



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Ceisteanna - Questions	2
Early Child Care Education	2
Child Care Costs	5
Preschool Services	8
Youth Services Funding	10
Adoption Records Provision	12
Other Questions	15
National Educational Welfare Board Remit	15
Children in Care	17
Child Care Reports	19
Child Care Services Inspections	20
Messages from Seanad	21
Message from Select Committee	21
Leaders' Questions	23
Order of Business	45
Social Clauses in Public Procurement Bill 2013: First Stage	53
Topical Issue Debate	54
Driver Licence Waiting Times	54
Flood Risk Insurance Cover	56
Wind Energy Guidelines	59
School Textbooks Rental Scheme	62
Third Report of the Constitutional Convention - Same-Sex Marriage: Statements	65
Planning and Development (Transparency and Consumer Confidence) Bill 2013: Second Stage [Private Members]	83

DÁIL ÉIREANN

Dé Máirt, 17 Nollaig 2013

Tuesday, 17 December 2013

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

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Early Child Care Education

69. **Deputy Robert Troy** asked the Minister for Children and Youth Affairs the public procurement exemption clause applied when allocating €900,000 to two independently managed child care organisations in terms of what specific Department of Children and Youth Affairs guidelines feature this specific exemption; and if she will make a statement on the matter. [54102/13]

Deputy Robert Troy: Will the Minister indicate, in relation to the €900,000 allocated to two independently managed child care organisations, the public procurement exemption clause used and where I can find the documentation?

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): As the Deputy will be aware, I went into detail on the approach taken in this matter in a Topical Issue debate on 26 November. Earlier this year I announced an eight point preschool quality agenda to address issues of quality in the preschool sector. As part of this agenda, I announced that from September 2015 all existing staff working in preschool services would be required to hold a qualification in early childhood care and education at FETAC level 5. Preschool leaders delivering the preschool year will be required to hold a qualification at FETAC level 6. The Child and Family Agency Bill 2013 which has passed all Stages in the Oireachtas provides a legal basis for the setting of minimum qualification requirements for all staff in the sector.

In budget 2014 I secured a total provision for next year of €4.5 million to support implementation of the preschool quality agenda. This includes an additional funding allocation of

€1.5 million to support the training of existing staff to meet the new qualification requirements. It is intended that this training provision will be repeated in 2015, bringing the total provision to €3 million in the period 2014 to 2015. The total number of existing child care staff who will need to have completed training by September 2015 is estimated at 3,000. My Department is currently putting arrangements in place for a new training programme over the period 2014 to 2015. Planning is under way for my Department, in association with Pobal, to publicly seek expressions of interest from accredited training providers who wish to provide FETAC level 5 or level 6 training under this initiative. It is likely that the city and county child care committees will play an important role in identifying qualifying staff and supporting them in accessing suitable training from the panel put in place through the expressions of interest process. I expect the full details, including detailed specifications, selection criteria and operational arrangements for the new initiative, to be finalised and announced in January 2014.

In addition to these plans, it was agreed with the Department of Public Expenditure and Reform that €900,000 in once-off savings available within my Department's Vote in 2013 could be directed towards support for the training of preschool staff.

My Department agreed to increase the grant funding being provided in 2013 to Early Childhood Ireland and the Border Counties Childhood Network in return for the provision of additional accredited training to existing staff. The provision of training and high-quality supports has been a particular feature of the grant-aided work carried out by these bodies and both are accredited to deliver FETAC level 5 training in early childhood care and education. The additional provision is included in their revised annual work plan agreed with the Department each year as a condition of their annual grant aid.

Additional information not given on the floor of the House

I believe the approach taken has facilitated early progress in the important and ambitious objective of training more than 3,000 staff who must meet prescribed minimum qualification requirements by September 2015 if they are to continue to work in the sector. This early progress and the lessons from the pilot undertaken with two voluntary organisations that have existing grant agreements in place with my Department will be built upon in the new year when a range of providers will be invited to participate in the scheme in order to achieve the coverage necessary to train the full cohort of staff who require training over the next two years.

The level of grant aid made available to these voluntary organisations, which varies from year to year, is a matter for my Department to determine, having regard to key priorities and the availability of resources. These are traditional grant arrangements which are commonplace between the public sector and various national and local voluntary organisations across many sectors, including social services, education and vocational training.

Deputy Robert Troy: I am not questioning the validity of these two organisations, but I want to know whether there is a public procurement exemption for dealing with an allocation of funds of almost €1 million from the Minister's Department. A "Yes" or "No" answer will suffice. If there is not, are there guidelines in place in the Department for allocating resources to service providers? Again, a "Yes" or "No" answer will suffice, and if the answer is "No", would the Minister not agree that there should be guidelines for the allocation of resources of this magnitude? Also, what other service providers were considered in terms of their ability to deliver this much-needed training fund? I acknowledge that it is welcome and much needed, but what other service providers were examined to determine whether they could deliver what

the Minister wishes to deliver in this respect?

Deputy Frances Fitzgerald: As the Deputy will be aware, grants were made available across the Government to a range of organisations, and in my Department we grant money on a yearly basis, all well documented, to a range of organisations, whether it be Barnardos, Early Childhood Ireland or Forbairt. For example, Childminding Ireland gets €340,000 and NYCI gets several million euro. The Deputy knows the list of grant organisations. We believe that the provision of training and high-quality supports has been a particular feature of the grant-aided work carried out by these bodies previously under the Fianna Fáil-led Government, and both are accredited to deliver FETAC level 5 training. The additional provision was included in their revised annual work plan and is agreed with the Department each year as a condition of their annual grant aid. As I explained to the Deputy previously when I addressed a Topical Issue on this matter, this particular organisation is unique. Early Childhood Ireland is a limited company with charitable status. The money was given - it is not simply a matter of handing over a grant and not expecting anything in return - purely to provide training at a lower cost to a group of workers who were very poorly paid to reduce the cost of such training and so that it could be accessible to them at a subsidised cost. It was given to them by way of a grant as part of their annual grant. Therefore, the questions that the Deputy has asked do not arise.

Deputy Robert Troy: Will the Minister confirm that there is no public procurement process in her Department for allocating funds? I would like a “Yes” or “No” answer to that question. Are there guidelines in place? The Minister must remember that this is the first time her Department has allocated funds in respect of a training fund and, therefore, guidelines should be in place. What other service providers did the Minister consider to ensure she was receiving value for money in this respect? The Minister talks about opening the process further for the next tranche, in 2014, which I welcome. The Minister refers to doing this through the county child care committees. What level of consultation has the Minister had with county child care committees? Have they submitted this as part of their service plan?

I serve on the board of a local community child care crèche. If we are painting it, looking for new furniture or taking on a new service, we must find a minimum of three quotations. Organisations at the bottom of the Department of Children and Youth Affairs must ensure they are getting value for money. What did the Minister do to ensure her Department was getting value for money in respect of this? Are guidelines in place for administering funding of this magnitude? Was there, or is there, a public procurement process for this?

Deputy Frances Fitzgerald: I have explained to the Deputy that this was a grant to an organisation to deliver a programme which it had been previously funded to do. It involves training the early years sector. The organisation had been delivering it and had conducted a number of pilot projects on it. The delivery of quality training and support has been a feature of the work these organisations did all along. This was a grant given to the organisation in order to do this.

Deputy Robert Troy: To provide a service.

Deputy Frances Fitzgerald: It provided a training service to people who needed it. The early progress and the learning from the work undertaken by these two voluntary organisations, which have existing grant arrangements in place-----

Deputy Robert Troy: Not for this.

17 December 2013

Deputy Frances Fitzgerald: Of course they have existing grant arrangements in place with the Department. My Department follows all appropriate processes, as do all Departments. They were invited to participate in the scheme in order to achieve the coverage necessary to train the full cohort of staff. I remember Deputy Robert Troy asking, after a briefing in Buswells Hotel, to set up a training fund. I seem to remember the Deputy saying that a training fund should be set up and that Early Childhood Ireland should be supported in having a training fund in order to-----

Deputy Robert Troy: I did call for a training fund.

Deputy Frances Fitzgerald: Yes, in order to achieve the necessary coverage to train the full cohort of staff.

Deputy Robert Troy: Many organisations were precluded from participating in the training fund.

Deputy Frances Fitzgerald: What I was asked to do on many occasions was to have a quality agenda for the early years and part and parcel of it was what I have done and delivered within a couple of months. I have introduced legislation for registration. I have introduced legislation-----

Deputy Robert Troy: Which we supported.

Deputy Frances Fitzgerald: -----for supervision-----

Deputy Robert Troy: The Minister should answer the question.

Deputy Frances Fitzgerald: I have answered the question.

Deputy Robert Troy: The Minister did not compare it with another service provider to ensure value for money.

Deputy Frances Fitzgerald: The training is being delivered by a highly credible organisation which has done this training previously and it was asked to deliver more of the training last year in order to ensure we would have people trained, which we have now asked for in the legislation.

Child Care Costs

70. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the steps she will now take in order to help ensure the affordability of child care across the board in view of the details exposed in the recently published Indecon report commissioned by the Donegal County Childcare Committee; and if she will make a statement on the matter. [54030/13]

Deputy Caoimhghín Ó Caoláin: I seek from the Minister a reaction to the content of the Indecon report commissioned by the County Donegal Childcare Committee, with which the Minister is familiar, as she launched the report.

Deputy Frances Fitzgerald: I launched the report and quite a number of Deputies attended the launch. I welcome the work being done by the County Donegal Childcare Committee. I

asked Indecon to take a sample of the costs of child care for parents in Ireland and to make suggestions on how we could deal with that. The report focused on the difficulties being experienced by parents in meeting the costs of child care, particularly those in low paid employment. It emphasised the issue of affordable child care for working parents. It is a concern for all of us, given that the tendency in Ireland over the years has been to give direct cash payments to parents rather than building up an affordable and accessible child care system. However, we have made some progress, as the Deputy knows, in this regard. In response to the report, I have stated that I will examine the recommendations. There are two recommendations in particular, one of which is a possible tweaking of family income supplement in order to support working parents. There would be many implications in that for the tax and welfare system and there is the issue of a poverty trap. I have indicated that I will examine both recommendations in the report. I have also announced that I will review the two schemes we have now - child education and training support and the community child care subvention - examine the criteria currently being used and see if there is a better way of organising the services.

Primarily, we are maintaining the free preschool year at a cost of €175 million, and I have stated repeatedly that it is my intention to move towards a second free year as soon as finances allow. The troika has departed and we have a new medium-term economic framework, and I see it as a priority area, as resources permit, to make the early intervention in supporting parents and providing child care. I will certainly make that case.

Deputy Caoimhghín Ó Caoláin: The Indecon report must be welcomed and I commend the initiative by the Donegal county child care committee. The report, entitled Supporting Working Families: Releasing a Brake on Economic Growth, confirmed what many of us recognise to be the reality, which is that high child care costs are putting a quarter of parents off returning to the workplace or looking for an opportunity to commence employment, with most low-income families finding the cost absolutely impossible to meet. The report indicates that a two-child family faces an annual bill of €16,500 for full-time child care, with the average full-time cost over a ten-month period at €9,150 for one child and €16,470 for two children. This places Ireland at the second highest point across all OECD member countries. Consideration of the recommendations is critical and this is a major issue. We must establish what steps are now being proposed by the Minister.

I have heard the Minister's reply, but what discussions have taken place in the Department or with other Departments and Ministers on the findings of the Indecon report? It should be recognised that the report recommends that targeted child care initiatives should focus on lower-income families with members who are either in employment or currently unemployed but anxious to secure employment. That should be done among several other initiatives. We are losing the services of a quarter of potential workers because of the prohibitive cost of child care.

Deputy Frances Fitzgerald: I am reviewing the two schemes we have, and that will be done in 2014. Budgetary decisions were made on supporting the preschool quality agenda, and improving the quality of services in early years is very important. We discussed previously how training and mentoring are a crucial part of working towards the extension of child care, and we want any child care available to be of high quality and high standards.

There have been a large number of inquiries about and significant take-up of the training currently being made available by UCI, and that will no doubt grow next year. That will make a difference to quality and will ensure that parents can have more confidence in services, with children doing better as we train more staff and provide mentoring to those staff. This is build-

ing to what the Deputy speaks about, which is a service that is more available. Ultimately, if we are to subsidise child care it will cost money, and we must find the resources in order to develop the sector. There will be a review of the two schemes and the maintenance of the free preschool year. We will also build up training and work towards a second free preschool year, and that is the approach I have discussed with Cabinet colleagues. I will also examine the particular recommendations of the Indecon report and I will ask the Minister for Social Protection, Deputy Joan Burton, to consider them as well.

Deputy Caoimhghín Ó Caoláin: I welcome the Minister's elaboration on her initial reply, as it is critical that other Departments are engaged. Indecon believes that a child care amendment to the current family income supplement would be a good policy initiative to encourage unemployed parents back into employment and to assist lower-income parents to remain in employment. It makes the case that any labour market policy initiatives should consider the current employment status of the targeted groups. It also points out that employment-focused child care policy initiatives should be aimed at either encouraging parents to enter the labour market or increasing their working status from part time to full time. These are specific areas of recommendation and the report is most helpful in that regard.

Indecon also strongly recommends that beneficiaries of the incentive should be restricted to tax-compliant and HSE-registered child care providers. It also makes the point, on which I would strongly reflect, that whatever steps are now to be taken in this hugely important area, there must be monitoring, evaluation and assessment of their impact. After a period of three years a detailed report should be prepared in order to give the full facts as to the success or otherwise of the initiatives involved.

Deputy Frances Fitzgerald: There is a debate between what is in the Indecon report and the particular recommendations it makes and, for example, Start Strong. That emerged at the launch, at which many people favoured continuing with the universal approach and introducing a second year as a universal measure. It is worth noting the success of that first year, as the Growing Up in Ireland study, published last week, showed for the first time that young children who had been in the free preschool year had made an extremely good transition into primary school. We have very good evidence on the universal approach, but it might be possible to consider some initiatives such as those that have been recommended by Indecon. A second free preschool year would require considerable additional funding, but as the economic situation improves our children are our greatest resource. Early intervention must be a byword. We ought to look towards building up as many supports as we can, not least because it is an economic imperative that parents should be able to combine work and family life and should have the kind of child care services they need. I will continue to work towards that. The building block is training. As Deputy Ó Caoláin will acknowledge, that has been put into the budget this year and it will mean that by this time next year we will be in a considerably different place in terms of the number of people who are trained to FETAC levels 5 and 6. With the mentoring programme we should be able to move towards more of a career structure for those who are in child care, because that has been missing.

An Leas-Cheann Comhairle: Could I ask that we keep to the time limits? That would allow us to make more progress.

Dáil Éireann
Preschool Services

71. **Deputy Luke ‘Ming’ Flanagan** asked the Minister for Children and Youth Affairs if she is determined to bring in a second preschool year; if so, the date on which it will happen; and if she will make a statement on the matter. [54043/13]

Deputy Luke ‘Ming’ Flanagan: My question is to ask about the promised second preschool year and whether the Minister is going to go ahead with it. The Minister’s reference to the troika now being gone is interesting. Earlier this year I understood that an announcement was due on the initiative, and the reason it did not happen is that the scandal broke on television and the Minister pulled back on it, but now the reason is that the troika is gone. The troika seems to get blamed for everything. Is the Minister going to proceed with a second preschool year? That excuse does not help.

Deputy Frances Fitzgerald: I have always said that I believe a second year is the right direction in which to go as far as preschool services are concerned and that we ought to offer a second year. That is the vision I have been working towards. I have never been able to say precisely when it would come about but it was always very clear that a number of issues needed to be addressed prior to the introduction of a second year. They centre in particular on the quality of the services - staff availability and training, the availability of a high-quality service, and funding. I mentioned the troika by way of referencing the fact that things are improving in terms of the economy, but we do have a long way to go. As part of any improvement in the years to come I want child care to feature strongly among the public services we provide. That is the context in which I am making my point. Obviously, 68,000 children are availing of the free preschool year. The feedback from it is extremely good. The transition to primary school has gone very well for the first cohort of children whom we have examined who have had the benefit of preschool education. We are working towards our objective.

I highlight continually the benefits of early intervention. A second free preschool year would represent approximately €3,000 worth of free child care to parents and it would generate 4,000 to 5,000 new jobs. It is obviously on the agenda and I will work towards it. As the budgetary position allows for it, I would like to see this developing. This year, we have taken the additional steps in regard to training. The additional funding is not currently available due to financial constraints on the Government but all the evidence tells us that we get very good outcomes when we allow for the quality preschool provisions in question. I certainly will be working towards this objective. I hope that we will move towards a second year. I set up the early years advisory group to examine the needs of those under six and five because we have not been particularly good at doing so in this country. We will have our early years strategy published early in the new year.

Deputy Luke ‘Ming’ Flanagan: The Minister said herself that all the evidence shows good outcomes. Apparently, the Government cannot afford to do something now that will save us money and make money down the line. I cannot understand how the Government can continue with policies like that. It happens in so many areas that a decision is made not to do something now that the evidence clearly shows would save money in the longer term. Many people use the preschool period to develop their lives in other ways. With the help of grandparents, etc., parents can avail of what is nearly a full day’s service. Not having the second year curtails parents.

When the scheme was first introduced, it was much trumpeted that one year was to be made

available. I found that a little bizarre in respect of the playschool that my children attended. The way the system worked previously was such that both my children got two preschool years. This is interesting. Supposedly progress was made resulting in just one year, and further progress means that no one can tell us when the second year will be made available.

Deputy Frances Fitzgerald: I do not quite know what the Deputy is referring to when he mentions two free preschool years because this was the first time there was a free preschool year. It was made available at a cost of €175 million. I do not know the Deputy's individual circumstances but I acknowledge there have been some extremely good community preschools that have offered services, but I am sure they were being subsidised. There is €280 million to subsidise community child care services, and the services are available for those who are doing training also.

The Deputy will recognise the quality of provision. There is no question but that wonderful services have been developed down through the years by many dedicated professionals on the front line, but it is very clear that the work needs to be done to ensure that, in order to make available a second free school year, staff will have qualifications at FETAC level 5 and level 6 if they are supervising. We must put in the supports that are needed, and we are doing so now. This is a very important stepping stone towards the second year. I will continue to work towards the provision of the second year. I have had discussions with the Minister for Education and Skills, Deputy Ruairí Quinn, because, clearly, there is co-ordination needed to take into account the kind of experience children are having in junior and senior infants in national school.

Deputy Luke 'Ming' Flanagan: Not proceeding now is not saving the Government any money. Advocating the idea that we do not have the resources to ramp up whatever training needs to be provided results in a waste of money in other areas. There are children in my area who, because of circumstances at home, must go to school a little earlier than they would otherwise go. They are causing a problem because they are obviously not as well developed as other children in their class whose parents can afford to pay for an extra year, for example. This is a major disadvantage and represents a bad start. It is like getting two seeds, putting one in good soil, the other in bad soil and then complaining that they did not grow well. We see the stark results in my home town where €100,000 is spent every year to try to do the impossible in Castlerea Prison, but there is no money available to help people at the beginning. We see it starkly and it is frustrating that we do not see a solution to it.

Deputy Frances Fitzgerald: I agree with the Deputy on the need for early intervention. It did not have the focus it needed for many years and I am trying to change this. I welcome the Deputy's comments because he is absolutely right. The evidence is overwhelming that if we invest in the early years, we will save money on prisons, detention centres and so forth. We must help children with difficulties at the earliest possible stage in their lives. That is precisely the reason I established the early years strategy group. For the first time, we have a national early years policy. The strategy group published a report entitled, Right from the Start. I agree in principle with the Deputy that we must focus much more attention on early intervention measures and I am doing what I can in that regard. Early intervention is needed in many areas, including health. A strong focus on children under six years is absolutely essential. I am playing my part in improving training in early years education and child care, as well as developing policies which take account of all of the issues involved, including maternity care, breast feeding rates, supports for mothers, parenting courses and the family support agency, all targeted at early intervention. I welcome the Deputy's support and prioritisation of the issue. Early intervention must become bywords for the future.

Youth Services Funding

72. **Deputy Robert Troy** asked the Minister for Children and Youth Affairs when she will announce funding being provided to youth groups in 2014; if she will confirm that there will be no further reduction in such funding in 2014; and if she will make a statement on the matter. [54103/13]

Deputy Robert Troy: Given that 37% of young people under 18 years are at risk of poverty and social exclusion, I ask the Minister to indicate when she will announce the funding to be provided for youth groups in 2014. I also ask her to confirm that there will be no further reduction in such funding next year.

Deputy Frances Fitzgerald: The youth affairs unit of my Department supports the delivery of a range of youth work programmes and services for all young people, including those from disadvantaged communities, by the voluntary youth sector. The funding schemes support national and local youth work provision for some 400,000 young people and involve approximately 1,400 paid staff and 40,000 volunteers.

In line with Government policy, my Department, with all other Departments, has been required to achieve significant savings on schemes and services in line with the reductions set out in the comprehensive review of expenditure, CRE. However, I am pleased to advise the Deputy that, as part of budget 2014, I have secured an additional allocation of €1 million in current funding to reduce the impact of the CRE savings requirements on youth services next year. This means that the savings requirement in 2014 will be €2 million rather than the €3 million indicated for youth services in the CRE. The total current funding allocation for youth services will be €49.78 million.

The CRE proposed reductions of 10% for national youth organisations and reductions of 5% for local youth projects in 2014. While my Department is still finalising the 2014 allocations, I can advise the Deputy that the reductions will be significantly lower than those proposed in the CRE. Every effort is being made to finalise these allocations promptly in order that youth projects and national youth organisations can be advised of their 2014 allocations as soon as possible.

