



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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## DÁIL ÉIREANN

*Déardaoin, 18 Iúil 2013*

*Thursday, 18 July 2013*

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

*Paidir.*

*Prayer.*

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### Leaders' Questions

**Deputy Timmy Dooley:** As we reach the end of this session, on behalf of the Fianna Fáil Party I express our sincere thanks to the staff of the House for their dedication and commitment throughout the session. It has been a particularly challenging time for them and their families. They deserve our good wishes as they attempt to have some time off from here. To the members of the media who have endured our antiquated and outdated method of doing business in the past session and to the rest of the members of the press gallery, I express our good wishes as they head for their summer break. I thank the Ceann Comhairle sincerely on behalf of our party for the way he has co-operated and worked with us in our effort to do our business.

**Deputy Joe Costello:** Has Deputy Dooley his bucket and spade?

**Deputy Timmy Dooley:** It is interesting that the Taoiseach has announced that he has seen the light and that the Government will create jobs.

**Deputy John Browne:** A three-point plan. It was a five-point plan.

**Deputy Timmy Dooley:** We are told there will be a new focus on jobs, but we have heard this many times in the past two and a half years and there has been little by way of real effort or exercise-----

**Deputy Brendan Howlin:** Some 2,000 per month.

**Deputy Timmy Dooley:** -----in bringing it to fruition.

**Deputy Barry Cowen:** Those are the Minister's expenses.

**Deputy Timmy Dooley:** The Taoiseach told the *Irish Independent* today that the Government plans to create 75,000 jobs by taking people off the dole. I am all for giving people hope, but not on the back of false promises. It would seem that, instead of job creation, people must realise that work actually pays. The Taoiseach has come up with an interesting concept there.

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There is more than a hint of a belief that people are choosing to stay on social protection instead of working or seeking work.

Whatever that contention might have held during the Celtic tiger era or better times, I see no indication that jobs are being left vacant or that people are failing to take up employment because they find life easier on social welfare. Maybe the Labour and Fine Gael parties have some interesting insights and will allude to them.

**Deputy Brendan Howlin:** More insights than Fianna Fáil anyway.

**Deputy Timmy Dooley:** The Government's Action Plan for Jobs was announced 18 months ago and has been re-announced quite a few times since. It was due to create 100,000 jobs by 2016. How credible is the commitment given in the Government's previous promises on job creation that, unfortunately, have not come to fruition? How credible can today's announcement be when the Government has not achieved its targets? NewERA, a Fine Gael document from some time ago, was due to create 100,000 jobs. Where has that gone? To the best of my knowledge, the only job created by NewERA is the role for the Minister of State from County Louth. There is quite a bit to go.

This announcement is even more extraordinary, given the fact that Fianna Fáil's call, which was made more than one and a half years ago, for measures to improve employment, including the use of the National Pensions Reserve Fund, NPRF, was ignored until the country was back in recession.

**Deputy Derek Keating:** This is ridiculous.

*(Interruptions).*

**An Ceann Comhairle:** I thank Deputy Dooley, but we are over time.

**Deputy Sean Sherlock:** He is losing the House.

*(Interruptions).*

**Deputy Finian McGrath:** By closing down the Seanad, more jobs will be gone.

**Deputy Timmy Dooley:** Given the chorus from the Labour Party, it is clearly upset by the facts being placed before it.

**An Ceann Comhairle:** The Deputy should put his question.

**Deputy Timmy Dooley:** If that party's Members gave me an opportunity to make my points to the Tánaiste, I would not need to disrupt them.

**Deputy Brendan Howlin:** Send in the next one. Deputy Dooley has failed again.

**An Ceann Comhairle:** Deputy Dooley is over time. That is unfortunate for him.

*(Interruptions).*

**Deputy Timmy Dooley:** The economy is bouncing along the bottom despite the Minister for Finance's claim that it was about to take off like a rocket. How does the Government intend to take people off of social protection and create 75,000 jobs?

**The Tánaiste:** I join Deputy Dooley in expressing thanks to the Ceann Comhairle, the staff of the House and everyone who works here, including the media, for what has been a long and productive session since Easter.

I am glad that Deputy Dooley has raised the issue of employment with me. In the three years before the general election after which this Government was formed, 250,000 jobs were lost in the economy under Fianna Fáil's watch.

**Deputies:** Hear, hear.

**Deputy Eric Byrne:** That is some record.

**The Tánaiste:** This amounted to 80,000 jobs per year in a three-year period.

**Deputy Emmet Stagg:** Failure.

**The Tánaiste:** This situation is turning. Jobs in the private sector are being created at a rate of approximately 2,000 per month. The number of people in employment has increased for the first time since 2008. The number of people on the live register is declining, but a great deal more needs to be done.

**Deputy Barry Coven:** At 7%.

**The Tánaiste:** Getting people back to work is the cornerstone of the economy's recovery. It is the primary focus of this Government. We all know the kinds of target that have dominated political and economic discussion in this country in recent years. Those targets must be met in terms of the troika and so on.

We are about to exit the programme. As a country, we need to set ourselves a new target, that being, full employment. We must create employment for people who lost jobs during the recession, for young people who are leaving school and college and cannot find work and for people who have needed to emigrate and would like the opportunity to return.

**Deputy Brendan Howlin:** Hear, hear.

**The Tánaiste:** For this reason, we have adopted a range of measures to address the employment crisis. This is why we are having a special meeting of the Cabinet today on the jobs crisis.

**Deputy Dara Calleary:** Another one.

**The Tánaiste:** That is why the Minister for Social Protection, Deputy Burton, introduced the Pathways to Work scheme. In addition, the Minister for Public Expenditure and Reform, Deputy Howlin, introduced a stimulus package last year. We also decided to establish a strategic investment fund to provide funding that will stimulate growth in our economy. In addition, we got agreement at European level on the youth guarantee and provided funding for it to address the problem of youth unemployment.

Every single day, the Government is working on initiatives to get people back to work, as well as promoting economic growth, increased investment so that jobs are created, and increased confidence in our domestic economy. No one has ever argued that it would be easy or that there would be a single, silver bullet solution to unemployment. A range of measures are joined up across Government through Action Plan for Jobs. Every Department and State agency is working in a co-ordinated manner to promote the one thing that unemployed people

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need most, which is increased employment opportunities. Every Member of this House should support the Government's efforts in that regard.

**Deputy Timmy Dooley:** The Tánaiste's indignation is welcome. If I were to go back over the record of the Dáil when the Tánaiste was on the Opposition benches, I am sure it was the same script he repeated every week. The only difference now is that the Tánaiste has been on the Government benches for the past two and a half years. The record, unfortunately-----

**Deputy Brendan Howlin:** You broke it and we are fixing it.

**Deputy Timmy Dooley:** I need no history lesson from you, so keep to yourself for a minute and work out where you are going on your holidays.

**Deputy Brendan Howlin:** You do need it.

**Deputy Timmy Dooley:** I need no history lesson about what happened. The Tánaiste will be aware that there was an election in the meantime. The Government was elected on the basis of job creation commitments made by Labour and Fine Gael. The fact of the matter is, however, that the jobs are not there.

**Deputy Brendan Howlin:** More people are working.

**Deputy Timmy Dooley:** The Tánaiste has given interesting employment figures that seem to gloss over the facts. If one teases through them, one will find that many full-time jobs have become part-time ones. Labour activation has come into play with people being taken off the live register numbers and, in addition, people have emigrated. Therefore, what the Tánaiste believes to be an increase of 2,000 jobs per week is a farce when one teases it out.

**An Ceann Comhairle:** The Deputy should put a supplementary question.

**Deputy Timmy Dooley:** The Tánaiste has announced the same thing three or four times. He has achieved nothing else in the meantime other than job announcements.

**An Ceann Comhairle:** A question please, Deputy.

**Deputy Timmy Dooley:** There is a big difference between job announcements and those jobs coming to fruition. I know all about it. I come from a county that has often been subject to hundreds or thousands of job announcements over time, but they never came to fruition, so we will go back to the basic question.

**An Ceann Comhairle:** No, the Deputy will not go back. He is going nowhere. He is supposed to ask a supplementary question, but is now three minutes over his time.

**Deputy Timmy Dooley:** I have two simple follow-up questions. How does the Tánaiste intend to demonstrate that work can actually pay?

**Deputy Pat Rabbitte:** It is simple, all right.

**Deputy Timmy Dooley:** The Taoiseach has said he will demonstrate that work can pay. Second, how will the Tánaiste engage differently with the unemployed to convince them to find a job in an environment where the Government has failed to create employment? One only has to look-----

**An Ceann Comhairle:** Will the Deputy please resume his seat?

**Deputy Emmet Stagg:** That is an awful insult to people who are out of work.

**Deputy Timmy Dooley:** Employers are unable to get the appropriate level of finance from the financial institutions to create jobs. They are only getting a trickle. One need only speak to the small and medium enterprises to appreciate that.

**An Ceann Comhairle:** When I ask the Deputy to stop, he should please stop and not totally ignore the Chair. The Deputy is way over time. I have been very fair to him.

**The Tánaiste:** Deputy Dooley does need a history lesson. Fianna Fáil wrecked this country's economy.

**Deputy Emmet Stagg:** And left the dregs.

**The Tánaiste:** In the three years before the people rightly booted it out of office, they presided over the loss of 250,000 jobs in this economy.

**Deputy Timmy Dooley:** We are witnessing history repeating itself with this Government's carry on.

**The Tánaiste:** No government in this country - and to my knowledge no government in modern times in Europe or any other developed country - has ever presided over such a loss of employment in its own economy. It was a disgraceful record, and our job has been to turn that around.

**A Deputy:** You are not doing it.

**A Deputy:** Clark Kent himself.

**The Tánaiste:** We are turning it around. For the first time since 2008, the number of people at work has increased. In 2012, the IDA had its best year in ten years. Enterprise Ireland has had a record year for exports. All of that is sustaining, supporting and building jobs in this country.

**A Deputy:** The Tánaiste is spending more time on the Government jet.

**The Tánaiste:** Frankly, I find the Deputy's attitude to unemployed people patronising and unacceptable.

**Deputy Timmy Dooley:** They are being left on social welfare by the Government.

**The Tánaiste:** People who are out of work know very well that they would be better off in work, earning a living, which is what they want to do. That is what they expect the Government to work on to help create the jobs they need.

Unlike Deputy Dooley's Government, this Government is not satisfied to leave unemployed people sitting idle and unable to develop the skills to improve their opportunities for getting back to work. That is why we have introduced the Pathways to Work scheme which will enable people to identify what they need to be re-employed. In that way they can equip themselves better to take up employment opportunities when they become available. The world of work is changing, which is why we have reformed the education and training system.

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**A Deputy:** They are closing schools.

**The Tánaiste:** The Minister for Education and Skills, Deputy Quinn, is undertaking that reform through the establishment of SOLAS. The development of education and training means the introduction of JobBridge and a range of other measures to assist unemployed people either to get education, training, work or work experience - whatever it takes to get them back into the workforce. There are two parts to the equation. One is to do what is necessary to generate jobs and the other is to equip unemployed people so that they will be in a position to take up those employment opportunities when they become available.

**Deputy Mary Lou McDonald:** I wish everyone well as they go off for their summer break. Coincidentally, as we rise for the summer recess, today is the 95th birthday of Nelson Mandela, who is also known as Madiba. I am sure the Tánaiste will join me and others here in sending best wishes, on behalf of the Irish people, to him and his family on this occasion.

By the time we return in September, many students will have started their third level college courses. We are all too well aware of the debacle surrounding the SUSI grant application system last year. Thousands of applications were delayed, rejected in error or, in some cases, lost. I know of one young student whose grant, believe it or not, only came through this week. That student has been waiting for the grant since before Christmas. As the Tánaiste knows, students will not be entitled to graduate from their courses if their fees remain outstanding - not to mention the hardship caused to many students by the delay or denial of grants. This morning, the Ombudsman for Children, Ms Emily Logan, confirmed that students may complain to her if they are unhappy with their treatment by SUSI.

What guarantee can the Tánaiste give that next year's intake of third level students will not have the same experience? Can the Tánaiste guarantee that the first payment of third level grants will come through by Christmas? Have the recommendations of the independent review of SUSI been fully implemented? Is the Tánaiste satisfied that SUSI has adequate resources in place to process third level grant applications in a timely fashion?

**The Tánaiste:** I join Deputy McDonald in expressing, on behalf of the Government, my best wishes on the 95th birthday of Nelson Mandela. He is a heroic and iconic figure for us all.

For the coming year, SUSI has introduced changes to make the process much easier for most applicants. Its internal procedures have been developed to respond to the experiences of last year's applicants. No one in this House was satisfied with SUSI's first year of operation, but all the changes to SUSI will serve to improve significantly the service offered to students applying for student grants.

There have been reports in the media of students still awaiting grant payments for the 2012-2013 academic year. Those reports are of serious concern to us all, especially the Minister for Education and Skills. Of the 70,000 applications for student grants, 99.23% are now fully complete. SUSI is still awaiting some documentation from 18 students, representing 0.02% of all applications, and is in contact with them by telephone, e-mail and post in this regard.

**Deputy Michael Healy-Rae:** Twelve months later.

**The Tánaiste:** Final decisions have been made in respect of a further 500 applicants, representing 0.75% of all applications, but payment has not yet been made. In most cases, this is because SUSI has not received bank account details or students are no longer continuing their

courses. The next payment date is 25 July. I appeal to each of these students to ensure they have provided their bank details to SUSI in time for payment to be made on that day.

In terms of the coming year, 22,000 students who were awarded grants last year have already submitted applications to renew their grants for next year and a further 26,000 students have submitted new applications for next year. This will allow SUSI to process applications over the summer months rather than having to wait until September to commence receipt of applications.

An independent review of SUSI was carried out by Accenture in recent months. In line with the recommendations of that review and, in preparation for the 2013-14 academic year, the online applications system and application assessment process have been further developed to deal with the difficulties experienced in year one. A number of new initiatives will also make the application process more efficient this year. Applications for the 2013-14 academic year have been accepted since 20 May this year while those who received grants last year have been able to apply for a renewal of their grant online in recent weeks. A number of changes have been made to the application process, including the collection of bank account details at an earlier stage in the process so that grant payments can be made as soon as applications are approved. More significantly, a direct transfer of data between the Revenue Commissioners, the Central Admissions Office and General Registration Office is now in place. SUSI now has access to appropriate Department of Social Protection social welfare records. This will allow it to significantly reduce the supporting documentation required of applicants.

SUSI is working to improve how it communicates with students. Its website has been completely overhauled to ensure that all information for students is available in one place and an online tracker system is now also available to applicants so that they can monitor the progress of their applications.

**Deputy Mary Lou McDonald:** The fact that at this stage there are 600 students still experiencing difficulty in terms of their grant applications says it all. This is only a glimpse of the chaos we know reined in this system in the last academic year.

The Tánaiste referred to the provision of documentation. I am sure he is aware that the level of bureaucracy involved in this exercise almost caused parents and students the length and breadth of this country to have nervous breakdowns. While I welcome that there will now be data exchange between the Revenue Commissioners, the Central Admissions Office and the Department of Social Protection, it is hardly revolutionary. We do not exactly live in the dark ages. However, I am glad this will now happen.

I did not get from the Tánaiste's response the type of commitment I was seeking from him on behalf of Government to the students. He said that the independent review recommendations have been implemented. Can he assure students that the chaotic scenario which prevailed in the last academic year will not recur this year and that they will receive this year's payments by Christmas? Will he give that commitment?

On assessment of grants, the Tánaiste will be aware that assessment of eligibility of a student to a grant on the basis of gross income has caused significant problems for many families. My colleagues and I have received a great deal of correspondence on this issue as, I am sure, has the Tánaiste.

**An Ceann Comhairle:** The Deputy must conclude. She is over time.

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**Deputy Mary Lou McDonald:** It takes no account of outgoings or a family's debt burden. The Tánaiste referred to assessment criteria. Would it not be fairer to calculate a student's eligibility on the basis of net rather than gross income?

**The Tánaiste:** Some 42% of all third level students are in receipt of a grant. Last year, the student grant administration system was transferred from 66 different bodies, including county and city councils and VECs, to one body, namely, SUSI. I have acknowledged, as has the Minister for Education and Skills on a number of occasions, that there were problems with this. What is important is that the lessons learned in that transition process have resulted in changes being made, including an increase of 23 in the number of staff in SUSI involved in the processing of applications. In addition, a review was undertaken by Accenture of the way in which the process operated. As I said earlier, the recommendations made by Accenture are being implemented. Some of those recommendations involve earlier processing of applications and an earlier-----

**Deputy Mary Lou McDonald:** I know all that. I want to know if students will receive this year's payments by Christmas.

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

**The Tánaiste:** Students will not experience the type of difficulties they experienced last year. However, as we all know much depends on the quality of applications and so on. As far as the operation of SUSI is concerned, the type of problems experienced last year have been addressed. There has been a significant number of changes made in the operation-----

**Deputy Mary Lou McDonald:** The Tánaiste cannot guarantee payments will be made by Christmas.

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

**Deputy Mary Lou McDonald:** The Fianna Fáil spokesperson ran over time too.

**The Tánaiste:** There is an application system for student grants in place. Nobody can guarantee what decision will be made in respect of applications. It may be-----

**Deputy Mary Lou McDonald:** Can the Tánaiste guarantee that eligible students will receive their grants by Christmas?

**The Tánaiste:** The Deputy asked if the recommendations of the review were being implemented.

**Deputy Mary Lou McDonald:** I asked if students will receive their grant payments by Christmas.

**The Tánaiste:** I detailed the changes being made for the Deputy. When that information was not bad enough, she decided to change tack and ask a different question.

**Deputy Mary Lou McDonald:** No. I want to know if students will receive their grant payments by Christmas.

**The Tánaiste:** Grant applications will be processed efficiently by SUSI. We have put in place a much better system for this year. It is the intention that the applications will be processed by Christmas.

**Deputy Clare Daly:** Over two weeks ago, a woman called Mary Kerr, who was a symphysiotomy survivor, died. As she was unable to do so, her family were active in fighting for justice for her, a justice she will now never get.

In response to a question yesterday from Deputy Adams on the Magdalen laundries, the Tánaiste made the point that time is not on the side of the Magdalen laundries survivors. Time is not on the side of symphysiotomy survivors either. The Taoiseach told us last week that the reason for the delay in dealing with this issue was that the Minister for Health was considering the final draft of the Walsh report, which report he has had for seven weeks now, so as to ensure the appropriate treatment for the women concerned. There is no appropriate treatment for symphysiotomy. The damage done to these women decades ago cannot be undone. Many of them have had up to 25 operations and some have never left their homes. Husbands lost their wives and children their mothers. This is not a matter of health, it is a matter of justice. Comparisons with the Magdalen laundries are totally inappropriate. What we are talking about in respect of symphysiotomy survivors is personal injuries as a result of gross medical negligence.

*11 o'clock*

The Tánaiste's party colleague, Mr. Fergus Finlay, identified earlier this week that the draft Walsh report was a much criticised document. The report was based on a central flaw that the barbaric practice of symphysiotomy was medically acceptable, which is simply not the case. The idea that the final report will add anything new is highly suspect. In light of this, why are we waiting for the final report? The only conclusion one can draw, and it is one being drawn by many of the survivors, is that far from grappling with the legacy injustice as best it can, the Government appears to be engaged in an attempt to deny access to the courts to the ageing victims of symphysiotomy by long-fingering the issues, while holding out the possibility of redress. In other words, it is coercing the victims into acceptance. I do not make that point in any way lightly.

The House unanimously supported Deputy Ó Caoláin's Bill to lift the statutory bar and allow the women access to the courts. We should have disposed of the legislation by now. Is the Tánaiste aware that two weeks ago the national membership of Survivors of Symphysiotomy, which represents 98% of the victims of the practice, unanimously voted to reject any redress scheme based on a Magdalen type arrangement and urged the Government to negotiate with its executive to achieve a just and fair settlement of its legal actions? Can the Tánaiste, before the House breaks up for the summer, give the women an assurance that the Government will listen to and deliver a solution for them?

**The Tánaiste:** Yes, I can give the assurance that the Government will listen and is listening to the symphysiotomy women. This has been an issue of concern to the Government since it was formed and one the Minister for Health has decided to address. It is also an issue that is raised frequently with the Government by Members from all sides of the House. It was raised by a number of members of my parliamentary party at our meeting yesterday. The issue is, therefore, of immediate concern to the Government. The Minister for Health is considering the steps that can be taken on the matter and I understand he will bring proposals to Government in the near future. I give the assurance, before the House rises, that the issue is being addressed seriously by the Government.

**Deputy Clare Daly:** There is a difference between listening to and hearing what people are saying. The Government has said much on this issue but its actions indicate that it is embark-

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ing on a path that is directly contrary to the wishes of the women involved. The Survivors of Symphysiotomy specifically stated it is not interested in any redress scheme that is based on the idea that symphysiotomy was a medically acceptable practice. The women indicated they want a public acknowledgement by the various defendants - incidentally the individuals in question were practising in private hospitals and, as such, the cost to the State will not be significant - that the operations were negligent and performed without clinical justification or consent. They also want payment of damages to each victim in the range of €250,000 to €450,000. These figures are not being bandied about but are based on a substantial haircut of the amounts the courts have awarded some of the victims who have endured serious damage.

The following question demands a “Yes” or “No” answer. Will the Tánaiste ask the State Claims Agency and Minister for Health to engage with the executive of Survivors of Symphysiotomy, the group that has been mandated to represent the women in question, to reach a just and fair settlement of the women’s claim that is not based on a Magdalen type redress scheme?

**The Tánaiste:** This Government has a record of dealing sympathetically and with justice in respect of long-standing issues that should have been dealt with over the years. We intend to deal with the symphysiotomy issue in the same way. I do not propose to anticipate what proposals the Minister for Health will bring forward and I do not believe any Deputy would expect me to do so. The Minister will bring forward proposals to be considered by the Government. I assure the Deputy that he is dealing with the issue urgently and sympathetically and is willing to engage with the victims and those who have suffered for some time.

### Order of Business

**The Tánaiste:** It is proposed to take No. 13*b*, motion re statement of Estimates for the Houses of the Oireachtas Commission; No. 14, motion re proposed approval by Dáil Éireann 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, back from committee; No. 15 - motion re proposed approval by Dáil Éireann for a regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Co-operation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA, back from committee; No. 15*a* - motion re ministerial rota for Parliamentary Questions; No. 15*c*, motion re membership of committees; No. 15*b*, motion re proposed approval by Dáil Éireann of the Non-Use of Motor Vehicles (Section 3) Regulations 2013; No. 15*a*, motion re proposed approval by Dáil Éireann of the despatch of a contingent of the Permanent Defence Force for service with the United Nations Disengagement Observer Force, UNDOF, in Syria; No. 23, Electoral, Local Government and Planning and Development Bill 2013 - Committee and Remaining Stages; No. 1, Land and Conveyancing Law Reform Bill 2013 - amendment from the Seanad; No. 24, Residential Tenancies (Amendment) (No. 2) Bill 2012 - Order for Report, Report and Final Stages; and No. 25, statements on the report of the Constitutional Convention.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 5.45 p.m. tonight and shall adjourn on the conclusion of Oral Questions; Nos. 13*b*, 14, 15, 15*a*, 15*c* and 15*b* shall be decided without debate and any division demanded thereon shall be taken forthwith; the proceedings in relation to No. 15*a* shall, if not previously concluded, be brought to a conclusion after one hour and the opening speech of a Minister or Minister of State and

of the main spokespersons for the Fianna Fáil Party, Sinn Féin and the Technical Group, who shall be called upon in that order and who may share their time, shall not exceed 15 minutes in each case; the Committee and Remaining Stages of No. 23 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion after two hours and 30 minutes 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 the Environment, Community and Local Government; the proceedings on No. *a1* shall, if not previously concluded, be brought to a conclusion after one hour and any amendments from the Seanad not disposed of shall be decided by one question which shall be put from the Chair, and which shall, in relation to amendments to the Seanad amendment, include only those set down or accepted by the Minister for Justice and Equality; the Report and Final Stages of No. 24 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion after two hours 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 the Environment, Community and Local Government; the proceedings on No. 25 shall, if not previously concluded, be brought to a conclusion after two hours and the following arrangements shall apply: the opening statement of a Minister or Minister of State and of the main spokespersons for the Fianna Fáil Party, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed ten minutes in each case and such Members may share their time, the statement of each other Member called upon shall not exceed ten minutes and such Members may share their time, a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes, and the order shall resume thereafter with Topical Issues and Oral Questions; and the Dáil on its rising today shall adjourn until 2.30 p.m. on Wednesday, 18 September 2013.

**An Ceann Comhairle:** There are eight proposals to be put to the House. Is the proposal that the Dáil sit later than 5.45 p.m. agreed? Agreed.

Is the proposal for dealing with No. 13*b*, motion re statement of Estimates for the Houses of the Oireachtas Commission; No. 14, motion re proposed approval by Dáil Éireann 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, back from committee; No. 15, motion re proposed approval by Dáil Éireann 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, back from committee; No. *a15a*, motion re: ministerial rota for parliamentary questions; No. 15*c*, motion re membership of committees; and No. 15*b* motion re proposed approval by Dáil Éireann of the Non-Use of Motor Vehicles (Section 3) Regulations 2013, without debate and that any division demanded on No 13*b* shall be taken forthwith agreed?

**Deputy Mary Lou McDonald:** Not agreed. I refer to No. 15, motion re proposed approval by Dáil Éireann 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. This proposal deserves debate here. The joint supervisory body of Europol in a published opinion on this decision characterised it as a clearly retrograde step in respect of data protection issues. It is clearly a sensitive issue. We have debated these issues in the Chamber before. I do not believe it should go through on the nod and should be afforded time to be discussed.

**Deputy Emmet Stagg:** It was debated at the committee.

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**The Tánaiste:** This was referred to the Oireachtas Joint Committee on Justice, Defence and Equality and was debated, I believe, yesterday. What we have is what has come back from the committee. It has already been considered and discussed in the committee and to my knowledge no division was called at the committee.

**Deputy Barry Cowen:** A member gets kicked off a committee for calling a vote.

Question, "That the proposal for dealing with No. 13*b*, No. 14, No. 15, No. 15*a*, N. 15*c* and No. 15*b* be agreed to," put and declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with No. 15*a*, motion re proposed approval by Dáil Éireann of the despatch of a contingent of the Permanent Defence Force for service with the United Nations Disengagement Observer Force (UNDOF) in Syria agreed? Agreed.

Is the proposal for dealing with No. 23, Committee and Remaining Stages of the Electoral, Local Government and Planning and Development Bill 2013 agreed? Agreed.

Is the proposal for dealing with No. 1, Land and Conveyancing Law Reform Bill 2013, amendment from the Seanad agreed?

**Deputy Timmy Dooley:** It is not agreed. This is a Bill that would make it easier to repossess the family home - effectively an eviction Bill - that plays into the hands of the banks. I suppose it is consistent with Government policy that leaves control in the hands of the bankers on the resolution of people's personal indebtedness

**Deputy Michael McNamara:** Deputy Dooley knows all about bankers.

**Deputy Timmy Dooley:** Is Deputy McNamara on the right side today or on the wrong side? Does he know what buttons he is pressing?

**Deputy Michael McNamara:** Any day I am on a different side from Deputy Dooley.

**An Ceann Comhairle:** Perhaps we can get back to dealing with the issue.

**Deputy Timmy Dooley:** The Deputy is back in the pack anyway - he is back in tune with Deputy Stagg.

**Deputy Niall Collins:** One more sheep back in the pen.

**Deputy Timmy Dooley:** The bottom line is that we disagree with the way in which it is being rushed through the House and guillotined. We disagree in principle with the Bill.

**The Tánaiste:** There is one amendment from the Seanad.

**Deputy Barry Cowen:** The Tánaiste is all heart.

**The Tánaiste:** I believe an hour is plenty of time to debate that amendment. Is there no end to the hard neck of Fianna Fáil?

**Deputy Niall Collins:** The Tánaiste is tied to his friends.

**The Tánaiste:** First the Deputy gets up and talks about jobs after his party losing 250,000.

**Deputy Niall Collins:** The Government is going to evict people from their homes for the banks. Deputy Eamon Gilmore, the bankers' friend.

**The Tánaiste:** Now he has the effrontery to get up and talk about banks after what his party did with the blanket bailout and took the-----

**Deputy Timmy Dooley:** The Government took the banker's shilling.

**The Tánaiste:** This is about enabling people to get out-----

**Deputy Niall Collins:** It is taking the shilling and-----

**The Tánaiste:** There is no end to the hard neck and effrontery of Fianna Fáil.

**Deputy Niall Collins:** It is evicting people out of their homes.

**The Tánaiste:** A period of repentant silence from Fianna Fáil is long overdue.

**Deputy Barry Cowen:** Did it get the 10%?

Question, "That the proposal for dealing with No. 1 be agreed to," put and declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with No. 24, Order for Report, Report and Final Stages of the Residential Tenancies (Amendment) (No. 2) Bill 2012, agreed? Agreed.

Is the proposal for dealing with No. 25, statements on the report of the Constitutional Convention, agreed? Agreed.

I finally come to one in which people will be very interested. Is the proposal that the Dáil on its rising today shall adjourn until 2.30 p.m. on Wednesday, 18 September 2013 agreed? Agreed.

I call Deputy Dooley on the Order of Business.

*(Interruptions).*

**An Ceann Comhairle:** Give Deputy Dooley an opportunity to make his point.

**Deputy Timmy Dooley:** In a break with tradition and custom that was exercised by those on the other side when they occupied these benches-----

*(Interruptions).*

**Deputy Timmy Dooley:** ----- we will not be seeking an extension of this session. We will not be complaining about the length of the Dáil session. However, on a serious point I hope in the course of the next session we have an opportunity to discuss real Dáil reform. It is not about the length of time we sit, but about the way in which we order our business.

**Deputy Barry Cowen:** We want more time in the bright evenings.

**Deputy Timmy Dooley:** The way we do our business in this House needs to be reformed. While I will not make an overly political point, it is unfortunate we are dealing with so many items on the last day.

**Deputy Mary Lou McDonald:** A Cheann Comhairle-----

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**Deputy Timmy Dooley:** I would argue we should take a summer break of approximately four weeks, but the other four weeks should be dispersed over the year-----

**Deputy Emmet Stagg:** Deputy Dooley should be careful of what he wishes for.

**Deputy Mary Lou McDonald:** Is this Deputy Dooley's contribution on the Order of Business?

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

**Deputy Timmy Dooley:** -----so that we do not have this glut at the end of it.

**An Ceann Comhairle:** Is the Deputy raising something on the Order of Business?

**Deputy Timmy Dooley:** I am. I am raising Dáil reform.

**An Ceann Comhairle:** Dáil reform.

**Deputy Mary Lou McDonald:** Is this on the Order of Business?

**Deputy Timmy Dooley:** In the reform of the Dáil procedures we should reduce the big block of time in summer-----

**Deputy Emmet Stagg:** Deputy Ó Fearghaíl, the man sitting behind Deputy Dooley, is very good at that.

**Deputy Timmy Dooley:** -----and share that time throughout the year in a way that allows us to do our work effectively.

**Deputy Emmet Stagg:** The Deputy should leave it to the experts.

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

**Deputy Timmy Dooley:** It would also allow the staff of the House to do their work more effectively.

**Deputy Mary Lou McDonald:** A Cheann Comhairle, is this Deputy Dooley's contribution on the Order of Business?

**Deputy Timmy Dooley:** It would stop this sham throughout the year.

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

**Deputy Mary Lou McDonald:** What is Deputy Dooley like?

**The Tánaiste:** In the lifetime of this Government we have made a number of very significant changes to the way in which the Dáil operates, for example, the amount of time that is spent, the introduction of ways in which Members of the House can introduce legislation, the operation of committees and the legislation the Minister for Public Expenditure and Reform, Deputy Howlin, has recently introduced to provide for parliamentary inquiries. We have more to do in reforming the House, but it is not just about the procedures, the formal rules and so on. It is also about the way in which Members use the House.

