the sector, given the fact that 60% of those who lost their jobs in the crash were working directly or indirectly in the construction sector. There is a huge moral responsibility on us to get the people concerned back to work.

We see potential for social clauses to be used in a careful and dedicated way. As colleagues opposite are aware, we must ensure that where we install social clauses, they are compatible with EU legislation. There are grounds on which procurement can be used in terms of social contracts, employment opportunities, equal opportunities and social inclusion, but the European Commission in its guidance on this issue has made it perfectly clear to us and everyone else that this must be done in a very careful way and strictly in accordance with EU principles and the procurement directives.

The Deputy second-guessed my answer; I do not believe it is appropriate to do so in this legislation, but it is right that the issue should be raised because it puts pressure on the Government to ensure we respond to it. I am pleased to be able to inform the House that since our last discussion we now have social clauses in place in Ireland. The most recent announcement made concerns the PPP devolved schools programme which the National Development Finance Agency is managing on behalf of the Department of Education and Science. For the first time in this country, the contract contains social clauses.

I am conscious of what Deputy Mary Lou MacDonald stated on Committee Stage when she referred to what had happened in the North. Social clauses in place in the North have been specific to one project or a group of projects, rather than across the board. We are following exactly the principles on which the Northern Ireland Executive has correctly moved in this direction. We believe that through specifying the use of PPP projects in the area of schools and potentially other areas of public contracts such as for primary health care units we will not only be able to

achieve our targets but also that they will be entirely within the context of EU law.

The clause contained in the most recent announcement requires that 10% of the total person-weeks required to complete a project by those employed on a public works construction contract be undertaken by workers recruited from the ranks of the long-term unemployed. In order to win the most recent bundle of public private partnership schemes on the bundle of schools, those winning contractors will be taking 10% of workers from the live register. That is now happening as a result of the most recent announcement. It is important that it works because other contractors who have lost out will want to make sure it is working. If they have lost out they will want to ensure the contractor who has won has complied with the 10% requirement.

There is a responsibility on all of the agencies to be on the ground, on site, to ensure the 10% requirement is in place. We will monitor that closely to make sure the general support for social clauses across the House is implemented. We have done it in a selective and careful way, not just because of EU requirements but also because we do not want a situation where existing workers within a large construction company or subcontracting firm would have to shed workers from the payroll to take on other people. That would defeat the whole purpose of the measure. We will monitor the pilot scheme that we have now put in place but since our Committee Stage deliberations we have social clauses in this country.

**Deputy Sean Fleming:** I have nothing further to add. We will move on.

Amendment put and declared lost.

**An Leas-Cheann Comhairle:** Amendments Nos. 3 to 5, inclusive, are related and may be discussed together.

**Deputy Sean Fleming:** I move amendment No. 3:

In page 5, line 15, to delete “materials,”.

We are also discussing amendments Nos. 4 and 5 as they are all related. I will try to be brief because we have very little time left for the discussion. We could have done with perhaps another hour. Be that as it may, we are where we are. Essentially, this is an issue both Deputy McDonald and I tried to raise on Committee Stage and we were ruled out of order. We wanted to include the supply of specific or bespoke materials in the scope of the legislation. Our amendments are crafted to deal with the issue. Amendment No. 3 refers to matters that are to be excluded from a construction contract. I call for the deletion of the word “materials” in order that it would not be specifically excluded. Amendment No. 4 calls for the deletion of two lines in the amendment and the substitution of other paragraphs in terms of materials being supplied.

Amendment No. 5 is key. It is a short amendment. Essentially, the legislation deals with items that are installed on site. Materials delivered and installed are covered but materials delivered but not installed by the company delivering them are not covered. In amendment No. 5, I call for a change after line 22. If the amendment is passed the sentence would read: “In this Act references to construction operations do include a case where the things referred to in *subsection (3)* are supplied under a contract which also provides for their installation by a contractor, subcontractor or sub-subcontractor.” It does not have to be installed by the company that delivers it and is a way of getting around the supply of materials.

We all know of cases where people who delivered concrete, cement, blocks and tarmacadam

were not paid for projects to build schools, public facilities and roads that are now open and fully operational. ISME sent us various letters on the matter during the course of the legislation, as did the National Concrete Producers Association and the Irish Concrete Federation. The CIF was in touch with us on all those issues also.