I will continue to meet representatives of many youth organisations and groups to try to see how we can work together to ensure the most effective and efficient use of the resources available in order to continue to support the provision of quality youth services for young people in 2014. The CRE had projected reductions of 10% for national youth organisations and 5% for local youth projects, but I have managed to ameliorate these reductions to a significant degree through an additional budgetary allocation.

Deputy Robert Troy: The Government's Action Plan for Job claims there is considerable potential for youth work services to contribute to the wider Government approach to addressing youth unemployment. Despite this, we witness a further cut of €2 million in the 2014 youth services budget, on top of 5% cuts in 2013 and 2012. Recently I had the pleasure of visiting Cabra For Youth and witnessing at first-hand the fantastic good work it was carrying out with a shoestring. One third of its funding comes from the Irish Youth Justice Service and the other two thirds from the Department. The Irish Youth Justice Service recognises these groups require a basic level of funding, below which it will not go. It has not made one cut in funding in the past two years. Does the Minister agree that there is a basic level of funding that community

and youth groups need to maintain the services they provide? Will she confirm that she will not go below that threshold? Youth groups are at the pin of their collar and do not know what cuts are down the track.

An Leas-Cheann Comhairle: I must ask the Minister to reply. I will call the Deputy for a further supplementary question.

Deputy Robert Troy: The Budget Statement was brought forward by two months, but the Department has not yet informed youth groups what their budget allocations are for 2014.

Deputy Frances Fitzgerald: There is ongoing contact between my Department and youth organisations. CDYSB, City of Dublin Youth Service Board, is also in contact with youth organisations and I am very keen to ensure front-line services will continue. Any organisation facing a situation such as that described by the Deputy has been met. Every effort has been made to address the issues involved, including the need for supplementary funding. I have met many youth groups in recent months. Everyone involved has informed me that while the groups would prefer to see no cutbacks, they recognise that there will not be cuts of 10% or 5% but minimal cuts this year. I recognise the work they are doing. The extra moneys will allow us to ensure there will be no reductions in youth services, just as there were none in 2012 and 2013. If the Deputy has a case involving a particular group that has particular difficulties, he should bring it to my attention. We have endeavoured to meet organisations which are finding it difficult to maintain their services.

An Leas-Cheann Comhairle: The time has elapsed and I must call Deputy Robert Troy.

Deputy Frances Fitzgerald: I recognise that youth services have taken a hit during the years. That is why I made a particular request this year in the budget that extra moneys be allocated to them in order that the situation would not continue. The position is quite different this year from what it was last year.

Deputy Robert Troy: Will the Minister confirm when youth groups will know what their budget allocations are for next year? It is unfair on them in planning their 2014 programmes that they do not know what moneys they will have available. The group in question wrote to City of Dublin Vocational Education Committee about its funding in 2014 and was told it could not be informed. If there is the same cut as last year, it will have to move from a five-day to a four-day week. It is making savings by not giving toast to the kids attending the group, stopping its training fund and not carrying out repairs to its facilities. It is welcome that the Minister is taking on board what I have said about this youth group. However, it is not an isolated case; it is being replicated the length and breadth of the country. The Minister agreed with Deputy Luke 'Ming' Flanagan on the need to invest in youth. We must ensure we invest in these critical programmes in communities.

An Leas-Cheann Comhairle: The time for the supplementary question has elapsed. This is not fair on Deputies waiting for replies to their questions.

Deputy Robert Troy: Does the Minister agree there is a basic level of funding below which no club can operate? Can she ensure this basic level of funding is maintained by her Department for these youth groups?

Deputy Frances Fitzgerald: Despite the budgetary difficulties, the 2014 budget for youth services is over €50 million, so youth organisations around the country are still getting over

€50 million in direct funding, and there is superb work going on. It would be wrong to give the impression that every youth group out there is struggling to provide any type of service. In fact, high quality services are being provided with that €50 million by a variety of groups. That is not to say we have not had to make changes.

There is also need for some reform. Agencies and youth organisations are working together to examine overall services in a community and to make sure they share services as well. We also have to ask that of the youth services. Having said that, I certainly do not want to see organisations getting to the point where they are not able to provide a service. We have had direct contact with quite a number of organisations and that is ongoing.

The proposals on funding will be known very shortly. The good news is that will be far less than envisaged in the comprehensive review of expenditure, due to the fact that I got an extra €1 million to support youth funding this year. That is really important.

Adoption Records Provision

73. **Deputy Clare Daly** asked the Minister for Children and Youth Affairs in view of the state apologies in Australia, Spain and Britain to children who were the victims of forced and often illegal adoptions, her views on whether the Irish State should make a similar apology to Irish children who were forcibly adopted and exported from the State. [54123/13]

Deputy Clare Daly: This question relates to the shoddy way in which the Irish State has treated adopted persons. This issue has come to prominence recently with the release of the film “Philomena”, and the producers of that film have been inundated with requests from Irish people to seek assistance in getting their identity traced. Appalling crimes of identity theft have been committed against people. Other states have apologised for such behaviour and I wonder whether the Minister would consider something similar.

Deputy Frances Fitzgerald: The issues raised by the Deputy are a matter of concern to me. I note the apology offered by the Australian Prime Minister earlier this year which relates, as I understand, to historical government policies operated in that jurisdiction.

In Ireland, the Adoption Act 1952 provided a legal basis for adoption in Ireland and for the establishment of the Adoption Board. This brought order to what had been the system of *ad hoc* arrangements in lieu of formal adoption procedures up to this point, so we have had a change from 1952. All adoptions since 1952 in which the Irish State has been involved have been carried out in line with this and subsequent adoption legislation.

However, in reality, the history of adoption in Ireland in the middle decades of the 20th century reflects a complex social history where the influences and pressures of society, communities, individual families and religious institutions, applied in the private realm, resulted in many cases of children being given up for adoption, in some cases through means which were not legal. As a society, we should all be sorry for what transpired. We cannot undo the practices of the past, but I hope that all of us in this House, including me as Minister for Children and Youth Affairs, can place on the record our regret at the way Irish society treated so many children and mothers, where children’s best interests were not respected and those involved facilitated illegal birth registrations or other arrangements which had, and continue to have, consequences for the children.

Historical private arrangements, for obvious reasons and due to social factors of the era, operated in conditions of great secrecy and there were rarely any contemporary written records of these events. Similarly, the issue of illegal adoptions relates to illegal registrations, that is, children who were given at birth to other individuals who registered these children as their own and who are now unable to access personal records and information.

Additional information not given on the floor of the House

I have met individuals who have found themselves in these circumstances and I acknowledge and empathise with the situation that these individuals are addressing. Records on adoptions as well as illegal birth registrations are currently held by a number of agencies, including the HSE, the Adoption Authority of Ireland and also by private adoption agencies, maternity hospitals, private individuals and other sources. Information held by the Adoption Authority is primarily about adoptions which took place since the Adoption Act 1952. If no adoption took place the authority would not have an adoption file. Where no adoption took place, if records exist they may be held by a number of sources including hospitals, GPs, mother and baby homes, religious orders and other sources.

The HSE provides an information and tracing service throughout the country to birth mothers, adopted persons and their families. The requirement in the Adoption Act 2010 that agencies providing information and tracing services would gain accreditation resulted in a number of religious orders deciding not to apply for accreditation and transferring files from their mother and baby homes and adoption societies to the HSE. Approximately 25,000 files have been transferred to the HSE regional adoption service in Cork, from the Sacred Heart Adoption Society. The HSE also has records for a number of other adoption societies and mother and baby homes. Furthermore PACT, which is an agency accredited under the Act, has records of various Protestant organisations. A comprehensive list of records and their locations is available on the HSE website.

The national adoption contact register which is operated by the Adoption Authority was established in 2005 to assist adopted people and their natural families to make contact with each other, exchange information or state their contact preferences. I am conscious of recent media coverage of the issue of information and tracing and I would hope that this will encourage more birth mothers in particular to access the national contact preference register and where possible to consent to the release of information.

When the former Adoption Board launched the national adoption contact preference register in 2005, provision was made for persons who were party to the illegal registration of a child to register an interest in the register for possible future contact with another party sometime in the future. Fundamental to the success of the register is that any persons with information in this regard contact the information and tracing unit of the Adoption Authority.

Deputy Clare Daly: This is obviously a very important issue, which has devastating consequences on people throughout their lives. There is a certain irony in the fact that we are rushing through legislation later in the week to facilitate intercountry adoptions, since some of the people I am talking about here were the intercountry adoptees of their day, leaving these shores - sometimes in illegal circumstances - and ending up in America, and many of them are still trying to find out who they are. The Minister has previously refused to conduct an independent investigation into this practice. I ask her to revisit that issue. In certain instances in the not-too-distant past 97% of children born to non-married parents were either given up for adoption or

died in mother and baby homes. That is a phenomenal figure. In Australia, because the figure had reached 67%, the state apologised for what the Minister has acknowledged was social practice and policy at the time. She has acknowledged the illegality and expressed regret, but there needs to be much more. I would revisit the idea of an independent investigation.

Deputy Frances Fitzgerald: I recognise the Deputy's concern about this issue, on which we have much work to do. The exact route forward is worthy of consideration. As I said, I have met individuals in these circumstances and acknowledge and empathise with the situation they are trying to address. It is appalling to sit in a room and meet people who say the forms were filled in illegally and incorrectly and that they are at a loss in knowing how to trace information on themselves, the scale of which is still open to question. I have previously said that records on adoptions and illegal birth registrations are held by a number of agencies such as the HSE, the Adoption Authority of Ireland, private adoption authorities, maternity hospitals, private individuals and other sources. Information held by the adoption authorities is primarily on adoptions which took place before the Adoption Act 1952. There is the tracing service and we are bringing forward the legislation. I will ask the Joint Committee on Health and Children to discuss the issue of information and tracing. The issue the Deputy mentioned, as to what to do in the case of illegal adoptions, might be an appropriate one to consider in the first discussion.

Deputy Clare Daly: The official apologies made to the victims of the Magdalen laundries and industrial schools made a huge difference to the people concerned and this issue will not go away. It meant a huge amount to the people concerned in Australia to have the state officially acknowledge the issue. In 2010 Gordon Brown apologised for Britain's role in some of these activities in disrupting the identity of children and facilitating their abuse and exploitation. We are dealing in many instances with a generation of stolen children who have a right to know who they are and a State apology. Many of them were adopted, while others died - one quarter of all babies born outside marriage in the 1930s died. In some mother and baby homes the mortality rate of children was 50%. Subsequently the State has actively tried to deny and frustrate people's attempts to discover their identities. Even now, with centralised records, people still cannot access them. Until that issue is resolved, they will keep pressing because the adoptees of yesteryear are becoming more organised and demanding their entitlements and rights to an apology and vindication.

Deputy Frances Fitzgerald: The Deputy has mentioned inter-country adoptions. In the years subsequent to the era she has described we have learned a lot about adoption, parental permission and consent, the concept of subsidiarity and that adoptions be carried out locally. We have seen a dramatic change. That is linked with cultural attitudes. Very few Irish-born children are placed for adoption. This is in total contrast to the situation in the 1940s and 1950s and has to do with social attitudes. Many factors are at play. It is very important that people who are searching make contact with the National Adoption Contact Preference Register, NACPR, which was established in 2005. There is quite a difference between the numbers of people signing on for that and the actual number of adoptions that took place. Therefore, we need more publicity about the national contact preference register and must ensure best practice is applied when people are trying to get information to which they are entitled. However, as I mentioned previously, there are also constitutional issues in regard to the mother's right to privacy, which is a critical issue.

Other Questions

National Educational Welfare Board Remit

74. **Deputy Denis Naughten** asked the Minister for Children and Youth Affairs the steps she is taking to expand the role of the National Educational Welfare Board by liaising with other Departments; and if she will make a statement on the matter. [53713/13]

Deputy Denis Naughten: Last year, nearly 1,500 children left primary school and were not recorded as turning up in secondary school. Did their parents continue to receive child benefit? By linking the National Education and Welfare Board with child benefit payments, not only would we encourage school attendance, we would also reduce fraud in the Department of Social Protection by approximately €100 million a year.

Deputy Frances Fitzgerald: The statutory role of the National Educational Welfare Board, NEWB, is prescribed in section 10 of the Education (Welfare) Act 2002. The core focus of that work is to ensure that each child attends a recognised school or otherwise receives a certain minimum education.

The Deputy's question is about the broad role of the NEWB and the work it does, but the Deputy spoke about child benefit and whether it should be linked to school attendance. This is an issue on which people have strong views and I am aware the Deputy has strong views on it himself. Whether child benefit should be linked to particular behaviour by parents, in terms of sending children to school or looking after their children a certain way, raises a lot of questions that have not been teased out yet. These questions would need to be teased out if one was to go down that route.

What is happening with the NEWB is that all of its functions and staff are coming together in the new Child and Family Agency. All of the functions of the NEWB are being transferred to the new agency and school attendance and the role of the school will be central to its work. For the first time, we will have under the one roof, child protection social workers, education welfare officers and family support workers and these will work together in the interest of families. The overall educational welfare responsibilities will have high visibility and I see this as important. The transfer of educational welfare services into the agency will broaden the focus of the agency and its resources and tackle educational welfare as a key outcome for children in their own right. Apart from the particular point being made about child benefit, having this kind of focus on school attendance is critical for the new agency, because we know from research that non-attendance at school is a good indicator of problems in families.

I have seen initiatives that work to address non-attendance at school that do not involve taking money from parents by reducing child benefit. I have seen very successful initiatives where an all-school approach is taken and where people work with the community, the families and children. A high priority is given to the number of days children attend school and there is close follow up with the children who do not attend. That is a very successful way of getting children back into school. I recognise the Deputy's interest in this particular issue, but I do not know what the research says about it.

Deputy Denis Naughten: Last year's NEWB report gives an example of the case of Jenny, who missed 65 days in school. In that case, the NEWB engaged with the family over a long

period and eventually the parents came before the courts. The mother was fined €200 and the father was fined €100. The total cost of bringing the case to court was approximately €24,000. Since that process, the child has had an exemplary record in school. However, would it not have made more sense to have the threat of the suspension of child benefit as an incentive for the parents to get the child to attend school? Would that not be better than dragging the parents through the court system, having them fined, costing the Exchequer a huge sum and, most important, Jenny losing out on a year of school while the process dragged on?

Deputy Frances Fitzgerald: I would have to ask what was in the best interest of the child. What would the impact be of taking child benefit away from those parents? What would be the impact on the child's food and nourishment? I am making the point that while it may seem like a simple answer, I am not sure it would deal with the issue of non-school attendance which is very complex and often has to do with mental health issues for the parents or psychological issues for the child. It could be down to poor functioning of the family in general. I am not sure removing child benefit would resolve the issue of non-school attendance because it is complex and requires the type of approach about which I have spoken. I have never seen research which suggests removing child benefit would make children go to school. Perhaps the Deputy has access to research which states this is the case. In my experience one needs a complex reaction to ensure a child goes to school, including working directly with the parents, the child, the school and the teacher; examining the child's ability in school; and finding out the reasons he or she is not attending. These can be very complex. Sometimes it has to do with individual factors in the child and other times it has to do with the family.

Deputy Denis Naughten: I am not speaking about taking away the payment; I am speaking about using the threat as the mechanism to ensure children attend school. Surely fining parents €500 would not solve the problem if the parents were to end up in prison because they could not pay the fine. This is not a solution to the problem either. Is the Minister aware that a condition of the child benefit rules is that the child must attend school? Rather than the Department of Social Protection sending out 600,000 letters a year to check whether children are attending school, which would be enough paper to wallpaper Croke Park two and half times, would it not make far more sense to link the agencies to ensure more effective monitoring of school attendance? As a knock-on consequence, it would save €100 million by dealing with fraudulent claims, which is quite separate from the issue of school attendance.

Deputy Frances Fitzgerald: Fraudulent claims for child benefit must be dealt with; there is no question about this. I am merely responding to the Deputy's point on child benefit and school attendance. The issue must be dealt with and I have no doubt it is being pursued. I am sure there are links between the Department of Education and Skills and the Department of Social Protection with regard to the numbers of children in school and other data they need to share, but if this is not already happening, it could and should happen.

Deputy Denis Naughten: It is not.

Deputy Frances Fitzgerald: That is another question. It is not a question of using child benefit to ensure school attendance. The Deputy is talking about dealing with fraud, on which I take his point with regard to school attendance and the number of children in a given area. We must do this in the early years programme. There is a roll call of the 68,000 children attending. The data are available. My point is that dealing with the issue of school attendance would be greatly facilitated by the agencies working together. I take the Deputy's point on agencies working together. Education welfare will now be under the aegis of an agency working with

child protection and family support workers and I hope this will ensure we will have a more effective working arrangement with families where non-school attendance is a problem.

Children in Care

75. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs her plans to progress legislation on aftercare provision for young persons leaving care to ensure they are provided with the type of transitional support that their individual situation requires; the date on which she expects this legislation to be published; and if she will make a statement on the matter. [53804/13]

Deputy Caoimhghín Ó Caoláin: The Minister gave a commitment during the passage of the Child and Family Agency Bill to address the recognised need for legislation on aftercare provision for children in State care. I am anxious to know whether she is in a position to advise on what progress has been made since the passage of the Child and Family Agency Bill and if she is in a position to signal with some certainty the legislation which will be presented and when it will be presented.

Deputy Frances Fitzgerald: Is the Deputy asking about the Child and Family Agency?

Deputy Caoimhghín Ó Caoláin: No, I am asking about aftercare provision. During the passage of the Child and Family Agency Bill the Minister gave an assurance to the House that this was a priority to be addressed. She indicated that whatever legislation was required to facilitate its introduction at the earliest opportunity would be employed. I am asking for an update on the issue. Will the Minister tell the House what legislation will facilitate its introduction and how soon she expects to present it?

Deputy Frances Fitzgerald: My apologies. Last month I obtained Cabinet approval for the Department's policy to strengthen the legislative after-care provisions.

3 o'clock

It is proposed to amend the Child Care Act 1991 to provide for a statutory right to the preparation of a plan that identifies the support young people will need when they leave State care. The proposed amendment will provide clarity around eligibility and the arrangements for preparing, reviewing and updating the aftercare plan and monitoring young care leavers who do not participate in the process. Work has commenced in my Department and the legislation will be published early in 2014. We are finalising a few outstanding issues relating to the amendment of the Child Care Act 1991 which deals with bringing the three detention schools together. I will include the aftercare provision in that legislation which I envisage bringing to the House early in the new year.

Deputy Caoimhghín Ó Caoláin: I welcome this, as I did when the Minister first signalled it when we were concluding the debate on the Child and Family Agency Bill 2013. A statutory entitlement to aftercare to ensure young people leaving State care on the attainment of their 18th birthday have at least a comparable level of supports and encouragement to face the challenges of young adulthood is critically important. The provision of aftercare services has been highlighted as a key element in achieving positive outcomes for young people leaving care. When the Minister raised this issue - I note comments she has made since - she said consultation

would commence when children turned 16 years to prepare a care plan. I am anxious to know with certainty that the legislation that will provide for the preparation of a care plan will also ensure adequate resourcing to follow through on the recommendations that the care plan will highlight. It is all very well preparing a care plan, but these most vulnerable of young people need certainty on the resourcing of the care plan specific to their needs and potential. This is about helping them to reach their potential in young adulthood that we would wish for our own children. It comes back to equality of treatment of children across the board.

Deputy Frances Fitzgerald: I have indicated in the House previously the great strides made in this area. For example, at the end of June this year 1,431 young people were in receipt of aftercare services. That is a considerable change in recent years when the numbers were in the hundreds. There is much greater sensitivity shown to young people and a higher budget for them. A total of 1,000 aged between 18 and 21 years and 384 over 21 years were receiving some aftercare support. In addition, 656 of those aged between 18 and 21 years were in education and training, while 55.8% were in full-time education. Sometimes, people speak about young people in aftercare as if the vast majority are out of home, education and services, but they are not. A large number of children who have been through the care system are in education and doing well and being supported by the State. There is no room for complacency, but the aftercare provision I will insert in the legislation will bring an even greater focus to the needs of young people who have been in care for a period and need ongoing support when they leave the care system.

Deputy Caoimhghín Ó Caoláin: It was recognising what the Minister had said that led me to table the question in the context of the young child's care plan assisting him or her to reach his or her potential. Each plan will be unique to the individual young person's circumstances and needs. The HSE national aftercare service is underpinned by a national policy and procedures document which was developed in co-operation with stakeholders. The HSE national policy on aftercare has been implemented nationally and is monitored by the HSE's aftercare implementation group which has responsibility for ensuring an aftercare service across all areas within existing resources. My question seeks to identify the gaps in resources. Will the Minister provide an update on the HSE's aftercare implementation group's identification of the gaps in the resourcing of aftercare services? This is related to the first point I made. Provision of care plans is fine but resources are critical.

Deputy Frances Fitzgerald: As the Deputy noted, there is a national aftercare policy. The figures I have provided are the most recent available to me, but I will ask the national policy group for an update on the matter. I hope there are not too many gaps because we are trying to reach out to young people who need aftercare services to ensure they receive them. The statistics show that we are fulfilling many of the needs that arise. It is clear that many children decide to remain with foster parents after they reach the age of 18 years, with ongoing financial support. I will be happy to provide more up-to-date figures if they are available.

Deputy Caoimhghín Ó Caoláin: I refer to the aftercare implementation group.

Deputy Frances Fitzgerald: Yes.

Question No. 76 replied to with Written Answers.