There is a responsibility on every elected Member of Dáil Éireann to make the best pos-

sible use of Dáil time, Dáil procedures, committees and so on to raise the issues that matter to people to make the House much more relevant to the lives of people outside the House. That is a responsibility that we all share. Discussion on Dáil reform is an issue to which we can return and I would be very happy to do so after the break.

**An Ceann Comhairle:** I call Deputy McDonald.

**Deputy Mary Lou McDonald:** I am not going to-----

**An Ceann Comhairle:** Thank you.

**Deputy Mary Lou McDonald:** Is this my opportunity to speak on matters on the Order of Business?

**An Ceann Comhairle:** On the Order of Business.

**Deputy Mary Lou McDonald:** Sorry, I misunderstood. I thought this was just a random thing between two guys in the Chamber.

**Deputy Sean Sherlock:** The Deputy should join in.

**Deputy Mary Lou McDonald:** That is okay. I take back my feelings of utter frustration as I listened to the lads.

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

**Deputy Mary Lou McDonald:** One of the big glaring issues on Dáil reform, leaving aside the technicalities of how we do our business is the gender issue in the Houses of the Oireachtas. We need to address it.

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

**Deputy Mary Lou McDonald:** I wish to raise two substantive issues with the Tánaiste. In May I raised the issue of the need to have Down's syndrome added to the list of low-incidence disabilities to ensure those students and children have adequate educational supports. Can the Tánaiste tell us when he will bring forward his proposal in that regard? Can he confirm what was for me a welcome announcement yesterday by An Taoiseach to the effect that the issue of the Bethany Home would be discussed at the next week's Cabinet meeting, a decision taken and an announcement made?

**The Tánaiste:** Deputy McDonald asked about the gender composition of the Dáil. As she is aware, the Government has introduced legislation.

**Deputy Mary Lou McDonald:** I know that.

**The Tánaiste:** Yes, but there is a need to remind the House that we have provided an arrangement for the next general election whereby every political party will be required to nominate a minimum of 30% of their candidates of either gender, and that goes up to 40% at the subsequent general election. Any party which does not do so will have half of its State funding cut. It is the first serious attempt made to address the serious gender imbalance that we have in the Chamber.

The Minister for Education and Skills met the deputation Deputy McDonald asked me about

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to discuss the Down's syndrome issue and the matter is under consideration.

I can confirm that the issue of the Bethany Home is being considered by the Government. I expect that it will be considered probably at our meeting next week.

**Deputy Mattie McGrath:** I wish to ask about two items under the Criminal Justice (Miscellaneous Provisions) Bill. The Omagh bomb victims handed a report to the Minister for Justice and Equality tomorrow 12 months ago, that is, 19 July 2012, and they have heard nothing back. I implore the Tánaiste and Minister for Foreign Affairs and Trade to try to meet those people to give them a response to that important report. It was an expert report and over 12 months is too long to wait.

My second question is under to the Central Bank (consolidation) Bill and relates to the operations of the Credit Review Office. The office is toothless in dealing with Bank of Ireland and many other banks as well. It is siding with the banks in most reports, it is not getting the true facts from the banks and a true picture is not being given, nor is there a proper opportunity to review cases fairly under that office.

**The Tánaiste:** I will make some inquiries about the report of the Omagh bomb victims and I will ask the Minister for Justice and Equality to respond directly to the Deputy. The Criminal Justice (Miscellaneous Provisions) Bill to which he referred will be later this year. I do not have a date yet for the credit legislation.

**Deputy Michael Healy-Rae:** When is the independent charities regulatory authority to be set up, in other words, when will we see the full implementation of the Charities Act 2009?

**The Tánaiste:** I do not know the answer to that question but I will get it for Deputy Healy-Rae and communicate with him.

**Deputy Tom Fleming:** My question comes under the Irish human rights and equality commission Bill and follows the announcement by the Minister for Justice and Equality on Garda recruitment. There is great concern among the people who had successfully applied before the Government embargo was imposed in 2009.

**An Ceann Comhairle:** That is a separate issue. It is not on the Order of Business. Thank you.

**Deputy Tom Fleming:** They passed all eligibility levels at interview and examination and they are fully qualified in every way and have been accepted by the Department of Justice and Equality. I would like to see that their positions would be honoured and they would get the first call for any recruitment.

**An Ceann Comhairle:** Sorry, Deputy, that is not on the Order of Business. Thank you. Deputy Ellis is next.

**Deputy Tom Fleming:** Will the Tánaiste ask the Minister for Justice and Equality to look at these immediately?

**An Ceann Comhairle:** That is not on the Order of Business. Thank you.

**Deputy Tom Fleming:** It is.

**Deputy Dessie Ellis:** A transfer of services and assets will have to take place to Irish Wa-

ter from local authorities throughout the country. This will include resources such as storage facilities and tanks, local authority equipment, infrastructure and man power. It will require legislation. Will the Tánaiste outline when this legislation will be introduced or when we are proposing to bring it in? We have had to bring in legislation to access the National Pensions Reserve Fund.

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

**The Tánaiste:** There is, yes. There have been discussions between the Department of the Environment, Community and Local Government and Irish Water with the local authorities and the trade unions representing staff in the local authorities. Those discussions have concluded. A water services Bill, the heads of which were approved by Government approximately two weeks ago is emerging and it is expected to be published later this year.

**Deputy Bernard J. Durkan:** I wish to raise two items of legislation promised for some time. One is the criminal procedure Bill which is to reform the pre-trial process and hopefully speed it up and identify the issues that cause delays. Has this come to Cabinet, have the heads been discussed or approved and when is it likely to come before the House?

Another important tranche of legislation promised is the data sharing Bill which relates to sharing of data between specified Government agencies on the regulation of business to ensure the elimination of potential area for conflict.

**The Tánaiste:** Deputy Durkan asked about two tranches of legislation. I do not have a date for the publication of either.

**Deputy Bernard J. Durkan:** We will try again.

**Deputy Niall Collins:** Is there any proposed legislation on the issue of diversity of media ownership, including mergers and acquisitions? I get a sense from the Tánaiste that it is not a priority or that it might be an issue the Government is shying away from. Can the Tánaiste enlighten us? Does he intend to deal with the issue?

**The Tánaiste:** No, we are not shying away from it at all. There is a consumer and competition Bill and the issue of media mergers is to be addressed in that. There is work being done on that. The Bill is at an advanced stage.

**Deputy Niall Collins:** What is the delay?

**The Tánaiste:** The issues are being considered jointly by the Department of Jobs, Enterprise and Innovation and the Department of Communications, Energy and Natural Resources. Preparation of the Bill is ongoing.

**Deputy Niall Collins:** Is it a priority?

**An Ceann Comhairle:** The time has expired but some other Deputies wish to speak and, seeing as it is the last day, I will ask them-----

**Deputy Tom Fleming:** I did not get an answer.

**An Ceann Comhairle:** Not on Garda recruitment. There is a Topical Issue debate on that today. Deputies Tuffy, Ó Cuív, Lowry and Kitt have indicated. If you put your questions, we will get the Tánaiste to reply.

**Deputy Joanna Tuffy:** My question relates to a matter mentioned by the Tánaiste. Members make the best of facilities in the House. Members are particularly able to make an input in committees. At this stage, they have a more meaningful input in committees than here in the Chamber. The problem in the Chamber is that everything centres around set pieces such as Leaders' Questions and the rest of the Deputies are asked to come along by the Whips, but we can have no input whatsoever. In other parliaments Deputies like us are allowed to participate and we used to be allowed in this House. Leaders' Questions is a new phenomenon. It only goes back ten or 15 years and did not exist before then. Leaders should not be given priority in the House because we are all equal. When Dáil reform proposals come up there should be proposals to allow backbenches to have an input into the ordering of the business of the Dáil.

**Deputy Éamon Ó Cuív:** A total of 27 Bills were promised on the A list. How many of those have been published to date?

**An Ceann Comhairle:** That is a parliamentary question, Deputy. This is the Order of Business. We are asking about when legislation is being taken. We are over time and there is a lot of business here today.

**Deputy Éamon Ó Cuív:** How many will be published before the end of the session? In particular, when will the consumer and competition Bill, which was promised by An Taoiseach in the House before the end of this session, be published? I am looking for total numbers of Bills published.

**An Ceann Comhairle:** No, you cannot get that. That is a parliamentary question.

**Deputy Michael Lowry:** My question relates to the housing (miscellaneous provisions) (No. 2) Bill. Will the Tánaiste inform the House whether the serious difficulties that have arisen with the shared ownership scheme will be legislated for within that Bill? The shared ownership scheme was brought in to assist and support low-income families to buy a house.

**An Ceann Comhairle:** That is fine, Deputy, thank you. We cannot debate it.

**Deputy Michael Lowry:** At the moment thousands of families are trapped in the scheme. The scheme has been stood down but we need redress for those who are in the scheme at the moment.

**Deputy Michael P. Kitt:** May I ask the Tánaiste what is the position on the new tenant purchase scheme and whether families in voluntary housing schemes could be allowed to purchase their houses in the same way as other tenants.

**Deputy Dara Calleary:** When Members broke for the recess in 2011 on this day two years ago, the Taoiseach gave a commitment that parliamentary questions would be allowed over recesses. Nothing has been pursued in this regard and, again, no Deputy will have the ability to question Departments between now and the middle of September. Has there been progress in this regard or are there plans to do anything about it?

**The Tánaiste:** First, on the issue raised by Deputy Tuffy, when responding to this issue earlier I had in mind the performance of the Opposition rather than the performance of Members on the Government side. However, I did not wish to be unduly adversarial in my response.

**Deputy Dara Calleary:** When did that ever stop the Tánaiste?

**The Tánaiste:** I agree that on the issue of the involvement of all Members of the House, the principle of equality of treatment of all Members of the House must govern the manner in which Dáil reform is considered. In response to Deputy Ó Cuív on the number of Bills, 12 Bills have been published thus far. Four Bills have been approved by the Cabinet and are awaiting publication and five Bills that were not on the A list have been published thus far. I answered in respect of the consumer and competition Bill earlier but the Office of the Parliamentary Counsel provided revised drafts of the Bill on 28 June relating to the amalgamation of the National Consumer Agency and the Competition Authority. Some legal issues are being examined and, as I mentioned earlier on the issue of media mergers, a number of detailed questions are being considered jointly by the two Departments concerned. Preparation of the Bill is at an advanced stage. As for the housing Bill, which was raised by Deputy Lowry and to which Deputy Kitt's question also relates, the Bill in question is due to be published next year. In response to the issue regarding replies to Dáil questions, this issue must be considered in the context of wider Dáil reform.

#### **Estimates for the Houses of the Oireachtas Commission: Motion**

**Deputy Jack Wall:** I move:

That Dáil Éireann take note of the Statement of Estimates of moneys required in respect of ongoing expenditure for the period beginning on 1 January 2014 and ending on 31 December 2014, prepared and published by the Houses of the Oireachtas Commission in accordance with section 13 of the Houses of the Oireachtas Commission Act 2003 as amended by section 8 of the Houses of the Oireachtas Commission (Amendment) Act 2006 and section 9 of the Houses of the Oireachtas Commission (Amendment) Act 2009, which was laid before both Houses of the Oireachtas on 17 July 2013.

Question put and agreed to.

#### **European Union Directive on Combating Fraud: Motion**

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

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

Proposal for a directive of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law – general approach,

a copy of which was laid before Dáil Éireann on 12 June 2013.

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Question put and agreed to.

**European Union Agency for Law Enforcement Co-operation and Training (Europol):  
Motion**

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

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

Proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Co-operation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA,

a copy of which was laid before Dáil Éireann on 3 April 2013.

**Deputy Pádraig Mac Lochlainn:** This is not agreed. This came up in-----

**An Ceann Comhairle:** Sorry, as no debate is allowed on this, I will put the question.

Question put:

<i>The Dáil divided: Tá, 95; Níl, 26.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Breen, Pat.</i>	<i>Adams, Gerry.</i>
<i>Bruton, Richard.</i>	<i>Boyd Barrett, Richard.</i>
<i>Burton, Joan.</i>	<i>Broughan, Thomas P.</i>
<i>Buttimer, Jerry.</i>	<i>Colreavy, Michael.</i>
<i>Byrne, Catherine.</i>	<i>Crowe, Seán.</i>
<i>Byrne, Eric.</i>	<i>Daly, Clare.</i>
<i>Calleary, Dara.</i>	<i>Doherty, Pearse.</i>
<i>Cannon, Ciarán.</i>	<i>Donnelly, Stephen S.</i>
<i>Carey, Joe.</i>	<i>Ellis, Dessie.</i>
<i>Coffey, Paudie.</i>	<i>Fleming, Tom.</i>
<i>Collins, Áine.</i>	<i>Halligan, John.</i>
<i>Collins, Niall.</i>	<i>Healy, Seamus.</i>
<i>Conaghan, Michael.</i>	<i>Healy-Rae, Michael.</i>
<i>Conlan, Seán.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Connaughton, Paul J.</i>	<i>McDonald, Mary Lou.</i>
<i>Conway, Ciara.</i>	<i>McGrath, Finian.</i>
<i>Coonan, Noel.</i>	<i>McLellan, Sandra.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Murphy, Catherine.</i>

<i>Costello, Joe.</i>	<i>Nulty, Patrick.</i>
<i>Coveney, Simon.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Cowen, Barry.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Creed, Michael.</i>	<i>Pringle, Thomas.</i>
<i>Daly, Jim.</i>	<i>Ross, Shane.</i>
<i>Deasy, John.</i>	<i>Shortall, Róisín.</i>
<i>Deenihan, Jimmy.</i>	<i>Tóibín, Peadar.</i>
<i>Deering, Pat.</i>	<i>Wallace, Mick.</i>
<i>Donohoe, Paschal.</i>	
<i>Dooley, Timmy.</i>	
<i>Dowds, Robert.</i>	
<i>Doyle, Andrew.</i>	
<i>Durkan, Bernard J.</i>	
<i>English, Damien.</i>	
<i>Farrell, Alan.</i>	
<i>Feighan, Frank.</i>	
<i>Ferris, Anne.</i>	
<i>Fitzgerald, Frances.</i>	
<i>Fitzpatrick, Peter.</i>	
<i>Flanagan, Charles.</i>	
<i>Flanagan, Terence.</i>	
<i>Gilmore, Eamon.</i>	
<i>Hannigan, Dominic.</i>	
<i>Harrington, Noel.</i>	
<i>Harris, Simon.</i>	
<i>Hayes, Brian.</i>	
<i>Hayes, Tom.</i>	
<i>Heydon, Martin.</i>	
<i>Howlin, Brendan.</i>	
<i>Humphreys, Heather.</i>	
<i>Humphreys, Kevin.</i>	
<i>Keating, Derek.</i>	
<i>Kehoe, Paul.</i>	
<i>Kenny, Seán.</i>	
<i>Kitt, Michael P.</i>	
<i>Kyne, Seán.</i>	
<i>Lowry, Michael.</i>	
<i>Lynch, Kathleen.</i>	
<i>Lyons, John.</i>	
<i>McConalogue, Charlie.</i>	
<i>McEntee, Helen.</i>	
<i>McGinley, Dinny.</i>	
<i>McGrath, Mattie.</i>	

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<i>McHugh, Joe.</i>	
<i>McNamara, Michael.</i>	
<i>Martin, Micheál.</i>	
<i>Mathews, Peter.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Moynihan, Michael.</i>	
<i>Mulherin, Michelle.</i>	
<i>Nash, Gerald.</i>	
<i>Naughten, Denis.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>Ó Cuív, Éamon.</i>	
<i>Ó Feargháil, Seán.</i>	
<i>Ó Ríordáin, Aodhán.</i>	
<i>O'Dea, Willie.</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>Quinn, Ruairí.</i>	
<i>Rabbitte, Pat.</i>	
<i>Ryan, Brendan.</i>	
<i>Sherlock, Sean.</i>	
<i>Smith, Brendan.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Troy, Robert.</i>	
<i>Tuffy, Joanna.</i>	
<i>Varadkar, Leo.</i>	
<i>Wall, Jack.</i>	
<i>White, Alex.</i>	

Tellers: Tá, Deputies Paul Kehoe and Emmet Stagg; Níl, Deputies Pádraig Mac Lochlainn and Aengus Ó Snodaigh.

Question declared carried.

**Ministerial Rota for Parliamentary Questions: Motion**

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

That, notwithstanding anything in the Order of the Dáil of 9 March 2011, setting out the rota in which Questions to members of the Government are to be asked, or in the Order of the Dáil of 11 July 2013, Questions for oral answer, following those next set down to the Minister for Arts, Heritage and the Gaeltacht, shall be set down to Ministers in the following temporary sequence:

Minister for Children and Youth Affairs

Minister for Agriculture, Food and the Marine

Minister for Justice and Equality

whereupon the sequence established by the Order of 9 March 2011, shall continue with Questions to the Minister for Health.”

Question put and agreed to.

**Non-Use of Motor Vehicles (Section 3) Regulations 2013: Motion**

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

That Dáil Éireann approves the following Regulations in draft:

Non-Use of Motor Vehicles (Section 3) Regulations 2013,

copies of which have been laid in draft form before Dáil Éireann on 17 July 2013.

Question put and agreed to.

**Membership of Committees: Motion**

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

That Deputies Charlie McConalogue, Seán Ó Fearghaíl and Peter Mathews be discharged from the Joint Committee on Public Service Oversight and Petitions and that Deputies Seamus Kirk, Michael P. Kitt and Helen McEntee be appointed in substitution for them.

That Deputies Tom Hayes, Terence Flanagan and Brian Walsh be discharged from the Select Committee on Transport and Communications and that Deputies Paudie Coffey, Hel-

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en McEntee and Brendan Griffin be appointed in substitution for them.

That Deputy Paschal Donohoe be discharged from the Committee on Public Accounts and that Deputy Áine Collins be appointed in substitution for him.

That Deputy Paschal Donohoe be discharged from the Select Committee on European Union Affairs and that Deputy Dara Murphy be appointed in substitution for him.

That Deputy Denis Naughten be discharged from the Select Committee on Health and Children and that Deputy Dan Neville be appointed in substitution for him.

That Deputy Paschal Donohoe be discharged from the Select Committee on Finance, Public Expenditure and Reform and that Deputy Alan Farrell be appointed in substitution for him.

Question put:

<i>The Dáil divided: Tá, 86; Níl, 34.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Adams, Gerry.</i>	<i>Boyd Barrett, Richard.</i>
<i>Breen, Pat.</i>	<i>Broughan, Thomas P.</i>
<i>Bruton, Richard.</i>	<i>Browne, John.</i>
<i>Burton, Joan.</i>	<i>Calleary, Dara.</i>
<i>Buttimer, Jerry.</i>	<i>Collins, Niall.</i>
<i>Byrne, Catherine.</i>	<i>Cowen, Barry.</i>
<i>Byrne, Eric.</i>	<i>Daly, Clare.</i>
<i>Cannon, Ciarán.</i>	<i>Donnelly, Stephen S.</i>
<i>Carey, Joe.</i>	<i>Dooley, Timmy.</i>
<i>Coffey, Paudie.</i>	<i>Fleming, Tom.</i>
<i>Collins, Áine.</i>	<i>Halligan, John.</i>
<i>Colreavy, Michael.</i>	<i>Healy, Seamus.</i>
<i>Conlan, Seán.</i>	<i>Healy-Rae, Michael.</i>
<i>Connaughton, Paul J.</i>	<i>Kitt, Michael P.</i>
<i>Conway, Ciara.</i>	<i>Lowry, Michael.</i>
<i>Coonan, Noel.</i>	<i>McConalogue, Charlie.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>McGrath, Finian.</i>
<i>Costello, Joe.</i>	<i>McGrath, Mattie.</i>
<i>Coveney, Simon.</i>	<i>Martin, Micheál.</i>
<i>Crowe, Seán.</i>	<i>Mathews, Peter.</i>
<i>Daly, Jim.</i>	<i>Moynihan, Michael.</i>
<i>Deasy, John.</i>	<i>Murphy, Catherine.</i>
<i>Deenihan, Jimmy.</i>	<i>Naughten, Denis.</i>
<i>Deering, Pat.</i>	<i>Nulty, Patrick.</i>
<i>Doherty, Pearse.</i>	<i>Ó Cuív, Éamon.</i>
<i>Donohoe, Paschal.</i>	<i>Ó Feargháil, Seán.</i>
<i>Dowds, Robert.</i>	<i>O'Dea, Willie.</i>

*Dáil Éireann*

<i>Doyle, Andrew.</i>	<i>Pringle, Thomas.</i>
<i>Durkan, Bernard J.</i>	<i>Ross, Shane.</i>
<i>Ellis, Dessie.</i>	<i>Shortall, Róisín.</i>
<i>English, Damien.</i>	<i>Smith, Brendan.</i>
<i>Farrell, Alan.</i>	<i>Timmins, Billy.</i>
<i>Ferris, Anne.</i>	<i>Troy, Robert.</i>
<i>Fitzgerald, Frances.</i>	<i>Wallace, Mick.</i>
<i>Fitzpatrick, Peter.</i>	
<i>Flanagan, Charles.</i>	
<i>Gilmore, Eamon.</i>	
<i>Hannigan, Dominic.</i>	
<i>Harrington, Noel.</i>	
<i>Harris, Simon.</i>	
<i>Hayes, Brian.</i>	
<i>Hayes, Tom.</i>	
<i>Heydon, Martin.</i>	
<i>Howlin, Brendan.</i>	
<i>Humphreys, Heather.</i>	
<i>Humphreys, Kevin.</i>	
<i>Keating, Derek.</i>	
<i>Kehoe, Paul.</i>	
<i>Kenny, Seán.</i>	
<i>Kyne, Seán.</i>	
<i>Lynch, Kathleen.</i>	
<i>Lyons, John.</i>	
<i>Mac Lochlainn, Pádraig.</i>	
<i>McDonald, Mary Lou.</i>	
<i>McEntee, Helen.</i>	
<i>McGinley, Dinny.</i>	
<i>McHugh, Joe.</i>	
<i>McLellan, Sandra.</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>Nolan, Derek.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	
<i>Ó Ríordáin, Aodhán.</i>	
<i>Ó Snodaigh, Aengus.</i>	
<i>O'Donovan, Patrick.</i>	

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<i>O'Dowd, Fergus.</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>Quinn, Ruairí.</i>	
<i>Rabbitte, Pat.</i>	
<i>Ryan, Brendan.</i>	
<i>Sherlock, Sean.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Tuffy, Joanna.</i>	
<i>Varadkar, Leo.</i>	
<i>Wall, Jack.</i>	
<i>White, Alex.</i>	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Denis Naughten and Róisín Shortall.

Question declared carried.

*12 o'clock*

### **Proposed Deployment of the Permanent Defence Force to UNDOF: Motion**

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

That Dáil Éireann approves the despatch, pursuant to section 2 of the Defence (Amendment) (No. 2) Act 1960, as applied by section 2 of the Defence (Amendment) Act 2006, of a contingent of the Permanent Defence Force for service as part of the United Nations Disengagement Observer Force (UNDOF) in Syria, established under United Nations Security Council Resolution 350 (1974) of 31st May, 1974 and extended in subsequent Resolutions, most recently through Resolution 2108 (2013) and subject to renewal of the UN mandate/authority for UNDOF thereafter.”

May I share my time with the Tánaiste, Deputy Gilmore?

**An Ceann Comhairle:** You may.

**Deputy Paul Kehoe:** I propose to introduce the motion and provide some brief information on the reasons the Government is responding positively to the United Nations request to pro-

vide a contingent of the Permanent Defence Force to the United Nations Disengagement Observer Force, UNDOF. On 16 July 2013, the Government authorised the Minister for Defence to arrange for the despatch of a contingent of the Permanent Defence Force, for a period of one year, for service with UNDOF, and to move the necessary enabling resolution in Dáil Éireann.

In commending the motion to the House, I would like to thank the House for the opportunity to briefly outline the background to UNDOF and to the UN request to Ireland for support in enhancing the capabilities of UNDOF to continue implementing its mandate. The United Nations Disengagement Observer Force, UNDOF, was established on 31 May 1974 by the United Nations Security Council Resolution 350 (1974). The force was established following the agreed disengagement of the Israeli and Syrian forces in the Golan Heights in May 1974. Since 1974, the mandate of UNDOF has been renewed every six months, most recently on 27 June 2013.

UNDOF supervises the implementation of the disengagement agreement, maintaining an area of separation between the forces which is over 75 km long. While the area of separation is governed and policed by the Syrian authorities, no military forces other than UNDOF are permitted within it. UNDOF remains an important element in ensuring some level of stability in the region.

The escalation of the conflict in the Syrian Arab Republic has significantly and adversely affected the UNDOF area of operations in recent months. The armed forces of the Syrian Arab Republic have deployed and carried out military activities and security operations in the UNDOF area of operations. This is a violation of the 1974 disengagement agreement. There has also been an increase in the number of incidents involving United Nations personnel on the ground. The safety and security of UNDOF personnel and Observer Group Golan military observers remains essential for enabling UNDOF to continue to implement its mandate under these difficult conditions. Given the deteriorating security situation, the mission has had to reconfigure its operations so as to ensure the safety of personnel while continuing to implement the mission's mandate.

The UN Secretary General has called on all parties to the Syrian domestic conflict to cease military actions throughout the country, including in the UNDOF area of operations. On 6 June 2013, the Government of Austria announced its decision to withdraw its contingent of 341 personnel from UNDOF. This followed extensive fighting between Syrian armed forces and opposition forces around the area where the Austrians were based. The withdrawal, to be completed on 31 July 2013, has significantly affected the efforts of UNDOF to continue to implement its mandate. Austria has been a long-standing troop-contributing country, of almost 40 years, to UNDOF. The United Nations has approached a range of member states in an effort to urgently identify additional contributions from former and new contributors to UNDOF. Fiji, India and Nepal are understood to be sending troops.

On 1 July 2013, Ireland received a request from the UN to consider contributing a mechanised infantry company as a Force Mobile Reserve to UNDOF. The concept is to provide a mobile, protected and capable independent company to undertake reinforcement, reaction, escort and other operations throughout UNDOF's area of responsibility. The UN has requested that the Force Reserve Company should be available for deployment by 1 August 2013 and be deployed no later than 1 September 2013.

The mandate for the UNDOF mission was developed in a very different security situation to that which pertains today. The mandate provides for the policing of a voluntary ceasefire

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and separation agreement between two sovereign states which had full control and were secure within their territorial boundaries. The separation agreement, on which the mandate is based, did not contemplate the current volatile environment and internal conflict in Syria and the threat this poses to UNDOF personnel or to the local population. As such, it is vital that the mission be reinforced with additional and more robust capabilities so as it can continue to discharge its important mandate in this troubled region and in the current difficult circumstances.

The deployment of the Force Mobile Reserve from the Defence Forces will significantly enhance the capability of the UNDOF mission and the protection of UNDOF personnel. The Chief of Staff has advised that the tasks outlined for the Force Mobile Reserve are within the means and capabilities of the proposed Defence Forces contingent. Having considered all the risks and threats associated with the proposed deployment, the Chief of Staff has advised the Minister, Deputy Shatter, that he is satisfied that the proposed Defence Forces contingent, operating within the numbers and the weapons constraints imposed by the UN, have the capability to operate effectively as a Force Reserve to UNDOF and discharge the mandate. He has recommended the deployment of a Defence Forces contingent, as proposed by the UN, subject to confirmation of the situation on the ground by an operational reconnaissance, to be undertaken later next week.

The overall threat to Defence Forces personnel on the Golan Heights and within the UNDOF area of responsibility is assessed as substantial. This is similar to some other theatres in which the Defence Forces are currently deployed.

Following the Defence Forces operational reconnaissance in the mission area, my colleague, the Minister for Defence will consider detailed threat assessments from the Defence Forces to ensure the security of personnel before any deployment to UNDOF. Subject to Dáil approval, it is proposed to deploy a force reserve company which will primarily be deployed and operate on the Syrian side of the UNDOF area of responsibility. The company will consist of a headquarters commanded by a lieutenant colonel, two mechanised infantry platoons, one reconnaissance section and a logistics group including a forward medical team. The final organisational configuration of the Defence Forces contingent to UNDOF will be determined following a detailed reconnaissance by a Defence Forces team to the mission area. If participation in UNDOF is approved, initial deployment will be for one year, subject to the renewal of the mandate. The Minister for Defence estimates that the additional costs of deployment and sustainment in 2013 will be approximately €2 million and the additional cost for a full year will be approximately €5 million. Approximately three quarters of this will be recoverable from the UN. The Minister for Defence is satisfied that the costs of the mission can be absorbed for the balance of the current year. The costs for 2014 will have to be addressed as part of the Estimates process.

The Government has approved participation in UNDOF, which remains an important element in ensuring there is a level of stability in this region. The proposal to deploy Defence Forces personnel to the mission is supportive of Ireland's ongoing obligations to international peace and security and the Government's commitment to maintaining the Defence Forces capabilities in international operations. Like my colleague, the Minister for Defence, Deputy Shatter, I am confident that the Defence Forces will play a real and substantive role in supporting the UN's efforts to enhance the capabilities of UNDOF. The deployment of the force mobile reserve will help to ensure the mission can continue to implement its mandate. I believe the Defence Forces contingent can make an important contribution to the success of the UNDOF mission, as the Defence Forces have done throughout the world on many occasions in the past. I commend the motion to the House.

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As Members are aware, the resolution before the House is part of the triple lock system, under which overseas deployment of the Defence Forces depends on a UN mandate, a Government decision and a resolution of the House. I strongly support the approval of the resolution before the House. I have been working closely with the Minister, Deputy Shatter, on this request. I fully support the proposed deployment of a contingent from the Defence Force to UNDOF. It will enable Ireland to make a major contribution to peacekeeping in a region of the world which is experiencing significant unrest and in which we have considerable experience over many years. In deploying to UNDOF at the Golan Heights area between Syria and Israel, we continue a proud tradition of answering the UN's call for service with UN peacekeeping missions and we consolidate our global reputation in this field. We also extend significantly the contribution Ireland is making to the search for peace and stability in Syria and the surrounding regions. For many years, UNDOF has managed successfully the tensions between Syria and Israel in this sensitive area and made a notable contribution to regional stability. The addition of a contingent of members of the Defence Force will assist UNDOF at a time of particular challenge and help it to take forward and reinforce its vital work.

The reports given to the UN Security Council this week on the situation in Syria and its impact in the region are deeply disturbing. The region is struggling to deal with the influx of an alarming number of refugees - estimated at 6,000 a day - and the extension of violence beyond Syria's borders. The Government has been actively responding to the conflict. My Department has overseen the provision of humanitarian assistance of almost €10 million through the UN agencies, the International Committee of the Red Cross and Irish non-governmental organisations like Concern and GOAL. Following the spillover of the conflict beyond Syria's borders, the UN's priority is to ensure its peacekeeping missions can deal with the consequences of the Syrian conflict and operate safely in a changing and increasingly challenging environment.

UNDOF, which has operated in the Golan Heights area since 1974, is now particularly exposed to the confrontation between the Syrian Government and opposition forces, which has spilled over into the Golan Heights area. Regrettably, the escalation of the conflict has had a direct impact on the operation of this peacekeeping mission. In response to this, the UN has sought to strengthen UNDOF's capacity and has undertaken a number of measures to strengthen the security and safety of the personnel serving with UNDOF. The security and safety of UN personnel was an issue of particular concern for the Government in considering this request. I have discussed this matter with the Minister, Deputy Shatter. We have raised our concerns with the UN, which has been forthright and flexible in responding to them. Through our diplomatic mission in New York, we will continue our dialogue on these important issues with a view to ensuring everything possible will be done to ensure the security of our personnel and the success of their mission.

The UN's objectives in making this request to Ireland are to increase the resources of the mission and to strengthen confidence in UNDOF. When I discussed the request with the UN Secretary General, Ban Ki-moon, he emphasised the importance of having a highly regarded peacekeeping country at UNDOF to ensure the UN has a credible presence in this area. This is why the UN looked to Ireland. Mr. Ban's confidence in our peacekeepers is shared by a number of countries that have expressed their support for this deployment. They have indicated they will increase their support for the UN missions in the area if Ireland provides the mobile force reserve for UNDOF. Their confidence in Ireland is a result of our long and distinguished history of peacekeeping and our willingness to take on challenging peacekeeping missions. Peace-

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keeping is an integral part of our foreign policy. It underpins Ireland's strong commitment to multilateralism and the UN.