I refer the Minister of State to the summary of the regulatory impact analysis, RIA, that he undertook. In page 22 it states:

The provisions in the Bill do not apply to the delivery of goods, supplies or equipment under a construction contract. Various suppliers' organisations would like to extend the scope of the Bill to include contracts for the supply of all construction materials/supplies/equipment or alternatively supplies that have been made for a specific construction project (bespoke supplies). However, there is a reasonable case for including some provision of supplies that have been made for a specific construction project (i.e. bespoke supplies). However, the technical process of amending the legislation to include such supplies could prove complex and may even give rise to further disputes.

In addition, on page 27 of the RIA, which deals with suppliers, essentially the same point is made. The reason I stress this is because it is in the RIA and I am not making it up. It is coming from the Department. In page 27 it states:

The provisions of the Bill do not extend to suppliers of materials except in the case of a contract that includes the installation of the supply ... Various suppliers' organisations would like the scope of the Bill extended ... Whilst it was appreciated that the problem of non-payment of suppliers ... was not unique to the construction sector ... in certain circumstances, for the supplier to retrieve goods supplied as part of a construction contract was put forward as being unique.

I am informed that when the Minister of State addressed the Irish Adjudication Society in February 2012 he said that the RIA to which I referred concluded that supplies are made specifically for a contract and that bespoke materials could be included in the legislation but recognised that it might be difficult to interpret what is bespoke.

The issue has been discussed in the House. I will conclude my contribution because we are short of time. We could give it a further ten or 15 minutes, but we do not have the time as there is more to be done. The Minister of State gets the essence of the point; I want him to include materials that are ultimately installed by the supplier of a contractor, subcontractor or sub-subcontractor on a particular project.

**Deputy Brian Hayes:** This legislation was one of the very first where we put in place a regulatory impact assessment to which Deputy Fleming referred. The RIA in which both colleagues were also involved brought forward a number of the issues that arose out of the analysis undertaken during the process itself and the very productive stakeholder consultation to which many in the House also contributed.

It is worth taking a moment to reflect on the issues highlighted in the RIA before I turn to the substance of Deputy Fleming's amendments. The RIA concluded that there are four main areas that should be examined and I gave a commitment to do so on Second Stage. The first of these areas concerns thresholds. On Committee Stage I introduced an amendment to reduce the thresholds across the board to €10,000. That applied to the contract value and not to the sum in dispute. The exclusion of a building contract between an owner-occupier of a private residence

up to 200 sq. m and a main contractor has been retained.

Second, I gave a commitment to examine the question of suspensions. On Committee Stage we introduced an amendment to remove the 14-day limit on suspension in favour of suspension up to the point where a payment dispute is referred to adjudication. Third, on the question of the non-binding nature of an adjudicator's award, the Government in a Committee Stage amendment made an adjudicator's award binding until it may subsequently be resolved by agreement of the parties' arbitration or litigation.

The fourth issue, arising from the RIA, was, as Deputy Fleming and others indicated, related to supplies. General supplies to a construction project were not covered by the legislation examined as part of the RIA. Representations were made during the Seanad debate on the Bill and as part of the consultation stage of the RIA. The RIA concluded that general supplies should not come within the scope of the Bill for reasons I will set out later. However, the RIA did recommend that the issue of bespoke suppliers be considered further. That was the point to which I referred in the statement. Even though it was acknowledged that drafting a definition which would not give rise to significant legal challenge would be difficult, I undertook to do that on Second Stage.

In summary, the Government has introduced amendments on Committee Stage addressing three of the four substantive issues that were raised by way of the regulatory impact assessment. It appears from the amendments tabled by Deputy Fleming that he is seeking to include all materials supplied to a construction site, which was not envisaged in the Bill as passed by the Seanad. It was not considered that general supplies should be included in the scope of the legislation since it cut across other legislative and common law provisions and that separate, dedicated legislation would be required since supplies in one sector could not be treated uniquely.

The issue of bespoke supplies was examined in great detail prior to Committee Stage, but it was concluded that a sufficient, clear and precise definition that would not in itself give rise to a legal challenge could not be provided. Indeed, I gave Opposition Deputies the opportunity to provide such a definition on Committee Stage and I am advised that the amendment dealing with the issue of bespoke supplies, although ruled out of order by the Ceann Comhairle, would not have given sufficient clarity.

The necessity for this legislation relates largely to formal contracts, which do not exist for many transactions that occur in the sector. This legislation encourages parties to agree terms in advance of commencing work and provides minimum default terms, which are set out in the Schedule to the Bill, that apply where parties fail to agree their own terms or where terms are less advantageous than those in the Schedule. The scope of the Bill will cover the services of contractors and subcontractors. In addition, supplies that are combined with installation will fall under the scope of the legislation.