Child Care Reports

77. **Deputy Seán Kyne** asked the Minister for Children and Youth Affairs if she will report on the progress of digitising inspection reports of child care facilities and on establishing a central database for such important inspection reports; and if she will make a statement on the matter. [53809/13]

Deputy Seán Kyne: I ask the Minister the progress made on the central digitised database for the inspection reports on child care facilities sent to Pobal. This is an important issue in the light of the revelations on “Prime Time” earlier this year.

Deputy Frances Fitzgerald: Preschool services required under the Child Care (Pre-School Services) (No. 2) Regulations 2006 to notify their services to the Health Service Executive are subject to inspection by the preschool inspectorate on a regular basis. Previously, the inspection reports were generally held by the inspectorate in paper format and access to them had been an issue of concern, with many parents being required to make freedom of information applications. As part of the comprehensive preschool quality agenda, I asked the HSE to prepare the reports in order that they could be published online. I am pleased to report that the HSE commenced publication of retrospective preschool inspection reports online. I understand 1,912 preschool inspection reports have been published online. This figure includes 1,877 retrospective reports for the period to 1 July 2013. I also gave a commitment that new reports would also be put online when they were completed. I thank the inspectors and the staff of the HSE for completing this mammoth task. The paper reports had to be published online in a suitable format. In addition to the 1,877 retrospective reports, 35 new reports were completed since 1 July.

Parents should ask their child care providers for a copy of a report on their service. The vast majority, if not all, providers will give parents the most up-to-date report available. It is an important part of the information which parents should be able to access. Many services have begun to publish their reports or have made them otherwise available to parents. Pobal is hosting the publication of the reports which are available on its website.

Deputy Seán Kyne: It is welcome that 1,912 documents are now online. It is important that parents know what is happening in their children’s care facilities. The same applies to parents who are considering sending their children to a new care service. Responsibility for the new system of registration for the country’s 4,000 child care facilities will rest with the Child and Family Agency from January 2014. I understand the requirement is that services will register next year and re-register every three years. Does the Minister believe every facility will be inspected within those three years and does she believe we need to move to a system under which every provider would be inspected every year?

Deputy Frances Fitzgerald: That is an interesting question. It varies from country to country. In some services we have a higher rate of inspection, for example, than in the United Kingdom, which has a rolling system of inspections over 18 months to two years. If there is a problem in a service the inspectors go back in to check that improvements have been made, and there can be more than one visit in certain services. As we have these services registered - they now must register - every service will be registered in the timeframe we have outlined.

In terms of the working model for the numbers of inspections, given that there are 4,500 child care services, one inspection a year is probably not to be expected, but there would be rolling inspections. If there were any particular difficulties there would be extra inspections,

or certainly inspectors would go back if there were complaints from parents or if any concerns were noted in a given area. There are also the local child care committees, which should have a good experience of the state of services in their area and, if there are particular concerns, can draw attention to them.

We are at an advanced stage of recruiting five additional inspectors in areas where gaps have been identified - that is, Louth, Dublin south-east, east Wicklow, Cavan-Monaghan, Sligo-Leitrim and west Cavan. There is a budgetary allocation of €500,000 in 2014 to further increase staffing levels to strengthen the preschool inspection scheme. As these inspectors are put in place we will be in a better position to examine how frequently the services can be inspected. That will be a more realistic assessment than has been possible up to now.

An Leas-Cheann Comhairle: If Deputy Kyne is happy enough with that, we will go on to Deputy Broughan's question.

Child Care Services Inspections

78. **Deputy Thomas P. Broughan** asked the Minister for Children and Youth Affairs if it is planned that residential child care centres run by private operators in which children in the care of the State are cared for will come under the inspection remit of the Health Information and Quality Authority. [53791/13]

Deputy Thomas P. Broughan: The Minister told me that up to August 2013 there were 115 children in the care of the State who were placed in private residential child care centres, at a cost of up to €8,000 a week for some placements in HSE south. On a key point, given that there is a significant lack of public knowledge about the number of children who are placed in private residential care, why, as she stated specifically, does HIQA not have a role in invigilating those places and keeping them under review?

Deputy Frances Fitzgerald: The Health Act 2007 established the Health Information and Quality Authority, HIQA, which incorporated the social services inspectorate. The office of the chief inspector in HIQA has the responsibility of inspecting and registering designated centres. Designated centres cover a number of residential-type centres for both adults and children. Residential care centres for older persons and centres for children and adults with a disability are registered and inspected under the provisions of the Health Act 2007.

Currently HIQA inspects HSE children's residential services and all foster care services, while children's residential centres run by the private and voluntary sectors are inspected by the HSE. All inspections are undertaken against national standards developed by the Department of Health prior to HIQA's establishment. To bring the Deputy up to date, my Department is currently developing two sets of regulations to allow for the registration of special care units - registration and care and welfare regulations - in accordance with the Health Act 2007 and the Child Care (Amendment) Act 2011. HIQA is currently developing national standards for special care units, with commencement expected early in the new year.

In July 2012, national standards for child protection developed by HIQA were approved, and since then we have started the inspection of child protection services and six inspection reports have been published. From 1 November, HIQA began the registration and inspection of residential and respite services for children and adults with disabilities.

17 December 2013

The next priority in regulating children's services will be the commencement of the Health Act 2007 to allow HIQA to register and inspect all residential centres for children in care. The commencement of that provision, which is what Deputy Broughan is referring to, will be kept under review based upon assessment of the organisational capacity of HIQA to take on further responsibilities and the Government's priorities in expanding HIQA's remit having regard to areas of health and social services not currently inspected.

Last year, I took the decision that HIQA would inspect child protection teams for the first time. It was extremely important that we did so. It meant there had to be quite a bit of extra capacity in HIQA to ensure it was in a position to do that. It has done it, and we got good information from those inspections. Deputy Broughan correctly points out that those other services are still inspected by HSE but, as I said, it is a priority to begin to move towards a situation in which HIQA is in a position to inspect those services as well.

An Leas-Cheann Comhairle: A brief supplementary is all we have time for.

Deputy Thomas P. Broughan: On 12 March last I asked the Minister to provide a list of private residential child care centres, including the names of providers and owners and numbers of the staff and their levels of training and qualification, and she told me I would get that information by 21 November last. We are still waiting for it. I wonder whether that information could be transmitted.

Recent media reports alleged that a teenager from outside Ireland went missing after being placed by a private agency with a foster family in Ireland and was found sleeping rough on the streets. This report raises many issues of concern about these private agencies. It is something to which I would hope the Minister will give urgent attention.

Deputy Frances Fitzgerald: The question of standards is critical. Whether the child is in a private residential service being paid for by the HSE or in a foster family being paid for by the HSE, the question of standards applies equally to both. I am not familiar with the particular circumstances Deputy Broughan outlines but I will certainly ensure that he gets the information for which he has been asking.

Messages from Seanad

An Leas-Cheann Comhairle: Seanad Éireann has accepted the Finance (No. 2) Bill 2013 without recommendation. Seanad Éireann has passed the Health (Alteration of Criteria for Eligibility) (No. 2) Bill 2013 without amendment.

Message from Select Committee

An Leas-Cheann Comhairle: The Select Sub-Committee on Social Protection has completed its consideration of the Social Welfare and Pensions (No. 2) Bill 2013 and has made no amendment thereto.

Topical Issue Matters

An Ceann 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 Michael Healy-Rae - the centralisation of emergency call centres; (2) Deputy Peadar Tóibín - the need to introduce a commitment that 50% of foreign investment in this State be located outside Dublin and Cork; (3) Deputy Martin Ferris - the judicial review decision regarding the Shannon LNG project; (4) Deputy Patrick Nulty - the need to restore the Christmas bonus for carers, pensioners and those on long-term social welfare payments; (5) Deputy Thomas P. Broughan - the urgent need to ensure that the Maritime Area Foreshore (Amendment) Bill is passed by the Oireachtas expeditiously and that full discussion takes place in the Oireachtas about the offshore renewable energy development plan, OREDP, due to be published early next year so that the benefits and drawbacks, including to the landscape and the environment, of expanding Ireland's offshore wind energy capacity can be considered, and the need for the Minister to have the legislation and energy plan in place before the Dublin Array and other similar projects are advanced; (6) Deputy John O'Mahony - waiting times for the issuing of driving licences; (7) Deputy Brendan Griffin - job losses at Shannon LNG; (8) Deputy Tom Fleming - the need to take decisive action to ensure delivery of the Shannon LNG project in Tarbert, County Kerry; (9) Deputies Michael P. Kitt and Charlie McConalogue - the schoolbook rental scheme; (10) Deputy Charles Flanagan - the need to empower courts to make provision for structured settlements in circumstances in which lump-sum payments are currently awarded as a consequence of serious injury to individuals arising out of the negligence of others; (11) Deputy Michael McCarthy - the need to provide clarity with regard to Leader funding; (12) Deputy Éamon Ó Cuív - the transfer of files for 1983 to the National Archives; (13) Deputy Michael Lowry - the difficulties facing parents of children with special needs in south Tipperary in securing school transport; (14) Deputy Joe Higgins - the sale of Bord Gáis Energy; (15) Deputy Paudie Coffey - the need to address the issue of new rates to be imposed on businesses in Waterford contained in the Valuation (Amendment) (No. 2) Bill 2012; (16) Deputy Jonathan O'Brien - the need for the epilepsy monitoring unit at Cork University Hospital and Beaumont Hospital to open, and the risk to patients if it is left closed; (17) Deputy Michael Colreavy - the impact of the new guidelines on wind farms; (18) Deputy Aodhán Ó Ríordáin - the non-engagement of insurance companies with Dublin City Council regarding flooding in the north Dublin area; (19) Deputy Billy Kelleher - the need to adequately staff the new epilepsy monitoring unit at Cork University Hospital; (20) Deputy Niall Collins - the proposal to re-designate solicitors of the legal aid board from public servants to civil servants; (21) Deputy Brendan Smith - the recent publication covering acts of collusion between the British state and loyalist paramilitaries; (22) Deputy Ciara Conway - the need to fill vacancies in the speech and language therapy services at the rehabilitation centre at St. Patrick's Hospital and community care in Waterford city; (23) Deputy Paul J. Connaughton - the need for a new primary care centre in Gort, County Galway; (24) Deputy Derek Keating - the report of Home and Community Care Ireland, HCCI, that more than 600 patients in hospitals who have already been cleared to leave hospital for Christmas, thereby saving the HSE more than €500.000 per night, cannot do so as alternative arrangements have not yet been made; (25) Deputy Denis Naughten - the steps taken to investigate the possible sale and reuse of HSE braces; (26) Deputy Mick Wallace - the impact of the new building regulations to be introduced; (27) Deputy Pearse Doherty - the need to make funding available for the repair of the Mullantyboyle bridge in Glenties, County Donegal; (28) Deputy Timmy Dooley - the need to ensure that EU cabotage rules are enforced here;

(29) Deputy Clare Daly - the introduction of new building control regulations; and (30) Deputy Richard Boyd Barrett - the latest figures on food poverty in Ireland.

The matters raised by Deputies John O'Mahony; Aodhán Ó Ríordáin; Michael Colreavy and Michael P. Kitt; and Charlie McConalogue have been selected for discussion.

Leaders' Questions

Deputy Micheál Martin: In his address on Sunday night, the Taoiseach stated that the banks must do more to deal with mortgage distress. It was probably the understatement of the year, particularly given that one in five residential mortgages remains in arrears. The figures are quite dramatic. It is as if the Government is on the sidelines and is helpless in refereeing a match over which it has no control. Under the Land and Conveyancing Law Reform Act 2013 which the Government introduced, repossessions are becoming the norm and are the acceptable option for banks to pursue those in arrears. It seems this is with Government acquiescence. The Government put the banks in the driving seat. As Members will be aware from presentations to the Joint Committee on Finance, Public Expenditure and Reform, AIB, Bank of Ireland and Ulster Bank between them sent out approximately 13,000 letters initiating repossession proceedings. There has been a dramatic increase in the number of court proceedings issued during quarter three over quarter two of 2013. The increase is about 570% with the number issued during quarter three being well over 1,800 compared to 270 in quarter two of this year. The Fitch report estimates that about 20% of residential mortgages that are in arrears will end up being repossessed - that is 20,000 homes that will be repossessed. The tables in the report detailing court proceedings and so on show that the problem is escalating and accelerating in terms of the numbers.

An Ceann Comhairle: A question, please, Deputy.

Deputy Micheál Martin: The Taoiseach said to me in July that repossessions would be the last resort. He said "that has to be the last resort" and that families would be offered solutions that did not involve house repossessions. Is he comfortable with a figure of approximately 20,000 family homes being repossessed? What will the Government do to intervene to provide for those in mortgage distress? He acknowledged that banks are not doing half enough, so what will he do? What has he against the idea of establishing an independent mortgage resolution office that could genuinely arbitrate between the banks and their customers to provide for meaningful and sustainable solutions for those in arrears?

The Taoiseach: The Deputy asked what I am going to do about this; I am going to do a hell of a lot more than he did. I do not accept his premise-----

Deputy Robert Troy: Bad form is nothing to go by.

(Interruptions).

The Taoiseach: Thank you, Deputy Troy. I do not accept Deputy Martin's premise that repossessions have become accepted as the norm. It is beyond doubt that there will be some repossessions.

Deputy Timmy Dooley: How many?

The Taoiseach: Nobody likes to see houses being repossessed but it is not realistic to suggest that there will not be some repossessions. I do not accept the Deputy's assertion that repossessions have become the norm or that repossessions are a fundamental part of Government policy. They are not. We have made that perfectly clear on many occasions.

As the Deputy is aware, I think much to his consternation, we have rebalanced the rights of borrowers and lenders with the personal insolvency legislation, the most radical shake-up in a century. Despite the comments he has made on numerous occasions about the banks holding the veto here, the first number of the decisions are very clear and speak for themselves. As was announced today, and as has been repeated on many occasions, the first requirement is for borrowers to engage with the banks. It is not a sustainable solution to send out a letter going down the legal route. The fact that many cases, as the Deputy mentioned, are heading down the legal route does not mean automatic or eventual repossession. Nor do I accept, as the Deputy seems to have accepted, the figures put forward by Fitch that 20,000 repossessions will take place. We cannot allow a situation where the economic recovery will bypass those families who have had mortgage problems. As the Deputy will be aware in budget 2012 mortgage interest relief of 30% for first-time buyers was introduced. That was for those who bought their homes between 2004 and 2008 and that eased the cost for 270,000 householders. As the Deputy will also be aware, and this is another thing that is being done, the Department of Finance now produces monthly data and the data for October show a slight decline in the overall number of people falling into arrears. Engagement between consumers and lenders has led to 49,032 permanent mortgage restructures settled and dealt with and the people are able to meet those requirements. That is an increase of 3,855 accounts. The number of mortgages in arrears of greater than 90 days has fallen from 81,156 to 80,854, a small reduction but the number is continuing to fall.

The Central Bank has set clear targets and is monitoring them. Lenders are required to offer distressed borrowers sustainable solutions by the end of next year. The success of the banks in meeting these targets is measured by the Central Bank and by its residential mortgage arrears and repossession statistics and quarter three figures which will be produced in the next short period. The key point is to define and arrive at a solution, therefore, the first requirement is engagement between the borrower and lender. The first requirement is to find a solution. The Deputy seems to accept a figure in the newspapers today produced by Fitch. He seems to assume it is suddenly Government policy that it is the norm that repossessions take place when that is palpably not the case. He should not be putting out all those scares as we come towards the end of this parliamentary session.

Deputy Timmy Dooley: It is Fitch's numbers Deputy Martin has, not those of Finches's.

The Taoiseach: Clearly, for banks, about which the Deputy has been talking about having a veto over solutions, bankruptcy is the end of the line for somebody who goes through that process. Banks get nothing out of that and therefore it is in their interests to settle.

An Ceann Comhairle: Thank you, Taoiseach.

The Taoiseach: I want to make it perfectly clear that there is no strategy either to force or encourage repossession of people's family homes.

Deputy Timmy Dooley: Wait until the Minister, Deputy Alan Shatter, gets going.

Deputy Micheál Martin: Words no longer mean anything in here. The Taoiseach can keep on denying whatever he wants to deny but it does not strike a chord with the reality on the ground. He spoke about the Central Bank targets. Does he know the figure for the threat of legal repossession under those targets? Sixty per cent of the sustainable solutions offered were with the threat of legal repossession. Those are his Central Bank targets. I am not making up that figure. That is official and on the record. The 13,000 letters sent out by AIB, Bank of Ireland and Ulster Bank are not my figures; they were formally presented to an Oireachtas committee.

The Taoiseach can rubbish Fitch if he wishes. We will give him that. I will not rubbish it but the Taoiseach can do so. These other figures are official figures-----

Deputy Peter Mathews: The banks are out of control.

Deputy Micheál Martin: They are out of control. Deputy Mathews is correct.

Deputy Peter Mathews: I have been saying it for a long time.

An Ceann Comhairle: Deputy Mathews, please.

Deputy Micheál Martin: The point is that these figures-----

Deputy Patrick O'Donovan: The Deputy has a new recruit in Deputy Mathews.

(Interruptions).

Deputy Micheál Martin: We will take this on just the substance and the facts, Deputy O'Donovan, not smart alec comments about individuals or personalities. I put it to the Taoiseach that the bottom line-----

Deputy Paul Kehoe: Will it be Peter or Stephen who will be recruited first?

Deputy Micheál Martin: At least Peter is here.

Deputy Paul Kehoe: Peter has left us.

(Interruptions).

An Ceann Comhairle: Please stay quiet. Thank you.

Deputy Micheál Martin: These are official figures in terms of court proceedings issued during the quarter. In quarter two of 2013 the Taoiseach was looking at a figure of 270. In quarter three of 2013-----

An Ceann Comhairle: Would the Deputy put his question?

Deputy Micheál Martin: -----he was looking at a figure of 1,830. Those are facts; they are figures that I did not make up but that are on the official record. Whatever record the Taoiseach wants to take officially, it is telling a story that repossessions are dramatically on the increase and that he has sat on the sidelines on this issue. The most he can say in a much hyped televised address to the nation is that the banks must do more to deal with mortgage distress, without explaining any detail in terms of what that means or what he intends to do about it. I ask the Taoiseach one more time if will he agree to the establishment of an independent mortgage resolution office for once and for all to get a genuine engagement going between banks and those

who are in arrears because the other options are not being offered to any great degree, be they split mortgages, interest only or extension of loan repayment periods. Those options are not being offered to any great degree.

The Taoiseach: The answer is “No”; it is not necessary. The Deputy talks about sitting on the sidelines. Did I not hear him say on a radio programme some time ago that, unfortunately, the problem was that his Government did not bring in enough taxation and spent too much money publicly, which got us into this business? When the Deputy talks about denial, did I not see him vote against the exit from the bailout programme just last week? Do I not hear him now talking about a situation where Ireland should have-----

Deputy Micheál Martin: What vote was that last week?

The Taoiseach: -----facilities extended similar to those extended to Greece?

Deputy Micheál Martin: What vote was that last week?

The Taoiseach: The Deputy needs to be clear that we are not going back to that culture.

Deputy Micheál Martin: I just want to find out what we voted on last week. I did not realise that we had a vote on exiting the bailout programme.

The Taoiseach: The Deputy can deny it all he likes but the fact is that-----

Deputy Micheál Martin: Did we have a vote last week on exiting the bailout programme?

The Taoiseach: -----49,032 permanent mortgage restructures have been brought into place. That is an increase of almost 4,000 accounts. I am glad to note that Mario Draghi has said the banks need to do more. He echoes clearly what we have been saying from a Government point of view.

Deputy Peter Mathews: He does not have a clue.

The Taoiseach: Deputy Martin may laugh if he wishes.

Deputy Timmy Dooley: Your banking expert does not agree with you.

Deputy Micheál Martin: They gave the power to the banks.

The Taoiseach: He was not a supporter of the personal insolvency legislation, which is now bringing about a change in attitude, with an understanding by banks that if they do not engage they do not have a veto at the end of the day.

Deputy Micheál Martin: Actually, come to think of it, the Taoiseach voted against the troika.

Deputy Timmy Dooley: What about Mario Mathews?

The Taoiseach: There is a requirement for borrowers - and for lenders - to sit down with each other and engage in the first instance, and there are some who do not do that.

Deputy Micheál Martin: It is not happening.

Deputy Timmy Dooley: Why does the Taoiseach not sit down with Mario Mathews and

discuss the Government's banking policy?

An Ceann Comhairle: I ask the Taoiseach to recognise the Chair. He is way over his time.

The Taoiseach: The Central Bank is the licensing authority here. It has set out its targets and objectives and how it intends to monitor them.

Deputy Timmy Dooley: The party has a banking expert but it is ignoring him. It is a disgrace.

The Taoiseach: The banks are required to shape up. It is not the case that anyone wishes to see people lose their houses, but a certain way of ensuring it will happen is for people not to engage with their lenders in the first place. A variety of measures have been set out by Government action and legislation to help borrowers and they should avail of all these opportunities. Deputy Martin wants go down the road of setting up another independent analytical operation. This would take a very long time and in the meantime many of these distressed mortgages could be restructured permanently to the benefit of both sides.

Deputy Paul Kehoe: Deputy Mathews could soon be Deputy Dooley's problem.