This is an important opportunity for Ireland to contribute to stability in a region where the Defence Forces have supported the UN for just over 55 years and where we are already contributing to three UN peacekeeping missions - UNDOF, UNTSO and UNIFIL. It is also an important opportunity to demonstrate our commitment to the United Nations which, like all multilateral organisations, is only as strong and effective as its members enable it to be. I hope that with the support of this House and the approval of this resolution, Ireland will again be able to demonstrate that it can and does deliver on its commitment to the UN. I extend my good wishes to those members of the Defence Forces who will deploy on this mission. I thank them for their service to our country, the United Nations and the cause of peace.

**Deputy Seán Ó Fearghail:** I welcome the presence of the Tánaiste in the Chamber. It is reassuring for us all that the Government is adopting an integrated approach to this issue. In his role as Minister for Foreign Affairs and Trade, the Tánaiste has played a pretty leading role in trying to address the dreadful crisis that exists in Syria. We are reassured by the integrated approach that is being adopted by the Government.

The Tánaiste referred at the outset to the triple lock. I am a little disconcerted by the manner in which today's debate has been organised. We were initially told that each of the parties would get just five minutes. I think that increased to ten minutes earlier. Someone has mentioned that it has now increased to 15 minutes. I say that in the context of the Tánaiste's remarks about the triple lock. While we welcome the publication of the Green Paper on Defence, there is a certain irony in the fact that it opens the possibility of the triple lock issue being examined. Clearly, it was the Government's intention to give each of the political groupings just five minutes to debate this matter, which involves the dispatch of our troops to what is currently the most troubled part of the world. To my mind, that does not indicate a level of commitment to the triple lock process.

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

**Deputy Seán Ó Fearghail:** I would like to believe that all of us share a commitment to that process. Having said that, obviously Fianna Fáil will support the deployment of the Defence Forces for service in Syria. I know from the discussions I have had with military personnel - officers and serving soldiers - that they are looking forward to the challenge this deployment will present for them. As the Tánaiste and the Minister of State have said, our Defence Forces have distinguished themselves in many locations throughout the world. I am sure they will distinguish themselves in this context as well.

The role of the Defence Forces contingent will be to provide a mobile company as force headquarters reserve in UNDOF to cater for reinforcement, escort and other operations in UNDOF's area of responsibility. I agree with the Minister that it is important that UNDOF has at its disposal all necessary means and resources to carry out its mandate safely and securely. I understand that a 114-strong mechanised infantry unit is to be deployed and that our troops would not be acting as peacekeepers or peace enforcers but would act in an observer capacity.

However, in supporting the motion, I would like some reassurances from the Minister. As has been pointed out, the escalation of the conflict in the Syrian Arab Republic has affected the UNDOF area of operations very significantly in recent months. The escalation of the conflict

has resulted in other countries withdrawing from the UN mission and that is where we have particular concerns. On 6 June, the Austrian Government announced that it was withdrawing its 380-strong force from the Golan Heights because the area had become “far too dangerous.” Croatian troops were also withdrawn last March because their government feared that troops would be targeted. Japan has also pulled its contingents out. We know Fiji agreed to contribute a contingent of 171 military personnel to the UN disengagement observer force to replace the Croatian and Japanese contingents.

Clearly, any involvement in a UN mission axiomatically involves a degree of risk but it is important that we are fully conscious of the situation out there. Last month, the Syrian civil war spilled over as forces opposed to President Assad overran the UN position at the border post near the abandoned town of Quneitra. They held it for several hours before Syrian Government troops retook it. During this time, several shells exploded inside a UN compound within the demilitarised zone and three mortars reportedly exploded inside Israeli-occupied territory. The international peacekeepers who maintained the truce received most of their supplies from that position from Israel. The gun battles forced the peacekeepers to seek shelter in a nearby base and the Philippine military said that one of its peacekeepers was wounded when a mortar or artillery shell struck the area. The UN diplomat said an Indian peacekeeper was also injured on that day. It would seem that during this time, the possibility of Israeli forces entering Syrian territory to secure their border was higher than at any time since 1974. It would appear that Israeli military action was prevented because the Assad forces regained control of the crossing.

The incidents last month followed from other disturbing events. On 21 March, UN peacekeepers from the Philippines were abducted for five days by militants in Syria. Four more were seized by the militants in May before being released on 12 May. The Philippine Foreign Minister Albert del Rosario has said the country’s contingent could be withdrawn due to such incidents. In withdrawing his country’s troops, the Austrian Chancellor said his country’s soldiers were “not trained or deployed for a military operation.” He also said that “Austrian soldiers face an uncontrollable and direct threat, which has increased to an unacceptable level” and that “freedom of movement in the area *de facto* no longer exists.” I am seeking some reassurance from the Minister. Is he confident that there is no “uncontrollable and direct threat” to our force? Is he satisfied that there will be freedom of movement for those we send on this particularly dangerous mission? Forty-four members have died since UNDOF was set up in 1974, some in accidents but until the Syrian conflict erupted, it has to be acknowledged that the ceasefire had proved itself of the most resilient in the Middle East. We have to realise that if the peacekeeping mission was to be weakened or disbanded completely, it would have a serious and negative effect on the area.

The UN Secretary General has expressed his deep concern “about the deteriorating security situation in the Syrian Arab Republic, its impact on the Syrian population and its potential implications for the stability of the region.” He said the situation has affected the UNDOF area of operation significantly and that the ongoing military activities in the area of separation continues to have the potential to escalate tensions between Israel and the Syrian Arab Republic and to jeopardise the ceasefire between the two countries. He also said that “given the evolving security situation in the UNDOF area of operation, it is also necessary to consider further adjustments to the posture and operations of the mission, as well as additional mitigation measures.” He said that these include, as a matter of priority, enhancing the self-defence capabilities of UNDOF, including increasing the force strength to about 1,250 and improving its self-defence equipment within the parameters set forth in the protocol to the disengagement agreement. He

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said that in addition, UNDOF continuously reviews and updates its contingency plans and that the support of the parties and the Security Council is critical as UNDOF continues to make these critical adjustments.

In conclusion, I wish all the personnel who will take on this mission well. Can the Minister tell the House if the self-defence capabilities of the group exist, as has been indicated by the UN Secretary General and can he address the other concerns people have about the safety of our troops in his response? Again, I compliment the Government on the integrated approach between foreign affairs and defence and wish all those who will participate in the mission well

**Deputy Seán Crowe:** Can I share time with Deputy Wallace?

**An Leas-Cheann Comhairle:** Members can share time.

**Deputy Seán Crowe:** I was asked to speak here today. Deputy Mac Lochlainn sends his apologies as he is chairing the Oireachtas Joint sub-Committee on Petitions. He would normally speak about this proposal. The proposal to send up to 150 Irish Defence Force members to the Golan Heights as part of UNDOF was approved by the Cabinet. Due to the triple lock mechanism, it has to be approved by the UN, the Cabinet and the Dáil. It has been reported that troops will be sent as soon as September.

The Irish troops will be given the role of acting as the force mobile reserve and will be called in as reinforcements as well as carrying out escorts and taking part in other operations. UNDOF was established by the UN Security Council in 1974 to maintain the ceasefire in the area. It continues to liaise with both parties - Syria and Israel. The agreement provided for an area of separation and for two equal zones of limited forces and armaments on both sides of the area and called for the establishment of a UN observer force to supervise its implementation.

There is another so-called sister force in the area - the United Nations Truce Supervision Organization, UNTSO, Observer Group Golan - which contains more than ten members of the Irish Defence Forces but is unarmed while UNDOF is armed. Three Defence Force members were also deployed to UNDOF mission headquarters at Camp Faouar earlier this month, with a fourth to be deployed to the mission HQ shortly.

Due to the ongoing civil war in Syria, the situation in the UNDOF area has been incredibly volatile over the past few months. It has seen rebels attack the area and try to gain control of the strategic post and the wounding and kidnapping of UNDOF soldiers and UN observers. Stray shells have previously fallen in the Golan Heights.

Israel has also settled 20,000 of its citizens in the Golan Heights in breach of international law and is willing to use and capable of using deadly force to defend them and their illegal settlements. There are Defence Force troops in Lebanon at the minute but Irish participation is set to be downsized in the autumn as Finland makes up the bulk of the battalion they serve in so it is likely these troops would be moved to the UNDOF mission.

This situation has arisen because Austria has recently redrawn its 380 troops from the 913-strong UNDOF force in protest over the EU's decision not to renew its embargo on sending arms to Syria and because it feels its troops are no longer safe there due to the decision. This has left them with a shortfall. However, reports are that the UN wants to increase the force anyway up to the authorised level of 1,250. Austria, along with India and the Philippines, has provided a critical portion of troops to UNDOF, which has been charged with ensuring quiet

on this sensitive border since it was established in 1974. The Minister of State, Deputy Kehoe, stated the separation agreement did not foresee the current conflict. Neither did it foresee that Israel would not be a neutral observer of the conflict. It has taken part in a number of operations against Syria and its armed forces.

Croatia, Canada and Japan have already withdrawn their observers. Ireland was likely asked by the UN to supply troops because of our perceived neutrality and knowledge and experience of UN missions in the region. The Austrian Vice-Chancellor stated Austrian soldiers face an uncontrollable and direct threat, which has increased to an unacceptable level.

Sinn Féin is committed to positive Irish neutrality and an independent foreign policy. We believe Ireland should actively work to promote conflict resolution, peaceful democratic settlements and pathways and mechanisms to facilitate self-determination of peoples throughout the world. Our background in conflict resolution means Ireland can draw on many lessons which could be applied to other conflict situations. The State's history of serving in UN blue helmet peacekeeping missions is a matter of pride and enhances our standing as a neutral state. However, sending troops to the UNDOF mission is not a simple or straightforward decision.

The Government has been asked to send troops to the UNDOF mission to help fill a shortfall in troops caused by the Austrian Government's decision to withdraw its troops because of safety concerns over the deteriorating security situation due to the ongoing war in Syria and because the EU failed to renew its arms embargo on Syria in May. We share the concerns of the Austrian Government. The lifting of the EU arms embargo has robbed Irish troops of their neutrality in a Syrian conflict which has already seen foreign peacekeepers come under fire and some even held hostage. In essence, the EU's decision, led by Britain and France, means the impartiality of the peace mission is no longer maintained. Although no EU state has formally sent weapons to the rebel groups in Syria, they could conceivably do so while Irish troops are there and this would seriously threaten the lives of our Defence Force troops.

Irish soldiers have played a very honourable role in many similar missions and Sinn Féin believes they can play an important role in this type of mission. If the EU renewed its arms embargo Sinn Féin would support this deployment of troops to the UNDOF mission, but unfortunately this is not the case and therefore we are against this deployment. For Sinn Féin the safety of Irish Defence Force troops is the most important issue. We fear they will come under intense risk due to the failure of the EU to maintain a neutral stance in the Syrian war.

It is also important the deployment of Irish soldiers is done in a context where Ireland's position of positive neutrality is clear. Due to the EU's failure to play a positive role in resolving the conflict in Syria, and the likelihood that some large member states will start shipping weapons to the rebels, there is a danger Ireland's position will not be clear and the deployment of troops will be misunderstood in the region. The track record of the Government in remaining silent in the case of other military misadventures by our fellow EU member states does not give Sinn Féin confidence the Government would articulate a strong position.

Sinn Féin fully supports the Government's humanitarian support to the vulnerable and impoverished Syrian population and refugees, and we would support Government initiatives to increase the humanitarian aid and support supplied by the State. We continue to believe that the all sides in the Syrian conflict need to begin immediately a negotiated cessation of violence and enter into inclusive peace talks. Although Sinn Féin is against this deployment, if the Government gets Dáil approval to deploy troops, we will use all opportunities to ensure the Govern-

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ment provides all the resources and support needed to carry out their mission safely, without injury or loss of life.

**Deputy Mick Wallace:** I am in agreement with Deputy Crowe. I am very concerned about Irish troops taking up positions in Syria at present. If the Austrians think it is not safe for them they must have good reason to do so.

I also agree with the point made by Deputy Crowe that the EU seems to be taking sides, particularly with France and Britain so eager to take up the side of the rebels. It is concerning given that Israel is part of one side of the buffer. If it were to escalate into a full conflict with the United States getting involved, Israel would also be involved, along with the Russians on the other side. I am concerned about how neutral we would be perceived at that stage.

There are no rules or restrictions on what is happening in Syria. The conflict is escalating and becoming more deranged. I am very concerned things might turn out poorly. It is very dangerous and it would be good if the UN could progress matters and get Russia and the United States to the table, because at present we were looking at a Shia-Sunni civil war in Syria, and the United States and Russia are content enough for it to operate almost like a playing field and see what will come out of it. They are both eager to strengthen their position in the area and in the meantime we are looking at thousands of people dying and bigger numbers being displaced. It is a very sad episode. The world community can take no credit or pride in what is happening. It is shameful the war is being allowed to continue in the manner it is. Only the United States and Russia can do anything about it. France and Britain throwing their spoke in the wheel is a negative in the entire situation and is only throwing more diesel on the fire.

**An Leas-Cheann Comhairle:** Apparently I can give the Deputy more speaking time. I must apologise because we were given three different figures with regard to speaking time, but it is 15 minutes.

**Deputy Mick Wallace:** The Minister of State mentioned the issue of costs in his opening statement but I missed the figures. Do I understand that for 2013, 75% of the costs are being covered by the UN with the Irish State picking up 25%? Will the same formula apply in 2014? In the past was it the case the UN picked up the tab for Irish peacekeeping missions or is this split normal?

**Deputy Paul Kehoe:** I will come back to the Deputy with the exact percentages.

**Deputy Mick Wallace:** I thank the Minister of State.

**An Leas-Cheann Comhairle:** I call Deputy Mattie McGrath who is sharing with Deputy Richard Boyd Barrett and both Deputies have seven and a half minutes.

**Deputy Mattie McGrath:** Confusion reigns again, and while I want to be positive and I want the Government to be positive in responding to a request, it is typical. We are in the last day of this Dáil session. One month ago a request was made but, typical of the Whip, confusion abounds. People have been denied speaking time because the officials were confused. First Deputies were given five minutes each and then parties were given ten minutes. It is typical of how the Whip handles all issues. I went down this morning to wish his staff a happy break because I do not know how they manage with him. If he was not so busy running into the Seanad Chamber yesterday with letters of dismissal for his colleagues he might have got this one right. It is always the same with bully boy, boot boy and jackboot tactics. This is how the Whip has

operated since he took office, as has the Government with guillotines. I condemn it as a shambolic way for the Government and Chief Whip to handle this issue.

**Deputy Paul Kehoe:** I ask the Deputy to withdraw the remark.

**An Leas-Cheann Comhairle:** I ask Deputy McGrath to stick to the motion.

**Deputy Mattie McGrath:** I am doing so, but it is very hard to prepare to speak on a motion when one does not know whether one has five, ten or 15 minutes speaking time. The Whip likes to keep matters confused.

**An Leas-Cheann Comhairle:** We have dealt with this issue.

**Deputy Mattie McGrath:** We have.

**Deputy Paul Kehoe:** Deputy McGrath cannot call me a bully boy or a boot boy and I ask him to withdraw it.

**Deputy Mattie McGrath:** I want to say-----

**An Leas-Cheann Comhairle:** The actual phrase “boot boy” is not parliamentary language.

**Deputy Mattie McGrath:** It fits the way the Chief Whip is behaving so I have no notion of withdrawing it.

**An Leas-Cheann Comhairle:** The Deputy must withdraw the phrase.

**Deputy Mattie McGrath:** I have to withdraw it, but that is the way he behaves. He arrived into the Seanad when a Senator was speaking with an envelope of dismissal. I have never heard the like of it in my life.

**An Leas-Cheann Comhairle:** That is a different issue altogether. It is a different House.

**Deputy Mattie McGrath:** I condemn the shambolic way in which he-----

**An Leas-Cheann Comhairle:** I want the Deputy to withdraw the phrase. Of course he can talk about-----

**Deputy Mattie McGrath:** I never saw that term on the list.

**An Leas-Cheann Comhairle:** I am advised by the Clerk that the-----

**Deputy Mattie McGrath:** Is it new advice?

**An Leas-Cheann Comhairle:** It is not a parliamentary term so I ask Deputy McGrath to withdraw the words “boot boy”.

**Deputy Mattie McGrath:** I will withdraw it if that is the position-----

**An Leas-Cheann Comhairle:** Let us get on with the debate.

**Deputy Mattie McGrath:** -----but the situation is totally shambolic.

The UN blue helmet soldiers have given huge commitment through the decades to peace-keeping all over the world. I had the privilege of knowing many of them in my area who were

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based in Kickham Barracks. They are no longer with us. They did outstanding work. Irish peacekeepers are highly respected anywhere they have gone. It is important that we are in a position to fulfil the request from the UN. We must keep in touch with Mr. Ban Ki-moon and the officers on a daily basis to ensure the respect and safety of the members of the force that will be mobilised in Syria. We have already seen worrying threats to peacekeepers in Syria. Other countries have withdrawn peacekeepers because they have come under attack. Some peacekeepers were kidnapped and held for a number of days. That is a totally unacceptable way to treat peacekeepers. Austria, Japan and Croatia have withdrawn their troops. Ireland has a strong past record in peacekeeping. I made inquiries of Defence Forces personnel and they are eager, ready and willing to accept the challenge and to serve in Syria, as they have done for as far back as I can remember in the Congo and many other areas since then.

**Deputy Seán Crowe:** Are their families as eager for them to go?

**Deputy Mattie McGrath:** Our families might not be as eager for us to be in this House either. I will not take any lectures from Sinn Féin about protecting and respecting soldiers and everyone else.

**Deputy Seán Crowe:** I am not lecturing.

**Deputy Mattie McGrath:** Sinn Féin's record has not been as wonderful as Deputy Crowe suggested. I did not interrupt him. The conflict has escalated and it is bordering on being out of control. Given the commitments on the mandate and the continuous contact with the United Nations we must ensure the safety of Irish troops who are ready, willing and able and are properly equipped for the job they do. They have done it all over the world in many conflicts and have been recognised for it. I also salute the NGOs who have done such great work and who are widely recognised for the proud supportive role they play in conflict zones and areas of famine. A total of 114 personnel are going to Syria. I am sure there will not be a problem in getting that number of volunteers. I do not know whether they will be transferred from other peacekeeping duties abroad or if new people will go to Syria.

I have always found Defence Forces personnel to be anxious and willing to serve. We have lost approximately 40 lives since we became involved in peacekeeping duties. One life lost is one too many. The soldiers died in various circumstances. I salute their bravery. When conflicts arise that appear to be insurmountable, as this one is, it is important that a buffer is provided and that a recognised body such as the United Nations can give hope to the people who are not involved in the conflict in any way but are innocent observers trying to live their daily lives. Many such people have had to flee their homes and become refugees in neighbouring countries. The Middle East is a volatile area. I accept there are threats from the Israeli regime. Nobody knows what might happen.

I speak on my own behalf as an Independent Deputy in support of the Government being willing to send troops on this mission, with the assurance from the Army Chief of Staff and from Mr. Ban Ki-moon, the UN Secretary General, that they will keep an eye on the escalating conflict and above all protect the security and safety of our personnel at all times. That is the bottom line. The Tánaiste indicated that we would keep in constant contact to ensure that is the case. I do not have any difficulty with sending the force to Syria but I object to the shambolic manner in which the situation has been handled. One wonders whether any Minister is available to discuss the issue.

**An Leas-Cheann Comhairle:** I must call Deputy McGrath's colleague, Deputy Boyd Barrett, to speak now.

**Deputy Mattie McGrath:** That is fine. Thank you, a Leas-Cheann Comhairle. I support the mission.

**Deputy Richard Boyd Barrett:** I oppose the Government's proposal to send Irish troops onto the Syrian border. Anybody looking at the situation in Syria is appalled and anybody with an ounce of human decency would want to do anything that could be done to try to assist with the growing humanitarian crisis that is developing there. Millions of refugees have led to a crisis that is worse than that in Rwanda. Tens of thousands of ordinary people have been killed and the country is being destroyed in front of our eyes. It is a desperate situation but the first rule in appalling situations such as this is not to make it worse. We must be careful that what we do does not in any way assist in making the situation worse. That is important for our own troops, their well-being and the credibility and reputation of the State. It is also very important for the suffering people of Syria.

I know that any Irish troops deployed in Syria would not in any way wish to make the situation worse and I am well aware of the proud record of our troops in peacekeeping, in particular in Lebanon. This is a dangerous and volatile situation and in order to make an assessment on how or if we should be involved in any deployment of troops in this situation we must understand what is going on, which is difficult to do. The first reason I am concerned about making the decision now is because it requires more debate. Such a decision must not be rushed.

What is happening in Syria is a terrible example of the chickens coming home to roost for the utterly cynical, amoral policies of the big powers in the Middle East. I stress that all of the big powers are involved. In the case of the repulsive regime of Bashar al-Assad, the big culprits are obviously Russia and China who have armed that regime and continue to support it and who are just playing for influence in the region. The reason they are doing that is because the Middle East, which is a strategically important region for reasons of which we are all aware, namely oil, has been a theatre for the competing interests of the big powers where Russia and China back one gang of despots and the western powers back other gangs of despots and tyrants. All of them, when they see crises such as this emerge, seek to play for the advantage of their own interests in the region not the interests of ordinary citizens. That is exactly what is going on now. The people we must support and take into consideration are the ordinary people of Syria who rose up against the rotten al-Assad regime to overthrow it. Those people were inspired directly by the Egyptian revolution, one that continues. It has thrown out one despot and has more recently thrown out another leader who promised change but within a year was acting just like the despot, Mubarak, that he replaced. He cuddled up to the Egyptian military only a year after being brought to power by the people. The Egyptian people - Copts and other Christians, men, women and the poor - have risen up and shown that they are the power that can challenge despotic and tyrannical regimes.

This is also true in Syria. The ordinary people are the key to the situation. We should not in any way be associated with forces that are cynically manipulating the situation for their own strategic interests. Unfortunately, this is what the US and some of the European powers are doing. They are trying to insinuate their influence by backing certain elements of the opposition to Assad at the expense of other elements that more genuinely represent the ordinary people on the ground.

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The situation has become difficult. The real popular movement that opposed Assad did not want to take up arms. It wanted to defeat Assad through peaceful protest, mass action and so on, but the situation was militarised by Assad and Gulf states backed and armed by the West that sent Islamist militants and so forth to push sectarian agendas. The Free Syrian Army is essentially an agent for some of the Western powers. The West wants to arm it at the expense of some of the brigades on the ground that are uniting the ordinary people in a popular movement of resistance against Assad.

It is messy and complicated and we should not pour petrol on the fire. It could damage our reputation. We have a good reputation in the Middle East among ordinary Arabs because we are seen as people who have not taken sides in backing imperial manipulations of or designs on the region. It is important that we not slide into being involved or being perceived to be involved with forces that are not intervening in the best interests of the ordinary citizens.

I oppose this deployment. It is in line with Fine Gael's overall policy of moving away from military neutrality and towards Irish involvement in military alliances, but it is not a direction in which we should be going. It is dangerous for the people of Syria and for our troops.

Question put:

<i>The Dáil divided: Tá, 95; Níl, 17.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Breen, Pat.</i>	<i>Boyd Barrett, Richard.</i>
<i>Browne, John.</i>	<i>Broughan, Thomas P.</i>
<i>Burton, Joan.</i>	<i>Colreavy, Michael.</i>
<i>Buttimer, Jerry.</i>	<i>Crowe, Seán.</i>
<i>Byrne, Catherine.</i>	<i>Daly, Clare.</i>
<i>Byrne, Eric.</i>	<i>Doherty, Pearse.</i>
<i>Calleary, Dara.</i>	<i>Ellis, Dessie.</i>
<i>Cannon, Ciarán.</i>	<i>Ferris, Martin.</i>
<i>Carey, Joe.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Coffey, Paudie.</i>	<i>McGrath, Finian.</i>
<i>Collins, Niall.</i>	<i>McLellan, Sandra.</i>
<i>Conaghan, Michael.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Conlan, Seán.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Connaughton, Paul J.</i>	<i>O'Sullivan, Maureen.</i>
<i>Conway, Ciara.</i>	<i>Pringle, Thomas.</i>
<i>Coonan, Noel.</i>	<i>Tóibín, Peadar.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Wallace, Mick.</i>
<i>Costello, Joe.</i>	
<i>Coveney, Simon.</i>	
<i>Cowen, Barry.</i>	
<i>Creed, Michael.</i>	
<i>Daly, Jim.</i>	
<i>Deasy, John.</i>	
<i>Deering, Pat.</i>	

<i>Donohoe, Paschal.</i>	
<i>Dooley, Timmy.</i>	
<i>Doyle, Andrew.</i>	
<i>Durkan, Bernard J.</i>	
<i>English, Damien.</i>	
<i>Farrell, Alan.</i>	
<i>Feighan, Frank.</i>	
<i>Ferris, Anne.</i>	
<i>Fitzgerald, Frances.</i>	
<i>Fitzpatrick, Peter.</i>	
<i>Flanagan, Charles.</i>	
<i>Flanagan, Terence.</i>	
<i>Fleming, Tom.</i>	
<i>Gilmore, Eamon.</i>	
<i>Griffin, Brendan.</i>	
<i>Halligan, John.</i>	
<i>Hannigan, Dominic.</i>	
<i>Harrington, Noel.</i>	
<i>Harris, Simon.</i>	
<i>Hayes, Brian.</i>	
<i>Healy-Rae, Michael.</i>	
<i>Heydon, Martin.</i>	
<i>Hogan, Phil.</i>	
<i>Howlin, Brendan.</i>	
<i>Humphreys, Heather.</i>	
<i>Humphreys, Kevin.</i>	
<i>Keating, Derek.</i>	
<i>Kehoe, Paul.</i>	
<i>Kenny, Seán.</i>	
<i>Kitt, Michael P.</i>	
<i>Kyne, Seán.</i>	
<i>Lowry, Michael.</i>	
<i>Lynch, Kathleen.</i>	
<i>Lyons, John.</i>	
<i>Mathews, Peter.</i>	
<i>McEntee, Helen.</i>	
<i>McGinley, Dinny.</i>	
<i>McGrath, Mattie.</i>	
<i>McHugh, Joe.</i>	
<i>McNamara, Michael.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</i>	

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<i>Murphy, Catherine.</i>	
<i>Murphy, Eoghan.</i>	
<i>Nash, Gerald.</i>	
<i>Naughten, Denis.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>Ó Cuív, Éamon.</i>	
<i>Ó Feargháil, Seán.</i>	
<i>Ó Ríordáin, Aodhán.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Dowd, Fergus.</i>	
<i>O'Reilly, Joe.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Penrose, Willie.</i>	
<i>Perry, John.</i>	
<i>Phelan, Ann.</i>	
<i>Quinn, Ruairí.</i>	
<i>Rabbitte, Pat.</i>	
<i>Ross, Shane.</i>	
<i>Ryan, Brendan.</i>	
<i>Smith, Brendan.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Timmins, Billy.</i>	
<i>Tuffy, Joanna.</i>	
<i>Wall, Jack.</i>	
<i>Walsh, Brian.</i>	
<i>White, Alex.</i>	

Tellers: Tá, Deputies Paul Kehoe and Emmet Stagg; Níl, Deputies Richard Boyd Barrett and Aengus Ó Snodaigh.

Question declared carried.

*1 o'clock*

### **Electoral, Local Government and Planning and Development Bill 2013: Committee and Remaining Stages**

**Acting Chairman (Deputy Bernard Durkan):** This Bill is to conclude after two and a half hours, if not previously concluded. I call the Minister for the Environment, Community and Local Government to move amendment No. 1.

#### SECTION 1

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I move amendment No. 1:

In page 5, line 30, to delete “*Parts 6 and 9*” and substitute “*Parts 4, 5 and 9*”.

Amendment agreed to.

Section 1, as amended, agreed to.

Sections 2 to 29, inclusive, agreed to.

#### TITLE

**Deputy Phil Hogan:** I move amendment No. 2:

In page 5, line 7, to delete “to” where it firstly occurs.

Amendment agreed to.

Title, as amended, agreed to.

Bill reported, with amendments, received for final consideration and passed.

**Deputy Derek Keating:** I commend the Acting Chairman, Deputy Durkan, on his outstanding chairmanship.

**Deputy David Stanton:** Hear, hear.

**Deputy Derek Keating:** We have just dealt with important legislation which comprised more than 29 sections and not one member of the Opposition was in attendance.

**Deputy David Stanton:** They have abandoned the House. They have no interest.

### **Land and Conveyancing Law Reform Bill 2013: From the Seanad**

The Dáil went into committee to consider amendments from the Seanad.

Seanad amendment No. 1:

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Section 4: 1. In page 6, between lines 7 and 8, to insert the following:

**“Provision in respect of certain proceedings**

4. (1) Where after the coming into operation of this section a mortgagee commences proceedings seeking possession of land in which they rely upon the statutory provisions

or the amended provisions, the proceedings shall be deemed to be commenced within time for the purposes of section 9 of the Civil Liability Act 1961 where the conditions specified in *subsection (2)* are met.

(2) The conditions referred to in *subsection (1)* are that—

(a) prior to the coming into operation of this section the mortgagee had commenced proceedings seeking possession of land relying on the statutory provisions or the amended provisions,

(b) the proceedings concerned were commenced within the time limit applicable for the purposes of section 9(2) of the Civil Liability Act 1961,

(c) the proceedings concerned were not determined before the coming into operation of this section,

(d) the mortgage concerned was created prior to 1 December 2009,

(e) the land the subject of the proceedings referred to in *subsection (1)* is the same land or a part of the same land as the land the subject of the proceedings referred to in *paragraph (a)*.

(3) *Subsection (1)* shall only apply to proceedings issued within 6 months from the coming into operation of this section.

(4) In this section—“Act of 2009” means the Land and Conveyancing Law Reform Act 2009;

“amended provisions” means section 62(2) and (6) of the Act of 1964 as those provisions stood immediately prior to the coming into operation of section 8(1) and Schedule 1 of the Act of 2009;

“mortgage” has the same meaning as it has in the Conveyancing Act 1881;

“mortgagee” includes a person deriving title from a mortgagee and a receiver appointed by a mortgagee;

“statutory provisions” means sections 2 and 18 to 24 of the Conveyancing Act 1881, sections 3, 4 and 5 of the Conveyancing Act 1911 and section 62(3), (7) and (8) of the Act of 1964.”.

Seanad amendment agreed to.

Seanad amendment reported.

**Residential Tenancies (Amendment) (No. 2) Bill 2012: Report and Final Stages**

**Acting Chairman (Deputy Bernard J. Durkan):** Amendments Nos. 1 to 3, inclusive, have been ruled out of order as they involve a potential charge on the Exchequer.

Amendments Nos. 1 to 3, inclusive, not moved.

**Acting Chairman (Deputy Bernard J. Durkan):** Amendments Nos. 4, 5 and 9 are related and may be discussed together.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I move amendment No. 4.

In page 8, line 42, to delete “and” and substitute the following:

“(f) section 120 shall not apply in respect of a dwelling the subject of a tenancy referred to in section 3(4), and”.

Amendments Nos. 4, 5 and 9 are technical amendments which arise out provisions inserted on Committee Stage relating to approved housing body tenancies. Amendments Nos. 4 and 5 provide that section 120 of the Residential Tenancies Act 2004 will not apply to approved housing body tenancies. Section 120 relates to the setting of rent in relation to a tenancy and is construed in accordance with section 19. Approved housing bodies use the differential rents scheme. Amendments were introduced on Committee Stage to exclude them from the provisions of the Act dealing with market rent, including section 19. As approved housing bodies are exempt from section 19 and their financial circumstances are expressly taken into account in calculating their rent they must be excluded from section 120.