As I stated on Committee Stage, the design and install principle is enshrined in the Bill. I hope that, as a result of this legislation, there will be a fundamental change for suppliers. Those who argue that they create, design and install something will be covered by this legislation.

It is likely that contracting parties will alter to reflect this provision and ensure that certain bespoke supplies fall within the scope of the Bill. However, the treatment of supplies that are not combined with a contract for installation will remain unchanged. The reasons for this were outlined on Committee Stage. First, the legislation sets up a structure designed specifically to

deal with construction contract payment disputes. This structure would not be appropriate to deal with non-payment disputes relating to supplies alone. Second, identifying a construction supply that is not directly linked to installation could be impossible to define with any legal clarity. Third, other legislative instruments apply rules to all supplies, including those that form part of a construction contract.

One such instrument is SI 580 of 2012 European Communities (Late Payment in Commercial Transactions) Regulations 2012. In order to protect European businesses, particularly small to medium-sized enterprises, SMEs, against late payments, the European Commission adopted a new directive known as the late payment directive on 16 February 2011. This directive is aimed at improving payment practices in commercial transactions between businesses and between businesses and public authorities. Its main provisions include the setting of a maximum period for the receipt of payment for goods and services, the simplification of procedures for pursuing late payments and the establishment of penalties for late payments. The directive was transposed into Irish law on 16 February and came into force on 16 March this year.

It is also worth noting that the improvement in cash flow that will be brought about by this legislation will reduce the instances of delayed payment or non-payment to suppliers, given the fact that, in many cases, it was subcontractors who were denied payment legitimately owed and who could not afford to pay their suppliers.

The Bill does not purport to provide a response to all of the causes or manifestations of non-payment in the construction sector. This is a complex area and a comprehensive response to all of the causes of non-payment in the sector will not be provided for within a single enactment. With this in mind, I am unable to accept Deputy Sean Fleming's amendment. Deputy McDonald also raised this issue on Committee Stage. I assure the Deputies that, where I raised this in the regulatory impact assessment, RIA, it related to bespoke supplies. Suppliers who design, manufacture and install something are covered by this legislation. It is as close as we can possibly go in the context of the intent of the legislation.

Amendment, by leave, withdrawn.

Amendment No. 4 not moved.

**Deputy Sean Fleming:** I move amendment No. 5:

In page 5, line 22, after "installation" to insert the following:

"by a contractor, subcontractor or sub-subcontractor".

Amendment put:

<i>The Dáil divided: Tá, 28; Níl, 69.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Adams, Gerry.</i>	<i>Breen, Pat.</i>
<i>Browne, John.</i>	<i>Bruton, Richard.</i>
<i>Calleary, Dara.</i>	<i>Butler, Ray.</i>
<i>Colreavy, Michael.</i>	<i>Buttimer, Jerry.</i>
<i>Cowen, Barry.</i>	<i>Byrne, Catherine.</i>
<i>Crowe, Seán.</i>	<i>Byrne, Eric.</i>

<i>Daly, Clare.</i>	<i>Cannon, Ciarán.</i>
<i>Flanagan, Luke 'Ming'.</i>	<i>Carey, Joe.</i>
<i>Fleming, Sean.</i>	<i>Coffey, Paudie.</i>
<i>Halligan, John.</i>	<i>Collins, Áine.</i>
<i>Healy, Seamus.</i>	<i>Conaghan, Michael.</i>
<i>Healy-Rae, Michael.</i>	<i>Conlan, Seán.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Conway, Ciara.</i>
<i>McDonald, Mary Lou.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>McGrath, Mattie.</i>	<i>Costello, Joe.</i>
<i>McGrath, Michael.</i>	<i>Creed, Michael.</i>
<i>McLellan, Sandra.</i>	<i>Deasy, John.</i>
<i>Martin, Micheál.</i>	<i>Deenihan, Jimmy.</i>
<i>Murphy, Catherine.</i>	<i>Donohoe, Paschal.</i>
<i>Naughten, Denis.</i>	<i>Dowds, Robert.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Doyle, Andrew.</i>
<i>Ó Fearghail, Seán.</i>	<i>Durkan, Bernard J.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>English, Damien.</i>
<i>O'Sullivan, Maureen.</i>	<i>Feighan, Frank.</i>
<i>Pringle, Thomas.</i>	<i>Ferris, Anne.</i>
<i>Ross, Shane.</i>	<i>Fitzpatrick, Peter.</i>
<i>Troy, Robert.</i>	<i>Gilmore, Eamon.</i>
<i>Wallace, Mick.</i>	<i>Griffin, Brendan.</i>
	<i>Hannigan, Dominic.</i>
	<i>Harrington, Noel.</i>
	<i>Harris, Simon.</i>
	<i>Hayes, Brian.</i>
	<i>Heydon, Martin.</i>
	<i>Humphreys, Heather.</i>
	<i>Humphreys, Kevin.</i>
	<i>Keating, Derek.</i>
	<i>Kelly, Alan.</i>
	<i>Kenny, Seán.</i>
	<i>Kyne, Seán.</i>
	<i>Lawlor, Anthony.</i>
	<i>Lynch, Ciarán.</i>
	<i>Lynch, Kathleen.</i>
	<i>Lyons, John.</i>
	<i>McCarthy, Michael.</i>
	<i>McHugh, Joe.</i>
	<i>McLoughlin, Tony.</i>
	<i>McNamara, Michael.</i>
	<i>Mitchell, Olivia.</i>
	<i>Mitchell O'Connor, Mary.</i>