Deputy Mary Lou McDonald: The Minister for the Environment, Community and Local Government, Deputy Hogan, is rushing through all Stages of the Water Services (No. 2) Bill this week, transferring water services from local authorities to the new company Irish Water. I am sure the Taoiseach is aware of the alarming reports from Dublin City Council and its manager about the implications for our capital city. Dublin City Council will be asset-stripped to the tune of €2 billion following the takeover of its services by Irish Water. The city manager has been clear about what this will mean. It will mean higher water charges for the city's businesses, damage to the council's ability to respond to severe weather events and huge financial and operational risks to the largest local authority in the State. These negative consequences will affect local authorities across the State. Dublin City Council faces pension liabilities of €330 million for water service staff without the assets to fund it. It is normal practice that when a public function is transferred from one authority to another, responsibility for legacy pensions is also transferred. However, in this situation we are witnessing the transfer of major assets built up over many years by the businesses and people of the city with no compensation for the city council. Furthermore, Dublin City Council was obliged to sign agreements to provide water services for the company for the next 12 years. Although the transfer is due to take place on 1 January, it has not been given a final draft of the service level agreement.

I ask the Taoiseach and his Government to withdraw the Bill, step back and review the utterly reckless water services strategy being pursued by the Minister, Deputy Hogan. Will the Taoiseach remove from struggling citizens, whom he addressed over the weekend, the prospect of yet more money being taken from their pockets in the form of domestic water charges and higher water charges for businesses in Dublin city?

The Taoiseach: The answer to both questions is "No". The question of the supply of water to the city, its citizens and its growing population deserves the most serious consideration. For far too long, substantial amounts of water have leaked away through the system that taxpayers pay for and there is clearly a need for a major project in which the pipes service in Dublin city can be renovated, repaired and brought up to standard. There is also a need to deal with the future requirements of the city and its population for the next 50 years, from other locations or by whatever means.

It costs €1.2 billion per year to run the current system, with most of the funding coming from State sources. The creation of Irish Water has many benefits in terms of increased investment resulting in better-quality water services, which are fundamental for industry, human consumption and the health of our people. Not only do enhanced water services benefit individual households, they also attract industries with high water usage. Deputy McDonald is aware of the exceptional amount of high-quality water required by modern industry in a country such as Ireland. With global demand due to rise by 40% in the next 20 years, it is a critical issue.

Dublin City Council will be left with pension liabilities of €330 million. Local authorities operate a public sector defined benefit pay-as-you-go pension scheme. Therefore, as pension liabilities fall due when people retire, payments are made from current expenditure. Liability arises if everyone working for the services retires in the morning. The Minister for Social Protection has pointed out that there is a major pension problem in respect of the entire public service, which makes this figure seem relatively modest. Pension liability already exists in respect of staff working in water services, so the transition to Irish Water does not create a new liability. The service level agreement provides that Irish Water will pay local authorities for existing water service pensioners. The Water Services (No. 2) Bill also provides a mechanism for payment of pension benefits to local authority staff who transfer to Irish Water now or following the service level agreement. When the service level agreement comes to an end, the pension liability for water services staff who do not transfer to Irish Water will rest with the local authority. This is unlikely to arise until 2025 at the earliest.

The comment about asset-stripping to the tune of €2 billion without any compensation is an unbalanced presentation. The Bill provides for the transfer of water services assets to Irish Water and all of the liabilities associated with the assets, including loans. A total of €730 million in gross water costs will transition to Irish Water from 2014. Some €244 million will be paid back to local authorities for the provision of water services under the terms of the service level agreement. Irish Water expects to pay commercial rates of approximately €42 million to local authorities on the water infrastructure assets that transfer to it from 1 January 2014. The remaining €444 million of water-related costs, which local authorities would otherwise have to meet from their own resources, will be funded centrally by Irish Water.

The Bill provides that non-domestic charges existing in local authorities in 2013 will continue to apply from 1 January 2014 and will continue to be collected by local authorities on behalf of Irish Water for the first half of 2014. Irish Water will be responsible for collection of commercial water charges from 1 July 2014. In respect of the Dublin City Council deficit in 2014, the city manager issued a note to councillors on Friday stating that the general purpose grant, GPG, allocation he received in the net transfer of water costs to Irish Water represented a satisfactory outcome and exceeded his expectations in regard to the council's funding position in 2014. He said he was satisfied that he would be able to prepare a draft budget for 2014 that would largely maintain service levels.

Deputy Mary Lou McDonald: The Taoiseach is right in saying something must be done in respect of the provision of water services, and not just for the city of Dublin. He is correct that the current system is leaking like a sieve and, as a result, there is huge wastage. The initiative and the stance taken by the Government have nothing to do with that because, if his concern was water preservation, the Government would have invested the €700 million spent on the establishment of Irish Water on remedial works for the infrastructure. It has not done so. This is simply a mechanism to raise more revenue and stick the Government's hand in the pockets of families the length and breadth of the State, despite the Taoiseach's honeyed rhetoric of recent

times. There is clearly a concern in respect of the pension liability. Nobody is suggesting for a minute that all those liabilities would be crystallised in a week or a month but it does warrant some explanation to the local authority as to why it would carry any liability for those pensions if workers work for Irish Water and are no longer contracted to the local authority. It is extremely worrying that the council has not had sight of the service level agreement, and that is a reflection of the very rushed approach the Government has taken in all these matters. Let it not go without comment that all Stages of this legislation are to be taken by the Dáil in two days this week. This is very complex legislation, even for those who propose it, because of the transfer of assets, and it is quite astonishing and unacceptable for the Government to rush legislation like this in this manner.

There is no time for proper scrutiny or consideration but that is the game plan. It has been the game plan of the Taoiseach and the Minister for the Environment, Community and Local Government, Deputy Hogan, from the get go to force these matters through. It was done with the property tax and it is to be done again with water charges. The Taoiseach has argued it is for the betterment of society and in the best interest of the citizen but in reality it is just a smash-and-grab, a cheap pickpocketing of taxpayers and citizens once again.

In the interest of having good legislation and out of respect for the people elected to this place and those elected to Dublin City Council, will the Government pull back on this legislation and at least pause for proper consideration? I ask the Minister, Deputy Hogan, to meet the delegation of Dublin city councillors to hear first-hand their concerns. I understand he was a no-show at a meeting last evening but it would be appropriate for him to meet the directly elected representatives of this city. The citizens elect these people and it would be only proper for the Minister to make himself available to them.

The Taoiseach: As I understand it, the Minister, Deputy Hogan, was not invited to the meeting but was rather requested to send an official. As the Deputy knows, the Bill was in the Seanad last evening with the Minister, Deputy Hogan, and the Minister of State at the Department, Deputy O'Dowd. The Minister was not asked to attend the meeting but was asked to send an official, which he did.

I have given the figures in respect of the statement issued and I have dealt with the question of the pension liabilities. I have also dealt with the assertion of a loss of €2 billion in assets, as well as the collection of the commercial water charges. The intention all over the country is to provide a modern system of treating water and being able to provide that treated water to citizens. We should be able to provide clean water in the required volumes for business, industry and other uses. Whereas local authorities worked over many years, it is fair to say that standards were applied differently in many areas. I have first-hand knowledge of this. Irish Water, as a major investment and new entity, will have a system right across the country of the very best level of provision and treatment. It is a major undertaking. This is not a question of wanting to rush legislation through.

Deputy Mary Lou McDonald: The Government is rushing it through.

The Taoiseach: I have dealt with the figures raised by the Deputy, the transfer of assets, pension liabilities and the collection of commercial rates. It is time to move on with a system fit for 2014 and beyond, and that is what Irish Water will be able to do.

Deputy Dessie Ellis: That is nonsense.

Deputy Sandra McLellan: Why is the legislation being rushed through in two days? It is ridiculous.

The Taoiseach: All the Governments over the past 50 years have seen the likes of pipes extending throughout the Dublin regional network, where we lose very substantial amounts of treated water every day.

Deputy Joe Higgins: The Government did not put in enough investment. It is very simple.

The Taoiseach: There was trouble recently in the treatment works and the extent of water that could be treated coming out of that. This was causing trouble for Dublin business and daily commercial life. We must get this right.

Deputy Mary Lou McDonald: This is not a formula for sorting that out.

The Taoiseach: We are talking about the capital city but this does not just apply to Dublin.

Deputy Thomas P. Broughan: The game plan is to sell the company to the private sector.

The Taoiseach: The standards must apply across the board and in a country that has as much rain as we do, there must be a reliable supply of treated water that is cost-effective and does not have the taxpayer paying very substantial amounts of money for treated water that could then flow away through inferior pipes to the earth. That is one of the real tasks that will be carried out in Irish Water's major projects. The standard must be raised so the network is fit for purpose for 2014 and beyond. We are talking about an entity that will last for very many years and which will supply a scarce and precious commodity that is becoming very expensive to treat.

Deputy Thomas P. Broughan: It is about privatisation.

Deputy Dessie Ellis: The money should be put into infrastructure rather than meters.

The Taoiseach: The Minister was not requested to attend the meeting.

Deputy Joe Higgins: The Government is taking the lead from the troika the very same weekend it contends we are free of the troika.

Deputy Paul Kehoe: The Deputy wants everything for free.

Deputy Stephen S. Donnelly: Today's *Irish Independent* contains a report that a dossier has been presented to the Garda Commissioner on the conduct of a previous employee of NAMA. It indicates the dossier includes an allegation that the official fed information from NAMA to named individuals who should not have received it. The *Irish Daily Mail* also references very serious allegations of price manipulation and off-market deals. My understanding is that several news outlets have significantly more information, which they are examining, involving potentially improper behaviour by NAMA. I hope, as I am sure we all do, that these allegations are baseless but if they are not, it is possible the State will be exposed to very significant costs if an aggrieved party sought and was awarded damages for potential wrong behaviour. Regardless of whether the allegations are true - I hope they are not - they compromise NAMA's ability while they are left untested, and the agency cannot do the best job it can in returning as much money to the State as possible. For example, a potential bidder for NAMA assets may decide it will not bid as it may feel other bidders have access to confidential information which they

do not.

These are not new allegations, as the Taoiseach knows. The allegations around the official surfaced in 2011 and the Garda began investigations at NAMA's request in 2011. In 2012 NAMA conducted its own report. Since 2011 and the initial allegations, what steps has the Government taken to ensure no leaking of confidential information from NAMA can take place? Is the Taoiseach satisfied that all steps have been taken and that NAMA is now watertight?

The Taoiseach: The Government is taking this matter very seriously and the point raised is one of concern and substance. I note the statement yesterday from NAMA. It states:

The Senator's comments in the Seanad this afternoon suggest that he has evidence of impropriety involving staff members of NAMA. He has not shared any such evidence with NAMA. Nor has NAMA received such evidence from any other party. If the Senator or any other party has evidence of any impropriety, they are legally obliged, under section 19 of the Criminal Justice Act 2011, to bring it to the immediate attention of the Garda Síochána.

That means the Act, since going through the House and becoming law, makes it a criminal offence not to follow a legal requirement if somebody has information about impropriety to bring it to the attention of the Garda directly. The Minister for Finance, the Minister for Justice and Equality and the Government is not involved in carrying out any criminal investigations, although these are serious matters. I repeat that anybody with information about improprieties, illegal actions etc. should bring them to light under the relevant section of the Act.

There are specific offences under the National Asset Management Agency Act 2009 regarding the inappropriate disclosure of confidential information. I understand an investigation by An Garda Síochána into a complaint made by NAMA some time ago against a former employee is at a very advanced stage. I cannot comment on that. More recently, in August this year, An Garda Síochána received a separate complaint from a firm of solicitors acting on behalf of a client relating to the alleged disclosure of information by NAMA. The Garda, which is the appropriate authority, has been awaiting receipt of further documentation from the solicitors concerned. The Garda will fully investigate any allegations of criminal activity. I understand that NAMA was informed by a journalist over the weekend that certain allegations had been made by a former employee about the activities of current and former NAMA staff. NAMA cannot and will not issue any public comment about ongoing Garda investigations or the background to them so as not to prejudice the outcome of any investigations that take place. NAMA has not been contacted by the Garda to date in connection with the allegations. Other than what appeared in the public press yesterday, NAMA has no specific knowledge of these allegations and therefore will not make any public comment other than the press statement it issued yesterday indicating that if somebody has an issue, he or she should bring it to the attention of the relevant authorities forthwith.

Deputy Stephen S. Donnelly: It seems to me – many Deputies in the House would agree – that an organisation as powerful as NAMA, dealing with such sensitive information, should never have been set up under the veil of secrecy that prevails. I accept that it was not set up by the Government. The Garda will investigate the allegations and if it deems it appropriate a file will be prepared for the Director of Public Prosecutions. Is the Taoiseach confident that sufficient systems and processes are in place such that NAMA is watertight? It must be above reproach. I hope the allegations are unfounded and untrue, but the suggestion is that NAMA is

leaking confidential information. The Taoiseach referred to a second case, about which lawyers have been contacted, in which it is alleged that confidential information was leaked. There may be more to come. NAMA must be above reproach. It must be able to operate in such a way that it can return as much money to the State as possible. Is the Taoiseach comfortable that the systems and procedures in NAMA are as good as they can possibly be? If he is not, does he think it might be wise to urgently set up an independent external review of those systems and procedures? The Garda cannot do it; it is not set up to do that. NAMA cannot do it. No body can investigate itself in that way. Does the Taoiseach think there is a compelling argument for setting up a quick and urgent investigation to look at those systems and procedures such that anybody who is dealing with NAMA, or anyone who is looking at buying assets from NAMA, can be absolutely assured that people they are bidding against could not possibly have access to confidential information which would make it more difficult for them to bid fairly?

The Taoiseach: The Government takes the matter very seriously. Two cases arise; one formal investigation by the Garda is nearing completion and I expect it will come to a conclusion. The second arises from a recent contact. NAMA has not been formally contacted by the Garda arising from those allegations.

Deputy Donnelly made a point about people perhaps not following through on an initial interest in a property or loan because of the concern that somebody might have other information. He is aware that NAMA requires that all loans, properties and other assets be secured on a competitive, fully open basis by suitably qualified sales agents, and in all events NAMA insists on independent valuations of assets to deal with that particular issue. It also requires that sales agents prepare a final report and recommendation. In the reports it is a requirement that there be a summary of the marketing campaign undertaken; a list of all parties who expressed an interest in the loan or real estate or were contacted during the marketing campaign; a recommendation to accept the terms of the purchaser's offer as the best price reasonably obtainable, and confirmation that the agent has reviewed the purchaser's confirmation relating to connected party sales; a statement disclosing any commercial relationship between the agent, the debtor, the purchaser or the purchaser's ultimate beneficial owners in the past five years; and how any actual or perceived conflict of interest was managed during the sales process. Deputy Donnelly will understand why that applies. It applies to all interested parties, so that they are given equal opportunity to bid for and to purchase loans or properties sold by NAMA or by NAMA debtors and receivers. I, no more than any other citizen in the country, am bound by legislation in terms of making contact with NAMA. I accept Deputy Donnelly's point. As to whether I am happy or confident that all the systems are in order, I am not in touch with NAMA because of the provisions that exist, but the Minister for Finance is in touch with NAMA in respect of official matters and, following the conclusion of the two Garda investigations - if the Garda follows through on the second one - it is clearly an issue of which the Minister would be cognisant, taking into account the constraints upon him as a citizen or public representative in terms of the law.

Ceisteanna - Questions (Resumed)

Social Partnership Meetings

1. **Deputy Micheál Martin** asked the Taoiseach if he has met the social partners recently; and if he will make a statement on the matter. [39248/13]

2. **Deputy Gerry Adams** asked the Taoiseach if he will report on the recent contacts he has had with the social partners. [40736/13]

3. **Deputy Gerry Adams** asked the Taoiseach if he will provide an update on his process of social dialogue. [40737/13]

4. **Deputy Gerry Adams** asked the Taoiseach the groups he has met as part of the process of social dialogue. [40738/13]

5. **Deputy Gerry Adams** asked the Taoiseach his plans for the future of the National Economic and Social Council. [40739/13]

6. **Deputy Joe Higgins** asked the Taoiseach if he has met any of the social partners since the July recess; and if he will make a statement on the matter. [40869/13]

7. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on recent meetings with the social partners; and if he will make a statement on the matter. [40919/13]

8. **Deputy Richard Boyd Barrett** asked the Taoiseach the social partners he has met recently; if he will report on these meetings; and if he will make a statement on the matter. [47755/13]

The Taoiseach: I propose to take Questions Nos. 1 to 8, inclusive, together.

As the House is aware, while this Government does not intend to return to the rigid social partnership structures of the past, we continue to engage in a wider process of social dialogue on an ongoing basis. The primary point of contact for this interaction is the Minister with functional responsibility. Ministers and their Departments engage in regular dialogue with sectoral interests within their policy areas. The Government values these interactions and contributions. I meet many former social partner organisations during the course of my work. For example, since the July recess, I met representatives of the IFA on 29 July; I launched the Small Firms Association's national small business award on 5 September; I addressed the IBEC president's annual dinner on 20 September; I met members of the wider farming community at the National Ploughing Championships on 26 September; and I addressed the Construction Industry Federation's annual conference on 27 September.

Multilateral engagement between sectors and the Government also takes place through the National Economic and Social Council, NESCC, which comes within the remit of my Department. The council continues to provide a valuable forum for dialogue on the economic, social and environmental challenges facing the country and publishes reports on a regular basis.

Deputy Micheál Martin: The question I asked was whether the Taoiseach had met the social partners recently. What he seems to have outlined, in essence, is that he has not, but he has attended a number of conferences and launched an initiative for small firms. In view of the situation in the health service, I am anxious to ascertain to what degree meaningful dialogue is going on, either between the Ministers, as the Taoiseach said was the case, or between the Taoiseach and the whole of Government. We still await the health service plan, but it seems it has been deliberately withheld and that it might be published on Thursday when the Dáil is winding up for the recess.

The Taoiseach: No.

Deputy Micheál Martin: The Taoiseach might laugh, but everyone else around here would

say that everything possible is being done to camouflage and prevent any concentration on the deliberations about the health service plan. The Taoiseach is not beyond a bit of cynical media management and news management. I respectfully point out that with only two days to go, we have not yet seen the health service plan. I hope I am wrong and that the Taoiseach will allow for a debate this week on the health service plan in plenary session, or would that be too much to ask? The real point I wish to make is that I have never seen such low morale among those working in the health service now, at clerical officer level, at care assistant level, among those looking after the elderly and among nurses, doctors and general practitioners.

4 o'clock

There is an absolute sense of there being a lack of governance within the health system. No one seems to know who is in charge or what lies ahead for staff. I am not just talking about the health service plan but about genuine fear and worry. No matter where one goes, from elective hospitals, hospitals with specific remits, such as orthopaedic hospitals, and major acute tertiary hospitals to community care environments, mental health care settings and residential settings for the elderly in the primary care sector, morale is at rock bottom because of Government policy. I refer not only to policy but to the real sense that everybody in the Government is dumping on the staff. There is absolutely no appreciation for what nurses, doctors, care assistants and staff working in the clerical grades are actually doing in the health system.

There is a need for more substantial dialogue between the Minister and those who work in the health service than we have witnessed to date. This is why I have asked what social partners the Taoiseach has met. Instead of launching initiatives, which I understand the Taoiseach must do because he is asked to do so, he should set it as a target for himself to meet staff working at the coalface in the health service. He should listen to their stories about their belief that the position is untenable and that the centre cannot hold. If there is another cut of €660 million this year, it will simply compromise patient safety and put people on the front line under enormous pressure. That is the reality of the matter. There is an urgent need for stronger engagement with all those who work in the health service. The Government should listen to them and respond meaningfully by way of a proper approach to health care policy.

The Taoiseach: As I stated, responsible Ministers and the various agencies that are answerable to them have primary engagement with the social partners, and they meet very regularly. We value those discussions. I take the Deputy's point that there is clearly a need for a discussion on many issues but I do not get much chance, given my job, to do as the Deputy desires. Yesterday, however, I was in Mayo General Hospital, a level 3 hospital, to open the renal dialysis unit. I had the privilege of opening the original section in 1995. Since people had to travel to University Hospital Galway, it was necessary to open further stations and isolation rooms for people with particular blood conditions. A revamp worth €2 million was carried out on the original renal dialysis unit and there are now 15 stations. The director of the unit and her staff moved out of the hospital to a temporary location for 12 months. All their patients, who are regular visitors for dialysis, were dealt with at the alternative location. It was never a union issue and it was never stated the move would not be possible. The staff moved last Friday to an absolutely brilliant, wonderful facility with ultra-modern equipment. They are so happy about that. The morale of the dialysis team in the hospital was exceptionally strong.

I had the privilege of turning the sod for the cystic fibrosis unit at the hospital. As the Deputy knows, one in 19 people in Ireland carries the cystic fibrosis gene. Cystic fibrosis is a debilitating genetic ailment that lasts a lifetime. The Pollock report of 2005, of which the

Deputy will be very much aware, clearly indicated that treatments that are separate from those in a general hospital, thus ensuring no danger of cross-infection, improve the longevity of patients and the quality of their lives. The point I am making is that the morale of those who work with the cystic fibrosis unit in the hospital was actually responsible for the raising of almost €1 million in the past five or six years. While some funds were contributed by the Department of Health and Mayo General Hospital itself, the majority of the funding was raised by Cystic Fibrosis Ireland and Cystic Fibrosis West. They were absolutely focused on what they could do. When the Deputy asks whether I meet people, the answer is that I do so regularly. The question of morale and the provision of facilities is accounted for.

The health service plan will be published tomorrow. It has been finalised and it will deal with the provision of health services arising from the budget for 2014. Where are we headed? Obviously, a central part of the programme for Government is the development of universal health insurance. A first part of that is medical and free GP cards for those under six. The legislation in that regard is now being prepared.