Amendments Nos. 4 and 5, therefore, are consequential amendments to provide that section 120 will not apply to approved housing bodies. Amendment No. 9 provides for two technical drafting amendments to section 144 of the Residential Tenancies Act 2004. These amendments arise out of the fees provisions for approved housing bodies, which were inserted on Committee Stage and which also provide for the same arrangements for late registration of tenancies for approved housing body landlords as for private rented sector landlords.

Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 5:

In page 8, line 43, to delete “(f) section 139” and substitute “(g) section 139”.

Amendment agreed to.

**Acting Chairman (Deputy Bernard J. Durkan):** Amendments Nos. 6 to 8, inclusive, have been ruled out of order as they do not arise out of Committee proceedings.

Amendments Nos. 6 to 8, inclusive, not moved.

**Deputy Jan O’Sullivan:** I move amendment No. 9:

In page 15, between lines 33 and 34, to insert the following:

14.—Section 144 of the Principal Act is amended in subsection (5) by—

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(a) substituting “shall apply as if subsection (2) or (2A)” for “shall apply as if subsection (2)”, and

(b) substituting “or 137A(6)” for “(fee of double the ordinary amount to be paid on late application)”.

Amendment agreed to.

**Acting Chairman (Deputy Bernard J. Durkan):** Amendments Nos. 10 to 23, inclusive, and 29 are related and may be discussed together.

**Deputy Jan O’Sullivan:** I move amendment No. 10:

In page 17, to delete lines 27 to 35 and substitute the following:

““(a) the rent payable under the tenancy concerned shall continue to be payable —

(i) to the landlord by the tenant or, as the case may be, each multiple tenant, or

(ii) where the dwelling concerned is the subject of a sub-tenancy, to the head-tenant by the sub-tenant or, as the case may be, each subtenant.”.”.

These amendments arise out of amendments tabled on Committee Stage which provided for the introduction of a new procedure to enable the PRTB to deal effectively with tenants who do not pay rent during the dispute process.

The purpose of these amendments, which are in the main technical drafting amendments, is to specifically provide for the application of that new procedure by a sub-tenancy. Members will recall that the Committee Stage amendments provided for an expedited process to deal with the issue of non-payment of rent by a tenant remaining *in situ*. The substantive amendment is contained in amendment No. 23, which inserts a new Part into the Schedule of the 2004 Act.

Amendment No. 10 clarifies that the rent continues to be payable by the sub-tenant to the head tenant pending the determination of any dispute. Amendments Nos. 11 to 18, inclusive, and 21 are short amendments which remove the reference to a “sub-tenant” or “sub-tenancy” from sections 76A and 86(4) as sub-tenancies are now provided for in the Schedule.

Amendment No. 19 provides that if a landlord is referring a complaint under section 76A, he or she must notify any sub-tenant of the complaint. Amendment No. 20 specifically provides for the application of section 76A to sub-tenancies in the same way as the section applies to a tenancy. Amendment No. 22 is a technical amendment which clarifies that section 76A determination orders are binding orders under the Act. Amendment No. 29 provides for two technical drafting amendments consequential to the division of the Schedule into two parts.

**Deputy David Stanton:** I agree with the thrust of the amendments as they appear to support landlords who have difficulty in having rent paid. Some rebalancing is required in this regard. I have encountered a number of cases where landlords have experienced serious problems in obtaining rent payments. I urge the Minister of State to take note of the issue and rebalance the current provisions in favour of landlords who have mortgages and bills to pay and other liabilities to meet. It is most unfair that some tenants refuse to pay rent for prolonged periods and landlords must go through hoops to obtain redress.

I commend the Opposition parties on their Dáil reform proposals. Having heard a great deal

from the Fianna Fáil Party this morning about Dáil reform, we now learn that its idea of Dáil reform is to abandon the House when it discusses important legislation. It is remarkable and an insult to the House that not one Opposition Deputy is present for this debate.

**Deputy Derek Keating:** Hear, hear.

**Deputy Jan O’Sullivan:** On the non-payment of rent, the purpose of some of the amendments, including on Committee Stage, is to ensure that where a person has an obligation to pay rent, even in the case of disputes, he or she continues to do so. This was the principal issue brought to our attention by landlords. The issue of deposit retention by landlords is the other side of the coin as it affects tenants. We also intend to address this issue in the Seanad. The amendments under discussion are related to sub-tenancies.

I concur with Deputy Stanton’s other point. The Opposition side of the Chamber is empty, as was the case when the two previous Bills were being discussed. The detail of legislation is very important as it affects members of the public. I share the Deputy’s view that it is very bad form that no Member of the Opposition is present in the House.

Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 11:

In page 25, to delete lines 23 and 24 and substitute the following:

“(ii) the tenant,”.

Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 12:

In page 25, line 37, to delete all words from and including “, or” down to and including “86(1)(a)(ii),” in page 26, line 1.

Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 13:

In page 26, to delete line 4.

Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 14:

In page 26, to delete lines 6 to 8 and substitute the following:

“the tenant referred to in section 86(1)(a)(i) has failed to comply with section 86(1)(a).”.

Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 15:

In page 26, line 15, to delete “under this section” and substitute “referred to in subsection (2)”.

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Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 16:

In page 26, lines 19 and 20, to delete “, or as the case may be the sub-tenant,”.

Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 17:

In page 26, lines 32 and 33, to delete “or the sub-tenant”.

Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 18:

In page 26, lines 44 and 45, to delete “or sub-tenant”.

Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 19:

In page 27, to delete lines 4 to 10 and substitute the following:

“(8) Where the dwelling the subject of a tenancy is one out of which a subtenancy has been created, the landlord shall, when referring the complaint to the Board under subsection (2), notify the sub-tenant accordingly.”.

Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 20:

In page 27, to delete line 31 and substitute the following:

“115(3).

(14) Part 2 of the Schedule has effect for the purpose of the referral of a complaint referred to in subsection (2) in the case of a sub-tenancy.”.

Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 21:

In page 27, line 40, to delete “or a sub-tenant”.

Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 22:

In page 29, between lines 6 and 7, to insert the following:

58.—Section 123 of the Principal Act is amended by inserting the following after subsection (8):

“(9) For the avoidance of doubt, the reference in subsection (1) to the determination of an adjudicator under section 97 includes a determination under section 76A

of a complaint referred to in section 76A.”.”.

Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 23:

In page 29, between lines 35 and 36, to insert the following:

60.—The Schedule to the Principal Act is amended—

(a) by substituting the following for “SCHEDULE”:

“SCHEDULE

PART 1”,

and

(b) by inserting the following after paragraph 8:

“PART 2

REFERRAL OF COMPLAINT UNDER SECTION 76A IN CASE OF SUB-TENANCY

1. Where the dwelling the subject of a tenancy is one out of which a sub-tenancy has been created and a sub-tenant has failed to comply with section 86(1) (a)(ii), then sections 75(4)(da), 76A, 86(2)(ca) and 86(4) shall apply to the sub-tenancy with the following modifications—

(a) subject to paragraph 2, for references to the landlord there shall be substituted references to the head-tenant,

and

(b) for references to the tenant there shall be substituted references to the sub-tenant.

2. Paragraph 1 shall not apply to section 76A(8).

3. Where a head-tenant refers a complaint to the Board under section 76A, he or she shall notify the head-landlord accordingly.”.”.

Amendment agreed to.

Amendments Nos. 24 to 28, inclusive, not moved.

**Deputy Jan O’Sullivan:** I move amendment No. 29:

In page 31, between lines 8 and 9 to insert the following:

“

Section 32(1) Substitute “Part 1 of the Schedule” for “The Schedule”.

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Section 75(2) Substitute “Part 1 of the Schedule” for “the Schedule”.

”.

Amendment agreed to.

**Deputy Jan O’Sullivan:** I move amendment No. 30:

In page 31, after line 12 to insert the following:

“

Paragraph 3(d) of the Schedule Insert “1A,” after “paragraph 1,”.

”.

This is a technical drafting amendment, the purpose of which is to insert a reference to paragraph 1A of the table to section 30 into paragraph 3(d) of the Schedule to the 2004 Act. This is consequential on an amendment made to the table to section 34 on Committee Stage.

Amendment agreed to.

Bill, as amended, received for final consideration.

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

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I thank all Members who have participated in the debates on this Bill. While there are not many Deputies present, we had lively debates on Second and Committee Stages. This is important legislation and, as I indicated, I will table substantial amendments regarding deposit protection on Committee Stage in the Seanad.

**Deputy Derek Keating:** I thank the Minister of State. She fully appreciates the issue of deposit retention, which I discussed with her in a recent Topical Issue Debate. She has also shown great determination and a strong interest in this issue.

It is extraordinary that, having accused the Government of not introducing Dáil reform, including this morning when the arrangements for the summer recess were the subject of dispute, not one Member from the Fianna Fáil Party, Sinn Féin or the Technical Group is in attendance to debate this important legislation. It is worth recording this fact.

Question put and agreed to.

### **Report of the Convention on the Constitution: Statements**

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I am pleased today to provide in the Oireachtas the first Government response to recommendations of the Convention on the Constitution. The establishment of the convention was

a commitment in the programme for Government. We delivered on it and despite a good deal of scepticism from various quarters the convention has successfully provided a new forum for engagement and interaction between ordinary citizens and politicians about aspects of the Constitution. The recommendations of the convention are considered by the Government and are thus adding to the deliberations of the Government on constitutional reform and amendment, a key commitment in the programme for Government.

Establishment of the Convention on the Constitution was approved by resolution of the Oireachtas 12 months ago in July 2012. The resolution states that the Government will provide in the Oireachtas a response to each recommendation of the convention within four months and, if accepting the recommendation, will indicate the timeframe it envisages for the holding of any related referendum.

The first report of the Convention on the Constitution was submitted to the Oireachtas on 26 March 2013. I am now, in accordance with the resolution, providing in the Oireachtas the Government response to the recommendations in that report. The Government welcomes the first report of the Convention on the Constitution, is encouraged by the engagement of the participants and is accepting the main recommendations of the convention in that report. These are that the Constitution should be changed to provide for a voting age of 16 years and that the presidential term should not be reduced to five years nor aligned with local and European elections.

The Government therefore commits to holding a referendum before the end of 2015 on a proposal to amend the Constitution to provide for a voting age of 16. The Government will proceed now with preparations for bringing forward the relevant legislation. This will include careful examination of the consequences of such a change across the policy spectrum including for the age of majority.

In addition to these two main recommendations, the convention made two other recommendations relating to presidential elections which it asked the Government to consider. The Government has considered these two supplementary recommendations of the convention. These are that the age of candidacy for presidential elections be reduced from 35 years and that citizens be given a say in the nomination process at presidential elections. The Government accepts the recommendation on reducing the age of candidacy for presidential elections and has decided that a proposal to reduce the minimum age of candidacy for presidential elections from 35 years to 21 years should be put to a referendum before the end of 2015.

In considering the recommendation that citizens be given a say in the presidential election nomination process the Government is conscious that the present arrangement already provides for citizens to have a say in the presidential election nomination process through their elected representatives both at national and at local level. We would encourage citizens, candidates and elected representatives to exercise fully their democratic mandate in this regard. The Government therefore proposes that this recommendation be referred to the relevant Oireachtas committee for consideration.

I will now cover these recommendations in more detail. One amendment to the Constitution would be necessary to change the voting age. The amendment would be to Article 16.1.2°, which states:

i All citizens, and

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ii such other persons in the State as may be determined by law,

without distinction of sex who have reached the age of eighteen years who are not disqualified by law and comply with the provisions of the law relating to the election of members of Dáil Éireann, shall have the right to vote at an election for members of Dáil Éireann.

No other constitutional amendment would be necessary to lower the voting age at presidential and local elections and at referendums because there is a link back, in the relevant articles, to the voting age for Dáil elections.

In the event of the people deciding by referendum to reduce the voting age legislative change would be necessary to provide for persons aged 16 to register to vote and the necessary administrative arrangements for this would also need to be made in due course, but that is another day's work. In the meantime, the Government's preparations for bringing forward the constitutional amendment Bill will include careful examination of the consequence across the policy spectrum of reducing the voting age. The Age of Majority Act 1985 generally provides that adult or full age is 18. Different age limits are provided for in a range of other legislative codes in different areas across the policy spectrum.

It is 32 years since the voting age was reduced from 21 to 18 years. Many arguments have been made since, both for and against further reducing the voting age. I do not propose to make any of the arguments here today but I will refer to some of the arguments made at the January meeting of the convention as set out in the first report of the convention. Arguments in favour of reducing the voting age put forward at the convention included that it could help to increase electoral turnout, that reducing the voting age would be consistent with other legal rights that 17 year olds already have and that it could help to facilitate voter registration through schools.

The main arguments against reducing the voting age included that it would be a mistake to "adultify" children; that there is little public support for the proposal; that simply to reduce the voting age would not solve anything; and that 18 is the normally accepted age of legal maturity.

These are all important and valid points of view. Opportunity will be presented for further debate when the constitutional amendment Bill comes before the Oireachtas in due course. Ultimately the decision on reducing the voting age will be made by the people in a referendum on the Constitution.

The second recommendation which the Government has accepted and agreed should be put to the people in a referendum is to reduce the minimum age for presidential election candidates. Article 12.4.1° of the Constitution states: "Every citizen who has reached his thirty-fifth year of age is eligible for election to the office of President." The convention recommended reducing this minimum age but made no recommendation as to what it might be reduced to.

We have decided to accept the recommendation of the convention and to put to the people a proposal to change the minimum age for presidential election candidates from 35 years to 21 years. This is the same age as applies for election to the Dáil and to the European Parliament. As with the voting age amendment this would be a simple amendment to the Constitution. The impact of such a change on a presidential election campaign would not be known until the time for such a campaign comes. However, it would open up the office to a significant additional proportion of the population but that of course is subject to the people voting for such a change.

The Government proposes to refer the recommendation on giving citizens a say in the presidential election nomination process to the relevant Oireachtas committee. Changing the presidential nomination process was not a subject the convention was requested directly to consider. However, it is noted in the report that a very prominent theme to emerge from the small-group deliberations was whether the nomination rules should be amended to give a greater role to citizens in nominating candidates for the presidency and thus help to increase public engagement.

This matter was considered in constitutional reviews in the 1990s and the practical difficulties of implementing such an approach were recognised. The Convention on the Constitution did not offer any insight as to what might be practical. I would expect that the Oireachtas committee would include such considerations in its examination of the recommendation.

In considering this recommendation the Government noted the highest ever levels of activity in local authority nominations in the 2011 presidential election. Local elected representatives in almost every county in Ireland had the opportunity to engage in the presidential nomination process. They met many more potential candidates than those who finally made it onto the ballot paper. There may be a risk of undermining that process if a direct citizen nomination process was put in place.

Others may hold a different view, but one of the great things about our democratic system is that we can debate these issues and sometimes disagree. The convention has shown the value of dialogue. It has provided a new forum and a new way of conducting political deliberation. In the process it has proven itself to be an important and valuable addition to our democracy.

I commend the work of the convention. We all owe a great deal of gratitude to the ordinary members of the convention for engaging so positively in this important work. Participants have given up several weekends and, I am sure, time outside of those weekends in preparing for the meetings. They are ably led by the chairman, Tom Arnold, and ably supported by his team and by the expert support group. I commend the productivity of the convention in submitting three reports to the Oireachtas in the first half of the year.

**Acting Chairman (Deputy Bernard J. Durkan):** I call Deputy Maureen O’Sullivan, who is the only Opposition Member present.

**Deputy Maureen O’Sullivan:** Deputy Catherine Murphy and I are the two Independent Deputies on the Constitutional Convention. Initially, I had thought it would be a daunting process because there was a serious and lengthy time commitment and time constraint, but, probably because of the organisation of the Constitutional Convention, it has proved a worthwhile and positive experience. Although initially I may not have been altogether positive about it, I am certainly more so having taken part in it. Deputy Murphy and myself have been at each of the meetings while within the parties there has been some change of personnel. We have been there for each of the weekends.

The proposal came from the programme for Government. It was interesting to reflect on the associated principles. The Government decided that the convention should be innovative, independent and influential. Certainly, it has been innovative. Once it was established I believe it began to show its independence. On the influential aspect, in so far as it can be, it has been, but that aspect will depend on how the Government responds to the reports from the various meetings.

Various committees have been formed to examine reform but the involvement of citizens is

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one aspect of the convention that is definitely a plus on the innovative side. This is the first time such a measure has been tried in the State. Great efforts were made to ensure that the citizens were representative of society generally, although this was not always fully the case.

On 10 July 2012 I said I hoped that there would be a balance in terms of age, gender, socioeconomic background, the employed and the unemployed, urban and rural, people from the Gaeltacht, the islands and new communities. I pointed out the need to include young people proportionately but I do not believe that box has been ticked in reality. That was part of the debate in the House with the Taoiseach. When we consider the extent of the youth population in this country, it is clear that it is under-represented. We all believe that we are young, but I am referring to people under 24 years.

I expressed a fear that the make-up of 33 Members of the Oireachtas and the 66 citizen members could result in parliamentarians having an inordinate influence on the convention. Having attended the convention over the months, I believe parliamentarians tend to dominate the proceedings, in spite of the best efforts of the chairman, who does say, on occasion, that if a Member has spoken then she should not speak again until other people have had an opportunity to speak. Nevertheless, sometimes parliamentarians get in more often than citizens. Some of us keep to the principle that if a Member has spoken, she should not dominate proceedings subsequently, but I do not believe that is par for the course. We should leave some silences to allow citizen members to speak more. Citizen members have been particularly articulate at the table discussions and have been very open and frank during those sessions.

We know that there is a disconnect and disaffection in the political system as well as a lack of interest in public representatives. We see this in the low level of voter turnout. The parliamentarians who have taken an active part in the Constitutional Convention have probably boosted the general citizen perception of what parliamentarians do.

I had the honour of being the independent speaker at the opening of the Constitutional Convention in Dublin Castle. One point I made at the time was that it should be about our identity as a nation. Another point I made was that sometimes we take our democracy for granted. We have basic rights that people, especially women, do not have in other countries. It is important to remember the freedoms we have, including the rights of free speech, assembly and education. We also have a free press, fortunately, for a while at least. We also have the right to amend the Constitution. I chair the Irish section of the Association of European Parliamentarians for Africa, AWEPA, which involves African parliamentarians. We will have some African parliamentarians attend one of the convention weekends and this represents an important opportunity for them to see a constitutional convention in action.

In the Technical Group submission, we made a point about the need to strike a balance between those areas in need of reform and protecting those parts of the Constitution which have been a solid foundation for realising our democratic free and sovereign State. It is important to remember that since we are in the era of the decade of commemoration and commemorating the defining moments in our history, we should acknowledge that the Constitution came out of the Proclamation and the ideals of the 1916 Rising under the tricolour and the starry plough. It was about breathing more freely together, growing, changing and rising to all challenges, and there are many challenges.

I acknowledge and compliment the organisation of the convention, from the appointment of Tom Arnold as chairman and Art O'Leary as his right-hand person, to all of the staff involved

from the Oireachtas not only during the weekend meetings but also in preparation for the meetings and after the meetings when they are writing up the reports. One idea that came from the group was to have a steering group that would meet in between the meetings of the convention and that has been a useful development.

I acknowledge the venue and the practical arrangements at the Grand Hotel, Malahide. There has been an excellent service there. I acknowledge that much work went into ensuring value for money in terms of the budget available. It had been intended that one of the meetings would take place outside Dublin but when the staff from the convention investigated it the costs were far higher than holding the meeting in Dublin. Again, this is part of the innovative aspect of the convention. It came up with the idea of bringing the convention to various towns in Ireland where there would be more citizen representatives who would be able to voice their opinions and where citizen representatives from those areas would have the opportunity to advise people in those areas of the essence of what is going on.

The media has been somewhat hit and miss in its coverage of the convention. It has given a good deal of coverage to certain aspects of the convention, but it could give more coverage to other aspects that are perhaps not as prominent or that might not generate as much media interest.

At each of the meetings to date, great work has been undertaken by the Oireachtas team to ensure balance in the various presentations on the topics. It is fair to say that given all of the submissions received by the team and all the offers they get from various groups etc., they have done a great job to ensure that there is balance and that various voices are heard.

On the Sunday mornings there is a session while the votes are being counted where there is an opportunity for people to make points on what they believe was positive or areas they believe could be improved. In fairness to Mr. Arnold, Mr. O'Leary and the team, they have been very proactive and they have engaged in taking on those particular suggestions. As a result, there have been some changes. At the first meeting, on the Sunday, even when the voting was going on or being counted, other presentations were taking place. Most of us took the view that it would have been useful to hear those presentations before the voting. That was taken on board and there were some changes in the following meetings.

At the time the topics for the convention were announced, there was a good deal of disappointment on the part of various people, myself included, at the narrow remit of the convention. That point was made in the Technical Group submission on the matter. The view was that there was an exclusion of certain topics, which, we believed, were of vital importance in shaping the type of society in which we live, including economic, social and cultural rights as well as matters of housing and health. I am keen to see the rights and conditions of prisoners being considered by the Constitutional Convention and the rights of people with disabilities, mental and physical. I hope that during the last weekend we will have our usual frank and open discussion about where the Constitutional Convention will go afterwards and I believe that would be useful.

We started off with a rather non-contentious issue, reducing the voting age to 17 years - I heard what the Minister for the Environment, Community and Local Government had to say on that - and the presidential term of office. I was somewhat surprised because I had thought there would have been more of an interest in reducing the term to five years. My opinion and the view of the table I sat at was that seven years with a possible further seven years was rather

a long time. We live in a democracy and we know the outcome of the vote.

There is much useful discussion on the nature of the ballot paper. That goes on for some time and we get a draft paper early on Sunday morning. Then, there is a discussion on that and if there is a belief that it needs to be amended it is taken on board and there is general agreement on what that ballot paper should look like.

It is important that the Taoiseach, the Tánaiste and perhaps the Minister for the Environment, Community and Local Government should make an appearance at the Constitutional Convention before it concludes its deliberations. When it came to the presidential election, I acknowledge that when we were debating that matter, the chairman was rather open about considering the nomination process for President, especially for people who are independent. That was important. When it came to Dáil reform and the electoral system to the Dáil, there was much disquiet on the part of some people that it was too narrow and only considered one particular area in need of reform, whereas many people there would have liked to have seen it cover many more areas. It was very hard to understand the reason Seanad reform was not being discussed at the Constitutional Convention and I acknowledge some Senators went to great efforts to try to have it included. I understood from where the chairman was coming and he allowed their views to be expressed, but I believe a real opportunity was lost in that regard. I hope it is not because the Government had made up its mind that this was the done deal, that is, the Seanad is going, because that would be a shame. Here was an opportunity for citizens to give their opinion on that issue as well before going immediately into a referendum on it.

The weekend devoted to the provision for same-sex marriage was one of the most emotive sessions and while I would not use the word “challenging”, it was really great to have been there on that particular weekend and to have heard the speeches from those who are directly affected by the lack of equality of marriage. For me and for others who were present, it was confirming and affirming of the value of marriage because other people also wished to be involved in marriage. Attending that particular session was one of those times about which one subsequently will ask where one was, when it was being discussed and decided, and it was very good to have been there.

As for the session on greater participation of women in public life and so on, I do not believe that simply amending the Constitution really will bring about any great change in that regard. I believe there are two more sessions to go and then a weekend to consider further ways forward. It has been a highly positive experience and the parliamentarians who were present certainly are doing their best to show we are not really the waste of space so many people consider us to be.

**Deputy Barry Cowen:** Two and a half years ago, we were told a democratic revolution had taken place. A political whirlwind was to sweep through the corridors of Government Buildings and usher in a brave new political world. The citizens of Ireland were clear that the economic crisis demanded a fresh approach to the institutions of the State and a fundamental overhaul of how we do our business. Fine Gael and the Labour Party set out bold promises to enact that change. It was the dawn of a new political era.

Two and a half years later and those heady days seem a distant memory. At the stroke of a Minister’s pen, the new Cabinet’s reforming zeal has cooled off and hardened into complacency and cynicism. The bright promise turned out to be a dark cynical ploy, a mirage created by charlatan politics. Instead of change, we have found stagnation, instead of renewal, we have suffered decline, and instead of reform, we have endured sheer cynicism. The need to address

inadequacies in the architecture of the State was a central part of the national discussion in the aftermath of the economic crisis. The election manifestoes of the parties now in government and the subsequent programme for Government made it a central part of the goals of the present Administration. However, from the outset it was all too clear these pledges were built on sand. Behind the window dressing, the Government consistently has scuppered any real opportunity for reform.

The much-vaunted Constitutional Convention is a case in point. The original idea evoked images of Philadelphia in 1787, a gathering of citizens committed to focusing, in their collective mind's eye, the challenges of redesigning the ship of State. The concept of a body that would deliberate on the challenging questions of how to recast the framework of the State and put forward solutions is a striking idea. However, far from that seminal meeting, the Government's Constitutional Convention was irredeemably flawed from the very outset. From the beginning, the Government has muzzled the convention. It took the conscious decision to constrain the convention within a severely restricted set of topics, while the Government continues to concentrate power into the hands of a four-man council at the top of the largest majority ever seen in the State. The big issues will be denied to the convention only to be driven on by a small clique.

Seanad abolition takes an axe to more than 40 articles of the Constitution, thereby removing the checks and balances that safeguard our democracy in a brutal measure that will mutilate the guiding book of the State. Yet this topic has not been deliberated upon by the very convention the Government set up to revise the Constitution and make it fit for purpose in a changed Ireland. Instead, the Government has engaged in a cynical game of political gimmickry masquerading as reform. For the sake of short-term political gain, it is jeopardising the fundamental law of the land, the basic architecture of the State that has sustained the country for more than 75 years through war, armed sedition and economic crisis. The Government's enthusiasm for slash and burn politics stretches into the corridors of local government with the policy to abolish town hall democracy. As Edmund Burke put it, "To innovate is not to reform". Change is not an improvement in itself and eliminating swathes of the structure of government in Ireland will not improve it unless real reforms are implemented across other levels. However, the Government is only interested in quick and easy headlines, not the time-consuming and politically demanding challenge of getting local government to work for the citizens. The emasculated state of local government in Ireland and the immense impact this has on our political culture nationally has been utterly ignored. The myopic nature of the political reform agenda fails to appreciate the inextricably bound nature of local and national politics. Genuine political reform must stretch from the community hall to the corridors of the Cabinet, but the convention is not allowed to deal with this.

Away from the high level political stunts, a darker agenda is at play from the present Administration, at which the convention is not being empowered to look. I refer to the concentration of power into the hands of a few, that is, the amassing of power by a small clique of men -I underline that for all the talk of gender equality they are solely men - calling the shots in an unbalanced Cabinet. The four-man Economic Management Council runs the show while the backbenchers ossify into idle irrelevance as lobby fodder. The convention has not been put in a position to pose questions on the critical relationship of the Executive and the Legislature, which continues to dominate Irish politics. Until this relationship is addressed, any changes are merely tinkering around the edges and this is the ultimate aim of a Government that is content with the *status quo*.

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If one looks at the actions of the Government in this House, the bleak agenda of a power grab hiding behind the charade of reform becomes clear. The record shows a dark litany of hypocrisy. First, the Government is systematically breaking its pledge in the programme for Government not to guillotine Bills, as 63% of all legislation has been guillotined to date. Second, it has failed in respect of 78% of Bills to implement its programme for Government commitment to allow for two weeks between Stages of Bills. Third, the Topical Issue debate is being completely undermined by the failure of relevant Ministers to turn up in more than 40% of cases. The Friday sitting farce constitutes mere window dressing to bolster sitting days without any real debate. Moreover, sitting days have expanded by 23% and not the 50% increase promised. Finally, the Government continues to engage in cronyism in State board appointments, thereby ignoring the open public process, with a mere one in five appointees actually coming from that process.

This chronicle of political avarice illustrates the lust for power hidden by a thin veil of change that really drives the Government, and the Constitutional Convention has been hamstrung by this underlying motivation. The most disappointing aspect of the approach ruthlessly taken by the Government is not merely the growing pile of broken promises on which its position is built but the sharp sense of a missed opportunity. It is rare in history that one gets the opportunity and the political capital to tackle head-on the challenges of reshaping the State. The Free State had it in 1922, de Valera had it in 1937 and the present Administration had it again in 2011. However, history will record that it wasted its opportunity to match those accomplishments. It will show up the chronic short-term cynicism and cynical spin that has characterised the present Government. Under the harsh light of time, the spin and cheap headlines will give way to the hard realities of a Government that mutilated the Constitution. History will expose a Government that traded its political legacy to the future generations that will share this island for a few points in opinion polls. Ultimately, it is the citizens of Ireland, present and future, who will pay for this Faustian pact. The democratic revolution of two and a half years ago is but a distant memory and a cruel, unfulfilled promise.

*2 o'clock*

**Deputy Catherine Murphy:** I welcome the chairperson of the Constitutional Convention, Mr. Tom Arnold, and Mr. Art O'Leary, with whom I have become very familiar over the last number of months. Deputy Maureen O'Sullivan and I represent the Technical Group on the convention and we have been fortunate to have been able to attend each of the sessions in their entirety. That continuity has been very useful.

I regret the tone of the last speaker, even though I agree with some elements of what he said. I was a sceptic about the Constitutional Convention. The Technical Group made a submission in which we sought an opportunity to put different items on the agenda, asking that the Constitutional Convention be able to write its own agenda and a number of other items. I still believe that would be valuable. The subject we are discussing today was the first item on the agenda. The Government said at the time that the convention would deal with one of the less controversial topics first, which would allow the convention to settle down. We said we would engage in an honest way with the agenda that was before us, and that is what we are doing.

I wish to pay tribute to another group in the convention, the citizen members. I have been incredibly impressed by them. They have taken the work of the Constitutional Convention very seriously and, in most cases, have approached it with an open mind. Many of them would say that they consider it a privilege to participate. They do not confine themselves to the narrow

agenda. There are a couple of items in the report that were not on the agenda.

The functioning of the convention, with expert opinion on both the pro and anti side of an issue, has worked very well. The steering group has done a great deal of work to ensure there is the right type of balance. Another thing that works well is the practice of reshuffling people at the tables. I found myself at a table with Deputy Charles Flanagan on one day, while for the discussion on marriage equality I was at a table with Senator Rónán Mullen. Given that we were on opposite sides, it was quite an interesting day. I did not feel that people were leading, for what that is worth. It certainly did not happen at my table, and if it did, it certainly was not from my side.

I have some misgivings about 16 being the voting age. There must be political education with that. It is not just an age; there is more to be considered in that regard. However, the type of debate that would be generated by having a referendum would be quite important. What is very interesting is the way the citizen members are capable of giving us an overview of what type of debate would take place if that was put to a referendum. I welcome the fact that the Government is considering reducing the age. Citizens are capable of deciding if somebody is capable of doing the job or not, and I do not believe it should be determined by age. That would be an important change.

The issue that dominated that weekend was the opportunity for citizens to nominate somebody for election. I have debated this previously with the Minister in respect of, for example, the abolition of the Seanad. One of the consequences of that is there will be a change in the number of Oireachtas Members who can nominate a person to run for the presidency. However, it is a *pro rata* change from 20 to 14. I believe it should have been changed to ten. The Minister said at the time that there were seven people on the ballot paper. Seven is a choice. The All-Party Oireachtas Committee on the Constitution that deliberated a number of years ago - I cannot recall the exact year so I will not try - said that 10,000 citizens would be capable of nominating somebody to be on the ballot paper. In fact, anybody who has stood for election as an Independent and taken the route of getting people's signatures, taking them to a local authority, making sure they have their passport or driving licence and so forth, and given the type of checks and balances that go with that, will be aware that getting 10,000 signatures is a very tall order. People are really saying that they want to take an element of control over those choices. Up to now they have been the preserve of the political parties.