	<i>Mulherin, Michelle.</i>
	<i>Murphy, Eoghan.</i>
	<i>Nash, Gerald.</i>
	<i>Neville, Dan.</i>
	<i>O'Donnell, Kieran.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Mahony, John.</i>
	<i>O'Reilly, Joe.</i>
	<i>O'Sullivan, Jan.</i>
	<i>Phelan, Ann.</i>
	<i>Phelan, John Paul.</i>
	<i>Reilly, James.</i>
	<i>Ring, Michael.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Timmins, Billy.</i>
	<i>Tuffy, Joanna.</i>
	<i>Twomey, Liam.</i>
	<i>Wall, Jack.</i>
	<i>Walsh, Brian.</i>

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

Amendment declared lost.

*(Interruptions).*

**An Leas-Cheann Comhairle:** As we want to finish the debate, I want some order, please.

**Deputy Sean Fleming:** I move amendment No. 6:

In page 5, between lines 22 and 23, to insert the following:

“2.—(1) Before awarding a construction contract, a state contracting entity shall publish a notice of intention to award such contract, and such notice shall include—

(a) the name of the prospective executing party,

(b) an invitation to the public to submit observations to the state contracting entity in relation to the construction contract, such observations to be submitted within 28 days of the publication of the notice.

(2) A State contracting entity shall have the authority under this Act not to proceed to

16 July 2013

award a construction contract to a prospective executing party on the basis of information received under *subsection (1)(b)*, such information to be independently verified.”

We have already discussed this issue on Committee Stage. I have changed the wording to some extent because the Minister said he was awake all night wondering who the people were who had an interest in or who had observations to make concerning such a notice. Therefore,

*11 o'clock* I clarified the amendment for Report Stage, stating it would be “an invitation to the public to submit observations” to any State contracting entity. The purpose of the amendment is to provide that “Before awarding a construction contract, a State contracting entity shall publish a notice of intention to award such contract”. In addition, it shall give the public 28 days to make observations. The State authority can take into consideration any relevant information it receives during that period.

Essentially it provides an opportunity for unpaid contractors to come forward and highlight the previous bad payment record of the person proposed to be awarded the contract.

**An Leas-Cheann Comhairle:** I apologise, but I must interrupt the Deputy.

**Deputy Sean Fleming:** I withdraw the amendment.

Amendment, by leave, withdrawn.

**An Leas-Cheann Comhairle:** The Minister of State wishes to propose a verbal amendment to the Bill to correct a drafting error.

**Deputy Brian Hayes:** I move the following verbal amendment:

In page 5, line 39, to add “a” before the words “construction contract”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** As it is now 11 p.m., I am required to put the following question in accordance with an order of the Dáil of this day: “That the amendments set down by the Minister for Finance and not disposed of are hereby made to the Bill; that the Title is hereby agreed to; that Report Stage is hereby completed; and that the Bill is hereby passed.”

Question put and declared carried.

### Message from Seanad

**An Leas-Cheann Comhairle:** Seanad Éireann has passed the Land and Conveyancing Law Reform Bill 2013, without amendment, and the Prison Development (Confirmation of Resolutions) Bill 2013, without amendment.

The Dáil adjourned at 11.05 p.m. until 10.30 a.m. on Wednesday, 17 July 2013.