I agree that there are elements that we need to examine. Why is it necessary to submit details on every occasion if one attends a unit five times per fortnight? We need to make a decision on the system we need to work on in terms of digital capacity. There is so much time to be saved and efficiency to be gained. There is so much real-time movement in major and smaller hospitals. The Minister has appointed some really focused people in the HSE to work on areas where we can make real improvements. As Deputy Martin knows as a former Minister responsible for health, it is ultimately a question of outcomes for patients and the quality of their lives.

What I saw yesterday, which I acknowledge was in my county, was the quite exceptional commitment of front-line staff in the areas of haemodialysis, renal dialysis and cystic fibrosis. Despite the fact that the staff of the dialysis unit had to move location and make extra journeys for sheets etc., there was never a complaint. There was never a complaint as it was said the changes were leading to better facilities for everybody. The Deputy would be very heartened if he saw the quality, space and engagement and the separation rooms for people with blood complications.

I do not disagree at all that there is need for discussion and identifying how problems can be ironed out and decided upon. I acknowledge that the forest that grew up around the HSE and health service over the years became impenetrable in many cases, and that it requires not only discussion but a decision on how efficiencies can be achieved and where savings can be made that result in better outcomes for patients. From that perspective, I do not disagree with the Deputy. However, we have moved away from the formalised structure of the past. Ministers who appear before Cabinet committees refer to their discussions with the social partners in respect of their respective areas of responsibility. This is a good way of ensuring central reporting where more than one Minister is involved and, eventually, reporting to the Cabinet. I am open to occasional engagement with people when they really want to say something directly to me as Taoiseach.

Deputy Mary Lou McDonald: I am sure we are all very pleased that Mayo has dialysis services. I am heartened to hear about the cystic fibrosis unit. I join the Taoiseach in commending the work of Cystic Fibrosis Ireland and Cystic Fibrosis West but it is none the less telling that their voluntary activities and very energetic fund-raising efforts by citizens are required to fund health services. The service plan will be published against a backdrop of promised cuts of €666 million in the health budget.

The Taoiseach stated line Ministers have specific responsibility for engagement with the social partners. There is no structured, thought-out and co-ordinated system for dialogue, engagement and the generation of ideas and initiatives, which is a pity and a lost opportunity for the Government. That is not to say those who are not elected as legislators or elected to government should have a special position in calling Government policy, but there are representative organisations which can be of great assistance to the Government at a time of economic trauma in finding a pathway out of our difficulties. The Taoiseach made reference to engagements with the Small Firms Association, IBEC, unnamed farming organisations and the Construction Industry Federation, all of which is to the good. What, if any, engagement has he had with representatives of workers and the trade union movement? These are obvious omissions from the list he read.

I ask the Taoiseach to comment on a commitment given in respect of legislating for the right to engage in collective bargaining. At his party's Ard-Fheis the Tánaiste said the Government would begin the process of legislating "in the coming weeks" to give employees the right to engage in collective bargaining. He went on to say it was necessary to reform the current law on employees' right to engage in collective bargaining so as to ensure the State was in compliance with judgments from the European Court of Human Rights. Does the Taoiseach agree with the Tánaiste in this matter? Is this something he has discussed or intends to discuss with the social partners? Has the legislation been drafted and when can we expect it to be published?

I also bring to the Taoiseach's attention to the specific set of circumstances that arose for workers at Marks & Spencer. He is probably aware that Marks & Spencer stores closed across Ireland recently owing to strike action taken by 2,000 employees in response to unilateral changes made by the company to their pensions and other working conditions. Further strike action was averted following the issuing of a Labour Court recommendation last Friday which was recommended by the Mandate trade union. Very serious issues arose in this dispute. Marks & Spencer has closed a defined benefit pension scheme unilaterally. Management failed to engage positively with staff, despite the fact that, according to the union, the pension scheme is in surplus to the tune of €17 million. In addition to the pensions issue, the company is seeking a reduction in the Sunday and public holiday premium, the elimination of the Christmas bonus, which will sound familiar to the Taoiseach, and a reduction in the number of section managers.

An Ceann Comhairle: I am sorry, Deputy, but we are not dealing with the issue of Marks & Spencer now.

Deputy Mary Lou McDonald: I raise this specific case to make the general point to the Taoiseach that in instance after instance across the State we have seen circumstances arise where workers have been left extremely vulnerable. We have seen cases in some disputes where workers were left with no option but to lock themselves into their place of employment to assert their rights. I have heard it said many times in the course of the current economic disaster that employers or those with a vested interest - bad employers it must be said - would not wish to waste a good crisis or a good recession and are, in a very calculated way, seeking to run down the entitlements and rights of workers, as well as the morale of working people in the State. It is important for the Taoiseach not to take an *ad hoc* approach to engagement with worker representatives. His approach should be structured and, whatever about the role of line Departments, he should have direct lines of communication open to workers and their representative bodies.

The National Social and Economic Council, NESC, advises the Government on strategic

issues of economic and social development. Has it reported to him on the impact of forced emigration and Government policy in that regard? Is that something on which he has received advice from it? Has he sought advice on this issue or does he intend to do so?

The Taoiseach: I know that the Deputy shares my view on facilities provided anywhere in the country which improve the lot of patients. On the issue raised, I have spoken to people who have needed dialysis three times a week for eight to ten years, many of whom live in my own county and who used to have to travel to Galway for such treatment. Taking traffic into account and so forth, they were spending eight or ten hours a day, three times a week in travelling and receiving treatment. For them it is a great bonus. The staff who look after them recognise that having a facility closer to home is much better for them. While the Department of Health made a substantial allocation in this case, the majority of the funding was raised by Cystic Fibrosis Ireland and Cystic Fibrosis West.

On the issue of line Ministers, if we were to go back to the structure that was in place previously, it would be an open invitation for anybody with an issue to go straight through the structure directly to the Taoiseach and members of the Government. It is important for Ministers to be able to engage regularly with the people for whom they have responsibility. I am not saying I am not accessible to such persons. For instance, the Minister for Finance, the Minister for Public Expenditure and Reform, the Minister for Social Protection and the Minister for Education and Science meet on a regular basis with a very wide range of organisations and entities dealing with social issues. Before the last budget, there was a raft of engagements with organisations which had made pre-budget submissions. My Department co-ordinates engagement on the European semester process, Europe 2020 and the national reform programme, on which a submission must be made to the European Commission next April. We will have to engage with the relevant Ministers and organisations and channel the information back into our preparation of the submission.

There is no legislation dealing with collective bargaining. The Government is considering how best to deal with the commitment in the programme for Government to deal with the European position on the recognition of trade unions. The matter will be pursued. While I do not want to get into the details of the Marks & Spencer dispute, as I understand it, the defined benefit pension scheme was closed to new entrants a number of years ago. I am glad that the discussions taking place have resulted in the workers being able to go back to work and that the stores are not closed at one of the most important times of the year for retailers. When there were indications recently that a strike at the ESB was imminent, I was contacted by lots of employees of the company at various levels who were concerned about a potentially catastrophic outcome for the country. They expressed their concerns very strongly to me. It is not the case that I am being closed off from anybody.

The NESC has not prepared a report for me on emigration. The NESC reports to me on strategic issues about the efficient development of the economy and the achievement of social justice. It also provides a forum for engagement between the Government and social partners on economic, social and environmental issues. It has now integrated sustainable development into its work following the dissolution of the organisation known as Comhar, the Sustainable Development Council. The NESC has provided successive Governments with excellent research and analysis on economic and social issues of significant importance nationally. Following a request from the Government in 2011, the NESC secretariat produced two reports on climate change, an interim report in June 2012, Towards A New National Climate Policy, and a final report, Ireland and the Climate Change Challenge: Connecting 'How Much' with 'How

To' in December 2012. This develops a basis for Ireland's long transition to a carbon-neutral economy and society. This document is having an important bearing on the national dairy sustainability programme recently launched by the Minister for Agriculture, Food and the Marine. Ireland is the first country to be able to track carbon footprint in the dairy industry, which will be particularly important when milk quotas go in 2015.

In 2012, the NESC published several important studies on maintaining quality and standards in important public services. Last May, it produced a report on the social dimensions of the economic crisis and the subsequent fiscal adjustments, the evidence and their implications. Last month, it produced a report, Ireland's Five Part Crisis, Five Years On: Deepening Reform and Institutional Innovation, which identifies the need to integrate and balance three different types of public sector reform for the provision of high quality services, continuous improvement and policy adaptation. The report strongly supports the need for a fiscal framework that would enhance stability, prevent excessive debt and support growth. Such a framework, it suggests would facilitate policy experimentation by providing reassurance that spending on innovative initiatives is not part of a general loss of fiscal discipline or accountability. The central challenge is to increase innovation and accountability at the front line and to build a supportive centre that is capable of spreading best practice, leading policy review and learning for the future.

The council's report also identifies policy and institutional developments specific to four selected policy areas, namely small and medium enterprise finance and investment, enterprise policy, green economy and labour activation. On the latter point, the report warns there is a need to address skills mismatches in training programmes. The Minister for Social Protection has been strong on seeking far more employers dealing with the live register. On the five occasions I have visited an Intreo office with the Minister, I noted this was beginning to be understood. In other countries, the multinational sector employs significant numbers of young people for training and internships which gives them valuable work experience.

It is an important consideration to have this high quality research and advice available to the Government, particularly at a time of great economic challenge. I expect and want the NESC to continue with that. These matters identified by the NESC in its reports have crystallised the Government's thinking in certain important areas. With 18 consecutive months of a fall in the live register, the focus of the Minister for Social Protection is to work with SOLAS, an tSeirbhís Oideachais Leanúnaigh agus Scileanna, and the youth guarantee on how to build on the Momentum programme and JobsPlus and JobBridge, both of which programmes received high commendations from the OECD.

It is in everyone's interest that we have the best ideas coming from the political process and skilled advisers such as the NESC. It would be no skin off my nose if Deputy McDonald's party or Deputy Martin's gave me three job creation ideas. Getting people off the live register and providing them with meaningful job opportunities does not necessarily have to come exclusively from the Government.

Deputy Mary Lou McDonald: Has the Taoiseach met the trade unions?

The Taoiseach: No, not formally.

Deputy Mary Lou McDonald: Why not?

The Taoiseach: The individual line Ministers meet the trade unions and all the other organi-

sations on a regular basis.

Deputy Mary Lou McDonald: He met IBEC and the Small Firms Association, however.

An Ceann Comhairle: Through the Chair, please, Deputies.

The Taoiseach: I meet individual trade union people regularly in various places around the country but I have not formally met the trade unions.

Deputy Joe Higgins: The Taoiseach said the Government does not intend to go back to the previous model of social partnership. Social partnership was never more than a fraudulent concept by which big business and financiers were allowed rip-roaring profits - the fruits of speculation. It allowed for the gouging of young people on the property market but held wages to restrained limits. It was not a partnership in any sense.

It is telling that the Taoiseach formally met with the Irish Farmers Association, which represents the largest farmers and ranchers, the Irish Business and Employers Confederation, which represents the largest businesses, and the Construction Industry Federation, which represents the largest developers and construction bosses. Some members of these organisations have regular access to the Taoiseach's office through the IFSC's Clearing House Group. However, he never met the workers, the victims of the policies that he and the Labour Party have imposed for the past three years.

The Taoiseach might remember we are commemorating the centenary of the 1913 Lock-out when brave working men and women stood and fought for the rights of workers to organise and have a decent life. They were starved, abused, batoned and bullied by the organised employers, the police, the authorities and the big business media of the day, Independent Newspapers. Does the Taoiseach find it acceptable that 100 years later, employers are still not obliged to recognise a trade union in the workplace if the workers want a union to negotiate on their behalf? Does he intend to bring in a trade union recognition Bill? What is his schedule for this? Does the Taoiseach find it acceptable that businesses that receive considerable amounts of money from public bodies, funded by the taxpayer, can routinely ignore the structured machinery of negotiation, such as the Labour Court, when workers or their representatives ask that they attend hearings on particular cases and grievances? For example, a group of workers at Milne Foods in Birr, County Offaly, have been undergoing a series of one-day strike actions for a considerable period, seeking decent wages and conditions. Workers in the plant who are parents and who have five, six and seven years of experience are still on the minimum wage or on wages marginally above it, yet this employer-----

(Interruptions).

Deputy Joe Higgins: I will just wait until the Taoiseach finishes his consultation with Deputy Bannon.

The Taoiseach: He is providing me with information about the Deputy.

Deputy Joe Higgins: Milne Foods provides essential supplies such as vegetables, potatoes and salads to HSE facilities such as Tullamore Hospital, which represents a big contract for the company. Does the Taoiseach find it acceptable that this company can then refuse to go to the Labour Court when requested to do so and when the workers and SIPTU, which represents them, want the company to do so? The HSE has informed me by letter that it believed the em-

ployer had done so, but as late as last Thursday the employer refused to show up. What kind of country is the Taoiseach presiding over when employers can ride roughshod over workers on such low pay and difficult conditions, even those that are on public contracts funded by the taxpayer?

The Taoiseach: The Government will honour its commitment in the programme for Government in so far as European matters about trade unions are concerned. The Deputy states that I met representatives of the Construction Industry Federation and the Irish Farmers' Association. I think this is true. Glanbia is investing more than €200 million in the single biggest agri-investment in the history of the State.

Deputy Joe Higgins: I have no problem with the Taoiseach's meeting those organisations, but he did not meet working people who are dealing with austerity.

The Taoiseach: The consequence of that investment is that there will be 2,500 jobs on family farms in a region from south Leinster right up to Louth. I met representatives of the Construction Industry Federation and I told them that, just as the cowboys had been weeded out of the agricultural sector 20 years ago, we needed a construction sector that was capable of efficiently delivering high-quality buildings and was trustworthy. Many members of that sector are capable of that. We have some brilliant examples of wonderful buildings, but we need to get to a point at which the sector can contribute far more successfully to the development of the Irish economy. Who are these people? They are tradesman, contractors, plasterers, bricklayers, blocklayers, electricians, chippies and whatever else. I meet them all the time. Part of the reason the Minister for Finance brought in a scheme for 2014 and the Minister for Communications, Energy and Natural Resources brought in the REFIT scheme was to allow ordinary registered and competent workers to do these works all over the country. When Irish Water begins its water metering programme, we will require a local social dividend in the form of numbers taken off the local live register. These people are ordinary workers and I meet them all the time. They are very happy to be engaged here.

I was at the EDI Centre in Longford with Deputy Bannon last week. He was delighted. I presented 18 certificates of competence to different tradespeople. Who were these people? They were blocklayers, plasterers and carpenters. They did a ten-month course on a range of matters related to heritage conservation. We have so many listed buildings, walls, cemeteries and castles, yet we have scant high-quality courses to allow tradespeople to qualify in these areas. They are ordinary workers. They want to be out there doing things and they did this course in Longford which provides them with a validation for these works from a Scottish entity. The Deputy should not assume that just because I stand in this position, I am removed from dealing with ordinary people who do extraordinary jobs all the time. We need to have more of them involved. The certificates were a recognition of the work that they did themselves, which also led to employment.

I do not know about the difficulties that apply in the firm in Birr, but clearly the facilities that are available to settle disputes are well tried and tested, and there are various opportunities to get involved in that.

Deputy Joe Higgins: The company's representatives will not go.

The Taoiseach: I do not know the details of the suppliers to the HSE and Tullamore Hospital that the Deputy mentions-----

Deputy Joe Higgins: They will not go.

The Taoiseach: -----but there are various ways of having that machinery implemented in a way that resolves disputes. Obviously the Haddington Road agreement speaks for itself, as the vast majority of public servants have accepted that process and have engaged in moving on as a country. We have had to deal with difficult and challenging times, but we also have the chance to expand our economy and have more people working, which will provide easier access to normal budgeting. The benefits of that will be translated to the different regions and to as many people as possible.

In answer to Deputy Martin, I listened to all these organisations and individuals who told me that here is an issue that should be reflected in government policy. I do not get it right all the time, but the intention is to have more and more people in gainful employment, building their careers and family lives, and this is all part of it. I have never been one not to engage with people, but it is important that the Ministers engage on a regular basis with as many organisations and individuals as possible, and they do. We did a lot of that in the run-up to the budget. During our Presidency of the Council of the European Union, people from all over the country were feeding into that system about the implications for their individual sectors.

Deputy Richard Boyd Barrett: A number of voluntary and community organisations and trade unions have made statements or published reports recently which stated that poverty and homelessness are worse than ever and that urgent action is needed. The Government has been very quick to engage with banks and developers. The Government is even encouraging property speculation again with these real estate investment trusts, presumably to benefit some of the big corporate speculators. This is beginning to produce worrying signs of a new property bubble in Dublin and spiralling rents which are worsening the homelessness problem.

Will the Minister respond to the pleas of voluntary and community organisations and trade unionists for urgent action to deal with homelessness and poverty, two very closely related phenomena? I have raised this issue with the Taoiseach numerous times over the last two and a half years. Two years ago when the Minister for Social Protection, Deputy Burton, started to reduce the rent caps she said it would lead to downward pressure on rents. She and other Government spokespersons told us it would bring down rents. I said it would not, but that it would lead to homelessness. The Minister said nobody would be made homeless and that rents would fall. Now we know who was right. Homelessness has got worse: that is a fact. Rents are increasing: that is a fact.

Will the Government admit it got it wrong and do something about it, as voluntary and community organisations dealing with the homeless and those in poverty are begging it to do? They all say the Government needs to build council houses. It is simple. The Taoiseach said he wants good ideas. Like others in this House, I have repeatedly offered him a good idea. If he builds council houses in large numbers he will put builders back to work, generate extra revenue for the State and save money on social welfare and rent allowance payments that are going into the pockets of private landlords. It is a win, win, win situation. Surely now is the time to take up that suggestion against a background where the Government's policy in this matter has failed.

It is not just me saying this. All the organisations, such as Focus Ireland and Threshold, have told the Taoiseach he must build council houses, the policy is not working and the situation is getting worse. The Taoiseach will not listen to me, but will he listen to them? Will he recognise that he could do immense social good, remove a social evil, put large numbers of

people back to work and save money for the State in the long run if he starts to build council houses again instead of leaving the property sector to corporate speculators who are moving in on a crashed market, buying up the empty properties and jacking up the rents? The evidence is clear and unbelievably, after the country was beggared by a property crash, a property bubble is beginning to emerge in Dublin again. Could anyone believe that history could repeat itself?

An Ceann Comhairle: That is all very interesting but could the Deputy put down the question? Deputy Boyd Barrett asked if the Taoiseach had met the social partners.

Deputy Richard Boyd Barrett: It is about the social partners.

An Ceann Comhairle: We are straying into the area of the environment and housing.

Deputy Richard Boyd Barrett: It is about the issues the social partners have raised. I am asking if the Taoiseach will respond to them.

An Ceann Comhairle: There is nothing in the Taoiseach's reply to say he met the people Deputy Boyd Barrett is talking about.

Deputy Richard Boyd Barrett: I am asking him to listen to them in the process of social-----

An Ceann Comhairle: Then put down a question that is more specific about the issue.

Deputy Richard Boyd Barrett: The Ceann Comhairle did not cut across any of the others.

An Ceann Comhairle: They did not go on and on.

Deputy Richard Boyd Barrett: They did. They ranged into issues-----

An Ceann Comhairle: All right, Deputy. You feel hard done by every day, so go on for goodness' sake.

Deputy Richard Boyd Barrett: The Ceann Comhairle did not cut across the others.

An Ceann Comhairle: I am very sorry Deputy. I should not interrupt you.

Deputy Michael Healy-Rae: The Ceann Comhairle is the boss.

Deputy Richard Boyd Barrett: Last week in the run up to Christmas a group of voluntary and community organisations, many of the same organisations and trade unionists, asked if the Government would consider restoring the Christmas bonus for social welfare recipients, the least well-off in our society and pensioners.

An Ceann Comhairle: We are really going somewhere now.

Deputy Finian McGrath: Go on Ceann Comhairle. It is Christmas.

Deputy Richard Boyd Barrett: Given the hardship that many suffer in the face of Christmas with all the pressures and demands with which the Taoiseach is familiar, will the Taoiseach respond to that call? If he is serious about engaging with the social partners in a process of social dialogue, will he heed that appeal to make some gesture to reduce the burden of Christmas on the least well-off and most vulnerable in our society?

The Taoiseach: I would not want to have any inequality between Deputy Boyd Barrett and Deputy Healy. I answered this question last week. It is not possible to restore the Christmas bonus. It would cost €261 million and we do not have that money. It has been gone for a number of years and will not happen now. I listen to Deputy Boyd Barrett. I hear him. I listen to those organisations. The Minister of State with responsibility for housing and planning, Deputy Jan O'Sullivan, is doing much work on the homeless and the housing situation. I expect her to report to a Cabinet committee in early January and I expect to engage with numbers of the voluntary organisations myself.

This is a serious issue. Nobody wants to see anybody on the streets. It is Government policy to eliminate homelessness in the next number of years. It is not easy to determine what social or family circumstances make this happen. I like to think we can have a social housing programme. There have always been some difficulties with some of the organisations. We used to have a system of council housing programs years ago. Some were very successful and some not.

In the Dublin area I do not accept that there is the explosion of a property bubble. This must be managed very carefully. The construction sector delivers only approximately 6% of GNP. That is much lower than most other European countries. I understand that in the greater Dublin area permission has been issued for approximately 15,000 to 20,000 houses but they are not built because a good and competent contractor needs to be financed to develop a site, build the houses and have a stream of income coming through. That is an issue. Many construction jobs for ordinary workers could be generated were that to be put in place.