There is also the local authority route. I recall being a member of Kildare County Council on the first occasion the council successfully nominated a candidate. I supported a man called Mr. Derek Nally at the time because only four women had been nominated until then. I believed there should be a gender balance, at the very least. I did not have to agree with the individual being put forward but I believe that when citizens are presented with a choice and with a very robust campaign, they can be trusted. That is an important message. Another important message is the fact that approximately 94% of people at the Constitutional Convention wanted this change. If this convention is going to be a process that will be valued, the litmus test will be that when it takes a position on a matter to that extent, it will be responded to by giving its deliberations serious consideration and putting them to a referendum. I am not quite sure what the Minister was saying on that last item. It is going to a committee. There is no commitment at present to put it to the people in a referendum but perhaps the Minister will tell the House if the converse is the case and if a decision has been made not to do that. I believe it is worthy of more consideration and it should be the subject of a referendum.

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Deputy Maureen O'Sullivan spoke about the weekend dealing with marriage equality. The young people who had grown up in families with same-sex parents made an impact. It was wonderful to hear the contributions they made in a very honest way. Even though it was a challenging issue for many people, there was a good balance on either side in the debate. I realise this is not the topic we are dealing with in this debate, but I thought that was a defining point for the Constitutional Convention. When people heard the views from both sides in a very considered way, a large majority were capable of making a decision. The other session which I considered was quite limited, and people strayed beyond it, was the one on electoral reform. It was quite extraordinary how people could see the need to decentralise power and free the Dáil to do the work it is intended to do.

An important and astonishing message which has emanated from the convention is that when 100 people are put in a room together in the expectation that they will engage in a quality debate, they can be trusted to do just that. Such individuals do not have to be members of political parties or formal groups in order to take part in debates of that nature. It is amazing how people can follow a debate or a conversation and reach their own conclusions. It is a privilege to be a member of the convention which, I hope, will be given a much wider remit in the future. The agenda for the final weekend session is much too narrow to facilitate discussion on the range of issues which people - both members of the convention and those intent on making submissions to it - feel are worthy of consideration.

**Deputy Charles Flanagan:** It is appropriate that we are engaging in this timely debate halfway through the year and on the final day of the current Dáil session. It is important that we should evaluate the work done to date by the convention. I am pleased the Minister for the Environment, Community and Local Government will be present for the entire debate.

The convention, of which I am a member, has been a resounding success. It is a novel and, in some ways, experimental venture. It involves detailed round-table debate and deliberation of a type not previously seen in this country. Its membership comprises individuals from all political parties and none and 60 citizens who are broadly representative of society. In the past there have been constitutional review groups and groups within this House which have met and deliberated. As far as taking action was concerned, these groups did not, perhaps, cover themselves in glory or obtain the types of results that were sought at the outset.

Our reform of the Constitution has been both piecemeal in nature and has been more mandated by Europe rather than brought about as a result of objective analysis and subsequent action. Our Constitution very much reflects the Ireland of the 1930s. Those who drafted it borrowed heavily from the prevailing mood of the day and from the bill of rights and constitution of the ill-fated Weimar Republic, which obtained in Germany in the 1920s and early 1930s. The nationalist and religious strictures contained in our Constitution are no longer relevant in 21st century Ireland. Some of our people would seek a complete rewrite of our basic law that would contemplate the retention of the fundamental rights of freedom, equality, family, education, children, property and freedom of expression. Despite the criticisms levelled at it, our Constitution has served us very well. We must continue to bear in mind the fact that over the years, 75 laws enacted in this Parliament have been declared repugnant to the Constitution. It is important that the Supreme Court should remain all-powerful in the context of the checks and balances which apply in respect of the Government.

The Constitutional Convention is both innovative and impressive. As Deputy Catherine Murphy and others indicated, citizens are more than anxious to participate in it. As politicians,

we are mindful of the status of citizens serving on the convention and their concerns. It was interesting to hear, during informal conversations held on the first day on which the convention met, that the citizens were anxious not to be dominated by the politicians and that their views would not be considered as being inferior to those of politicians. If I might be so bold as to speak for all of the politicians who are members of the convention, I would state that we have been mindful and sensitive about the concerns of the citizens. The results of this approach are beyond doubt. As a member of the largest political group at the convention, I was extremely anxious that the party Whip would be left outside and that we would deliberate and debate in a way that would not be subject to the rigours of party discipline. We have done that very well during the past seven months and I am anxious that we should continue to do it. If applied, the straitjacket of the Whip system would stifle debate and act as a barrier to any meaningful analysis.

Great credit is due to the chairman of the convention, Mr. Tom Arnold, whose independence and impartiality are beyond question. The convention has a committed secretariat, willing experts, excellent moderators and enthusiastic staff, and these all ensure value for money is obtained on each weekend it sits. The constant feedback and continual evaluation are meticulous in both content and detail. The recommendation on reducing the voting age to 16 came as a surprise. The level of turnout among young people at elections is declining. The convention heard evidence from, among others, Professor Theresa Reidy of UCC, to the effect that voting may be habit-based and that people who begin voting at an early age are more likely to continue to vote for the remainder of their lives. Keeping young people outside the political process ensures a disconnection and is demotivating. A recent opinion poll suggests that 30% are in favour of reducing the voting age, that 54% are against doing so and that 14% have no opinion. The clear message is that, regardless of the political hue of those involved, positive and active campaigning will be necessary in respect of the recommendations of the convention.

I accept that the agenda of the convention is somewhat on the light side. The debate on same-sex marriage has been the most controversial to date. Before any referendum is held in that regard, we must ensure our family law code is updated. Such an updating must precede any referendum and there is a need for a national debate on consequential issues such as adoption, parentage, guardianship, custody, access, maintenance, tax and succession. When all of that to which I refer has been done, we will be in a position to put the matter to the people in a referendum and provide them with full information and a wide-ranging debate.

The convention's recommendations are within target and its members expect that the Government will respond to them within target. I am a great believer in the idea that was floated - perhaps there has not been adequate deliberation in respect of it - to the effect that we should hold a constitutional referendum day. If we proceeded with this, we could put five or six questions to the people on the same day. There is every reason to do this. Some 135 Deputies in this Chamber are non-officeholders and it is my view that they have the ability and enthusiasm to take these issues directly to the people. There is a need to establish a powerful constitutional referendum campaign committee in these Houses, the membership of which would be drawn from among the ranks of the political parties and the Independents. If we are serious about constitutional reform, we need to inform and bring the electorate with us.

There are certain aspects of the Supreme Court judgments on the McKenna and Coughlan cases which are ludicrous. These judgments and that relating to the Crotty case have had an extremely adverse impact on our ability to campaign. The requirement laid down in the Coughlan judgment that Government must adhere to a 50:50 broadcast rule represents a subversion of

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the democratic process. This judgment also undermines the democratic mandate of Deputies. As a result, the view of citizens become confused and unclear. These judgments can only be reversed if a constitutional referendum is held or if they are struck down as a result of a further Supreme Court case. It has been argued that the Coughlan 50:50 broadcast judgment can be overturned by legislation and regulation and that the broadcast rules can be changed without the necessity of holding a referendum. If that is the case, then let us proceed. If what I describe cannot be done, then let us identify the barriers that exist. In any democracy it must be lawful and reasonable for broadcasters to recognise the position of elected public representatives in the allocation of air time. The requirement to distribute air time on a 50:50 basis is simply bizarre. Legislation or a referendum is urgently required in respect of this matter. If legislation is introduced and is the subject of a constitutional challenge, so what? Let us have the challenge and deal with it.

Will the Minister comment on the Referendum Commission and the work it does? I would like the latter to be reconstituted as an electoral commission. In addition, I would like the Constitutional Convention to be given a permanent role. If that is not possible, then it should be given more time to deliberate and its remit should be extended. A small all-party committee to steer the recommendations in a proactive way is essential.

I agree with much of what Deputy Cowen said about Dáil reform but I certainly do not agree with his sentiments and the phrases he used regarding a dark agenda or mutilating the Constitution. I note he has left the Chamber in a rather hurried fashion before listening to the contributions of others.

One issue on which the Constitutional Convention has agreed is the need for improved citizen education and training and that is essential. Looking to the schools, the current CSPE course is haphazard and inadequate. The Oireachtas outreach programme that we have here has been cut. It is no longer functioning adequately. Dáil tours have been curtailed. Some of the €20 million we will save if and when the Seanad is abolished must be funnelled into political education and training.

The Government programme of Dáil reform and of political reform, of which this represents a fundamental part, needs to be accelerated next term, particularly with the likely abolition of the Seanad in the autumn.

**Deputy Seán Ó Feargháil:** I value the opportunity to participate in this debate. I welcome Tom Arnold and Art O'Leary to the Distinguished Visitors Gallery. Like others, I want to start by paying tribute to all the staff of the convention who have been very effective in ensuring that it worked smoothly and effectively. The background organisation has been quite superb. I regret very much that I was not able to attend on the last two occasions but in respect of the previous events one could not but be impressed by the manner in which they were organised.

As alluded to by Deputy Catherine Murphy, I was also impressed by the way in which the citizen members participated and their palpable sense of excitement and pride in having the opportunity, as presented by the convention, to participate. I also pay tribute to political colleagues, many of whom found it difficult to contain themselves. In the early days of the convention one of the concerns was that we would hear far too much from politicians and not enough from the citizen members. Under the control of the chair and with some cajoling, the politicians succeeded in containing their contributions and not influencing the course of the convention in a way that perhaps they could have done, but I enter a personal caveat about the

format of the convention. Having politicians participating and voting does distort the outcome. We are getting a different outcome from the convention than we would get if we had 100 citizens there, albeit 100 citizens who might on occasion in the course of their work be addressed by politicians who would give their views and their perspectives on the issues coming before them. I would come away from the convention thinking that it would be a stronger, more effective and more representative process if politicians were not directly involved and I say that with the best will in the world. It has been my experience that when one sits around the tables, albeit that people are not going there under any Whip as Deputy Charles Flanagan said, one finds oneself almost invariably arguing the party line, especially if a member from another party is arguing his or her party line. That tit for tat exchange arises and the convention would be stronger if that was not a feature of it.

In the early days when we were discussing this the Taoiseach engaged actively with the Opposition parties in how this convention was to be undertaken. I repeatedly pointed out to him that the process lacked ambition. There were some challenging issues such as the same-sex marriage issue that came before us but in terms of issues that are agitating people the need for constitutional reform, such as it is, is not as obvious on the agenda that has been given to us. Like Deputy Catherine Murphy, I pay tribute to the secretariat and the chair in that they have agreed to identify issues to which we will return as the Standing Orders allow us at the end of the process. Those issues that are identified by citizens and politicians alike in the course of the convention will take perhaps more time to consider than is currently envisaged in the way in which the convention is being organised.

Two issues are the subject of today's report. It is good that we are having this debate but I am conscious we are starting it on the last day of term. There is a certain degree of truncation inevitably in the debate that will take place here today. One can argue that the two issues before us are not of enormous significance and do not require a great deal of debate but I would like to think that the subsequent reports that will come to us on the meatier issues will receive more detailed consultation and discussion in the Houses than these issues are likely to get. One of the issues before us is the reduction of the voting age to 16, and I was surprised that was the decision of the convention. The young people who came in to address the convention were particularly impressed by this and the vote on it, 47:52 or whatever the figures were, was quite close. We should respect the integrity of the process. I hope the Government will proceed with a referendum on this issue and give the people the opportunity to decide. If the Government wishes to see the voting age of 16 installed in the Constitution, a great deal of work will have to be done to convince the Irish people that this age should be enshrined in the Constitution and that people should be encouraged to vote at that age. As a parent I have some reservations about the adultification of children. There are many other areas of State activity where we talk about protecting the child and the rights of the child. There is a certain contradiction in a position where one sees 18 as the age of majority and one seeks to protect a person as a child up to the age of 18, while one advocates that this person should vote. We all visit schools on a regular basis and to a man and a woman we would have to report that the young people in schools tell us they would like to be able to vote. Those in second year, third year and transition year tell us they would love to have the opportunity to vote but we all know that the 18 to 25 age cohort has the lowest number of participants in the democratic process. In approaching this issue I have tended to say to these young people that if they could convince their older brothers and sisters who have a vote to use it that this would become perhaps the most compelling argument for reducing the voting age thereafter.

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On the issue of the term of the President, I do not know how it found its way onto the agenda of the convention. It being on the agenda is one of the issues that tended to undermine the validity of the convention to some extent. I do not recall ever meeting anybody who raised concerns with me about the term of the Presidency. I met many people who had issues about how the President was selected and how one could win a nomination. In fairness to Senator David Norris, he came along to the convention and while he was his usual colourful self, the way in which he highlighted the issue brought home to all of us who were present the ludicrous, almost incongruous, situation that existed, whereby the public were talking about, say, the abolition of the Seanad but we could not discuss that issue during the course of the convention. Obviously, Senator Norris raised the methodology for nominating presidential election candidates in light of his own experiences in that regard.

In the aftermath of all of that, I would like to think these Houses are at the beginning of a process of careful evaluation of the reports we will receive from the Constitutional Convention. I hope adequate time will be made available over the coming months for an evaluation of each of those reports. The Houses of the Oireachtas must respect the proposals in the report that has been given to us. I look forward to considering the Government's proposal to put to the people the question of whether the voting age should be reduced to 16.

**Deputy Frank Feighan:** I am pleased to speak about the Constitutional Convention. The convention, which held its first plenary meeting over a weekend in January of this year, consists of 66 citizens, 33 parliamentarians and an independent chairperson. This is democracy in action. The balance among the citizens, who were selected randomly from the electoral register by a polling company, is representative of Irish society in general. I would like to know how many people refused to participate in the convention because they were too busy or they felt it was not in their interests. Can the Minister comment on the level of take-up among those asked to be one of the 66 citizens? I congratulate the chairman, the politicians and the citizens on the great work they have done at what seems to be an open and fair forum. The various matters seem to have been dealt with in a very efficient manner.

The main recommendations made by the convention are that the voting age should be reduced to 16, that the presidential term should not be reduced and that the presidential term should not be aligned with the local and European elections. The issue I have with the proposal to reduce the voting age to 16 is that a kind of X factor is coming into politics. When someone appears on "Tonight with Vincent Browne" or is interviewed on the radio, that does not mean he or she is a brilliant politician. It does not matter whether he or she is making no sense or is making loads of sense. I have seen such people coming through the doors of the local county council. I am not saying I have any X factor. People who are in politics have to represent their constituents, regardless of whether they have a quiet personality, a mad personality or a good personality. I hope no one in here has a bad personality.

**Deputy Phil Hogan:** We think the Deputy has plenty of X factor.

**Deputy Frank Feighan:** One must have resilience when one is in politics and in government because one does not always get one's own way. The people want a stable, open and transparent Government that does what is best for all the people. I think that is what this Government is trying to do. Despite having a significant majority, the Government has provided for a reduction in the number of Deputies. I get 40% of my vote from the County Leitrim part of my constituency, but that is being moved into another constituency. Now that we are getting part of County Galway, I suppose I will have to support the Galway team. The Leas-Cheann

Comhairle will agree that there are good people in that area.

The Government has also provided for the abolition of local town councils. The town council in my home town of Boyle is the only town council in County Roscommon. It is being abolished by Fine Gael, which is the party that controls the council. It has been difficult to have to say apologetically to four town councillors that their positions will not be in existence in a year's time. I must admit they have shown considerable openness and understanding. It is difficult to be understanding when someone tells one that one will not have a job in a year's time. The number of councillors on Roscommon County Council is being reduced from 26 to 18, which means that eight county councillors will lose their positions next year. Similarly, the number of councillors on Leitrim County Council is being reduced from 22 to 18. The Government, which controls the Seanad, is asking the people whether they wish to abolish that House. While it is making mistakes, the Government is trying its best to be open and transparent.

I would like to bring a few issues to the attention of the House. Dr. Theresa Reidy made an informative contribution to the convention. The Government is trying to be open and transparent and to do the right thing. During the nine years I spent in opposition, I was invited to go across the bridge to Government Buildings four times. It is probable that I was more likely to be called across to hear bad news. My party now uses a very nice parliamentary party room on the fifth floor, which has a lovely view over the city. It is very welcome.

**Deputy Seán Ó Fearghail:** I am glad the Deputy's party is enjoying it.

**Deputy Phil Hogan:** We had a job trying to get Deputy Ó Fearghail's party out of it.

**Deputy Frank Feighan:** It is said that when we had one-party Government in this country, decisions on what was good for that party were made at a lovely round table beside that room before the Cabinet decided what was good for the country. That is not an example of true democracy, as far as I am concerned. I had huge respect for Jack Lynch and Seán Lemass when they served as Taoiseach. The culture of jobs for the boys, patronage at party level and favours that existed in the past has gone out with this Government. When people approach me to ask me to sort things out in the Department of Agriculture, Fisheries and Food, for example, I have to tell them that everything is now dealt with in a fair way through the system. Thankfully, Ministers do not have a say in such matters anymore. They take the file and sign it off. That is very welcome.

It is also very welcome to see Opposition Deputies crossing the floor to speak to the Taoiseach and the Ministers. I think there is a more open approach. I accept that the division one associates with Opposition still exists. That is fine. Things are a lot more open now. In the nine years I spent in opposition, I did not dare to talk to a Minister. If I did, he or she would certainly not listen to me because of the distinction between "us" and "them" that existed during that era. I welcome the more open and transparent manner in which things are being done now. I agree that the voting age should be reduced. I think we have grown up since the days of Civil War politics involving Fine Gael, the Labour Party and others. I am pleased that people are able to express their views and make decisions for themselves, rather than on the basis of who their mothers and fathers voted for. I came from a mixed family - my father supported Fianna Fáil and my mother supported Fine Gael. I should say I am glad I listened to my mother.

**Deputy James Bannon:** The Deputy is still listening to her.

**Deputy Seán Ó Fearghail:** He could always change.

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**Deputy Frank Feighan:** Government is very difficult. We have work to do. We are trying to be open and transparent. The charges that were laid by a Member of the Opposition were unfair and lacked generosity. When I was in opposition, I commended the Government of the day if I felt it was making a good decision and welcomed that decision. If I felt it was making a decision that was not in the interests of the people, I challenged it. A little generosity is sometimes needed. This is quite a good report. The charge that this Government tries to stifle political debate and divvy things out in dark corners is unfair and should be challenged.

**Deputy John Lyons:** I am delighted to speak on the Constitutional Convention. As we are running ahead of time and I got a telephone call to say we were a few hours early with this debate, I have five pages of notes in front of me and I do not have the exact points to hand. I hope I will be able to cover them in the time available.

What is the Constitutional Convention? My understanding of why the convention was set up was to address the fact that we live in a society that is different from the one that existed when the Constitution was introduced. The type of society in which the young people in the Visitors Gallery live is very different from the one in which young people in the 1930s grew up. Most of the young people alive today finish secondary school and, one hopes, many of them go on to third level. They have a different role in society. My understanding is that the convention has been set up to reflect the fact that Ireland has changed and that we need to look at some items within the Constitution that will help us reflect the change that has taken place.

I do not like political slapping but I am disappointed that Deputy Cowen is not here because he mentioned very little about the convention and made snide remarks about how the convention was denied the big issues, the Government was looking for quick and easy headlines and we were tinkering around the edges of or mutilating the Constitution. This debate is concerned with the first report of the convention but let us look at the argument around same-sex marriage everyone has mentioned. I know we will deal with that in the next term. If we were to reference the issue of same-sex marriage that was discussed at the April meeting and equate it to the comments Deputy Cowen made about mutilating the Constitution, one would be deeply insulted to think that giving equality of access rights to individuals who are denied their rights is mutilating the Constitution. I am very disappointed and think it hypocritical of Deputy Cowen to come in here when he did not attend any of the meetings of the convention. I am not saying that anyone who speaks here today should have attended the convention - far from it - but it is a bit frustrating to see someone come in with those sweeping statements when they did not see what it was like to be part of the convention.

I will move away from that topic and return to what we are here to discuss today. My experience of the convention has been exceptionally positive and I think anyone who has been a member of the convention and who will speak today will probably say the same. Thinking back to our first meeting in Dublin Castle, there was a bit of an “us and them” scenario, with “us and them” being citizens and politicians. I can remember one particular citizen standing up and asking attendees not to let the politicians do all the talking. I thought, “Oh God, here we go, this is going to be a disaster of nine months if this is the attitude”, but the ice was broken in Dublin Castle that day. Anyone who is a regular attendee of the convention at the weekends has seen that friendships have developed at each and every table across all parties, sexes and ages. Even though there is plenty of work to be done on the convention, and there has been a very legitimate reason to consider whether we should continue with it - we should continue with it because there is a place in modern society for some role for the convention - there will be many people, be they politicians or citizens, who will be very disappointed when the convention fin-

ishes because friendships have been developed and there has been a greater understanding of the role of politicians, as Deputy Catherine Murphy said earlier on. Equally, there has been an important reality check for politicians, including myself, that things are not as one sees them at times. I hate the fact that we have a partitionist description of citizens and politicians because we are all people at the end of day.

One of the best things about the convention has been the transparency. My first experience when we were dealing with what the report concerns was the issue of reducing the voting age and the presidential term. I found the experience of the convention over that weekend to be exceptionally transparent. It was democracy in action. Everyone had an equal voice and everyone was heard and listened to equally. There were note takers and facilitators, who worked in a voluntary capacity over the weekend as far as I know, who listened to our views. There were balanced arguments and experts from both sides of the discussion. We got to hear both sides of the argument, which is so important because no one has a monopoly on the truth. That balance of information gave us an opportunity to challenge our own positions, discuss it in the smaller groups and reflect it back to the plenary sessions. The experience of the convention has been exceptionally transparent.

We can talk about whether the issues have been sexy enough but they are genuine issues. Some may see some of them as being more important than others, but they are all constitutional issues that must be addressed. There are other issues that we must deal with at a later date and, like a number of speakers, I believe we must look at seeing what sort of place a Constitutional Convention can have in the future because if nothing else, it is a great engagement with the public in a very fair and balanced way. We might have differences of opinion because there are 33 politicians and 66 citizens but, by and large, it gives one a realistic sense of what the public might be saying about the issues we are discussing.

In respect of fairness and balance, everyone got an opportunity to hear both sides of the argument. Although one might like a particular outcome to a particular argument, which is only natural, what I have learned from the first Constitutional Convention meeting which dealt with voting age and the presidential term is that one does not always get what one wants. There is a learning process in that. It is fair to say that no rigging takes place at the convention. It is a very fair and balanced form of democracy in action. In particular, the first meeting where we looked at the voting age was an example of that. I am all for looking at the voting age. I am not sure whether 16 or 17 is the right age but what the convention has done is allow a space to be created to discuss this in the future in the public realm based on a detailed discussion that took place at the convention.

In respect of the future of the convention, I acknowledge that we are dealing with the first report issued in March within the four month period. It is time for us to take the debate on voting age and the presidential term to the people at some stage because it is important. That is what the convention was set up for, namely, to start the discussion in a fair and balanced way in order that we can have a discussion at national level and create a national conversation. Tom Arnold from the convention, who is here today, has said in any of his press releases that it is important that people get engaged in the convention. People should feel free to make a submission if they feel they have an opinion on an issue being dealt with in the convention. They should not wait until the end. It has been very helpful for establishing a general conversation around some issues.

The discussion of same-sex marriage was the highlight of the convention for me. I know

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today's debate focuses on the first report of the convention but that discussion was an example of how passionate people on all sides of a debate can be while at the same time remaining respectful. The convention was a safe environment that provided that space.

Before the convention finishes what it was set up to do, we need genuinely to ask ourselves whether there is a place to carry on the process of engagement between citizens and the Parliament that the convention began. I believe there is and that we need to have a discussion around that to see what place the convention can have in dealing with what is often a very big gap between the Houses of the Oireachtas and the public. I commend Tom Arnold and Art O'Leary and all their team. They have been professional in their delivery of the convention. They have also made it exceptionally enjoyable for everybody there, and I smile because I genuinely mean it. Not a member of the convention it is not enjoying it, by which I mean really getting into it and getting something out of it. Everybody who turns up at the convention, although it can be tough to attend on a full day on Saturday having worked for a week and then going again on Sunday morning, has created a space which is positive, transparent and enjoyable and I thank them for it.

**Deputy Aengus Ó Snodaigh:** Tá brón orm nach raibh mé anseo níos luaithe chun páirt a ghlacadh sa díospóireacht seo. Shíl mé go mbeadh sé ar siúl níos déanaí agus bhí cruinnithe eagraithe agam. Tá an méid a chuala mé go dtí seo spéisiúil. Don chuid is mó, tá gach duine ag tabhairt tacaíochta don choinbhinsiún agus an chaoi ina bhfuil sé ag déileáil leis na saincheisteanna go dtí seo.

I have attended a number of the convention's sittings and I am due to attend the next sitting also. I have found it to be a very interesting experiment in democracy and it has worked. Sometimes great concepts fall through when put into action, but in this case, due to the chairmanship of Tom Arnold, Art O'Leary and the members themselves, this experiment is working. It sets the bar very high for what I hope will be a rolling Constitutional Convention, not necessarily with the existing members but with a change of membership every number of years. Whether it is a Constitutional Convention, or what was intended under the Good Friday Agreement which is an all-Ireland consultative forum, there is a need for such a body, and there may be an even greater need in the autumn given the proposals the Government will put to the people.

We debated at the convention and in the Chamber the fact that the biggest change to the Constitution since it was first written will happen if the people accept the Government's proposal on the Seanad, but the Constitutional Convention which was up and running was not allowed deal with it. This is its biggest shortfall, and it is not a slight on the convention which had its remit; it is an attack, if one wants, on the Government and its failure to use the convention for the purposes for which it was established, which was to examine, debate and tease out issues, and it has done so on every issue it has been asked to analyse.

Sometimes there can be an arrogance that the public would not understand and could not deal with concepts. This has been fully put to bed by the citizen members of the convention. In fairness, the political representatives from North and South have also weighed in with their views and have accepted and taken on board the views of the citizens. A tremendous amount of work has been done by the citizen members. They engage fully and come prepared, having read the documentation. They engage in debate and work out a position towards the end of each convention hearing based on what they have heard. They are not partisan; they are open to ideas and to teasing out issues. Without their enthusiasm, the convention could have been an academic experiment which would have been filed away with nothing ever heard about it, but

because of their enthusiasm they have presented us with its first report and at the very least we should act on it in tribute to their work and the time and effort they have put in.

I find it slightly bizarre, outside of the criticism I have with regard to the Seanad, that in the autumn we will also have a referendum on the new court of appeal but not this issue. It would have been ideal to have dealt with the proposals of the Constitutional Convention at the same time so three or four propositions could have been put to the people on the same day. The likelihood now is that the Constitutional Convention, when it concludes its final day in November, will submit another report at which stage the Government will have received all of its reports but will not have acted on any of them. It has made recommendations on the presidency, voting age, same-sex marriage and the electoral system. At the very least we need an indication the Government will accept the reports and will act on them and they will not be like many other reports which were filed away with no action taken.

Tribute must also be paid to the lecturers who have helped ensure the Constitutional Convention has worked well and is fully informed. They have dealt with quite complex issues, particularly when we discussed the various voting systems used throughout the world and how they would impact on Ireland if a change was proposed by the convention. It is important that at this stage the first two proposals made by the convention at the very least should be brought to fruition.

From what I have seen to date, I suggest that when the convention concludes, the Government, with the support of all parties in the House, should examine establishing a further convention to deal with a number of issues which have been raised and need to be tackled. I have an interest in an issue which is not under the remit of the convention at present, and this is the divergence between the Irish and English language versions of the Constitution and how absolutely crazy it is we have two Constitutions because some parts of the Constitution have opposite meanings in both languages. Quite academic works have been done on this issue. I do not believe most people are aware of the fact that the Irish language version is dominant in a court of law. It is bizarre that we have major divergences of meanings in the Constitution and this needs to be addressed. Perhaps it could be examined in itself.

I support the report and recommend to the Government that it be acted upon as quickly as possible. Obviously, it will not be dealt with when we go to the polls with the referendums in the autumn, but the Government should give an indication that all of these reports and what will flow from them will be dealt with, possibly with the European and local elections next year. This would be an opportunity when the people will go to the polls and it would suit if they could deal with a number of proposals on the same day. Over the years the people have shown they can deal with multiple proposals and have answered “Yes” or “No” to various questions on a range of issues. The public is well capable of debating and understanding what is proposed, particularly on what is contained in the first report of the Constitutional Convention.

**Deputy Jerry Buttimer:** I welcome the Minister and it is important the debate is held today. I will begin with a negative, in the context of Deputy Cowen’s remarks on the Constitutional Convention being irremediably flawed.

*3 o’clock*

I very much regret those remarks. It set the wrong tone for his contribution to the debate, which in many cases did not focus on the Constitutional Convention at all. He resorted to po-

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litical point scoring, which I very much regret.

We have come a long way from the squared copybook scribbings to the Constitutional Convention. Anybody who reflected upon the establishment, composition, theme and structure of the convention may very well have been cynical and in many cases, justifiably so, but they did not count on the stewardship of the chairman, Tom Arnold, and the executive officer, Art O'Leary, for the way in which they have managed to drive it in a non-partisan and collegial way. Equally important - it has been put on record by other Members - has been the contribution of the 66 citizen members who have engaged wholeheartedly.

As a privileged member of the convention who has been engaged in it and who looked forward to it, for me the story of the convention has been in three parts. The first was the quality of the presentations made by academic and other experts. The second was the participative nature of the citizens who came prepared and briefed with questions. They were willing to challenge and seek answers. They engaged in a process that has served all of us well. The third was the chairman, Tom Arnold, assisted by Art O'Leary, and all of the staff – the facilitators, note takers and secretarial staff – who have made the convention a success.

It is worth examining the report of the convention, in particular Tom Arnold's opening preamble. There is a need for the Fourth Estate in particular to pick up on it, because he sets out a strong template for how the convention should work. I will not quote it directly but I wish to refer to the headings briefly. He referred to openness, fairness, equality of voice, efficiency and collegiality. They are aspirations that are noble on paper but were achieved in reality, which makes the convention the success that it is. It is worth saying that.

Deputy Cowen spoke about the democratic revolution in 2011. We had a democratic revolution. The people spoke through the ballot box. The Government committed to the establishment of a constitutional convention. It set before it a number of topics, but I will not outline all of them. In December of last year in Dublin Castle and since then we have seen the convention methodically working its way through the topics. Deputy Charles Flanagan, Deputy Catherine Murphy and others referred to the round table discussions. They were a revelation because during them one met and discussed issues. Citizens, elected and unelected, were willing to participate in them, which is important. Equally, within the round table discussions there was no deferential behaviour towards elected Members of the Oireachtas. The contrary was the case. There was a strong emphasis on everyone having an equal voice and an equal say, as should be the case.

I very much regret that in some quarters there has been reference to groupthink, because that was not the case. I say that as someone who has been at all of the sessions. There was no groupthink. Members of the convention were eager and quick to give their views. They were not shy about saying what they think. Other Members will corroborate that. To be fair to the chairman, he gradually allowed non-elected members of the convention to speak in public. That was a fundamental positive in the process. We are all equal. One of the aspects of the convention that I admired is that none of us came with the title, Minister, Deputy or Senator. We were ourselves and that is the way it should be. The debate is good. It is full, considered and worthwhile. Responsibility is taken seriously by all members.

I was very struck by the level of preparedness of all members of the convention and by the willingness of the secretariat and the chairman to embark upon new ideas and innovative ways in which we can learn about the democratic process. Deputy Lyons spoke about forging friend-

ships with others. Members of the convention look forward to meeting with and engaging with each other and even discussing issues with colleagues, now friends, between meetings.

One of the big positives has been the establishment of the steering group which has allowed the running of the convention to be a success. I am not a member of the steering group but those who serve on it do a worthwhile job and help the process to be open and transparent and allow the citizen's voice to be heard. There is no agenda within the convention other than to discuss the matters set down for discussion. It might be the case that we should examine other issues. I agree with Deputy Charles Flanagan that the convention should not end this year. I hope it will continue because as we approach the centenary of 1916 it is important that we would allow the convention to broaden its scope.

The functioning of the Constitutional Convention with expert opinion and advice is balanced. A clear balance is struck in the presentation of arguments. A majority of the convention members favoured a change in the Constitution to reduce the voting age. There was a clear preference for that in the debate at my table during the weekend in question, but it was not based upon a whim. It was based on informed fact on foot of the presentations we had received and the research carried out by members.

I wish to return to a fundamental point that has recurred at the convention about citizen education. I taught CSPE to junior certificate level at school. It was an exam subject. It is a worthy subject for examination. I regret that it is not taught at leaving certificate level. I hope the Government will examine the issue. Citizenship and being an active citizen are about more than casting one's ballot. When one engages with young people they recognise that politics is not just about voting; it is about the education service, the type of school they attend, the playground and facilities available, the timetable of the school bus and many other issues. Education for young citizens is important.

Having served on the convention I am very committed to what it does and what it is trying to achieve. The convention has been augmented by the seriousness with which Government has treated it but, equally, those who were cynical initially failed to realise that the citizens who were elected or asked to serve would take their responsibility seriously. They feel that a potential legacy rests on their shoulders and that changing the Constitution cannot be done lightly. They deserve a huge tribute because they come to serve and to perhaps bring change for the betterment of society.

I look forward to the next module of debates in the House. While I will not refer to them until they are held, our debate on the presidential term and the voting age was excellent. The report deserves further consideration by the Government.

**Deputy Joanna Tuffy:** My overall approach to constitutional change is conservative. The Minister probably recognises this part of my character, but conservatism can be progressive. For example, the late Professor Tony Judt, an historian and social democrat who wrote about socialism and social democracy, would say that socialists and social democrats should try to conserve the progressive achievements of those who went before them. In this regard, I wish to preserve much that is in our Constitution. It is a progressive document, including in terms of how it can be changed - in this sense, it is a living document - and interpreted by judges. It sets out broad principles, but when human experience is brought to bear on particular constitutional provisions in court, the outcome is generally fair and endorses human rights.

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This point was borne out at the convention, which received two presentations at the outset from Professor Dermot Keogh and the High Court judge, Mr. Justice Gerard Hogan, both of whom have written about the origins of our Constitution. Through their research, they demonstrated that the Constitution was a progressive and forward-looking document at the time. Equality and human rights are at its heart. As I argued during the last module, adopting proportional representation by means of the single transferable vote, PR-STV, as our electoral system was a forward-looking decision. It remains so. Civic campaigns around the world generally want a move towards our system rather than the reverse despite what some commentators might claim.

Some comments get repeated just because they have been made. For example, reading the debates on women's rights reveals a great deal of progressive thought on the issue when those rights were incorporated in the Constitution. That equality is enshrined at the Constitution's heart is evident. I am not suggesting that it is perfect or should never be changed. Indeed, good changes have been made. Since absolute power corrupts absolutely, the Constitution also provides checks and balances.

Much of the commentary on the Constitution can be knee-jerk, with people not thinking for themselves but picking up someone else's commentary about it being this, that and old-fashioned. I am not referring to this debate, as our discussion has been nuanced and complex. Working as legislators, Deputies realise that the Constitution is a progressive document.

The Constitutional Convention has deliberated on the issues forwarded to it. I commend the work of its chairman, Mr. Tom Arnold, its secretary, Mr. Art O'Leary, both of whom are present in the Chamber, and everyone involved, including academics, people who made presentations and citizens. Many people have taken an interest in the convention, including via Twitter and other social media. This is welcome.

I can be quite set in my ways. I say this in a good way. I attended the meeting on the Presidency and changed my mind on reducing its term. I used to believe that it should be reduced, but I eventually voted against such a move. Having listened to the arguments and discussed the matter with the people at my table, I started to see that it was important to separate the term of the Presidency from the terms of the Government and local government. The President's role as protector of the Constitution is important. This is how people started to view the matter and is the reason that the majority voted against a reduction.

I did not support a reduction in the voting age, but I was in the minority. I accept the convention's decision in that regard. If the matter is put before the people, it will be a matter for them and various points of view will be aired.

I felt most invested in the issue of our electoral system. I am very much in favour of it. I attended the two months of discussion on it. The debate was excellent and enjoyable, but I was worked up because it was such an important issue for me. If I attend any of the convention's other discussions, I can relax and enjoy the debate. I welcomed the outcome. The citizens and Oireachtas Members in attendance were open to the idea of abandoning PR-STV, but after considering other electoral systems, they were against replacing it. Two key votes were held, one of which was on whether we should replace our existing system. Seventy-nine people voted against that proposal. Minus the Oireachtas Members, at least 70% of citizens were against replacing our electoral system. Having been open to the idea of a mixed member system, after examining it thoroughly and having crossed out the other alternatives - the list system, the first-

past-the-post system and the alternative vote system - they eventually decided against it.

The people at my table had a great discussion on the matter. In fact, I had two tables, giving me a different sample of opinions. Citizens believe that the engagement between constituents and their Deputies is a good aspect of our system. If those citizens were anything to go by, people are starting to react against all of the cuts to the number of politicians, town councils, etc. Perhaps some of this is due to the fact that Oireachtas Members and citizens worked collaboratively at the convention, where they got to see how we behaved without having to look through the cynical lens of the media. People are naturally and rightly sceptical of politicians, but our media is driving a cynical view of politicians.

As the Minister is aware, the convention voted against reducing the number of politicians and wanted the number to remain as was. Were the number to be changed, the most votes were for 159 Deputies or more. Had the Minister tested the convention, he might have made a different decision as regards cutting the number of Deputies. He must move away from playing up to the agenda of anti-politics and cynicism. We must start promoting our role as politicians. That the Constitutional Convention has been so deliberative and well run proves that citizens can be persuaded of the good aspects of our democracy and can make good and wise decisions, as they do through our current electoral system.

The convention's model has worked well. I was sceptical before becoming involved. I am not sceptical now, as it has been a worthwhile process.

**Minister for the Environment, Community and Local Government(Deputy Phil Hogan):** I wish to thank all our colleagues in the House who have made valuable contributions to this discussion. The Government has provided its response to the recommendations in the first report of the Constitutional Convention. Many Deputies have made valid suggestions and offered ideas which will contribute further to the debate on the themes of the recommendations.

I wish to assure the House that the Government has an open mind on the convention's recommendations. The response to the convention's first report would clearly indicate that we are anxious to facilitate, as quickly as possible, the implementation of some of the important matters that have been discussed and recommended to the Government.

We are already committed to holding a referendum before the end of 2015 on reducing the voting age and reducing the age limit for presidential candidates. We will further examine the work that has to be done concerning the nomination process for presidential elections, in terms of citizens' engagement. The issue of greater and direct citizen participation in nominating a presidential candidate requires further consideration concerning its implementation. We have asked the Oireachtas Committee on the Environment, Culture and the Gaeltacht to do further work on that matter.

As regards other matters that were raised, I can assure Deputy Tuffy that I am not playing up to any anti-political or anti-politician agenda, as she asserts. That might be something she could address with the Fourth Estate - the media - as regards the meaningful work that goes on in this House by all Members. If members of the media were attending the Constitutional Convention, they might see that the type of points the Deputy has made are being teased out with members of the public. Value is put on certain matters that are not always treated with the same respect when they are published.

As regards our voting system, it is clear that lofty academic and media comment will not

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gazump the people into voting for a different system without valid reasons for doing so. I welcome that. I do not believe we should be changing a system that works reasonably well. We can certainly reform the way we do business but I do not think we need a more elitist parliamentary system. That has been acknowledged by the public, as we have seen through this convention.

Deputy Charles Flanagan spoke about putting a referendum commission into an electoral commission. We can do that but it will not change anything in terms of the content or import of what happens in practice. The Referendum Commission has been in place for many years. It was formalised in the 1998 legislation and was established as a separate independent way of giving voters independent information on a constitutional matter that was put before them. I do not think there is any difficulty in merely putting information before voters independently, notwithstanding the fact that there is some frustration perhaps on the basis of some of the judgments that have been issued over the years on what one can or cannot do.

I wish to add my words of gratitude to the chairman and staff of the Constitutional Convention who are presiding effectively and diligently over the convention's work. All the Members who contributed to this debate have acknowledged that. It is gratifying to see that the work of engaging citizens and Parliament together in this review of our Constitution, through this particularly novel means, is working exceptionally well. It may provide a model for how we can gain greater public participation in future.

I acknowledge the work of the participants and thank everybody for that, especially ordinary members of the convention who gave up their weekends to be part and parcel of this important historic work.

### Topical Issue Matters

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy John O'Mahony - the plans for commencing recruitment to An Garda Síochána; (2) Deputy Caoimhghín Ó Caoláin - the teacher needs of the pupils of Scoil Mhuire, Magherarney, Smithborough, County Monaghan; (3) Deputy Simon Harris - the filling of the posts set out in the Health Service Executive service plan 2013 for mental health services; (4) Deputy Maureen O'Sullivan - the filling of the posts set out in the Health Service Executive service plan 2013 for mental health services; (5) Deputy Gerald Nash - the need for improved services for young people with inflammatory bowel disease and furthermore to ensure the provision of a dedicated ward at the new national children's hospital for young people with IBD; (6) Deputy James Bannon - the need to address the unemployment crisis in Mullingar, County Westmeath; (7) Deputy Pádraig Mac Lochlainn - the recent spate of armed robberies along the Border region of Donegal; (8) Deputy Eoghan Murphy - the need to review the contract between Dublin City Council and Greyhound Waste; (9) Deputy Michael Lowry - the need to make contact with C&C International to dissuade it from its proposed rationalisation plan; (10) Deputy Éamon Ó Cuív - an gá atá ann beart práinneach a dhéanamh le cinntiú go mbeidh maoiniú ar fáil ag na naíonraí taobh amuigh den Ghaeltacht an Fómhar seo; (11) Deputy Brendan Smith - the discussions held with the Northern Executive and British Secretary of State for Northern Ireland in relation to ongoing violence in Northern Ireland; (12) Deputy Clare Daly - the High Court action taken by a person over their right to secure a home birth; (13) Deputy

Michael Moynihan - the need to honour the programme for Government commitments on home helps; (14) Deputy Seán Ó Feargháil - the position regarding the victims of thalidomide; and (15) Deputy Joan Collins - the 1,000 interns that have been working for less than the legal minimum wage since January this year.

The matters raised by Deputies John O'Mahony, Gerald Nash, Seán Ó Feargháil and Michael Lowry have been selected for discussion.

## **Topical Issue Debate**

### **Garda Recruitment**

**Deputy John O'Mahony:** I thank the Ceann Comhairle for choosing this subject for the Topical Issue debate. A few days ago, the Minister for Justice and Equality, Deputy Shatter, announced that Garda recruitment would recommence towards the end of this year. It was a very welcome announcement not only for those who will apply and be successful, but also because it underlines the Government's commitment to maintain Garda numbers at a certain level.

What are the timelines involved? In other words, when will the training period commence in Templemore? In the past, the training model for gardaí took almost two years, but I understand that a different model will be used henceforth, which will last nine months. Perhaps the Minister of State could clarify that point.

According to the Minister's statement, some 27,000 applications have been made for Garda recruitment, which is a huge number. I expect that when the applications are processed, the figure may be even greater. When will applications be accepted? Prior to the moratorium on recruitment a number of applicants, having passed their medicals, had been placed on a panel and were waiting to be called to attend Templemore for training. What recognition will be given to these people? It would be unfair if this were totally discounted and those applicants had to reapply. I understand some of them may have gone abroad or moved on to other careers. However, it is important those who have not are given some recognition for having been already on the panel. I understand 400 successful applicants had been placed on that panel, all of whom had a real expectation of recruitment. What is their position?

Also, there are currently 1,200 members of the Garda Reserve, who while doing a good job have a different status from that of gardaí. I assume many of them would also like to apply for recruitment to the Garda Síochána. Will recognition be given to their having volunteered as members of the Garda Reserve?

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I thank Deputy O'Mahony for raising this matter, which I am taking on behalf of the Minister for Justice and Equality, Deputy Shatter, who is attending a Justice and Home Affairs ministerial meeting in Vilnius today.

The House will be aware that the Minister announced on Monday that he had received sanction from his colleague the Minister for Public Expenditure and Reform, Deputy Howlin, to

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hold a recruitment competition for An Garda Síochána. This is a very welcome development and the Minister is grateful to the Minister, Deputy Howlin, for his sanction to proceed with this competition. The Minister firmly believes that, despite the general public service moratorium on recruitment, and the continuing financial constraints, an organisation like An Garda Síochána should have an intake of new members, even if at a modest level, on a regular basis.

Given the procedures that need to be put in place in advance of recruitment commencing, the anticipated high number of applications, the selection process and the formation of a panel, it will be 2014 before students will enter the Garda College in Templemore to begin training. The competition will be run by the Public Appointments Service. As things stand, some 27,000 expressions of interest have been received from persons wishing to join the Garda Síochána. The Minister expects there will be a large number of applications once the recruitment process formally opens. It is too early at this stage to indicate how many persons might be recruited, as this will depend on a number of factors including the rate of retirements.

The student-probationer training programme upon which these students will be embarking has been radically restructured. The main difference between it and the earlier programme is that the new programme carries a greater emphasis on operational policing and focuses on real life scenarios which, in turn, prepare students better for the policing challenges they will face. The new programme will also instil a lifelong learning philosophy for members of the Garda Síochána, with a suite of mandatory and elective courses being made available. In the light of this revised training programme, and in view of the fact that the existing Garda recruitment panel is now approximately five years old, it will not be used in this or any future recruitment. Of course, people on the panel may reapply to join the Garda Síochána, once they meet the eligibility criteria.

In addition to the review of the training programme in the Garda College, the Commissioner has also considered whether some changes could be made in the area of educational requirements, to align them with the national framework of qualifications, while at the same time using the leaving certificate as an optional entry level requirement. The objective would be to align educational requirements with the official framework as well as open up access to those who may not have completed the leaving certificate but have completed another course which demonstrates their abilities, perhaps in a less academic environment. Such a change could also make it more straightforward to recognise qualifications achieved outside Ireland as the framework provides a comparative tool with qualifications gained outside the State. A decision will be taken on this as part of the preparations for the holding of a competition.

The Minister is determined that the resources of An Garda Síochána will be used in the best, most effective and efficient way possible. The House will be aware that the agreement reached with the Garda associations includes a provision for a review of the Garda Síochána and that this review includes the structure, organisation and staffing of An Garda Síochána. The review is due to start in September of this year and to be completed in June of next year. The Minister remains confident that the primary Garda objective of combating crime will continue to be achieved, and that, despite the pressure on the public finances, the force will continue, with this fresh impetus of new recruitment, its excellent work of preventing and detecting criminal behaviour.

**Deputy John O'Mahony:** I thank the Minister of State for her response. I am disappointed to hear from the reply that a new panel is to be formed. While as I stated earlier, some of the 400 people on the previous panel may have gone abroad or moved on to different careers, I believe

some recognition should be given to those on the current panel still interested in a career in the Garda Síochána. Obviously, as they had been placed on the panel they were deemed eligible for recruitment. Perhaps the Minister of State would raise with the Minister, Deputy Shatter, the possibility of these people being given some recognition in this regard.

My second question related to the Garda Reserve. Will the recruitment process take into account the service of members of the Garda Reserve who apply for recruitment to the Garda Síochána? If the process is to commence in 2014, it will be late 2014 or early 2015 before the new recruits will be out on the beat. What will be the Garda strength at that stage? Also, what are the projected garda retirements for 2013 and how many retired in 2012? I understand the Minister of State may not have that information today but I ask that she take note of my questions and ask the Minister to reply directly to me.

**Deputy Kathleen Lynch:** That the number of new gardaí to be recruited will depend on staffing issues, including retirements, is to our advantage. It means we are not confined to a particular number.

On the previous panel, this type of detail must be left to the Commissioner, who is more aware of the dedication required of a person in order to become a garda.

**Deputy John O'Mahony:** I raised the issue because it has been raised with me.

**Deputy Kathleen Lynch:** I will inform the Minister of the Deputy's concerns.

### **Hospital Services**

**Deputy Gerald Nash:** The Minister of State may be aware that inflammatory bowel disease affects 15,000 to 20,000 people in this country. I am one of those people. Dr. Seamus Hussey, who is a specialist paediatric gastroenterologist based in Our Lady's Children's Hospital, Crumlin, has stated that there are approximately 80 to 90 new diagnoses of children with IBD, including Crohn's disease and colitis, at that facility each year. There are many more across the State.

As stated, I come to this debate with some degree of personal experience, having been diagnosed with Crohn's disease at 14 years of age, which is 23 years ago. During my mid-teens I received ongoing treatment in cramped adult wards in Our Lady of Lourdes Hospital in Drogheda. Through my work with organisations like Gutsy Kids, which represents young people with IBD and their families, the Irish Society for Colitis and Crohn's disease and doctors, such as Dr. Hussey, I have identified a clear need for the development of current services at Crumlin hospital, the de facto national centre for young people with Crohn's disease and colitis. The centre does not receive resources commensurate with its effective status.

Young people with inflammatory bowel disease, their families and the expert staff who care for them need designated wards to cater for their needs. Owing to the nature of the chronic debilitating conditions associated with the condition, they need ready and efficacious access to toilet facilities, rather than a 50:50 chance of a lavatory becoming available at the frequent times that patients with the condition require one.

Dedicated psychology professionals are required to work with young people with this dramatic and life changing condition, as are dedicated inflammatory bowel disease nurses. Welcome as they are from a pragmatic point of view, the nurses from the private sector who are

supported by drug companies and often become available at present, are not sufficient. There are few, if any, inflammatory bowel disease specific resources in the public health service for either adults or children with the condition.

We need a clear focus on dealing with this growing, chronic, life changing and frequently limiting condition. We need a clear national clinical programme to ensure care pathways are developed in a planned and integrated as opposed to piecemeal manner. They often result from the commitment and focus of individual clinicians, rather than the vision or lack thereof of health administrators, notwithstanding the resource position in which we find ourselves. If we are to give children who will be diagnosed with inflammatory bowel disease a sense that their condition and they, as patients, will be taken seriously, we should use the once in a lifetime opportunity presented to us by the decision to develop the national children's hospital to provide dedicated and specialised wards for such children and those who care for them. This is critical and we must start to plan for it now.

**Deputy Kathleen Lynch:** I thank the Deputy for raising this issue, which is not the subject of many pub conversations. The number of people affected by inflammatory bowel disease is significant and I welcome the opportunity to address the issue. Currently, children with inflammatory bowel disease are cared for at Our Lady's Children's Hospital, Crumlin. The condition is diagnosed by colonoscopy and children are managed by gastroenterology consultants with dietetic and social work resources working as part of a team. Shared care services have been developed with some paediatric services on a national basis and, where possible, children are managed locally with support from Crumlin hospital.

Currently, approximately 450 children with a diagnosis of inflammatory bowel disease are attending Crumlin hospital, some of whom require only infrequent support. I understand an increased incidence of the condition has been seen in children in recent years. In 2010, Crumlin hospital saw 53 patients diagnosed, with numbers averaging almost 70 new cases per annum since then. Given the increased numbers of children presenting, resources for this area are under review. I understand that a proposal has recently been agreed to appoint a nurse specialist to support a multidisciplinary approach to the service.

As with the other Dublin paediatric hospitals - Temple Street hospital and Tallaght hospital - all services at Crumlin hospital, including those for children with inflammatory bowel disease, will move to the new children's hospital when built. The new children's hospital is one of the most important projects to be undertaken by this Government. The hospital is a key commitment in the programme for Government and the largest project within the current capital plan.

As the Deputy will be aware, the new children's hospital will be co-located with St. James's Hospital on its campus. Co-location with a leading adult academic hospital was recommended in 2006 by the McKinsey report, Children's Health First. A significant number of consultants in paediatrics treat both children and adults. In addition, for some children with conditions that are more commonly seen in adults, they may be better managed by an adult specialist with a special interest in children who has particular expertise in dealing with these conditions. I understand that, for instance, one example is bowel perforation in inflammatory bowel disease.

In addition, some patients need to be managed across a lifespan, from childhood to adulthood, including children with gastroenterology conditions. These children will need to experience a smooth transition to adult services in due course. Where possible, those from within the Dublin catchment area can transition to the co-located hospital. For these patients, co-location

enables the development of a more structured transition programme from paediatric to adult services.

The specific design and infrastructural requirements for the new hospital will be developed and finalised as the project proceeds. In this regard, the children's hospital group board has a key role, as end user and client for the project, in helping to ensure that the new facility is optimally designed for the treatment of inflammatory bowel disease or any other condition. Specific care is required for children.

**Deputy Gerald Nash:** I welcome the Minister of State's response and the commitment she has shown to this issue. I too am committed to this issue and I intend to remain in contact with the Minister, Department and Health Service Executive to try to convince decision makers of the necessity to provide dedicated ward space and services for young people with inflammatory bowel disease. This condition is becoming much more prevalent in the western world, with the numbers involved having grown exponentially in recent years. The State must acknowledge this increase by providing the resources required to meet the challenge.

Children with this debilitating condition and their families have an acute need for privacy, given the personal and often embarrassing nature of some of the symptoms associated with it. The Minister of State and her colleagues will be mindful of this and I expect the children's hospital group board will also be mindful of it when it makes decisions on the provision of services at the national children's hospital. In the meantime, it is extremely important that we focus our attention on the needs of the young people who are using the service provided by Dr. Seamus Hussey and his team, for example, in Crumlin hospital. They are a dedicated group who are working with dedicated parents to secure the best possible outcomes for the children in question.

**Deputy Kathleen Lynch:** The Deputy has raised this issue at an opportune time. The planning process for the new national children's hospital is ongoing and the design team is in place. Many people are not aware of inflammatory bowel disease. Given the nature of the condition, privacy and ease of access to infrastructure is extremely important. A linked service is needed to regional areas to enable children to be attended to more easily and stay closer to their families. Not everyone should be required to come to Dublin for treatment.

### **Thalidomide Victims Compensation**

**Deputy Seán Ó Feargháil:** I am aware the Acting Chairman, Deputy Jack Wall, has an interest in this issue and I am pleased the Minister of State, who has also demonstrated a keen interest in it over many years, is present for this discussion.

I view the 32 victims of the thalidomide drug in the context of two other important groups, namely, the victims of symphysiotomy and the women survivors of the Magdalen laundries. I am ashamed that my political party did not resolve these issues while in government. I have paid tribute in the House to the Taoiseach who got off to a rocky start on the Magdalen laundries when he failed to offer an immediate apology. We are informed from media reports that members of the Labour Party jumped up and down and the result was the completion by Mr. Justice Quirke of a comprehensive report which makes a significant offer to the Magdalen women, albeit one that does not satisfy all of them.

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The issue of symphysiotomy has been raised again in recent days, including on Leaders' Questions this morning. People are wondering what action will be taken on the issue and victims of the practice are afraid the Government will make an announcement during the recess period which will not be to their satisfaction.

The survivors of thalidomide do not appear to receive the attention they deserve. Last Tuesday, the Taoiseach indicated in response to my party leader, Deputy Martin, that the Minister for Health had been in discussions with thalidomide victims who are, unfortunately, represented by two groups.

In fairness to the Taoiseach when I put it to him on the following Thursday he corrected the record by stating that senior departmental officials had been in touch with thalidomide victims. One of those organisations has advised me that it has had no contact from senior departmental officials and so frustrated is it that in the past two to three weeks it has issued legal proceedings.

In appealing to the Minister of State I know I am appealing to somebody with understanding of and sensitivity to the issue. Given that only 32 people are affected the amount of money involved to resolve this is small. However, it is not just about money but also about the State apologising for having done the victims a serious wrong. It is about putting in place a proper social-care plan for these people, many of whom are very seriously debilitated. Their disabilities are being exacerbated by their increasing age and their careers are being affected by virtue of trying to look after them. They will report, as I know they have reported to the Acting Chairman, Deputy Wall, that everything is a struggle for them. It is a struggle to extract from the State what should be clear and direct supports given what the State ultimately did to them when they were born just over 50 years ago.

We can point to what is happening in Germany and the increased compensation from the manufacturer of the drugs, which is fair enough. While it might be too little too late, at least it is happening. However, what might be happening in Germany does not absolve this State of its responsibility.

I again appeal to the Minister of State to prioritise this small group of people to ensure they are not made wait any longer for justice.

**Deputy Kathleen Lynch:** Efforts were made behind the scenes to resolve the issue. I will read the reply, but it is not all in the reply.

I am pleased to take this opportunity to outline the current position on Irish survivors of thalidomide. The programme for Government includes a commitment to reopen discussions with Irish survivors of thalidomide. Given the challenges that persist for each individual, the Government's aim is to address the health and personal social care needs of thalidomide survivors living in Ireland.

Senior officials from the Department of Health recently met both representative organisations - the Irish Thalidomide Association and the Irish Thalidomide Survivors Society. I am sure the Deputy will have something to say about that once I conclude. The Department became aware that the German foundation is set to substantially increase its monthly payments to thalidomide survivors, including Irish survivors, with effect from 1 August 2013 backdated to 1 January 2013.

The Department was also advised of a significant condition applying to the payments by the

German foundation which required to be clarified with the German Ministry. The State did not wish to take any action which would jeopardise current or future payments to Irish survivors of thalidomide by the German foundation. Therefore, the Department requested the State Claims Agency, as it is managing the personal injury claims against the State relating to thalidomide, to meet with the German Ministry and report back on the conditions applying to the new payments for Irish survivors of thalidomide. This meeting took place two weeks ago. I can confirm it took place.

The new German law provides for an increase of between 140% and 500%. From 1 August, Irish survivors of thalidomide will receive tax-free payments of up to €6,912 per month with the majority receiving over €4,000 per month. This increase will be backdated to 1 January 2013. In addition the German foundation pays the majority of Irish survivors of thalidomide an annual special payment of €3,680.

As I stated previously, the new German law attaches a condition to the increased payments to be made by the foundation. All monetary benefits paid by other governments will be offset against benefits paid by the German foundation, with the exception of the annual special payments. Significantly, this will result in any payment made by the Government to Irish survivors of thalidomide being offset against the increased payments to be paid by the German foundation. The Government currently pays most Irish survivors €1,109 per month. In addition the German foundation has been provided with an annual sum of €30 million for a fund for special benefits for survivors of thalidomide including Irish survivors. This is new funding and we understand is available for additional medical requirements including rehabilitation services, aids and appliances and dental surgery.

We will be in contact with all Irish survivors of thalidomide and their legal advisers in the near future with proposals to progress issues having regard to the fact that the Minister has been served with personal injury claims in respect of a number of Irish survivors of thalidomide.

**Deputy Seán Ó Fearghail:** I seek clarification. The Minister of State is effectively saying that any financial compensation paid by the State now would be offset by the German authorities, which seems to be very unfair. While on the one hand there is a German responsibility, there is also an Irish responsibility. Obviously that matter remains to be further debated.

Will the Minister for Health meet the two groups and intervene directly? I believe some months ago the Taoiseach indicated that he would but it has not happened. At the end of the day this is not all about money. It is about care and the State accepting its responsibility. Notwithstanding what the Germans are doing I do not believe there is any reason the State cannot move now to ensure a proper social-care package is put in place for these 32 people. They may not all need it, but many of them do.

Will the Minister for Health meet the organisations and can we do something immediately about the social care packages?

**Deputy Kathleen Lynch:** I will give some additional pieces that may be of interest because I am very conscious we are not the only people listening to this debate.

Both groups and their legal advisers have been informed of the Department's position. The Department does not take credit for the increase in payments by the German foundation but needed to clarify issues on the new proposals. As the Deputy rightly said it is unfair but it was worth doing to find out exactly where it was at. The Government's aim is to address the

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health and personal social care needs of thalidomide survivors living in Ireland. I agree with the Deputy that this is not all about money but is about an overall care package that we need to put in place. Proposals will be put to Irish survivors of thalidomide to progress matters in the very near future.

I cannot answer as to whether the Minister for Health will meet a representative group or any individual from either group. Once the position is clearer I could not see any difficulty in that happening. However, I cannot answer for him and I hope the Deputy accepts that.

### **Company Takeovers**

**Deputy Michael Lowry:** I thank the Ceann Comhairle for allowing me the opportunity to raise a serious matter on C&C Group and its existing operations in Tipperary and Dublin. Since the takeover of M&J Gleeson, I have made efforts to seek clarification from C&C on its future intentions. Its responses were particularly guarded and rather coy, leading me to be suspicious of its forward planning and the implications thereof. My publicly expressed concerns at the time are now unfortunately proving well founded. In recent weeks several employees of M&J Gleeson in Borrisoleigh and Bulmers in Clonmel have contacted me directly expressing frustration at the lack of information and mixed messages coming from a so-called consultative process. Employees are understandably worried, anxious and fearful for their future. The company is hiding behind the review process and keeping most of its staff in the dark.

M&J Gleeson was taken over by C&C in late November 2012. This was approved by the Competition Authority and sanctioned on 6 March of this year. A new CEO of Bulmers and M&J Gleeson was appointed.

*4 o'clock*

In May it was announced that Bulmers was to be subsumed into M&J Gleeson. Critically, it was indicated that this would include proposals to introduce all-Ireland structures. In recent months there have been a large number of redundancies in Bulmers in Clonmel. It was announced internally that the C&C Group intends to move the administration, accountancy and marketing functions to Belfast. This represents a carving up of administrative functions and will mean the loss of 50 jobs, including ten administrative jobs in Borrisoleigh, 15 administrative jobs in Clonmel and 25 administrative jobs in Dublin. The C&C Group rationale for this move is that it would make a cost saving of 20% by moving these functions to Belfast. I find it staggering that administration costs could be run 20% cheaper from a small office in Belfast. I question the motivation for the move to Belfast given that the C&C Group has significant corporate bases at Park West and Cherry Orchard in Dublin as well as a headquarters at Borrisoleigh, County Tipperary. The company has also stated that it will announce the results of its manufacturing review in April next year and that it is reviewing the requirements for its depots in southern Ireland. The company is engaged in a crude cost-cutting exercise which has a major human impact.

The Minister of State and the Department should note that pay and general terms and conditions are far more favourable at Bulmers than at M&J Gleeson in Borrisoleigh. For example, the redundancy terms for M&J Gleeson employees stands at two weeks per year of service in contrast to six and a half weeks at Bulmers. Instead of actively trying to force lesser pay and redundancy terms on Bulmers workers, the C&C Group should agree to equalise redundancy

terms for the Gleeson employees at the higher rate of six and a half weeks.

Due to a combination of these actions, there is widespread trepidation about the future potential impact on the existing operations and its employees. The Gleeson Group in Tipperary is a steadfast, major employer and a major contributor to the local economy. It is vital that its current operations are protected to the maximum extent. There are consequences for employment should the C&C Group employ a policy to centralise any element of its manufacturing. The C&C Group has a duty to its workforce to be open and transparent in respect of its decisions. It is fair and reasonable to demand that the C&C Group should explain the motivation behind its commercial strategy and decisions.

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry):** I thank Deputy Lowry for raising this matter. I am mindful of the anxiety that possible redundancies in the group's operations in County Tipperary would create for the workers involved and their families as well as the local communities.

The rationalisation plan of the company concerned is a commercial matter for that company. I understand that the C&C Group completed the acquisition of the Gleeson Group in March 2013. The acquisition demonstrates the group's commitment to invest in Ireland. The Gleeson business is now being combined with the group's existing cider and beer business and will provide the company with a platform to drive growth throughout the market.

I understand from Enterprise Ireland that the company concerned is not an Enterprise Ireland client because its activities are mainly in the distribution of drinks. In addition, Enterprise Ireland has not grant aided the company's mineral water bottling operations in Borrisoleigh because it does not export. Enterprise Ireland does, however, have an active relationship with other companies in the group, mainly on research and development support programmes. Redundancies were announced in one of these companies recently relating to the sales and administration functions in Dublin. This company is a key client for Enterprise Ireland and has been provided with research and development and other supports. Enterprise Ireland continues to have ongoing discussions with this company.

I understand that the company concerned has initiated a consultation process, under the Protection of Employment Acts 1977 to 2007, with its employees and their representatives who are affected by the associated rationalisation plan that the Deputy referred to at the plants in Borrisoleigh and Clonmel. In this regard, I should point out that the services of the Labour Relations Commission are available to assist the parties concerned, if requested.