The Minister of State, Deputy Jan O'Sullivan is working on this in terms of social housing. NAMA was to make 4,000 units available, which has not been concluded yet. There is a program and a commitment to see if we can deal with homelessness effectively and end it. It is a very sad time of year for people and I commend all the organisations which work in this area. At this morning's Cabinet meeting the Government approved substantial allocations to a number of voluntary agencies, such as the Society of St. Vincent de Paul, which work with people who are, for one reason or another, underprivileged or caught out. I do not accept that we are facing a housing bubble as we had before. There is a shortage of housing. We need to build 20,000 to 25,000 houses per year. I know a number of smaller competent contractors who in the spring will start building numbers of units for which they have got permission and financial arrangements. I welcome that.

We have an interest in rent allowance and the new situation that will apply. This is part of the incentive of the reform of the social welfare system so that somebody who gets a job would not automatically lose his or her rent allowance. A transition system will be put in place. This is important to allow people to take up a job without losing all their benefits. This is an issue between the Department of the Environment, Community and Local Government and the Department of Social Protection. There are complications in regard to access to information which I am trying to sort out. I expect to have a report on the issue early in January and hope we can move towards making it a reality in order that more people will see there is an opportunity for them to find work and take up a job without losing all of the rent allowance automatically. They will see a transition system put in place. The issue is slightly more complicated than people might have thought in the beginning, but I assure the Deputy I am working on it. I listen to the Deputy and others, as well as to the organisations. I will deal with the issue with the Minister early in the new year and hope to engage with a number of voluntary organisations. I hope in the broader sense that we will return to a programme, limited though it must be because of the

financial arrangements required, that will start to deal with the problem.

Deputy Micheál Martin: In his reply the Taoiseach said he had met certain people. I seek clarity on whom he met. Will he confirm he has not met the ICTU formally as a body?

The Taoiseach: No, I have not.

Deputy Micheál Martin: Has he met SIPTU or Mandate?

The Taoiseach: No.

Deputy Micheál Martin: The Taoiseach is clear that he does not want to return to the old partnership model, which is fine. Nonetheless, one of the biggest issues facing us which involves the social partners is pensions. ESB management, for example, did not cover itself in glory in how it approached the issue with workers, particularly how it managed the accounts and changed smartly from defined benefits to defined contributions, causing a potential difficulty for the economy. In other words, relationships between employers and trade unions are important, not just for themselves but also for the wider economic health of the country.

It seems significant that it has emerged today that the Taoiseach has not formally met the ICTU or significant bodies in the trade union movement. The issues in regard to Marks & Spencer and the ESB and the pensions issue are a time bomb of huge import for the economy, workers, employers and all of the rest of us. Sometimes, in the case of such big ticket items, it would be worthwhile for any Taoiseach to engage formally with the significant bodies that have a large coverage of members. A lack of such dialogue may seem great initially, but over time it can come back to bite in the context of fundamental issues that will present such as the pensions issue. We had such an issue last week at the Liebherr factory in Killarney. As a former Minister for Enterprise, Trade and Employment, I am familiar with such problems. I recall having to ring SIPTU about the dangers and potential threats not only to the maintenance of existing jobs but also to new investments by the company. I put it to the Taoiseach that it is extremely important to have clear channels of dialogue open to senior leadership within the various sectors of the economy, be they trade unions, employers or others. It is a significant omission that this does not seem to be the case.

Deputy Mary Lou McDonald: I do not know if it will be news to the Tánaiste that the Taoiseach is so lukewarm on the issue of legislating for collective bargaining rights. He has repeatedly referred to this issue as the European dimension of trade union activity. This is not about anything on mainland Europe but about the fact that workers in this jurisdiction do not enjoy collective bargaining rights as a legal entitlement. There is a clear commitment in the programme for Government to remedy this and the Tánaiste is on record recently as citing it as a must do item for the Government. He has at least given the impression that there is a sense of urgency attaching to the matter. I am very alarmed, therefore, to hear the Taoiseach's rather insipid response to the question I put to him. He has been in government for almost three years and it is a matter of some concern that he has not met the trade union leadership as representatives of the working people of the State, about whom he has a lot to say. Today he stated ESB employees were in touch with him recently. Why would they not have been? I would be shocked if they had not been. However, it is more shocking that he has had no connection or meeting with the ESB group of unions. That is the area in which he should be having conversations. It is good that he meets IBEC and the Small Firms Association. Unlike others, I do not have an issue with this. However, there is a big deficit when it comes to the unions. This raises

a fundamental question about the Taoiseach's stewardship. He has not made it his business to meet representatives of the unions. I ask him to remedy this and ensure he meets them.

Deputy Joe Higgins: I ask the Taoiseach to be specific on this question. Will the Government introduce trade union recognition legislation to require employers to recognise and negotiate with workers in their places of employment who agree and move to set up a trade union?

The Taoiseach: The Government will honour and fulfil its commitment in the programme for Government in this matter. Deputy Micheál Martin mentioned the ESB. I was contacted by many ordinary workers in the ESB who certainly did not want to see a situation where electric power would be stopped and workers would be out on strike. I had no contact with the executive of the ESB or Mr. Ogle. Since my appointment as Taoiseach, I have met Mr. David Begg on a number of occasions. Deputy Micheál Martin raised the question of the plant in Killarney. This is a serious matter. I went through the plant once or twice. It is a major employer in County Kerry and has worldwide significance in terms of its product. The issue needs careful consideration.

Deputy Micheál Martin: If the Taoiseach kept the channels open with the ICTU and others, it would help.

The Taoiseach: I understand that and do not object to communication. However, I do not want to have a situation where the Taoiseach would be at the beck and call of the parties involved in every situation or where it became the Taoiseach's responsibility to meet all of them. We need to have the capacity to have the channels open but not on every issue that might arise.

Deputy Brian Stanley: The lights going out is a big issue.

The Taoiseach: When I was talking about Irish Water, Deputy Mary Lou McDonald spoke about my honeyed rhetoric. I thought she was going to say it was flowing, but she did not. Now she says it is insipid. I doubt if anything I do would be acceptable to her party. However, it is Christmas time and I will allow her comments to pass.

Written Answers follow Adjournment.

Order of Business

The Taoiseach: It is proposed to take No. 18, statements on the third report of the Constitutional Convention on same-sex marriage. It is also proposed, notwithstanding in Standing Orders, that the proceedings on No. 18 shall, if not previously concluded, be brought to a conclusion at 7.30 p.m. and the following arrangements shall apply: the opening statement of a Minister or a Minister of State and the main spokespersons for Fianna Fáil, 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 time, the statement of each other Member called upon shall not exceed ten minutes and such Members may share time, and a Minister or a Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes; and Private Members' business which shall be No. 42, Planning and Development (Transparency and Consumer Confidence) Bill 2013 - Second Stage, which shall, if not previously concluded, be brought to a conclusion at 9 p.m. on Wednesday, 18 December. Tomorrow's business after oral

questions shall be the Social Welfare and Pensions (No. 2) Bill 2013, back from the Seanad - Order for Report Stage and Report and Final Stages.

An Ceann Comhairle: There are two proposals to be put to the House. Is the proposal for dealing with No. 18, statements on the third report of the Constitutional Convention on same-sex marriage agreed to? Agreed. Is the proposal for dealing with Private Members business agreed to? Agreed.

Deputy Micheál Martin: When will the White Paper on universal health insurance be published? I note from the programme for Government that universal health insurance is to be introduced by 2016, but the legislative and organisational groundwork for the system is to be completed during the Government's term of office.

5 o'clock

We have not had a White Paper yet. Will it be published before the end of the session?

Universal primary care will remove fees for GP care. When can we expect the universal primary care Bill which it is envisaged will remove fees for all GP care? When will discussions on the new GP contract begin?

Will the Taoiseach give an update on the consumer and competition Bill? Various commitments have been made on it. The Ministers, Deputies Bruton and Rabbitte, have territorial differences on it.

The Taoiseach has indicated the health service plan will be published tomorrow. Will he afford any opportunity on Thursday or tomorrow for debate on this in the House given the fact it relates to the budget? We were given certain figures in the budget which were clearly false and do not stand up. Will the Taoiseach give the Government time to debate the health service plan in plenary session in the House?

The Taoiseach: It will be published tomorrow. On Thursday we will have an adoption Bill which deals with an extension of time for the 22 or 23 people involved in Russian adoptions. This is an issue which must be dealt with. We will also deal with the Water Services (No. 2) Bill and the Pyrite Resolution Bill. I will have the Whips examine it. I do not know whether we could have initial statements from the main spokespersons.

The consumer and competition Bill will be published at the start of the next session. It is practically finalised.

Deputy Micheál Martin: Delayed again.

The Taoiseach: It is a bit behind. Much of the pressure on the parliamentary counsel system was because of the requirements of the troika. There might be a little more flexibility to deal with these now.

I thought universal health insurance might have been in before the end of this session but it will not. It will also be in the next session. Today the Government approved the Minister to go ahead with the preparation of legislation for free GP care for children under the age of five as part of a process to phase in universal health insurance, as committed to in the programme for Government. We are committed on a phased basis to a universal GP service by 2016 as a precursor for universal health insurance.

With regard to the GP contract, the Department of Health and the HSE are examining the changes which need to be made to the GMS contract to facilitate the introduction of universal primary care. This contract will focus on prevention and will include a requirement for GPs to provide care as part of integrated multidisciplinary primary care teams. The formation of these new contracts will have regard to the constraints of Irish and EU competition law, particularly with regard to setting fees and allowances. The Minister of State, Deputy White, who has responsibility for primary care met the IMO earlier this year and outlined the Government's policy on universal health insurance. All of these will be briefed the coming weeks.

Deputy Micheál Martin: Have talks on the contract been initiated?

The Taoiseach: Yes and they will all be briefed in the coming weeks on developments and progress made with the contract.

Deputy Mary Lou McDonald: In the course of Taoiseach's Questions today the Taoiseach was asked about collective bargaining rights and legislation to underpin these rights in the State. I would like a precise timetable as to when the legislation will be published and when it might be enacted.

We had thought the whistleblowers legislation, which is the Protected Disclosures Bill, would be enacted before the Christmas recess but there seems to be some delay. Will the Taoiseach set out the timetable for the legislation?

Today the Taoiseach launched his medium-term economic plan amid some fanfare. Will he tell us whether there will be time allowed for scrutiny and debate of this economic plan?

The Taoiseach: The economic plan is a medium-term structure as far as 2020. It was not delivered with any excessive fanfare. It was a normal presentation at the Government press centre. I recall when there were some very flash operations in various parts of the city by various Governments. The Protected Disclosures Bill is finished in the Seanad and is awaiting Second Stage in the Dáil. It will be in the next session I expect. The industrial relations Bill will be dealt with in the next session in so far as the programme for Government is concerned. As I stated to Deputy Martin, the other one is at the start of the next session.

Deputy Brian Stanley: I wish to ask about the Water Services (No. 2) Bill. The Dublin city manager has expressed huge concerns about the transfer of €2 billion in assets-----

An Ceann Comhairle: We will not discuss the Bill, just the timing of it.

Deputy Brian Stanley: It is due to come before the House tomorrow and will be rushed through between now and Thursday evening. I appeal to the Taoiseach to halt the process because of the expressed concerns of the Dublin city manager, other county managers, senior officials, local authority members and their representative bodies. There is huge concern.

An Ceann Comhairle: We cannot discuss it. There is a list of Deputies waiting to speak.

Deputy Brian Stanley: He expressed concern it would damage the local authority's ability to respond to severe weather events and very significant financial and operational risk.

An Ceann Comhairle: The Deputy knows he cannot discuss the issue. On the Water Services (No. 2) Bill.

Deputy Brian Stanley: I told the Minister this two years ago in the Chamber and I appeal to the Taoiseach to stop the process until January and allow this to get further consideration.

An Ceann Comhairle: I will not ask the Deputy a third time.

The Taoiseach: Deputy Stanley was not here and I answered extensively Deputy McDonald's question in respect of this matter. With regard to Dublin City Council, the transfer of the assets, liabilities and pensions-----

An Ceann Comhairle: Perhaps we will stick to when the Bill is being published.

The Taoiseach: -----and the collection of commercial rates, this goes to Second Stage tomorrow and Committee, Report and Final Stages will be taken this week. It will not be taken back and we will deal with it now. It is time to move on.

Deputy Finian McGrath: With regard to the health executive Bill, in particular the thalidomide issue, is the Taoiseach aware a previous Government fails to issue public warnings about thalidomide as it was undesirable-----

An Ceann Comhairle: Perhaps the Deputy can discuss this when the Bill is published.

Deputy Finian McGrath: -----and the fact it caused birth defects in up to nine babies because of ineffective recall. A total of 22 of the 32 survivors are taking action. What action will the Taoiseach take to support the thalidomide families?

An Ceann Comhairle: I am sorry but this is not a matter for the Order of Business. When is the Bill due? Deputy McGrath can say all he likes on Second Stage.

The Taoiseach: The Government is committed to engaging with the thalidomide survivors and quite a deal of work is going on. I am aware of what the Deputy has mentioned.

An Ceann Comhairle: When is the Bill due?

The Taoiseach: There is no Bill.

Deputy Éamon Ó Cuív: Bhí mé chun ceist a chur ar an Taoiseach maidir leis an Consumer Bill, ach tá an cheist sin curtha air cheana féin. Gheall sé roimh an samhradh go bhfoilseofar é sa téarma seo. Tá súil agam go bhfoilseofar go luath é.

Ar ábhar eile ar fad, tá tuarascáil foilsithe ar luach ar airgead na scoileanna beaga. Is ábhar inní é seo do go leor daoine. Go deimhin féin, tá polaiteoir sinsearach Aontachtach ón Tuaisceart ag iarraidh cruinnithe leis an Aire Oideachais agus Scileanna.

An Ceann Comhairle: Sorry, we are not debating the issue here.

Deputy Éamon Ó Cuív: Scríobh mé chuig an Taoiseach ar an ábhar seo. Tá diúltaithe ag an Aire an cruinniú a thabhairt dó.

An Ceann Comhairle: I ask the Deputy to resume his seat.

Deputy Éamon Ó Cuív: An bhfuil sé i gceist ag an Rialtas an tuarascáil sin a fhoilsiú agus a phlé sa Teach seo? An bhfuil sé i gceist ag an Aire Oideachais agus Scileanna cruinniú a thabhairt don pholaiteoir sinsearach Aontachtach atá ag lorg cruinnithe leis faoin gceist seo?

17 December 2013

The Taoiseach: Cén polaiteoir atá an Teachta ag caint faoi?

Deputy Éamon Ó Cuív: Tá a fhios ag an Taoiseach. Scríobh mé chuige faoi.

Deputy Micheál Martin: Tá sé ag caint mar gheall ar thuarascáil a bhaineann leis na scoileanna beaga.

An Ceann Comhairle: Sorry, we are not discussing this issue. We are discussing promised legislation.

The Taoiseach: Bíonn cruinnithe idir an tAire Oideachais agus Scileanna agus polaiteoirí éagsúla an t-am ar fad. Tá sé iontach báúil do chruinnithe le polaiteoirí ón Tuaisceart. Níl a fhios agam an raibh am aige cruinniú a eagrú sa chás seo. Níl mé ag caint ar son an Aire anseo. Freastalaíonn sé ar chruinnithe Thuaidh-Theas go minic agus nuair is gá. Tá sé an-bháúil do chruinnithe a bhaineann le cúrsaí oideachais trasTeorann. Labhróidh mé leis i dtaobh iarratas an Teachta agus cuirfidh mé scéal chuige.

Deputy Éamon Ó Cuív: Scríobh mé chuig an Taoiseach mí ó shin. Iarradh an cruinniú seo i mí Meán Fómhair seo caite.

An Ceann Comhairle: Will you resume your seat? We are not discussing the issue now as Gaeilge nó as Béarla.

Deputy Éamon Ó Cuív: Tuigim é sin.

Deputy Thomas P. Broughan: I refer to the Commissions of Investigation Act 2004. I understand the Taoiseach had discussions last week with Ms Antoinette Keegan of the Stardust Relatives and Victims Committee regarding the possibility of establishing a commission of investigation into the Stardust tragedy in 1981, given the problems with the outrageous failure of the Keane tribunal-----

An Ceann Comhairle: The Deputy will have to table a parliamentary question.

Deputy Thomas P. Broughan: -----and the problems with the Coffey report. When the Taoiseach was canvassing in my constituency during the last general election campaign with Deputy Terence Flanagan, he might have given people a commitment-----

Deputy Michael Healy-Rae: A small promise.

Deputy Thomas P. Broughan: -----or a promise that he would establish a commission of investigation. It is a legacy issue.

An Ceann Comhairle: That is not a matter for the Order of Business.

Deputy Thomas P. Broughan: Some legacy issues have been dealt with, and I commend those involved. This is a painful legacy issue-----

An Ceann Comhairle: It is an important issue but it cannot be discussed on the Order of Business.

Deputy Thomas P. Broughan: The Taoiseach wants to say something.

An Ceann Comhairle: He is not saying something.

Deputy Finian McGrath: I raised this last week.

An Ceann Comhairle: I call Deputy Durkan.

Deputy Bernard J. Durkan: I hate asking this question again.

An Ceann Comhairle: Then do not ask it.

Deputy Bernard J. Durkan: I am sure the Ceann Comhairle will forgive me. Now that we are in the past-bailout era, can I ask again about the bail Bill, which has been promised since the days when my esteemed colleagues opposite were in office? In view of the urgent necessity of the Bill, is it intended to bring it to the House as soon as possible? When is the Red Cross (amendment) Bill likely to come before the House?

The Taoiseach: I do not have a date for the Red Cross Bill but I assure the Deputy that work is advanced in respect of the bail Bill. It has gone a long way in the Department and while I cannot give the Deputy a date, it is almost out through the gap.

Deputy John O'Mahony: We are all aware of the vast amounts being spent on free legal aid and how this scheme is being abused by career criminals. I am sure they do not disclose all the money they have buried in fields around the country. When is the criminal justice (legal aid) Bill due to be published?

The Taoiseach: In the middle of next year.

Deputy Frank Feighan: When will the sale of alcohol Bill come before the House?

The Taoiseach: Later next year. There has been quite a deal of activity on that at Cabinet sub-committee level. It will be some time next year.

Deputy James Bannon: The setting up of an electoral commission needs to be fast-tracked because of the dreadful state of the electoral register in most counties. The local and European elections are coming up next year and the electoral (amendment) Bill is on the clár, with publication expected in 2014. Will provision be made in the Bill for a commission?

An Ceann Comhairle: We cannot discuss what is in the Bill. When will it be published?

The Taoiseach: I do not have a date for publication of that Bill but I assure the Ceann Comhairle that the electoral register in County Longford is very much up to date because of the activities of one Deputy James Bannon.

Deputy Michael Healy-Rae: With regard to the legislation underpinning Uisce Éireann, will clarity be provided as to who will be responsible for collecting charges from people in group water schemes?

An Ceann Comhairle: We do not deal with that on the Order of Business.

The Taoiseach: That will be dealt with tomorrow and on Thursday.

Deputy Mattie McGrath: I would like to inquire about the geothermal energy Bill in the context of the dispute between the SEAI and Muintir na Tíre, which is a contractor employed by the SEAI. The SEAI has refused mediation offers. Could the Taoiseach ask the Minister for Communications, Energy and Natural Resources to intervene?

An Ceann Comhairle: The Deputy should table a parliamentary question to the Minister.

Deputy Mattie McGrath: I have done that.

An Ceann Comhairle: Try again.

Deputy Mattie McGrath: I will keep trying. I thank the Ceann Comhairle for the advice.

I refer to the regulation of lobbying Bill. Supermarkets are putting market gardeners and so on out of business as they sell greengroceries for almost nothing. Something has to be done to stop this, because it equates to lobbying, bullying and intimidation.

The Taoiseach: The regulation of lobbying Bill will be published early next year. The minerals Bill must be dealt with first and that will be followed by the geothermal Bill late next year. I expect the minerals Bill to be published in the first half of the year.

Deputy Robert Troy: I have repeatedly called over the past number of months for an amendment to the 2010 adoption legislation and I welcome the fact that a Bill in this regard will come before the House on Thursday. When will it be published? We are expected to debate all Stages on Thursday, which I have no problem doing, but we are still in a vacuum regarding what is in the legislation. Is it normal practice when all Stages of a Bill are to be debated within 48 hours that Members would not have sight of its contents? Will the Taoiseach indicate when we will see them?

I refer to the publication of the draft wind energy guidelines last week. The Taoiseach agreed previously to make time available to debate this important issue in the House. I again ask when time will be made available to debate what is an important issue for residents of many counties.

The Taoiseach: This adoption Bill is a matter of sensitivity and it has to be dealt with or the time will pass by. The Minister for Children and Youth Affairs has proposed a number of amendments to the Adoption Acts, which the Cabinet approved this morning, after issues were raised by the Deputy and a number of others. I expect that officials will be touch with the Deputy and other Members quickly. We need to deal with it on Thursday and that is why all Stages will be taken then. It only went through Cabinet this morning. I had to deal with the economic programme afterwards. The Deputy will be contacted and he can give his support for it. He has rightly been vociferous about these amendments.

Deputy Robert Troy: I raised it more than four months ago. Why is the Bill only going through today?

The Taoiseach: There is a public consultation period on the draft wind energy guidelines. The Minister of State at the Department of the Environment, Community and Local Government, Deputy Jan O'Sullivan, announced on 6 December the commencement of a public consultation period on proposed draft revisions to the 2006 guidelines. The public consultation will run until 21 February 2014 and further details are available on the Department's website.

Deputy Paul J. Connaughton: I refer to the health governance Bill. Will the Taoiseach give me an update on the Liam Mac an tSaoi case, which was raised in the House a number of weeks ago? His family would dearly love to have him home for Christmas. Will he be moved closer to Galway before Christmas?