Employment retention and creation continues to be our primary objective and we have been working hard to create the improved economic conditions which will support the maintenance of existing jobs and the creation of new ones. A robust economy capable of capturing new opportunities and sustaining jobs requires a medium to long-term vision. Action Plan for Jobs is a key pillar in the delivery of that goal. This year's action plan for jobs will build on the success of the 2012 action plan. It includes 333 actions for delivery throughout all Departments and 46 agencies or offices. The enterprise development agencies under the aegis of my Department have been to the fore in delivering on the commitments set out in Action Plan for Jobs and continue to ensure businesses can maximise their contribution to economic recovery and employment growth.

I assure the House that we consider it important that the impact of redundancies from any

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source on employment in Clonmel and Borrisoleigh is minimised and the State enterprise agencies and the county enterprise boards will continue to make every effort to develop new employment opportunities for County Tipperary.

Enterprise Ireland activity is focused on the creation of new jobs through continuing to work with established companies in its portfolio. The agency is also supporting entrepreneurs in manufacturing and internationally trading services companies that are setting up high-potential startup companies. The agency works toward enhancing the innovation capability in its client companies through the support of research both in companies and through continuing work to assist commercialisation of research in third level establishments.

The county enterprise boards have responsibility for the delivery of State support to the indigenous micro enterprise sector. The current priorities for the CEBs include assisting owner-managers to enhance the survival and sustainability of their businesses in these difficult economic times and to assist people wishing to start their own businesses, including those who have been made redundant. The CEBs provide a valuable resource for those starting a business. Anyone who has been made redundant or who is facing redundancy in Borrisoleigh or Clonmel and who is interested in exploring options for setting up their own business should contact the appropriate enterprise board, either Tipperary South Riding County Enterprise Board or Tipperary North Riding County Enterprise Board, for advice and assistance.

In addition to marketing County Tipperary for new investment, IDA Ireland works with its existing client companies in the county with a view to encouraging them to grow and embed their business in the county. The primary opportunity for regional locations is in respect of the existing client base and potential further investment opportunities from that base. In this context, it is notable that approximately 70% of all foreign direct investment won by IDA Ireland are from its existing client base.

My colleague, the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, is determined to ensure Ireland can continue to compete globally for foreign direct investment. In winning such investments, we are mindful of the need to address the concerns that have been expressed by Deputies on all sides of the House about the relatively low level of site visits to certain regional locations. The Minister, Deputy Bruton, has accordingly requested IDA Ireland and Enterprise Ireland to work with the Department of Jobs, Enterprise and Innovation to explore what further initiatives we can take to ensure a better approach to enterprise development in regional locations. This exercise will complement the in-depth analysis of our foreign direct investment strategy currently being undertaken. The analysis will take account of factors, including key trends emerging in foreign direct investment, best practice internationally, Ireland's strengths in attracting foreign direct investment and changes to the EU's state aid rules that will be introduced in 2014. Our approach to regional development will inform the formulation of an appropriate foreign direct investment strategy for the period post 2014.

I am confident the measures outlined in Action Plan for Jobs, together with other policies and initiatives being pursued by the State agencies and the county enterprise boards in County Tipperary, will continue to support enterprise development and provide employment opportunities. The State agencies will continue to work closely with each other and with local interests to support an integrated approach to job creation in Borrisoleigh and Clonmel.

**Deputy Michael Lowry:** I thank the Minister of State for his response. I call on him and his Department to convey our genuine concerns and fears to the C&C Group and its head per-

sonnel. The C&C Group management should be told to be upfront and honest with its loyal and dedicated workforce. The management should participate in meaningful dialogue and share information with the people working for them. The C&C Group needs to understand that rather than simply number crunching, it is dealing with real people who have jobs and careers. It is dealing with the livelihood of families and their futures. Staff at Borrisoleigh and Clonmel must be treated with the dignity and respect they deserve and have earned over the years of service. The Minister and all State agencies must convey Members' concerns at the highest level. One aspect of this development about which the Minister of State's Department should be concerned and of which it should be conscious is that a private corporation, C&C Group, is stating it is easier and cheaper to provide administrative services from Belfast and that it proposes to move administrative jobs from Borrisoleigh, Clonmel and Dublin to Belfast. This surely must set alarm bells ringing throughout the Department and, if nothing else, should raise a serious question about the motivation behind this move by C&C Group.

**Deputy John Perry:** I appreciate fully Deputy Lowry's remarks and I believe it is very important that the due diligence being carried out by C&C Group will be open and upfront. The Labour Relations Commission is available for consultations on this issue and it is all about livelihood as for every action, there is a reaction. It is important for the livelihood of everyone concerned that meaningful negotiations are taking place. The Department is very much aware of this issue and the availability of the Labour Relations Commission for consultations means I am confident that meaningful negotiations will take place in the interests of integrity and transparency, as the Deputy noted.

## **Ceisteanna - Questions**

### **Priority Questions**

#### **Defence Forces Medicinal Products**

1. **Deputy Seán Ó Fearghail** asked the Minister for Defence his views regarding the concerns expressed regarding lariam; and if he will make a statement on the matter. [36050/13]

**Minister of State at the Department of Defence(Deputy Paul Kehoe):** I apologise for my late arrival in the Chamber. Lariam is one of the most effective medications for protection against the type of malaria prevalent in sub-Saharan Africa. Malaria is a serious disease that kills approximately 1 million people per year in sub-Saharan Africa alone. It is a serious threat to any military force operating in the area. The anti-malaria regime in place in the Defence Forces, including the use of lariam, has worked. In the decade of deployment to sub-Saharan Africa by the Defence Forces, not a single member of the Defence Forces has died from malaria and there are only three documented cases of personnel getting malaria.

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The Irish Medicines Board, IMB, is the statutory body that regulates medicines available in Ireland. I am advised the three anti-malarial medications licensed by the IMB, namely, lariam or mefloquine, malarone and doxycycline all can have significant side effects. The assertion that any one is automatically a more effective or safer alternative to the others is a grossly misleading oversimplification. Each of the three drugs has been used by the Defence Forces, depending on individual circumstances including the type of malaria in the destination, the duration of travel and so on.

I am further advised the Defence Forces are fully aware of the range of reported side effects attaching to all anti-malarial medications. Protocols are in place to control the risk of side effects in individuals. Up to September 2012, malarone was only licensed for up to 28 days continuous use and was not an option, as the usual duration of deployment for the Defence Forces is six months. The 28-day limit was removed in September 2012. However, there is limited evidence as to the safety and effectiveness of malarone usage for longer periods. The position is currently being reviewed by the Medical Corps of the Defence Forces.

The Minister had the various allegations surrounding the use of lariam investigated thoroughly and has obtained the advice of leading medical experts, who concur with the prescribing practices followed by the Defence Forces.

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

On 1 July 2013, the Irish Medicines Board and Roche Products (Ireland) issued a letter to all general practitioners, GPs, concerning lariam. The Director of the Defence Forces Medical Corps, DMC, has circulated the letter to all medical officers. The DMC is considering its content and whether it has policy implications. lariam remains licensed by the IMB and must remain in the formulary of medication prescribed by the Medical Corps for Defence Forces personnel on appropriate overseas missions, particularly those in sub-Saharan Africa. This is necessary to ensure military personnel can have effective protection from the serious risks posed by this highly dangerous disease.

**Deputy Seán Ó Feargháil:** This may be the last opportunity Members will have to pay tribute to the outgoing Chief of Staff, Lieutenant General Seán McCann, on his three years at the helm, his outstanding work and on his career and lifetime commitment to the Defence Forces, as well as to welcome the appointment of Major General Conor O'Boyle. The former Minister for Defence, Tony Killeen, confirms this was an excellent choice. I also welcome the appointment of Mr. Maurice Quinn as Secretary General of the Department of Defence and wish Mr. Michael Howard well. I also wish to note to the Minister of State this is the second occasion out of four in which the Minister for Defence has not been present for Question Time. While accepting that any Minister can be called away, I note today, the defence questions were switched with the justice questions. Consequently, it appears as though the Minister is anxious to be present for questions on justice but not so anxious to be present for questions on defence and that, in effect, defence plays a lesser role for him, which I regret.

On the issue of lariam, I am conscious that Ministers drawn from my party gave precisely the same reply the Minister of State has just given and that the Minister, Deputy Shatter, has given in the past. However, the growing concern about lariam across the developed world is such that the Defence Forces must re-examine the issue. They must consider it and not simply give Members stock-in-trade answers, which is what they have been getting for several years. Instead, they must revisit this particular issue. Some pretty clear evidence exists that there is

a direct link between the use of lariam as a treatment or as a preventative medicine for malaria and psychotic incidents and incidences of suicide.

**Deputy Paul Kehoe:** I had intended to make these remarks at the conclusion of Question Time but I join Deputy Ó Fearghaíl in wishing Lieutenant General Seán McCann, his wife and his family a happy retirement, as well as welcoming the incoming Chief of Staff, Major General Conor O’Boyle. I also wish Mr. Michael Howard and his wife the very best in retirement and I wish the incoming Secretary General of the Department, Mr. Maurice Quinn, the best of luck.

The Deputy acknowledged that when his party was on this side of the House, previous Ministers also gave precisely the same answer. However, they were giving answers based on the best medical advice available to them at that time, and I am citing the very same medical advice that has been given to the Government at this point. This advice comes from the Irish Medicines Board and is that lariam is the best medication available to combat the form of malaria that obtains in sub-Saharan Africa. I note that everyone is a professional in his or her own field and the Government has received advice from such professionals, in that the best medical advice available to it is that lariam is the safest medication on hand.

**Deputy Seán Ó Fearghaíl:** Things are changing and new expertise is being brought to bear on these particular issues. I believe Deputy Mac Lochlainn may have referred to this when he raised the matter recently but the “Prime Time” programme found recently that there is a higher incidence of suicide in soldiers or Defence Forces personnel returning from overseas duty and that there can be a link drawn perhaps between the use of lariam and those events. One should consider what is happening in the United States, where highly reputable medical experts now are raising questions about the continued use of this drug. We are all aware of how dangerous malaria is, but we are also conscious of the fact that other products can be used the side effects of which are less nefarious than the side effects of lariam appear to be. I say that as someone who took lariam some years ago.

**Deputy Paul Kehoe:** The allegation of a link between lariam and suicide and suicidal ideation has been examined. Of 156 non-service related deaths among members of the Defence Forces in the period January 2000 to December 2009, 25 were apparently from self-inflicted injuries, although only one is recorded by a coroner as suicide. Of these 25 deaths, 16 had never been prescribed lariam. Of the remaining nine, given the limited period of time during which lariam remains in the bloodstream, according to our expert advice, it is extremely unlikely that lariam could have been a contributory factor in practically all of these cases. There is no evidence in any of the coroners’ inquests linking any deaths to lariam.

The death rate in the Defence Forces from self-inflicted injuries in the period 2000 to 2010, when lariam was being prescribed, was 0.24%, and the death rate from self-inflicted injuries in the period from 1989 to 1999, when lariam was not being prescribed, was 0.32%, which is higher than the death rate in the period when lariam was being prescribed. To say suicide or suicidal ideation is due to lariam is not true. The Department and the Defence Forces have the medical evidence to support that statistic.

## **Overseas Missions**

2. **Deputy Pádraig Mac Lochlainn** asked the Minister for Defence if he will provide an update on the possible ending of the triple lock mechanism prior to Irish Defence Forces par-

ticipating in overseas missions. [36427/13]

**Deputy Paul Kehoe:** The statutory authority for the despatch of contingents of the Permanent Defence Force for service overseas as part of an international force is set out in section 2 of the Defence (Amendment) (No. 2) Act 1960, as amended by the Defence (Amendment) Act 2006. This provision is commonly referred to as the “triple lock”. However, personnel may be deployed for training, for humanitarian operations and for other such reasons, under the authority of the Government in accordance with the provisions of the Defence (Amendment) Act 2006, which formalised arrangements in this regard.

Ireland’s policy in regard to the triple lock was most recently underpinned by the adoption by the people of the Lisbon treaty in 2009. Ireland’s act of ratification of the Lisbon treaty was reinforced by the associated national declaration which states “that the participation of contingents of the Irish Defence Forces in overseas operations, including those carried out under the European common security and defence policy requires (a) the authorisation of the operation by the Security Council or the General Assembly of the United Nations, (b) the agreement of the Irish Government, and (c) the approval of Dáil Éireann, in accordance with Irish law”.

The White Paper on defence, which was published in 2000, has provided the policy framework for defence for the past 13 years. In the period since its publication, there have been significant changes in the defence and security environment and the defence policy framework has continued to evolve. In this context, the Government decided there is a requirement to prepare a new White Paper on defence. This will provide the policy framework for defence for the next decade. A Green Paper on defence was published last Tuesday. It will initiate a broad public consultative process which will provide for members of the public and interest groups to input their views as part of the process of developing the new White Paper on defence.

In this context, the Green Paper will engender discussion on all relevant matters, including the triple lock. The Green Paper states that the approval procedures that govern the despatch of contingents of the Permanent Defence Force on overseas peace support operations, commonly known as the “triple lock”, comprise three requirements, namely, the authorisation of the UN, the Government and the Dáil.

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

The legislative basis for the participation by the Permanent Defence Force in overseas peace support operations as part of an “International United Nations Force” was originally provided for by the Defence (Amendment) (No. 2) Act 1960. The legal provisions were updated in 1993 to permit participation in Chapter VII of the UN Charter - UN mandated operations mounted under this chapter are commonly known as “peace enforcement” operations or missions - and again in 2006 to take account of developments in peace support, including the UN’s increased reliance on regional organisations, such as the EU, the North Atlantic Treaty Organisation, NATO, and the African Union, AU. The requirements of the triple lock were formally set out in Ireland’s national declaration associated with the ratification of the Lisbon treaty.

The requirement for a UN resolution as part of the triple lock reflects the central importance of the UN in granting legitimacy to peace support and crisis management missions. At the same time, it also constitutes a self-imposed, legal constraint on the State’s sovereignty in making decisions about the use of its armed forces. This could prevent the State from participating in a peace support operation. In 2003, the EU-led peace support mission EUFOR Concordia in

the Former Yugoslav Republic of Macedonia was welcomed in UN resolution 1371 in terms that did not conform to the requirements of the Defence Acts at that time. Accordingly, Ireland could not participate in the mission. The benefits of a formal legislative requirement for UN authorisation must be weighed against the possibility that this constraint may lead to an inability to act on occasions where there is a pressing moral or security imperative and overwhelming international support to do so, but where UN sanction is not forthcoming in circumstances where a veto is exercised by a permanent member of the Security Council acting in its own national interests.

It is acknowledged that there is substantial public support for the triple lock mechanism and that, in practical terms, due to the size of our Defence Forces, the State only has a limited capacity to contribute to UN missions. In real terms Ireland has, in the context of its size, punched above its weight and made a valuable, disproportionate contribution and, save for the example of the Former Yugoslav Republic of Macedonia, has not been excluded from peacekeeping engagements by the triple lock. On balance, the advantages of retaining the mechanism can be seen as outweighing the disadvantages. Having said that, it is an issue worthy of discussion in advance of the adoption of a new White Paper.

**Deputy Pádraig Mac Lochlainn:** Eight members of our Defence Forces were deployed to Mali without any debate in this House because the number was below the threshold of 12 troops. The Minister will know the concerns that were expressed about that, given the track record of the Malian Government, its army and the human rights issues there. Today, we had 60 minutes to discuss the deployment of 150 Irish troops to the Golan Heights and the very significant concerns about their safety, considering that the Austrian Government withdrew its troops from the same region due to safety concerns after the removal of sanctions on weapons being provided to Syrian rebels.

We should be involved in peacekeeping, in which we have a proud legacy. We are proud of our troops in Lebanon and elsewhere, but they must be in blue helmet operations. There must be more debate and discussion. In my supplementary question I will return to some suggestions I have about the triple lock.

**Deputy Paul Kehoe:** As I said in my reply, the Green Paper was published last Tuesday and there is a paragraph in it on the triple lock in respect of overseas deployment. The Joint Committee on Justice, Defence and Equality will discuss the Green Paper. I will talk to the Chairman of the committee, Deputy David Stanton, about ensuring the committee allocates time for a debate on it. Perhaps that can be done when the Dáil resumes early in September. It will provide an opportunity to all Members to have a say.

With regard to the motion we discussed this morning about sending a mission to the Golan Heights, when considering any mission, we consider the ability to protect the health and safety of our personnel going abroad. Of course, some form of danger faces every mission going abroad. We must be realistic about that. They are peacekeepers and they are going to dangerous situations, but the best advice available to us is from the Chief of Staff. He says the Irish Defence Forces will be willing and able to combat any situation out there and will be able to do the job the UN has tasked us with doing.

**Deputy Pádraig Mac Lochlainn:** We would argue that the triple lock of the UN, the Government and the Dáil is really a double lock because the Government of the day obviously has a majority in the Dáil, as was the case today. It is really a UN and Government decision. The

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difficulty, as we have seen, is that not all UN Security Council resolutions are implemented consistently. It is certainly not consistent. The Government needs to add another lock. The Minister referred to the Joint Committee on Justice, Defence and Equality. We would argue that the committee is the fourth lock, or a quadruple lock. It could bring in experts on the region. We could do this quickly. We could convene in an emergency, even during the recess. The members could all come in, as that is their responsibility. We could invite experts on the war situation and relevant civil society groups and have a detailed, informed debate. They could make their presentations to the committee, the committee could formulate its opinion and submit it to the Government prior to these debates, which are basically people reading out statements about an issue as important as the safety of our troops. We will make this submission on the Green Paper when the opportunity arises over the recess. We would argue for strengthening the debate and discussion. We could do it as an emergency and get everyone together. However, we should make that happen before we carry out that deployment.

**Deputy Paul Kehoe:** As I stated this morning, the Minister for Defence will consider a detailed threat assessment from the Defence Forces to ensure the security of personnel before any deployment takes place to UNDOF. He will reassess the situation on an ongoing basis.

I would welcome a submission from Sinn Féin or any party in advance of the White Paper. I accept what Deputy Mac Lochlainn said about the Government having a majority on this side of the House. I do not wish to be flippant, but that is democracy. Any decision the Government, the Department of Defence or the Dáil makes is not taken lightly. Everything was taken into consideration. The safety of our troops going to the Golan Heights was a paramount consideration. Our aim is to make sure they return home safely. However, there are dangers on every mission. The members of the Defence Forces understand that they may be obliged to deploy in dangerous situations. All we can do is hope and pray that they return home safely.

**Acting Chairman (Deputy Peter Mathews):** The Deputy who tabled Question No. 3 is not present so we will proceed to Questions Nos. 4 and 5, which are being taken together. *Question No. 3 lapsed.*

**Deputy Pádraig Mac Lochlainn:** To clarify, will we each be given the same amount of time in which to pose supplementary questions?

**Acting Chairman (Deputy Peter Mathews):** As a result of the fact that two questions are being taken together, the time for each Deputy will be doubled. The Minister of State will have four minutes in which to make his reply and there will then be eight minutes for supplementary questions. Each intervention subsequent to the Minister of State's original contribution will be limited to one minute.

### **Green Paper on Defence**

4. **Deputy Seán Ó Fearghail** asked the Minister for Defence when the Green Paper on defence will be published; and if he will make a statement on the matter. [36051/13]

5. **Deputy Pádraig Mac Lochlainn** asked the Minister for Defence if he will provide an update on the long awaited Green Paper on defence; the timescale for the publication of the final White Paper on defence; and if he will make a statement on the matter. [36428/13]

**(Deputy Paul Kehoe):** I propose to take Questions Nos. 4 and 5 together.

Ireland's first White Paper on defence was published in 2000. In the intervening period there have been significant changes in the defence and security environment with the emergence of new and complex security challenges. In that context, the Government decided that there is a requirement to prepare a new White Paper on defence. In order to engender wider engagement in the development of a new White Paper on defence, my colleague, the Minister for Defence, initiated the preparation of a Green Paper on defence. Following Government approval, the Minister was very pleased to publish the Green Paper on Tuesday, 16 July 2013. The purpose of the Green Paper is to inform and encourage members of the public and other interested parties to consider and submit their views, which will be taken into consideration in the preparation of a new White Paper on defence. The Green Paper contains a comprehensive overview of our current defence policy framework and the changes that have taken place since the publication of the first White Paper on defence. It also includes an assessment of future challenges in the defence and security environment.

A broad range of issues must be examined in developing a new White Paper on defence. For example, we must consider the types of capabilities that should be maintained having regard to likely future operational requirements and available resources. We must reflect on our approach to collective security co-operation to ensure that it will continue to meet emerging requirements. This will be determined against the backdrop of our policy of military neutrality, our membership of the United Nations, our participation in the EU's Common Security and Defence Policy and our long tradition of international peacekeeping. In that context, the Green Paper sets out a number of focused policy questions to aid submissions.

The Green Paper does not aim to be prescriptive. It seeks to encourage active consideration of defence matters and to elicit views as to how we should address defence and security challenges in the coming years. Details on how members of the public and other interested parties can submit their views are set out in the Green Paper. The Minister is confident that this consultative process will better inform the development of the new White Paper on defence. It is anticipated that the latter will be submitted to Government for approval by mid-2014.

**Deputy Seán Ó Fearghail:** On a number of occasions I raised with the Minister for Defence the fact that carrying out a fundamental restructuring of the Defence Forces in advance of the publication of the Green Paper was something of a farce. In any event, the Green Paper has been published and it is welcome. We look forward to making contributions to the debate on it. The triple lock has quickly emerged as one of the key issues in the context of the Green Paper. This is because the Minister, Deputy Shatter, has clearly put it up for discussion. I do not believe the Minister was a Member of the House in 2004 when Fine Gael tabled a motion calling for the abolition of the triple lock. The Minister of State was probably here at that time and he probably voted in favour of the motion. Abolishing the triple lock was obviously an important part of Fine Gael policy because it was included in a policy document - Beyond Neutrality - which the party produced.

Perhaps the Minister of State might provide the answer to a riddle. On Wednesday, the Taoiseach came before the House in the aftermath of the publication of the Green Paper and indicated that there is no question whatsoever about the triple lock and that, in fact, it is as safe as houses. If that is the case, what is the value of the discussion process relating to the Green Paper? In the context of a document produced by the Minister for Defence, the Taoiseach, who is the Head of Government, has stated that the triple lock is not going to be dismantled. It appears

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that the decision has already been made - I am happy with it - before the discussion in which the Minister for Defence has decided we should engage has even begun. Will the Minister of State explain how this situation arose?

**Deputy Paul Kehoe:** I was on the Fine Gael Front Bench when the motion to which the Deputy refers was debated. There would be no harm in engaging in a healthy debate on the triple lock. I welcome the fact that it is going to be discussed by all branches of the Defence Forces, the relevant committee, the political parties, etc. This issue has been raised not just by Fine Gael but also by other political parties over a long period. If we had not included reference to the triple lock in the Green Paper, Deputy Ó Feargháil would have said that we were hiding something. The best course of action, therefore, was to include it. I am of the view that it is worthy of discussion prior to the formulation of the new White Paper. I have no doubt that the Minister, Deputy Shatter, will set out his views - and those of the Government - on the triple lock at the relevant committee or perhaps in the Dail later in the year. I ask that the various spokespersons on defence read the Green Paper, which contains some very good material. The triple lock is one of the matters to which reference is made in the Green Paper and it will be up for debate.

**Deputy Pádraig Mac Lochlainn:** As Deputy Ó Feargháil indicated, it is remarkable that a complete and radical restructuring of the Permanent Defence Force and the Reserve Defence Force has taken place and that we are now being presented with a Green Paper on the future of those very forces. Perhaps there might be an opportunity to revisit the restructuring and our submission on the Green Paper will certainly contemplate that matter.

The issue on which I wish to focus is neutrality. As Deputy Ó Feargháil correctly pointed out, some years ago the Minister of State's party produced an alarming document, *Beyond Neutrality*, which was launched by Gay Mitchell MEP, who was then a Member of these Houses. Some of the comments made by the Minister, Deputy Shatter, in respect of our neutrality - these were reported in *NATO Review* and the interview in which he made them is available online - are alarming. I wish to make it clear to the Minister of State that we are very proud of our policy of neutrality. It is a positive form of neutrality which does not involve sitting on the fence but which does allow us to play our role. On a *per capita* basis, this State is one of the best contributors of overseas aid. The influence this country has in proportion to its size is remarkable. We are proud of our peacekeepers who wear the blue helmets of the UN in regions across the globe. However, we do not want to be part of a growing NATO alliance. We do not need to be part of such an alliance. We can instead play to our strengths and intervene in human rights situation and act as advocates in the context of challenging regimes on their human rights records. We can also involve ourselves in the area of conflict resolution. The Government must clearly affirm our pride in our neutrality, particularly as it has been eroded somewhat as a result of what has happened at Shannon Airport in recent times and on foot of events surrounding the operation in Mali. Will the Minister of State outline his thoughts on that matter?

**Deputy Paul Kehoe:** I should have replied to what Deputy Ó Feargháil said in respect of the Minister, Deputy Shatter, putting the cart before the horse. We were obliged to restructure the Defence Forces as a result of the state the country's finances were in when the Deputy's party left power.

**Deputy Seán Ó Feargháil:** The Minister of State should not be repeating that old hogwash.

**Deputy Paul Kehoe:** We were faced with a situation whereby we could either not recruit

personnel or else have plenty of barracks but with no one stationed in them. The Minister, Deputy Shatter, and the Government made the correct decision when they decided to deal with the issue of recruitment. It was the Deputy's party which suspended the recruitment of personnel for the Defence Forces. In line with a commitment it made, the Government has seen to it that new recruits were taken on at the end of last year and the beginning of this year in order to ensure that the number of personnel in the Defence Forces remains at 9,500. All going well, there will be a further recruitment process at the end of the year.

Deputy Mac Lochlainn referred to neutrality. Fine Gael produced what was more of a discussion document - as opposed to a policy document - on neutrality when it was in opposition. Neutrality, the triple lock and other issues must all be discussed and we cannot ignore them for long periods. That area of neutrality and the Government's intention in that respect would be part of the Green Paper in preparation for the White Paper.

**Deputy Seán Ó Feargháil:** Is there anything else in the Green Paper that has been predetermined? What the Minister of State said is at variance with what the Taoiseach said, namely, that the triple lock was not for changing. The Minister included it for consideration and the Minister of State is telling us, contrary to what the Taoiseach said, that it is up for consideration and that submissions will be welcome on it. Are there any other issues in this Green Paper that have been predetermined by the Taoiseach, or by the Minister for Defence or are there any further insights the Minister of State can give us into the issue?

**Deputy Paul Kehoe:** The final sentence of section 2.7 of the Green Paper, which deals with overseas deployment and the triple lock mechanism, states that this is an issue worthy of discussion in advance of the adoption of a new White Paper. That sets out clearly the Government's intentions regarding the triple lock. It is stated in this document that we want it to be debated and to get people's views on it. We will provide the opportunity for people to express their views on it. If the Government and the Department of Defence had published the Green Paper this week and omitted the area of the triple lock, the Deputy would be jumping up and down today asking why we did not include it. We are providing an opportunity for everybody to have their say once and for all. The preparation of the White Paper will be for the next decade for the Irish Defence Forces as they move forward. This is an area on which we must have a discussion. I am not disagreeing or agreeing with the Taoiseach in this respect but what I am saying is that the Deputy will have an opportunity to have a discussion, as will I and the Defence Forces, be it PDFORRA or whoever, on the area of the triple lock in preparation for the White Paper.

**Deputy Pádraig Mac Lochlainn:** Will the Minister of State dissociate himself from the comments made by the Minister, Deputy Shatter, in that interview around the irrelevance of neutrality in Ireland? It is bad enough that our neutrality has been eroded, but can the Minister of State make it clear that the Government has no plans to remove neutrality and that he will send a clear message to that effect to the Secretary General of NATO who expressed his desire for Ireland to join, quite disrespectfully, when he was here some time ago?

**Deputy Paul Kehoe:** I am not going to dissociate myself from any comments that the Minister, Deputy Shatter, made. As I said to Deputy Ó Feargháil, we have an opportunity to discuss the area of neutrality and many other issues will be addressed in the discussions around the Green Paper in preparation for the new White Paper. That will give everyone an opportunity to debate the issues and then we will find out what is the best policy as we move forward. I understand the Deputy has his views and we have our views. I have no doubt there are many other varying views inside and outside the House on these issues.

## Other Questions

### Overseas Missions

6. **Deputy Clare Daly** asked the Minister for Defence the number of Defence Forces personnel presently engaged in overseas operations; and the net cost to the Exchequer of each of these operations. [35791/13]

**Deputy Paul Kehoe:** As of 30 June 2013, Ireland is contributing approximately 449 Defence Forces personnel to 13 different missions throughout the world. Full details of all personnel currently serving overseas are listed in the tabular statement together with details of the latest available costings which are in respect of 2012.

The main overseas missions in which Defence Forces personnel are currently deployed are the UN Interim Force in Lebanon, UNIFIL, with 361 personnel, including the Deputy Force Commander; the EU Training Mission, EUTM, Somalia with 11 personnel, including the Mission Commander; the EU Training Mission in Mali, EUTM Mali, with eight personnel; the EUFOR mission in Bosnia and Herzegovina with seven personnel; the NATO-led international security presence, KFOR, in Kosovo with 12 personnel; and the International Security Assistance Force, ISAF, in Afghanistan with seven personnel. Ireland also contributes 24 observers and staff to various United Nations and OSCE missions and 19 other personnel to staff appointments at UN, EU and OSCE headquarters. The current contribution of some 449 personnel to overseas missions reflects the Government's continued commitment to our responsibilities in the area of international peace and security.

The costs in respect of Defence Forces participation in UN, EU and NATO-led peace support operations, which include allowances, together with travel and subsistence and transportation costs, for troops and freight, for 2012, amount to €15,755,554. The net cost, allowing for UN reimbursements amounts to €5,185,014.

The UN reimburses some personnel and contingent owned equipment costs in respect of contributions of personnel to UN-led operations. Rates of reimbursement, fixed in accordance with UN categories of equipment and personnel, are agreed in a memorandum of understanding between Ireland and the UN for each mission. The only mission for which Ireland is currently entitled to reimbursement of some troop and equipment costs, is the United Nations Interim Force in Lebanon, UNIFIL.

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

Ireland is not entitled to any reimbursement in respect of Defence Forces participation in EU-led or NATO-led missions as all troop contributors to such missions are responsible for their own costs.