An Ceann Comhairle: That is a serious matter, but it is not in order on the Order of Business. The Deputy should try to raise the issue another way.

The Taoiseach: Deputy Martin raised this issue last week. I can confirm that the people from Galway came to Dublin and that young Liam will be transferred to Galway University Hospital on Christmas Eve. He will be accommodated in the hospital's high-dependency unit until the necessary support care team is put in place, which is expected to happen on 6 January. I hope the little boy will be comfortable and that when his mother is satisfied he can be transferred to his home.

Deputy Ray Butler: When will the family leave Bill, which will consolidate all family leave legislation, be published?

The Taoiseach: That will not be until late next year.

Deputy Peter Fitzpatrick: The sports Ireland Bill intends to provide for the establishment of sports Ireland as a new organisation to replace the Irish Sports Council and the National Sports Campus Development Authority. When is publication expected?

The Taoiseach: I am informed by the Minister of State with responsibility for sport that it will be at Cabinet before the end of January and it will probably be the middle of next year before it becomes law.

Deputy Brendan Griffin: In the context of the common arrangements for gas Bill, will the Taoiseach direct his attention to the Shannon LNG project in north Kerry, where 700 hundred jobs are in jeopardy?

An Ceann Comhairle: I told the Deputy last week that this is not a matter for the Order of Business.

Deputy Brendan Griffin: I tried to raise this as a Topical Issue last week and again today.

An Ceann Comhairle: Keep trying.

Deputy Brendan Griffin: This relates to 700 jobs and €1 billion in investment.

An Ceann Comhairle: Please resume your seat. This is not a matter for the Order of Business.

Deputy Brendan Griffin: I tried to raise it as a Topical Issue Matter, as have other Deputies. Two days have now passed without instruction on this issue.

An Ceann Comhairle: There are 166 Deputies in this House and there is a system whereby we try to be fair to everybody.

Deputy Brendan Griffin: Five Deputies tried to raise the issue last Thursday and three tried to do so today.

An Ceann Comhairle: The fact that Deputy Griffin tabled something does not mean he is going to speak on it on the same day.

Deputy Brendan Griffin: It involves 700 jobs and an investment of €1 billion.

The Taoiseach: The common arrangements for gas Bill will be introduced next year.

An Ceann Comhairle: The Taoiseach can deal with the Deputy privately. I told him about that last week and he was very rude to the Chair in this Chamber.

Social Clauses in Public Procurement Bill 2013: First Stage

Deputy Mary Lou McDonald: I move:

That leave be granted to introduce a Bill entitled an Act to provide for the inclusion of social clauses in all public procurement contracts, to provide opportunities for unemployed persons and apprentices, to ensure equality in the workplace in the carrying out of public contracts and to provide for sustainable development.

This Bill proposes to legislate for the inclusion of social clauses in all large public procurement contracts worth in excess of €1 million. The State spends approximately €9 billion annually on goods and services and the Department of Public Expenditure and Reform recently established a new procurement body, the Office of Government Procurement, which will have sole responsibility for all public procurement. To date, the Government's value-for-money strategy for procurement has focused solely on the bottom line and overlooked the potential benefits that can accrue for small businesses and wider society from Government spending.

EU directives are often used by Ministers as an argument against social clauses. However, EU rules do not preclude social clauses and such community gain mechanisms are used in other jurisdictions. The Government argues that the inclusion of social clauses will displace existing workers in companies that are awarded public contracts. Although this is not the case in practice, we have listened to the Government's concerns by including a provision that contractors must comply with fair employment, equality of treatment and anti-discrimination principles as set out in employment law. Sinn Féin has successfully pursued the inclusion of social clauses in public contracts in the North of Ireland. The former Minister for Regional Development, Conor Murphy, insisted that social clauses be written into major road building contracts in order to provide apprenticeships and jobs to the long-term unemployed. There is no reason such an approach cannot be rolled out on an all-island basis.

This Government is embarking on new capital projects, including the school building programme. These capital projects provide an opportunity to use public moneys to make investments that have real societal returns. Departments are already including social clauses in public contracts but they are doing so in an *ad hoc* manner and on a small scale. We need to arrive at a point where social clauses are attached to all large capital projects so that public money is used more smartly, more efficiently and in a manner that allows citizens, who are the real investors, get the benefit of public spending.

An Ceann Comhairle: Is the Bill opposed?

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

Question put and agreed to.

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

Deputy Mary Lou McDonald: I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

Topical Issue Debate

Driver Licence Waiting Times

Deputy John O’Mahony: I thank the Ceann Comhairle for allowing me to address an issue that has arisen since the introduction of the new driver licensing service. I welcome the new service because it eliminates the problem of issuing false driver licences, increases the security of the system and makes our roads safer. However, while it is understandable that there were teething problems in the system, there are apparently ongoing delays in the processing and issuance of licences. I previously suggested that applicants should be able to book appointments rather than queue for lengthy periods and I understand that such a system is being put in place. However, it is not possible to book online, as is the case for the Passport Office. I found the website difficult to navigate and I suggest it is not very consumer friendly.

I have been contacted by a number of constituents who have had to wait up to five weeks to have their licences processed and in some cases are unable to obtain insurance because they cannot show a licence to the insurance company. In one case the insurance company suggested it would accept a letter from the RSA stating that the licence was being processed but the RSA told the applicant that such a letter would cost €15 in addition to the application fee for the licence.

I have previously raised the issue of the number of offices in areas of the country. County Mayo, which is the third largest county in the country, has one office in Castlebar and a sub-office in Belmullet. The cost of opening an office has been mentioned but I suggest that the headquarters of the RSA in Ballina could be adapted at minimal cost. The RSA has suggested an average distance beyond which one should not have to travel but, for example, Belmullet is 57 km from Carrowmore Lacken and Castlebar is 61 km away. Public transport services in rural areas are not sufficient to get people to these places. I ask the Minister for Transport, Tourism and Sport to consider this issue

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I thank Deputy John O’Mahony for giving me the opportunity to address the issue of waiting times for the issuing of driver licences. The RSA developed the structure of the new national driver licensing service, NDLS, to consist of three outsourced elements overseen by a specialist unit based in the RSA headquarters in Ballina. The three outsourced contractors are a card producer for the plastic licence, a front office provider to engage with customers and a back office provider to process applications. The RSA held competitive procurement processes for each of these contracts.

In January of this year, the RSA took over in law as the sole driver licensing authority in Ireland. However, in order to allow the new contractors to complete their preparations, local authorities continued to provide customer services for driver licence applicants on behalf of the

RSA during a transition period. The RSA assumed full responsibility for the service with effect from 29 October 2013. Early difficulties arose, mainly in the front office service provided by SGS Ireland Limited, under contract to the RSA. There are 34 full-time centres and two part-time centres nationally, and these open from 9 a.m. to 5 p.m., Monday to Friday, and from 9 a.m. to 2 p.m. on Saturdays. They also remain open through lunchtimes. These opening times are better and more convenient than the previous service. In addition, applicants can visit any centre, whereas under the previous system they had to go to their own local authorities. The new network provides service to 95% of the population within a 50 km radius.

There were some teething problems following the launch of the new service on Tuesday, 29 October. These included delays for customers in some NDLS centres, faults in the customer helpline on the first day and an IT problem in 12 of the centres on the morning of the first day. These initial problems were identified and addressed promptly by the RSA. However, the target of processing licences within eight days has not been met and there have been similar delays in processing some applications since the new service came on stream. Along with senior officials and advisers I met with the acting CEO of the RSA last week to discuss these issues and how the RSA plans to resolve them. I understand from the RSA that it currently processes an average of 1,800 licences through to card production on a daily basis. This is similar or greater to the volumes of licence applications being received. Backlogs that built up in the first few weeks of service are now being cleared. There is no doubt that the service suffered from a number of teething problems from its inception which contributed to delays. The current backlog of licences relates to approximately 14,500 licences applied for between the 2 November and 12 November. Some of the front-end processing work was deferred because of the significant pressure the service faced at that time.

The RSA advises me that licences have been produced for 5,700 of those applications, while a further 8,800 are at various stages of processing. They expect to issue a further 5,000 licences this week.

I understand that there are some outstanding applications which will require further contact with customers to resolve problems or seek clarification on some aspect of the application. This work is ongoing, and the vast majority of these cases will be finalised before Christmas. Where no outstanding information is awaited from a customer, the RSA advises that all of the licences concerned will be issued by the end of the first week in January 2014.

The RSA has also informed me that it has advised the Garda of the delays. Meanwhile, the RSA has undertaken to add additional resources and further training to ensure that customers are dealt with speedily and that applications are being processed quickly. They have identified specific locations and areas for improvement, and put in place actions to address these matters.

The move to a centralised driver licensing service is the right one in the long term, and will provide a better service to the public as well as greater security and better value for money. While there have been teething problems in the new system, I have been assured that these are being dealt with quickly and effectively by the RSA. I apologise to anyone who has been inconvenienced by delays in the new system and assure those concerned that it will be sorted out.

Deputy John O'Mahony: I thank the Minister for the reply and welcome the update on how the problems are being addressed.

I mentioned the RSA charging for a letter - because there is a five week delay - to give to

insurance companies is an issue that has been raised with me. A constituent, I was told, is being charged because the RSA cannot get the licence out on time. Perhaps that could be raised.

We are all too aware of young people who have emigrated but hope to come back, and some of their driver licences are running out. Under the current system, they can only renew it by appearing in person which means that they must go back to the process, do the test and theory test, etc. We all hope, I am sure, that many of them will return sooner rather than later. Perhaps some way could be devised so that they can renew their licences while abroad for future reference when they are back and we have full employment.

Deputy Leo Varadkar: In terms of charging for the letter, perhaps Deputy O'Mahony can give me the details so that I can check it out. If the delay was caused by the RSA or the contractor, not by the person in question, it seems unfair that the applicant would be charged for the letter.

The booking system is not fully up and running but it is coming into place. In the case of those who live far away from one of the existing centres, as I mentioned, 95% of the population live within 50 km of a centre and, by their nature, those applying for driving licences tend to either own or have access to a car. That means there are 200,000 who do not live within 50 km of a centre, some of whom are looking for learner permits and do not have access to a car. When the system settles down we will have a look at providing additional centres or in some cases, even mobile centres but that would involve a change to the contract.

On those living overseas, I dealt with a query on this earlier. There is a solution to that, and they can apply directly through Ballina. Under EU law, to get a driving licence one must be ordinarily resident in the State but if the person can prove he or she is either studying overseas with a letter from the university or on a contract overseas with a letter from the employer, or if he or she can produce evidence of being resident in Ireland such as a utility bill, it is possible for the person to have his or her driver licence renewed and posted to his or her registered address in Ireland. I can give the Deputy details on that.

Deputy John O'Mahony: I thank the Minister.

Flood Risk Insurance Cover

Deputy Aodhán Ó Ríordáin: I thank the Minister of State, Deputy Brian Hayes, for being here to discuss again this issue of insurance companies' non-engagement with areas of the country, particularly in the city and my constituency, where householders have undergone much hassle, discomfort and, in some circumstances, displacement because of the irregularity of weather patterns over the past number of years. There have been quite a number of severe weather events over the past and this has caused considerable distress to areas across the city. What has caused even more distress, as the Minister of State will be aware, as he has been quite to the forefront in this discussion with me previously, is the non-engagement of insurance companies with these individuals.

What we have done in Dublin City Council, based on the Scottish model, is establish a flood forum. The flood forum goes to local areas, deals with the particulars of the areas on an individual basis, gives advice - more than any financial support - to individual householders and talks about what could be done, what could be changed and what could be applied for. We learned

yesterday at a Dublin City Council meeting, however, that when the flood forum was trying to engage with the insurance companies, it was being stonewalled. The insurance companies have no interest in engaging with them. As a result, individuals, through no fault of their own are, due to extreme circumstances, house location etc., losing their house insurance. If one has no house insurance, one cannot sell one's house and it is worthless because no prospective buyer can get a mortgage without house insurance. What we have here is a small number of individuals who are living in worthless homes because of the inability of the local authority or whoever to engage with the insurance companies who are not taking this issue seriously.

It is crucially important for this small number of individuals that this be resolved. It is also crucially important, as the Minister of State will be aware, for areas like Maryfield Crescent in respect of which the local authority, through every strategic policy committee and every area committee, has accepted that €50,000 should be spent on hydraulic analysis yet city councillors are not willing to spend the money to find out the problem in order that we can rectify it, go forward and not have this issue hanging over our heads in the long term.

However, the main issue is that when we establish the flood forum, we ask residents to engage with it - residents can be justifiably untrusting of any new forum that is set up if they think it is a committee or talking shop that will not have any real effect. If the forum engages with residents on the issues concerned, a level of expectation is raised and the residents think that perhaps some solutions can be found to put this issue behind them, and then the flood forum goes off and tries to engage with an insurance company and does not get anywhere. We ask citizens to engage with the process, to believe in their local authority, to understand that the OPW has a certain responsibility here as well, to talk about the issues concerned and to trust in the agents of the State so that they can finally find a long-term solution, but when that flood forum, which is an agent of Dublin City Council, goes to talks to an insurance company, there is non-engagement. As a result, there is the problem of individuals with homes that are effectively worthless.

I would be interested in getting an update on the Minister of State's interaction with the insurance companies and the insurance federation. It is only reasonable that a request would be made, through the flood forum. Dublin City Council or any local authority should be able to provide proof to the insurance company of works undertaken. That should be enough for the insurance companies. The householder should be able to get on with his or her life, and not have the matter constantly hanging over his or her head. It is so serious that every time there is a black cloud residents get nervous, start worrying and think there will be a major weather event that will impact seriously on their lives again. They cannot move on; they are stuck. I ask the Minister of State to update the House and myself on his engagement with the insurance federation and individual insurance companies.

Minister of State at the Department of Finance (Deputy Brian Hayes): I thank Deputy Ó Ríordáin who, once again, has raised this important issue on behalf of constituents. I fully appreciate his frustration at the lack of progress across a number of agencies. I genuinely understand the frustration of the local community around the River Naniken who every night are worried about whether a substantial amount of fluvial rainfall could affect their homes, the consequent damage that causes and the lack of insurance in that regard.

Regarding the substantive issue of the provision of new flood cover or the renewal of existing flood cover, it should be noted that this is a commercial matter for insurance companies and must be based on a proper assessment of the risks that they are accepting. These are often

considered on a case-by-case basis and it is important to be clear that neither the Government nor the Central Bank has any influence. The Central Bank's consumer protection code contains no provisions that compel an insurance company to accept a particular insurance risk.

This reply is written from the perspective of the Department of Finance and I might put some of my own flavour on it. I understand that insurers try to provide flood cover wherever possible. However, in some cases flood insurance is not economically viable for insurance companies and, in the interest of keeping premiums affordable for policyholders in general, insurers decline flood cover for new business for some risks, or, in certain cases, need to withdraw flood cover upon renewal.

I understand that flood insurance cover is available to most householders; it is estimated that there are difficulties for only 2% of policies nationally. Furthermore, I understand that when making an underwriting decision, an insurer reviews a property's claims history and any flood protection measures implemented by the Office of Public Works or by the local authority. As a result, some people will pay a higher premium because their flood risk is higher or will have a higher flood excess on their policies. I remind the Deputy about the avenues available to those who have difficulties, complaints or queries in seeking insurance cover through Insurance Ireland's free information service.

However, the fact that approximately 2% of households cannot obtain flood insurance is a matter of concern to the Government. I and my officials in the OPW have had ongoing discussions with the insurance industry on the transfer of information on completed flood defence schemes. In January 2013 a working group was established with representatives from the OPW, Insurance Ireland and the main household insurance companies operating in the Irish market to address this issue. The work is proceeding satisfactorily. This will allow the insurance industry to take into account the levels of capital investment in flood protection measures over several decades by the OPW when assessing flood risk in localities where such flood measures have been completed. Ultimately, it is a matter for the insurance companies to decide how this information will be used, but they have committed to taking the information into account in their assessment of risk. This will facilitate the provision of flood cover in all areas that are protected by completed schemes.

The question that arises in respect of the River Naniken, which the Deputy has brought to my attention, is exactly what I am talking about. If we can get a completed scheme for it by way of dialogue between the OPW and the local authority and put in place a flood defence which the insurance companies are satisfied meets the possibility of a one-in-100-year event, or slightly less than that, then insurance cover will follow. In circumstances in which there is no such completed scheme, it is very difficult to predict that insurance cover will follow. The OPW and the insurance federation are trying to come to an agreement on that, which they have been slow in obtaining, but I hope there will be some agreement on it in the not too distant future which will give some measure of hope to people in this regard.

Deputy Aodhán Ó Ríordáin: The Minister of State is well aware of this issue and I appreciate his response. A flood forum has been established, residents are in need of cover and insurance companies are not engaging, and meanwhile a recommendation has been made that a hydraulic analysis be undertaken on the river in question, but it is not going ahead. We cannot have a solution for the insurance companies until a hydraulic analysis is undertaken that could identify a long-term solution. We are in a classic catch-22 situation. Insurance companies are not engaging because they have a certain understanding of the risk. We would have a better

understanding of the risk if the city council agreed to spend the €50,000 that was unanimously agreed to by every councillor in Dublin City Council, yet the city council is not willing to spend the money. Where do we go from here? The residents will stay in limbo and we cannot go anywhere with this. What are the long-term ramifications of this, not only for the particular street concerned, which obviously is of importance to me in my constituency, but across the city and country? When we establish a flood forum that identifies certain solutions, what power does it have and what changes can it make? If it just descends into being effectively a talking shop that gives information, people will quickly lose interest in it. They will lose faith in it and will stop engaging with it and they may take some other route which could be much more expensive for the local authority and for the OPW in the long term.

Deputy Brian Hayes: I thank the Deputy for his comments and appreciate his frustration. My understanding is that the flood forum has met. As Minister of State with responsibility for the OPW, the questions I would ask are what it is doing, whether it has made specific recommendations and whether there has been an assessment of risk in respect of each household across the affected street. My understanding is that preliminary meetings have taken place, and I believe further meetings should be arranged as soon as possible. It should get on with this. If Dublin City Council brings forward a scheme to my Department, either by way of a minor works scheme, which covers works up to a cost of €500,000, or a major capital scheme, covering works at a cost of over €500,000, we will prioritise it and get on with it. However, we have to be sure it is a solution that will resolve the problem. There is no point in spending segments of funding on a hydrological survey if its findings are not going to resolve the problem. That is the challenge for the local authorities and the flood forum: to produce a solution that is workable and that meets cost-benefit criteria. There is a solution to every problem, but we should not spend millions upon millions of euro on works if the impact of such works is very minimal compared to the total expenditure. I will check the position regarding the flood forum, what exactly it is doing and whether it is making recommendations to my Department. I have a very open mind about how we can help Dublin City Council and the residents living close to the River Naniken, who have been dreadfully affected by this. Where the OPW has put in place schemes that have resulted in major capital infrastructure projects, insurance cover follows, as it should follow. If we rectify a problem, the insurance companies will then offer cover because it is in their interests to make money through doing so. I cannot envisage insurance companies making an investment in flood cover in circumstances in which we have not spent money and have not produced a solution. We need to get to the solution - if there is a solution. That is the question.

Wind Energy Guidelines

Deputy Michael Colreavy: Members on the Government benches sometimes say that the Sinn Féin Deputies do not want to see Government policy succeed, but I know that is not true and I suspect that the Members opposite also know it is not true. I and the Sinn Féin Party fully support the maximum use of renewable energy, including wind-generated energy, in Ireland. We want wind energy projects in Ireland to succeed. We want to minimise our dependence on imported energy, to maximise our capacity for renewable energy and to ensure that the benefits arising from renewable energy are applied for the benefit of the people of Ireland. However, we contend that the Government must have a coherent and integrated strategy governing all aspects of renewable energy generation, including wind energy generation. That is a critical point. The Minister, Deputy Rabbitte, argues that we have a strategy, but I contend that we do not have one

and that what we have is a statement of objectives and some broad timescales. A strategy would have to include a study of the true potential and economics of renewable energy generation, including the impact on tourism in rural areas; measures for dealing with the impact on host communities, particularly where major wind farm developments are envisaged; proposals for a land and landscape management strategy to ensure that local authorities and the Government advise companies where such projects will be located, rather than the Government constantly responding to companies that decide where they will be located; and proposals to encourage micro-generation and small-area energy supplies, including bio-generation projects, which seem to have fallen off the radar and are only sometimes mentioned in ministerial speeches. It must include a listed, costed statement of the financial benefits accruing to the host communities and the people of Ireland. If we do not have these things, we do not have a strategy and the Government is responding to companies.

The proposed revisions to the guidelines published last week pertain to noise and flicker shadow but avoid the issue most people have with wind turbines - their proximity to dwelling houses. There is one reference to distance on page 6 of the guidelines, which indicates that it is intended to retain 500 m as the distance between turbines and houses. It is something that requires to be revisited and which has been the subject of a number of Private Members' motions, not all of which were tabled by Sinn Féin. Given the likelihood of a major wind farm in the midlands as part of the energy export deal with Britain, it is vital that all of these issues are subject to consultation and that the views of local communities are taken into account. The guidelines which should be regulations rather than guidelines need to be in place before work commences. It is envisaged 1,700 turbines will be built by 2020 to meet the export requirements indicated in the memorandum of understanding signed by the Minister, Deputy Pat Rabbitte. It is a massive undertaking which has generated considerable debate and opposition in the midlands. Some respected economists argue that the economics do not stand up. We need to revisit this issue and we ask that there be a suspension of work until the regulations and proper strategy are in place.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan): I thank the Deputy for raising this issue and the support of his party for renewable energy projects which he emphasised at the beginning of his contribution. It is important that I clarify two things. First, what I issued last week were not new guidelines on wind energy developments but proposed draft revisions to the existing 2006 wind energy development guidelines. They run to over 100 pages and are significant. The revisions focus specifically on the issues of noise, setback and shadow flicker. I initiated a targeted review of these specific aspects of the guidelines earlier this year. The 2006 guidelines will remain in force and planning authorities will be required to continue to have regard to them in making decisions on wind energy planning applications until the draft guidelines are finalised in 2014.