### Members of the Permanent Defence Force Serving Overseas as of 1 July 2013

<b><i>1. UN Missions</i></b>		
<b><i>(i)</i></b>	<b><i>UNIFIL (United Nations Interim Force in Lebanon) HQ UNIFIL 108th Infantry Battalion UNIFIL Sector West HQ</i></b>	<b><i>163378</i></b>
<b><i>(ii)</i></b>	<b><i>UNTSO (United Nations Truce Supervision Organisation) – Israel and Syria</i></b>	<b><i>13</i></b>
<b><i>(iii)</i></b>	<b><i>MINURSO (United Nations Mission for the Referendum in Western Sahara)</i></b>	
<b><i>(iv)</i></b>	<b><i>MONUSCO (United Nations Stabilisation Mission in the Democratic Republic of the Congo)</i></b>	<b><i>3</i></b>
<b><i>(v)</i></b>	<b><i>UNOCI (United Nations Mission in Ivory Coast)</i></b>	<b><i>2</i></b>
<b><i>(vi)</i></b>	<b><i>UNDOF (United Nations Disengagement Observer Force in Syria)</i></b>	<b><i>3</i></b>
	<b><i>TOTAL</i></b>	<b><i>385</i></b>
<b><i>UN Mandated Missions</i></b>		
<b><i>(vii)</i></b>	<b><i>EUFOR (EU-led Operation in Bosnia and Herzegovina)</i></b>	<b><i>7</i></b>
<b><i>(viii)</i></b>	<b><i>EUTM Somalia (EU-led Training Mission )</i></b>	<b><i>11</i></b>
<b><i>(ix)</i></b>	<b><i>EUTM Mali (EU-Led Training Mission)</i></b>	<b><i>8</i></b>
<b><i>(x)</i></b>	<b><i>KFOR (International Security Presence in Kosovo) – HQ</i></b>	<b><i>12</i></b>
<b><i>(xi)</i></b>	<b><i>ISAF (International Security Assistance Force in Afghanistan)</i></b>	<b><i>7</i></b>
	<b><i>TOTAL NUMBER OF PERSONNEL SERVING WITH UN MISSIONS</i></b>	<b><i>430</i></b>
<b><i>2. Organisation for Security and Co-operation in Europe (OSCE)</i></b>		
<b><i>(i)</i></b>	<b><i>OSCE Mission to Bosnia &amp; Herzegovina</i></b>	<b><i>2</i></b>
<b><i>(ii)</i></b>	<b><i>OSCE Mission in Belgrade - Serbia</i></b>	<b><i>1</i></b>

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<i>(iii)</i>	<i>Staff Officer, High Level Planning Group, Vienna</i>	<i>1</i>
	<b>TOTAL NUMBER OF PERSONNEL SERVING OSCE</b>	<i>4</i>
<b>3. EU Military Staff</b>		
	<i>Brussels</i>	<i>4</i>

<b>4. Military Representatives/Advisers/Staff</b>	
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<i>(i)</i>	<i>Military Adviser, Permanent Mission to UN, New York - 1</i>
<i>(ii)</i>	<i>Military Adviser, Irish Delegation to OSCE, Vienna - 1</i>
<i>(iii)</i>	<i>Military Representative to EU (Brussels) - 5</i>
<i>(iv)</i>	<i>Liaison Office of Ireland, NATO/PfP (Brussels) -2</i>
<i>(v)</i>	<i>EU OHQ Operation Althea, Mons, Belgium - 1</i>
<i>(vi)</i>	<i>European Defence Agency (EDA) Brussels -1</i>

<b>TOTAL NUMBER OF DEFENCE FORCES PERSONNEL SERVING OVERSEAS</b>	<i>449</i>
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**Costs in respect of Defence Forces participation in UN, EU and NATO led peace support operations in 2012**

<i>Mission</i>	<i>Total Costs</i>	
<i>UNIFIL – Lebanon</i>	<i>€13,545,947</i>	
<i>KFOR – Kosovo</i>	<i>€473,338</i>	
<i>EUFOR (Bosnia Herzegovina)</i>	<i>€332,548</i>	
<i>EUTM Somalia</i>	<i>€341,657</i>	
<i>ISAF – Afghanistan</i>	<i>€330,435</i>	
<i>UNOCI – Ivory Coast</i>	<i>€71,915</i>	
<i>MINURSO/UNTSO</i>	<i>€515,039</i>	
<i>MONUC – Congo</i>	<i>€100,030</i>	
<i>UNSMIS – Syria (finished 19/8/12)</i>	<i>€44,645</i>	
<b>TOTAL</b>		<i>€15,755,554</i>
<i>Reimbursements Received from UN</i>	<i>€10,570,540</i>	
<i>Net Cost</i>		<i>€5,185,014</i>

**Deputy Clare Daly:** There is a huge amount of information in the reply and it is hard to

keep up with it. I believe that Irish people feel that we should have a neutral foreign policy and whatever about our Army being deployed on peacekeeping missions, the idea of participating in battle groups and the subsequent cost to the State of those ventures is something in which people are interested. Can the Minister of State explain if the reason the taxpayer has to pay out €5 million in terms of the costs of participation in missions is because they are not United Nations missions? Are they areas that come under EU battle groups which would be more covered under those costs? Are all UN operations refunded? Is there a change in that position in terms of the troops the Minister of State voted earlier today to send as observers to Syria? Is that a departure in terms of finances?

**Deputy Paul Kehoe:** I think the figure in respect of reimbursement for this year is 75%. I will come back to the Deputy with the exact percentage of the return from the UN.

It is important for Ireland to be involved in these peacekeeping measures. We spoke about the importance of Irish missions before the Deputy came into House and the opportunities they present for members of our Defence Forces to participate in missions be it in UNIFIL or other missions. I am not sure if the Deputy was here for the debate this morning on the motion on the overseas mission which covers members of the Defence Forces going to the Golan Heights on peacekeeping duties as part of that mission. That motion was passed. It is a new mission for Ireland to be involved in.

**Deputy Clare Daly:** The problem is that there is a creeping involvement of Irish Defence Forces operations in more NATO-led missions or under the guise of the EU rather than traditional UN peacekeeping measures and I wonder what the breakdown is in terms of costs. Is there a departure with the Syrian mission in terms of the amount of moneys being refunded to the State? Is it the position in this case that all of the money traditionally is refunded by the United Nations? I note that last year there was an allocation of more than €10 million in regard to the participation of Irish Defence Forces personnel in the EU battle groups. Was that money spent or where is that reflected in this information? While people feel proud about the role that our troops would play in peacekeeping missions there is a very fine line and there has been an elimination of our neutrality and more involvement with NATO forces.

**Acting Chairman (Deputy Peter Mathews):** Deputy Wallace had indicated that he wanted to ask a question but only a few seconds remain.

**Deputy Mick Wallace:** A few seconds.

**Acting Chairman (Deputy Peter Mathews):** Yes, because Deputy Daly has used the time.

**Deputy Paul Kehoe:** I will give way to the Deputy.

**Deputy Mick Wallace:** On the last day of term and the Acting Chairman is strict as ever. You are a hard man. I thank the Minister for doing that. I want to make the same point that has been made. I would be a little concerned that we are going to get involved in areas where we could be perceived to be taking sides. I did not like the idea of us sending people to Mali. I am not keen on sending people to Syria. At this stage, the idea that we still have some people in Afghanistan is a bit frightening.

I think history will show that the time spent by the western forces in Afghanistan was probably the most futile and damaging use of resources by anyone. It is unfortunate that any of our troops were involved in it. We have agreed to leave them there until October of this year. I

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would like to know whether Ireland still intends to take its troops out in October.

**Deputy Paul Kehoe:** I will respond to Deputy Clare Daly's question first. The Minister for Defence estimates that the additional cost of deploying troops to the Golan Heights in 2013 will be approximately €2 million and the additional cost for a full year will be approximately €5 million. Approximately three quarters of this will be recoverable from the UN. The Minister for Defence is satisfied that the costs of the mission will be absorbed for the balance of the current year. The costs for the 2014 mission will be addressed as part of the Estimates process.

I was also asked about the safety of our troops. Of course there are dangers involved in any mission. No one enters the Army as a cadet or a recruit in the expectation that no danger will be involved in any mission. Of course there are dangers. The Chief of Staff advised the Minister for Defence of the risks involved here. The Government decided, on the basis of that advice, that the Defence Forces will participate in this mission in Syria and the Golan Heights. Of course a decision had to be made by the Government, the UN and the Dáil. A motion to that effect was passed in this House this morning.

### **Cyber Security Policy**

7. **Deputy Billy Kelleher** asked the Minister for Defence if he will report on the recent Brussels seminar on cybersecurity, hosted by the Irish Presidency of the EU; and if he will make a statement on the matter. [35738/13]

**Deputy Paul Kehoe:** As part of Ireland's Presidency of the Council of the European Union, this country, in association with the Estonian Ministry of Defence and the European Defence Agency, hosted a high level conference on cybersecurity co-operation in the European Union in Brussels on 20 June last. The conference was attended by representatives of EU member states, the External Action Service, the European Commission, EUROPOL and NATO, as well as non-governmental and private sector participants. The objective of the conference was to advance the debate on the preparedness of EU member states to face cybersecurity threats at national level and across the EU as a whole. In his address at the conference, the Minister, Deputy Shatter, said it was his ambition to ensure the work embarked on during the conference would help to set the parameters for the implementation of an effective framework of collaboration on cybersecurity and defence among EU member states. He also said he hoped it would support the implementation of the recently published EU cybersecurity strategy. The conference determined that a failure to co-operate in the area of cybersecurity would undermine our collective security and demonstrate a lack of understanding of the escalating threat we face. It was acknowledged that no one organisation or state has the capacity to address the cybersecurity issue on its own. As such, a co-ordinated approach involving the Commission and the justice and home affairs and Common Foreign and Security Policy bodies, working through the relevant Councils and the Council working group on a common and shared agenda, is essential if a comprehensive EU approach to cybersecurity and defence is to be pursued at national and EU levels. The conference concluded that the scale and complexity of cybersecurity threats demand a cohesive application of all the instruments available to the EU. Various sectors of society in the public and private spheres need to be engaged and responsible. The conference also concluded that there is a need to ensure there is co-operation and co-ordination between the relevant authorities of the member states.

**Deputy Seán Ó Fearghail:** I commend the Minister for Justice and Equality, the Estonian

Ministry of Defence and the European Defence Agency on convening this conference. Clearly, the Minister's task during the Presidency was to try to adopt a pan-European approach to the cybersecurity threat. Can the Minister of State tell me whether the Minister achieved any success in that regard? I wish to ask a specific question about the local situation. How many members of our Defence Forces have been or will be trained to deal with cybersecurity issues? Is there a dedicated unit dealing with the matter within the defence organisation? Were any proposals made at the conference on how to develop increased information-sharing and early warning and crisis management systems? Is it intended to step up co-operation between the EU and NATO on these matters?

**Deputy Paul Kehoe:** The Deputy has asked a number of questions. I was not in attendance at the conference. I do not have the exact details sought by the Deputy in some of his questions. It is important for everyone to take a collective view of collaboration. People need to work together. It was important for the Minister, Deputy Shatter, to attend the cybersecurity conference in his capacity as Minister for Defence and also in his capacity as Minister for Justice and Equality. Can the Deputy repeat his first question?

**Deputy Seán Ó Feargháil:** I was asking whether the Minister made progress in getting a pan-European approach to this problem.

**Deputy Paul Kehoe:** I spoke to him about this issue when I learned that I would be answering questions on it. Progress was made at the conference. There will be follow-up interaction regarding this issue going along. Ireland's participation in cybersecurity matters will be reviewed on a continual basis.

**Deputy Eoghan Murphy:** The Organisation for Security and Co-operation in Europe has been working on this area as well. I have been pursuing it at that organisation's parliamentary assembly. I have been surprised to learn that people do not realise Ireland is very strong in this area. There is an excellent Centre for Cybersecurity and Cybercrime Investigation at UCD, which is in the Acting Chairman's constituency. As the Minister, Deputy Shatter, travels around and speaks to his colleagues, he should promote that world-class centre, which needs to build links with other centres in other countries if EU member states are to address this threat together.

**Deputy Paul Kehoe:** I remind the House that the conference aimed to advance the debate on the preparedness of member states to face cybersecurity threats at national level and across the EU as a whole. I am aware of Deputy Eoghan Murphy's work on the European committee he mentioned, which is doing a great deal of work on this issue. It is important for Ireland to make an input into this area. I assure the House that the fact that the Minister, Deputy Shatter, holds both the defence and justice portfolios gives this country a huge opportunity to make a major input into further policy in this area.

**Acting Chairman (Deputy Peter Mathews):** I am also conscious that UCD is in my constituency.

### **Overseas Missions**

8. **Deputy Micheál Martin** asked the Minister for Defence if he will provide an update on the Defence Forces mission in Afghanistan; and if he will make a statement on the matter.

[35732/13]

21. **Deputy Mick Wallace** asked the Minister for Defence further to Parliamentary Question No. 41 of 18 June 2013, if he will confirm if Irish Defence Forces personnel will return home in October 2013 when the current International Security Assistance Force mandate expires; and if he will make a statement on the matter. [35792/13]

**Deputy Paul Kehoe:** I propose to take Questions Nos. 8 and 21 together.

Ireland has participated in the NATO-led UN mandated mission in Afghanistan since 5 July 2002. On 25 June last, the Government agreed to continue to provide seven members of the Permanent Defence Force for service with the International Security Assistance Force for a further period from July 2013, subject to ongoing review by the Minister for Defence. On 20 December 2001, the UN Security Council unanimously adopted Resolution 1386 under Chapter VII of the UN Charter, authorising the establishment of the International Security Assistance Force in Afghanistan. The UN mandate for this mission was most recently renewed on 9 October 2012 and will fall to be renewed again in October this year. The International Security Assistance Force has a current strength of approximately 97,920 personnel drawn from 47 countries.

In March 2011, the transition process whereby the Afghan security forces would gradually take on more security responsibility from the International Security Assistance Force was launched. As of 18 June 2013, the final phase of the transition was instigated. At present, 23 of the 34 Afghan provinces are fully in transition. This process is due to be completed at the end of 2014, when the International Security Assistance Force mission will end. NATO will then lead a follow-on mission to continue to support the development of Afghan national security capacity.

No date for the withdrawal of Irish personnel has been fixed at this stage. Planning for the drawdown of the International Security Assistance Force generally is ongoing. The withdrawal of the Defence Forces personnel will be co-ordinated within the context of the International Security Assistance Force drawdown plan. I expect a phased drawdown of the International Security Assistance Force headquarters, with Defence Forces personnel being withdrawn as the headquarters downsizes.

**Deputy Seán Ó Feargháil:** I will be brief. I would like to pay tribute again to our men and women who have served in Afghanistan. It has been a long and difficult mission. What is the nature of the roles that have been undertaken by our personnel there in recent years?

*5 o'clock*

Are our forces based in Kabul or other parts of the country? Has there been rotation among personnel over the past number of years? Can the Minister of State give us some indication of the duration of the stay? Most importantly, what is it that we will point to over the past 11 years as being our main achievement in undertaking this mission?

**Deputy Paul Kehoe:** I understand that our troops are based in headquarters and rotate in respect of different responsibilities. I commend the members of the Defence Forces who are out there because it is a very difficult and dangerous mission. Even though they are based in headquarters, they have a very difficult role to play that is very important to the entire mission. The Government and the Defence Forces are reviewing our future there. It is something the

Minister is very aware of.

**Deputy Mick Wallace:** In my last question, I asked whether we would be taking the troops out in October. I did not realise that there would be a subsequent question on this matter. The Minister of State is saying that this is unlikely to happen at this stage.

We need to make things clearer regarding our neutrality. Having troops in Afghanistan does not necessarily do much for our neutral stance on these matters. I do not see much logic in having troops there at any time given that most of the western powers are already planning to pull out with their tails between their legs. I acknowledge the fact that their mission failed, that it was a serious waste of money and lives and that they have probably left the place worse than they found it, as the Russians did before them. It would be very positive if we did not let it go past October.

**Deputy Paul Kehoe:** The current ISAF mission will end in December 2014 and NATO will then lead a follow-on mission to continue to support the development of the capacity of Afghan national security forces. It is envisaged that the NATO-led force post-2014 will be made up of military trainers and advisers from the US and other NATO partner countries. Any participation by Ireland in the follow-up mission would be considered in the context of what other participants in ISAF are planned. The Minister for Defence will revert to Government in this regard at the opportune juncture when that arises.

It is important for Irish troops to participate in peace support operations. This has greatly enhanced the professional capacity of our Defence Forces. As with any mission, the Minister for Defence will review all missions and take into account the safety of Irish troops wherever they are.

## **Foreign Conflicts**

9. **Deputy John McGuinness** asked the Minister for Defence if he will expand on his recent statement that the experience from the Mali mission would suggest that, while individual member states could respond rapidly, the decision-making process within the EU has been found wanting. [35726/13]

**Deputy Paul Kehoe:** As part of Ireland's Presidency of the Council of the European Union, my colleague the Minister for Justice and Equality and Defence addressed a seminar in May 2013 on the European Council on Defence meeting scheduled to take place in December. During his address, the Minister referred to events that had taken place in Mali. In the context of discussions that have taken place in respect of the forthcoming European Council on Defence meeting, the Minister said that a number of common themes have emerged. One of these included the need for the EU to significantly improve decision-making cycles so that the EU is in a position to respond where and when required and he went on to say that "the experience from the Mali mission would suggest that, while individual member states could respond rapidly, the decision making process within the EU had been found wanting".

The situation in Mali had been deteriorating since an attempted coup in March 2012 and the secession of much of the north of the country, which had become a safe haven for terrorists and criminals. The EU had been considering the potential for a CSDP mission to Mali to support capacity building of the Malian armed forces since then. However, a rapid deterioration in the

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security situation and a request from the Malian Government for assistance in January 2013 resulted in France deploying a military operation in Mali, Operation *Serval*, to help the Malian government to restore its territorial integrity.

What occurred in respect of Mali highlights the capacity of a member state, in this case France, with co-operation from a small number of other member states, to react and act with speed. It also highlights one of the difficulties in the European Union in the context of the existing structures and the willingness of member states to act and make speedy decisions. While the EU was discussing and moving to a decision on the EU training mission in Mali, if France had not intervened, the Malian state might not have survived and there would not have been a role for any EU training mission. That is something we need to address.

The European Union is currently reviewing its crisis management procedures with a view to streamlining them, reducing delays in launching missions and operations, and improving its decision-making processes.

**Deputy Seán Ó Fearghail:** This question was tabled for two reasons. The principal reason is because there seems to be a difference between what is being said by the Minister for Defence and what is being said by the Department of Foreign Affairs. The Minister of State has effectively said that the EU has been found wanting in terms of its decision-making process around Mali. I know many Members of this House have very serious reservations about our participation there. During a recent Question Time with the Tánaiste and Minister for Foreign Affairs, the Minister of State at the Department told Deputy Smith that the EU had implemented a comprehensive approach to the situation encompassing diplomatic support, development and humanitarian assistance, as well as support in the areas of security and peacekeeping. Clearly, the two Departments have very different approaches and perspectives on this issue. The Minister for Justice and Equality said that there must be increased potential for specialisation in delivering niche capabilities to be called on when the need arises. I wonder what are the niche capabilities that we might be able to undertake and whether the Minister has taken the Minister of State into his confidence. Could the Minister of State tell the House what are the niche capabilities?

The Dáil today took a very deliberate and major decision, as part of the triple lock process, to despatch troops to Syria. Given that this decision has been taken, can we take it that there is no prospect of large numbers of Irish troops being despatched to Mali at any stage in the near future?

**Deputy Paul Kehoe:** I will get back to the Deputy. The EU training mission to Mali is a common security and defence policy mission focused on providing military training and advice to the Malian armed forces to improve their military capacity and effectiveness in guaranteeing the country's territorial integrity. Training is also being provided in international humanitarian law, the protection of civilians and human rights. The headquarters of the mission is in the Malian capital of Bamako where training is taking place in a dedicated training camp. A total of 22 member states are contributing over 500 troops. Personnel deployed to the mission are not involved in combat operations.

The EU's crisis management procedures date from 2003. The EU's Political and Security Committee exercises political control and strategic direction of all crisis management operations. The current crisis management procedures outline the steps to be followed in each of the phases as follows: to monitor and analyse the situation and advance planning; develop a crisis

management concept; approve the crisis management concept; develop military and civilian strategic options; formally decide to take options developing planning documents, concept of operations and operational plan; implement the operational plan; review any action; and decide whether to refocus EU action or terminate the operation. This has been a successful mission for the Irish Defence Forces. I am not aware of what the Minister of State at the Department of Foreign Affairs and Trade said here during Question Time recently.

**Deputy Mick Wallace:** When the French moved into Mali in January, their commander, Brigadier General François Lecointre, who has since become the commander of the EU mission, said at the time that it was a matter of weeks, not months. Yesterday in Brussels, he stated he believed the mission should be expanded and should continue for at least a year longer than planned. We know the French moved in and decided to restore the previous Government, which had been thrown out by the rebels and which came to power through a military coup. It did not have much to do with democracy on the part of the French. They are certainly very keen to enhance their financial interest in what is a crucial area for them. We are now throwing in a few troops on a training mission. I fear it might end in tears. I am not sure it is a good idea for us to be out there.

**Deputy Paul Kehoe:** On 26 February 2013, the Government approved the deployment of approximately eight members of the Permanent Defence Force to Mali. The Irish contribution to the mission comprises three officers and five non-commissioned officers, with one officer deployed to the mission headquarters in Bamako and another two to the training camp headquarters. The remaining six personnel are deployed in Koulikoro and form part of the joint infantry training team with the UK armed forces.

I am not aware of any comments made yesterday in Brussels, but I have no doubt they will come to the attention of the Department. The extension of time will be for the consideration of the Minister of the day.

**Deputy Seán Ó Fearghail:** Did the Minister of State indicate there are more than 12 personnel in Mali? He seemed to suggest-----

**Deputy Paul Kehoe:** No.

**Deputy Seán Ó Fearghail:** The responsibilities the Minister of State read out are those of the-----

**Deputy Paul Kehoe:** There are three officers and five non-commissioned officers, with one officer deployed to mission headquarters.

**Deputy Seán Ó Fearghail:** Beyond 12 we need the triple lock arrangement.

**Deputy Paul Kehoe:** I will get back to the Deputy with the exact figure.

**Deputy Seán Ó Fearghail:** The reply reads as though there are more than 12.

**Deputy Paul Kehoe:** I am not sure. I will have to get back to the Deputy with the exact arrangement.

**Deputy Pádraig Mac Lochlainn:** It will be important to clarify it to say the least, as we may need to reconvene the Dáil.

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## Defence Forces Personnel

10. **Deputy Bernard J. Durkan** asked the Minister for Defence the number of promotional opportunities that have arisen in the Defence Forces in each of the past three years to date; the number of such positions filled by women; the extent to which women are represented within the Defence Forces as a proportion of overall strength; the extent to which numerical representation is reflected in the course of promotions throughout the period in question; the extent to which similar opportunities are likely to be filled in the future; and if he will make a statement on the matter. [35715/13]

**Deputy Paul Kehoe:** The number of promotions which were effected in the Permanent Defence Force in each of the past three years was 168 in 2010, 356 in 2011 and 538 in 2012. In the year to 31 May 2013, the latest date for which figures are available, 365 promotions have been completed. The military authorities have advised it is not possible to collate the detailed information requested on the gender breakdown of these promotions, but the information will be forwarded to the Deputy as soon as it is available. As of 30 June 2013 there are 561 women out of a total strength of 9,093 serving in the Permanent Defence Force, PDF. This represents 6.2% of the overall strength of the Defence Forces, of which 466 are serving in the Army, 28 in the Air Corps and 67 in the Naval Service. It also denotes a 23% increase of female representation in the PDF since 2002.

The Government is committed to a policy of equal opportunity for men and women throughout the Defence Forces and to the full participation by women in all aspects of Defence Forces activities. Unlike many other national armed forces, the Defence Forces have no restrictions on the assignment of men or women to the full range of operational and administrative duties. All promotions and career courses are open on the basis of competence and capabilities and are not gender based.

The Defence Force prides itself on providing a gender-neutral working environment. Policies on equality are being constantly communicated to all ranks. The military authorities are alert and vigilant to this issue and are committed to addressing this matter in a continuing and proactive manner.

## Defence Forces Properties

11. **Deputy Jonathan O'Brien** asked the Minister for Defence the security measures in place and their cost at closed Army bases. [35930/13]

**Deputy Paul Kehoe:** At present the Department of Defence has security arrangements in place at two former military installations, namely, Columb Barracks in Mullingar and Rockhill House in Letterkenny. The amount paid in security costs at these installations varies from month to month, depending on security requirements. The average cost per month of Columb Barracks since its closure in 2012 is €5,187 and the average cost per month of Rockhill House, Donegal since its closure in 2009 is €5,353. The effectiveness of the security measures in place are continuously monitored and I am satisfied the arrangements are warranted.

**Deputy Pádraig Mac Lochlainn:** I thank the Minister of State for his response. I understood Rockhill House in Letterkenny was to be taken over by Donegal County Council or sold to it, which would be very welcome because it is very historical with considerable potential. I

would like to know what the opportunities are. If the Minister of State does not have the answer now, perhaps he will come back to me with the information.

**Deputy Paul Kehoe:** I am very much aware, because I checked yesterday, that the sale of Rockhill House to Donegal County Council by the Department of Defence is at an advanced stage. I will not say it will be completed in the very near future but it is at a very advanced stage. I understand Donegal County Council has plans to develop it into a visitor attraction. The project has been ongoing for quite some time. I believe it is situated just outside Letterkenny.

**Deputy Pádraig Mac Lochlainn:** Yes.

**Deputy Paul Kehoe:** I am very much aware it is at a very advanced stage but I am not sure when it will conclude. As the Deputy understands, like all sales involving Departments, it will take time to be concluded.

### **Defence Forces Recruitment**

12. **Deputy Michael McGrath** asked the Minister for Defence if the Permanent Defence Force will be recruiting during 2013; if he expects there to be 9,500 personnel strength at year end; and if he will make a statement on the matter. [35742/13]

**Deputy Paul Kehoe:** I am advised by the military authorities that the strength of the Permanent Defence Force, PDF, at 30 June 2013, the latest date for which details are available, was 9,093, which comprised 7,306 Army, 779 Air Corps and 1,008 Naval Service personnel. These figures do not include 70 members of the PDF who are on career breaks or on leave of absence. As the Permanent Defence Force is below the agreed serving cadre of 9,500, it is my intention that targeted recruitment will continue within the resource envelope allocated to the Department of Defence. Following on from the last general service recruitment campaign in 2012, a total of 539 general service recruits were enlisted in the Permanent Defence Force, of which 418 were enlisted in the Army and 121 in the Naval Service. It is intended that further general service recruitment will take place from the existing competition panels in the autumn. A decision on exact numbers to be taken in has not been made at this time and will depend on available resources, training capacity and vacancies.

A competition for the intake of cadets was recently advertised, the closing date for which was 26 May 2013. It is planned to take in 33 cadets from this cadetship competition in 2013. In addition, it is proposed to advertise competitions for the recruitment of apprentices for the Air Corps and engine room artificers for the Naval Service in the near future.

With the support of the Chief of Staff and within the resources available, it is intended to retain the capacity of the Defence Forces to operate effectively across all roles and to undertake the tasks laid down by the Government at home and overseas.

**Deputy Seán Ó Fearghail:** I welcome the intention to recruit, but I would like us to do our figures on this. Am I right to assume we are 407 members short of the commitment to maintain a force of 9,500? Am I to expect, therefore, that the Minister will honour his commitment of maintaining the force at 9,500? The Minister of State has referred to financial constraints. Our understanding was that, notwithstanding the financial constraints, we had an agreement on the

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part of the Minister that the forces would stand at 9,500. One would expect therefore that the 400 plus personnel that are required to bring the number up to 9,500 would be recruited as soon as possible and that they would be recruited in the course of 2013.

**Deputy Paul Kehoe:** Government approval has been received to maintain the strength of the Permanent Defence Force, PDF, at 9,500, the optimum level required to fill the roles assigned to it by Government. As the PDF is currently more than 300 below the agreed serving cadre, a general service recruitment will be undertaken in the autumn with the resource envelope allocated to the Department of Defence. It is our intention to maintain the floor at 9,500. Further recruitment will take place at the end of this year but the number to be recruited is dependent on the resource envelope available. We hope to be in a position to bring the force back up to the committed level of 9,500 personnel. It is our intention to do that.

As I indicated, a competition for cadets was advertised recently and it is intended that further general service recruitment will take place from existing competition panels in the autumn. The Deputy will understand that there was a significant level of interest following the advertisement for general enlistment. We will take people off the existing competition panels.

**Deputy Seán Ó Fearghail:** Has a figure been fixed or is there an indication of the number that will be recruited?

**Deputy Paul Kehoe:** I cannot give Deputy Ó Fearghail an exact figure today. It will be known later in the year. Successful applicants will be taken off existing competition panels. They are ready to be enlisted.

### **Defence Forces Reserve Funding**

13. **Deputy Aengus Ó Snodaigh** asked the Minister for Defence the financial supports that will be available to members of the Reserve Defence Forces in the future. [35932/13]

**(Deputy Paul Kehoe):** The steering committee which undertook the value for money, VFM, review of the Reserve Defence Force recognised the importance of retaining an effective reserve capacity that can augment the Permanent Defence Force in times of need. The Government values the contribution made by all members of the Reserve Defence Force. Similar to many other voluntary organisations, members of the Army Reserve and Naval Service Reserve undertake unpaid activities on a voluntary basis. In addition, members of the Army Reserve and Naval Service Reserve are afforded the opportunity to avail of paid training.

In line with the recommendations of the VFM review of the Reserve Defence Force, which was published last November, the revised strength ceiling for the Army Reserve and Naval Service Reserve is 4,069 personnel. The budget relating to paid training activity for members of the reserve is €3.243 million for 2013. The VFM review of the reserve concluded that the previous allocation of 30,000 paid training man-days was insufficient to sustain a strength level of 4,069 personnel. In order to ensure appropriate training within the existing resource envelope, the VFM review recommended the withdrawal of gratuities from members of the reserve and the reallocation of this money to paid training. This measure has been implemented and has significantly boosted the number of paid training man-days available to members of the reserve, rising from 30,000 paid man-days in 2012 to 41,500 in 2013. This will ensure that all members of the Army Reserve and Naval Service Reserve are afforded the opportunity to participate in

annual collective training and other specialised training and are financially supported while doing so.

These and other reforms being put in place are necessary to ensure the viability of the reserve into the future. I am convinced that such reforms will lead to a more streamlined, fit-for-purpose organisation with a more cohesive relationship between the PDF and the RDF and an overall enhanced defence capability. The enormous efforts being applied to the reform process by all personnel within the Defence Forces is commended and will, I have no doubt, be instrumental in achieving the required outcomes over the coming years.

**Deputy Pádraig Mac Lochlainn:** I have had a number of exchanges with the Minister on the Reserve Defence Force, RDF, and the changes that have taken place in that regard. We had a presentation from the representative association of the RDF, which was very concerned about the changes that have taken place. It challenged the arguments on the number participating in training and on resources. I repeatedly asked the Minister to meet with the RDF representative association to see whether there is scope for improvement and if he can address its concerns. I thought the presentation was most compelling and that the suggestions made were constructive. Could the Minister of State confirm whether the Minister has met the representative association since my call for such a meeting to take place and if he has read the transcript of the presentation it made to the committee and, if not, whether he will read it? Will the Minister or the Minister of State meet the representative association?

**Deputy Paul Kehoe:** The military authorities have advised that members of the reserve were briefed on an ongoing basis as the re-organisation progressed and as soon as relevant plans were finalised. In addition, there will continue to be full consultation with the representative associations on all matters that fall within the scope of representation. Regular bilateral meetings with the associations will continue over the coming months.

As I said in my original reply, following re-organisation the training days increased from 30,000 paid man-days in 2012 to 41,500 in 2013 as a result of the changes introduced by the Government. I commend the work of the reserve. I have no doubt Members opposite do so also. The work is done on a voluntary basis because members of the reserve enjoy the varied work they do, in particular work they carry out on a voluntary basis with the Permanent Defence Force. In the Naval Service members of the reserve do a brilliant job on the ships. They are to be commended on the manner in which they are able to work side by side with members of the Permanent Defence Force. I am not aware of the date of the last meeting the Minister, Deputy Shatter, had with the representative association of the RDF. I will try to find out and will revert to the Deputy.

**Deputy Pádraig Mac Lochlainn:** Will the Minister of State give a commitment to meet with the representative association of the RDF during the recess or as soon as he possibly can to listen to their thoughts and ideas? Regardless of the reference to consultation and to bilateral meetings the members of the representative association do not feel they have been heard. While one cannot reverse everything that has been done, there may be scope for improvement. Such a meeting would be constructive. I urge the Minister of State to consider meeting with the association when the opportunity arises, hopefully during the recess.

**Deputy Paul Kehoe:** I do not have a problem meeting with members of the reserve and the authorities involved. I have met them on previous occasions. I met members of the reserve in Wexford and listened to their concerns.

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**Acting Chairman (Deputy Peter Mathews):** It only remains for me to thank Members for their questions, the Minister of State for his replies, and to wish everyone laethanta saoire sona daoibh go léir. Slán agus beannacht libh.

*Written Answers follow Adjournment.*

The Dáil adjourned at 5.30 p.m. until 2.30 p.m. on Wednesday, 18 September 2013.