Second, I emphasise that last week's announcement was only the commencement of a public consultation exercise on the draft revisions to the guidelines. I want to ensure everyone has an opportunity to contribute his or her views before the guidelines are finalised next year. There is major interest in the public consultation process and I look forward to receiving and considering evidence-based submissions on the draft revisions by 21 February 2014.

Following consideration of the submissions made during this public consultation period, the revisions to the guidelines will be finalised and issued to planning authorities under section 28 of the Planning and Development Act 2000, as amended. The draft revisions to the wind

energy development guidelines which I put out to public consultation last week propose three main changes. These include the setting of a more stringent absolute noise limit, day and night, of 40 dB for future wind energy developments. I emphasise that this is an outdoor limit and, in general, the reduction of noise levels between the outside of a dwelling and inside would be approximately 10 dB.

The second change is a mandatory setback of 500 m between a wind turbine and the nearest dwelling for amenity considerations. Under previous guidelines, that setback was not mandatory. The third is that a condition be attached to all future planning permissions for wind farms to ensure there will be no shadow flicker at any dwelling within 10 rotor diameters of a wind turbine. If shadow flicker does occur, the wind energy project developer or operator will be required to take necessary measures such as turbine shut down for the period necessary to eliminate the shadow flicker.

The purpose of the guidelines, when finalised, is to protect the interests of communities and to ensure the development of renewable energy infrastructure takes place appropriately, having regard to the relevant social and environmental factors. As the new requirements on noise levels, setback and shadow flicker will apply to all future planning applications for wind energy developments, both supplying electricity to the national grid and for export, it is important that they strike the appropriate balance.

Regarding export projects, the Minister has not completed the intergovernmental agreement. There was an initial signing, but the agreement has not been completed. There must be a strategic environmental assessment in the context of an overall policy and planning framework to underpin any arrangement that may be made with the United Kingdom. There will be a strategic environmental assessment of the export proposals. These are under consideration by the Minister, Deputy Pat Rabbitte. This is a draft proposal which has been put out to public consultation. There is huge interest in it and I expect to receive many submissions, to which I will give careful consideration before adopting the guidelines. I will need a period of time to consider them.

Deputy Michael Colreavy: The reply clearly outlines what will be covered in the public consultation process. I am unclear whether the potential devaluation of property will be the subject of consultation. I am unclear whether the consultation fits into the wider aspects of a strategy for renewable energy generation about which I spoke.

With regard to the export of energy to Britain, the Government will sometimes state I want to see nothing exported to Britain. That is not true; I would like to see us export to Britain, but I would like to see us achieve self-sufficiency before we do so. This nation has great potential in the area of renewable energy generation. We could reach self-sufficiency faster than planned and be a net exporter of energy to Britain and elsewhere, which I would welcome, but we need to look after our own market first.

Will the public consultation process be open to the economic analysis that must be undertaken, bearing in mind that some respected economists have called into question the economic benefits of wind energy generation in the current market? Will it enable the community to specify the financial benefits they would like to see accruing from renewable energy generation in Ireland?

Deputy Jan O'Sullivan: I want to separate what I am doing as Minister of State with re-

sponsibility for planning and what Deputy Pat Rabbitte is doing as Minister for Communications, Energy and Natural Resources. These are planning guidelines and the economic side is not a matter for me or my Department. My first responsibility is to ensure we have sustainable planning guidelines and balance the needs of the economy with those of the community and the environment and other factors that must be considered in spatial planning. The Department of Communications, Energy and Natural Resources is examining the strategy, of which I am sure an economic analysis will be part. I agree that our first priority is to reach our targets and that is the intention of the Government. I also agree that the issue of community gain must be considered. There must be consideration of the needs of the broader community rather than individual land holders. That matter can be considered across the two Departments. It is a live political issue, in which there is great interest. We have time for consultation on the matters within my area of responsibility - planning.

School Textbooks Rental Scheme

Deputy Michael P. Kitt: I thank the Ceann Comhairle for allowing a debate on this issue and I am glad to share time with our spokesperson, Deputy Charlie McConalogue. I thank the Minister of State, Deputy Michael Ring, for coming into the Chamber to deal with it.

6 o'clock

I hope he will look favourably on the issue we are raising. I welcome the launch of the guidelines for developing textbook rental schemes in schools and I know these guidelines provide practical advice to primary and post-primary schools in how to establish and operate a rental scheme. My main query is why a school with a limited or very basic book rental scheme would not qualify under this scheme.

The Minister has told us that 76% of primary schools operate a book rental scheme and many of these schools would like to have resources to expand but this process does not allow that to happen. We all know how expensive textbooks can be and that puts financial pressure on many families at the start of the school year. The Minister should do more than just commend schools that have already established a school book rental scheme, as there is talk of investing €15 million to support the scheme, with an initial €5 million per annum over three years. Some funding should be made available to schools seeking improvement in the scheme, as it would show recognition for the amount of work involved in a book rental scheme. Parents have been involved in establishing and upgrading the schemes, and there are guidelines for the involvement of parents.

Parents have indicated that they have saved up to 80% of the cost of buying new books by setting up a book rental scheme. If the Minister believes in the guidelines and the scheme, he should show flexibility in its operation. I support him in the priority given to literacy and numeracy but we do not even currently have new funding for the school library scheme, so book stocks are falling. I hope we will not make the same mistake with the school book rental scheme, as schools wish to make improvements. I hope the Minister of State, Deputy Ring, will bring back that message to the Minister for Education and Skills, Deputy Quinn, and show some recognition for the schools which have, on their own initiative, set up a book rental scheme.

Deputy Charlie McConalogue: When this announcement was made in the budget it was very much welcomed by schools across the country which struggle on a yearly basis to keep

book rental schemes alive in order to ensure that students and families have as low a cost as is possible in attending school. It was with shock that many of those schools learned that funding will only be provided to a quarter of all primary schools, specifically those schools which have not yet commenced a book rental scheme. This will exclude many schools which have fund-raised with families and made cuts in other parts of the school budget in order to try to get a school book rental scheme off the ground. Those excluded will number among them schools that only started such schemes last year or which may have only set up a book rental scheme for one class or subject. Only a quarter of schools will be able to benefit, although we welcome that those which need it will be able to benefit from the process.

The Minister cannot stand over a position where schools which have already started to make an effort and sacrificed, and which now need support in order to build momentum, are being totally excluded by the way the Government is going about using this funding. I ask the Minister of State to respond on the issue. The Minister must consider how to support the schools which have made the effort. It is not enough to congratulate those schools for starting the process and the Government must support them in continuing their work rather than punishing them for taking the initiative.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring): I am taking this Topical Issue on behalf of my colleague, the Minister for Education and Skills, Deputy Quinn. I thank Deputies Kitt and McConalogue for raising this issue and I welcome the opportunity to clarify the position. The Minister, Deputy Quinn, is very conscious that the cost of textbooks is a considerable burden on families. Textbooks are a very important way in which students can be supported in their learning and the Minister believes that participation in book rental schemes offers the best opportunity to reduce the burden. Schools which already have rental schemes can save parents up to 80% of the cost of buying new books.

Since his appointment, the Minister has attempted to take steps to increase participation in book rental schemes. In January 2013, the Minister launched the guidelines for developing textbook rental schemes in schools, which provide practical advice to primary and post-primary schools on how rental schemes can be established and operated. The aim of the guidelines is to help as many schools as possible to start such book rental programmes. The publication of the guidelines followed a survey of schools by the Department last year. This had a 99% response rate at primary level and indicated that 76% of primary schools operate a book rental scheme. At second level, the response rate was lower, at 44%. Of those which did respond, 88% of those in the VEC sector and 73% of those in the community and comprehensive sector operated a book rental scheme.

The Minister believes these results indicate we have a good foundation to build on across the country, especially at primary level. We can achieve a position where every primary school has a book rental schemes in operation in the 2014 and 2015 school year. The 2014 budget provided additional funding which will involve an investment of €15 million to support the establishment of book rental schemes in primary schools that do not currently operate them. The Department will provide €5 million in seed capital per annum over a three-year period to such schools.

This seed capital grant for book rental scheme for the primary schools scheme will be confined to primary schools that do not currently operate such a scheme. To extend it to all schools, as suggested by the Deputies, would mean that funding available to each school would be diluted to such an extent as to have little impact. The Minister wholeheartedly commends schools

that have established book rental schemes to date. However, he regrets that they will not be eligible to apply for funding under this scheme. The Minister has confirmed that the Department will continue to provide €7 million in book grants to all primary schools, and this can be utilised for the purposes of updating or expanding a school's book rental scheme. The publication of the guidelines builds on other steps the Minister has taken in an attempt to reduce the burden on families, such as agreeing the voluntary code of practice with the Irish Educational Publishers Association, protecting the budget for school book grants at €15 million over the past two years, despite economic pressures.

Deputy Michael P. Kitt: I am disappointed that the Department will not allow for the 76% of schools at primary level to get some benefit from the scheme. There should be recognition for the work they have done. At second level, books are more expensive, and the students attending second level need assistance which should come from a school. To be fair to schools, they want to provide that assistance but unfortunately, if they want to improve or update a scheme, there is no help available.

With regard to the school library scheme, there is a very worthwhile initiative taken in some counties where up to 15 or 20 copies of one book can be made available through the scheme. There can be a discussion after reading a book - a type of junior book club - and such a process should be promoted. I hope the Minister of State will bring the message to the Minister for Education and Skills, Deputy Quinn, that there are very dissatisfied parents, boards of management and school authorities. They want to use this scheme and with a little flexibility, there could be something for the schools that already have a rental process in place. These schools want to update and improve their scheme but the funding will currently only reach a quarter of schools. That is particularly disappointing for those at primary level.

Deputy Charlie McConalogue: Unfortunately, the response has been very disappointing. The Government is giving no recognition whatever to the many schools which have made a Trojan effort to get book rental schemes off the ground in the past few years. As I indicated, some schools may only have a scheme running for only one subject or year, and they will be excluded from this funding. The schools which have not yet started will be given seed capital and in many ways they will find it much easier to get a full scheme up and running. The schools which have already made an effort will be left out. That is not fair.

This is not the type of solution we heard of on budget day and which is regularly mentioned by the Minister. Unfortunately, in the past two or three years, the cost for a family of going to school has been increased under this Government. This scheme is advocated as a way for the Government to address that cost but the reality is that only a quarter of schools will benefit.

Acting Chairman (Deputy John Lyons): They Deputy is out of time.

Deputy Charlie McConalogue: Those which have made an effort up to now will get no assistance.

Acting Chairman (Deputy John Lyons): The Deputy is out of time. There is a debate scheduled after this concludes which will have less time if the Deputy goes over his time.

Deputy Charlie McConalogue: I ask the Minister of State to go back to the Minister for Education and Skills and ask-----

Acting Chairman (Deputy John Lyons): I have asked the Deputy to stop.

Deputy Charlie McConalogue: -----for this structure to be reviewed.

Acting Chairman (Deputy John Lyons): The debate scheduled to follow this is losing time because of what happened earlier. I do not want to use any more time than what is afforded for this debate.

Deputy Michael Ring: In fairness to the Minister for Education and Skills, Deputy Quinn, he was able to secure €15 million for the scheme during a serious economic crisis in this country. Deputies must accept that he was trying to give an opportunity to schools that did not have a book rental scheme. As I outlined in my reply on behalf of the Minister, 80% of families appreciate such schemes in schools. At the Minister's request, departmental officials have spoken to the Irish Educational Publishers' Association in order to assist families. I accept that families find it difficult at present, but the Minister must be complimented on the measures he has taken to date. He also provided a grant of €7 million to schools, which they can use to update or expand existing schemes. When the economy improves the Minister will be able to assist schools that have already set up the programme. To be fair, he is trying to target the schools that have no programme and to assist them in getting one up and running.

We are all agreed it is a good scheme and that was borne out by the survey results. When the economy improves and more funding is available for education the Minister will be able to look at ways and means to provide further funding for the scheme. I compliment him on finding the money for the scheme for this year in difficult circumstances. Some months ago there was talk about cuts to the education budget and in every other Department. The Minister for Education and Skills had to make cuts, but to be fair to him, he found €15 million to help schools that did not have an existing scheme. When the economic situation improves he might be in a position to do something for schools that have existing schemes.

Third Report of the Constitutional Convention - Same-Sex Marriage: Statements

Minister for Justice and Equality (Deputy Alan Shatter): I propose to report to the Dáil, on behalf of the Government, on its response to the third report of the Constitutional Convention. I am pleased to inform the House that the Government agreed at its meeting of 5 November, that a referendum should be held no later than mid-2015 on the question of enabling same-sex couples to marry.

The Constitutional Convention has been given the task, with Dáil approval, to consider issues on which constitutional change may be needed and to report on its conclusions to the Houses of the Oireachtas. The convention was requested to consider whether same-sex marriage should be provided for in the Constitution. It sought submissions from interested parties and received 1,077 submissions from interest groups, church organisations and private individuals by the 19 March deadline. The submissions received reflected a diversity of views on the issue, with arguments both for and against a referendum on same-sex marriage.

The convention devoted its third plenary meeting on 13 to 14 April 2013 to the question of whether the Constitution should be amended to provide for same-sex marriage. The outcome of its deliberations was that a strong majority of its members recommended that provision should be made for same-sex marriage. A total of 79 members voted in favour of changing the Constitution to allow for civil marriage for same-sex couples. A total of 19 members voted against

the proposition, while one member had no opinion.

A total of 78 members recommended that the amendment should be directive, for example, that the State shall enact laws providing for same-sex marriage. A total of 17 members voted that the amendment should be permissive, for example, that the State may enact laws providing for same-sex marriage. A total of 81 members recommended that the State should enact laws incorporating the changed arrangements in regard to the parentage, guardianship and upbringing of children. A total of 12 members voted against this recommendation.

The Constitutional Convention submitted its report to the Oireachtas on 2 July 2013. In line with its commitment to consider the convention's recommendations, the Government agreed its response to the third report at its meeting of 5 November 2013. The Government's response is to welcome the third report of the Convention on the Constitution. It notes the high level of engagement of the members in the process and the enormous interest of civil society as evidenced by the large number of submissions. The Government also notes the high level of support - 79% - within the convention to changing the Constitution to enable same-sex couples to marry.

In response, the Government has decided that the issue should be put to the people for decision in the first half of 2015. I have been charged by the Government with the task of undertaking the work necessary to prepare a referendum Bill and a draft implementation Bill to provide for marriages between same-sex couples while guaranteeing freedom of religion for solemnisers. The Government is mindful that the position of children in families headed by same-sex couples was a matter of concern for the convention. That is an issue of valid concern. The position of children who are parented, both at present and in the future, in this State by same-sex couples, their legal relationship to the couples who are parenting them, and the rights and obligations of those parenting need to be addressed and prescribed in clear legal terms. That is the case irrespective of whether we have same-sex marriage. It is an issue of direct relevance to couples already in civil partnerships and to those who might celebrate civil partnerships in the future. It is not specifically or uniquely relevant to the issue of same-sex marriage although some may misleadingly depict it in that way. I am currently working on legislative proposals to address this issue which I hope to bring to Government in January 2014. The objective of the general scheme which I am preparing is to remove the legal inequalities between children in a large range of non-traditional family structures relative to those living in a constitutional family based on marriage. It is important that we treat all children equally regardless of the circumstances of their conception or birth and, in the best interests of children, provide for legal certainty in the area of family relationships.

In the past 24 years, Ireland has made the journey from institutionalised prejudice against homosexuality to becoming a more open, accepting, and inclusive society. The first legislative moves were made in the Prohibition of Incitement to Hatred Act 1989, which banned incitement to hatred of a person or a group of people on a range of grounds, including sexual orientation. In 1993 the Criminal Law (Sexual Offences) Act finally decriminalised male homosexual acts. The Employment Equality Act 1998 and the Equal Status Act 2000 prohibited discrimination in employment or in the provision of goods and services on a range of grounds, again including sexual orientation. It was not until 2010, in the Civil Partnership and Certain Rights and Obligations of Cohabitants Act, that same-sex couples were able to have their relationships recognised - the first legal acknowledgment in Ireland of the intrinsic value and profundity of same-sex relationships.

The next step in this progression towards equality is for us, as a State, to recognise and

legislatively provide for the wish of same-sex couples to marry. The importance of marriage to us as a society is borne out in the latest census figures. Census 2011 revealed that there were 143,588 more married people in Ireland in 2011 than in 2006. A total of 50% of our adult population is married. The figures confirm that we are more deeply attached to marriage as a society than ever. Marriage remains the primary means by which we make a lifelong commitment to another person and create a new family with him or her.

Some will argue that civil partnership has offered a mechanism by which same-sex couples can make a permanent commitment to one another. Certainly, civil partnership has been a major step forward on the journey to marriage equality. Civil partnered couples are now treated equally to married couples in terms of taxation, social welfare entitlements, life insurance and pensions, inheritance, maintenance and the protection of the shared home. Nonetheless, civil partnership was framed to be distinctly different from marriage in line with the requirements of the Constitution. The requirements for its dissolution are less onerous than those for marriage. A civil partnership can be dissolved if the civil partners have lived apart for two of the previous three years, unlike marriage where couples have to live apart for four of the previous five years before being able to divorce. Similarly, civil partners do not enjoy constitutional protection as a couple in the same way as married couples nor do we yet have legislative provision to recognise children as part of a civil partnership family.

The tide of law internationally is moving in favour of marriage equality. Fifteen countries and, in the United States, 14 states and Washington D.C., now provide for same-sex marriage. In the past year alone, four countries and six US states have introduced marriage for same-sex couples. The countries and states which currently provide for marriage equality include the following - Argentina, Brazil, Belgium, Canada, Denmark, France, Iceland, Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden and Uruguay; in Mexico - Mexico city and the state of Quintana Roo; and, in the United States - California, Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Washington State and Washington DC.

Legislation on marriage equality will come into effect in England and Wales in March of next year and in the US states of Hawaii and Illinois in the coming months. Civil partnership is increasingly being viewed as a stepping stone towards marriage equality rather than a final destination.

I am conscious that many people in our society have differing views as to what constitutes marriage. Marriage is viewed as a religious commitment by many people. What we propose will not in any way affect the choices of those who wish to have weddings in religious ceremonies or who follow the teachings of their religious denomination as regards marriage. They will continue to be free to follow their religious beliefs with regard to the religious aspects of their weddings and marriages.

Similarly, we are conscious of the religious sensitivities of clergy of different denominations regarding their role as solemnisers of marriages. The Government has decided that the implementation Bill will explicitly protect the freedom of religion of religious solemnisers, respecting the constitutional guarantees in Article 43 of the Constitution. There will be no requirement for religious solemnisers to go against their religious beliefs to perform marriages for same-sex couples.

It will be argued that the referendum is about children. As already mentioned, legislation

that I am currently developing will address the issue of children in advance of the referendum and is required whether or not constitutional change is effected and, as a consequence, individuals enabled to enter into same-sex marriages. We must update our legislation to address the diversity of family relationships within which children are currently brought up and cared for. Meeting our obligation to do so is in the best interest of children. We must address a legal anomaly that has been in our adoption legislation since 1952, which regards an individual, whether heterosexual or gay, as eligible to adopt but which does not regard as so eligible a couple who have entered into a civil partnership.

The intended referendum is about one thing only, the question of who is permitted to marry in the eyes of the State. Irish people know from their history how hurtful it can be for laws to be in place preventing particular categories of people from getting married. The restrictions on marriage introduced under the Penal Laws were deeply felt. They prevented intermarriage between Catholics and Anglicans and ensured that marriages conducted by Presbyterian ministers were not legally recognised. Those restrictions, which would have seemed reasonable at the time to those who put them in place, were, in more enlightened times, dismantled as deeply unfair and discriminatory.

We must now ask ourselves whether we can continue to ignore the strong wish of same-sex couples to participate in an institution that so many in this State consider vital to our well-being and a cornerstone of the formation of a family. Can we justify our continuing to discriminate against individuals because of their sexual orientation? I believe the answer to these questions is that we cannot and should not.

Our marriage laws have been framed for a different time. Now that we know that they exclude a particular group of people, now that we know that same-sex couples have a deep desire to be able to marry each another and now that so many other countries are acknowledging rights to equality in this area, we have a responsibility to address this issue. It is a question of fairness and equality. The planned referendum gives us the opportunity to renew our commitment to fairness and equality and to demonstrate that our society truly cherishes all of our people equally. I look forward to bringing the necessary legislative measures before this House to facilitate the holding of the required referendum. I hope that when it takes place, it will receive majority support from the people.

Deputy Niall Collins: I welcome the opportunity to speak today on an issue of equality that is very important to many thousands of people and their children. The past 20 years have witnessed immense progress in the advancement of the equality agenda for the lesbian, gay, bisexual and transgender community. Homosexuality was once hidden from public view but has been brought out of the shadows and is openly expressed. Being gay or lesbian no longer has a stigma attached, and rightly so. Old prejudices have been systematically combated through a raft of legislative measures. These legal changes have reflected broader fundamental shifts in society as it moves towards real equality regardless of sexual orientation.

Much work remains to be done in making further progress on these matters so there can be true equality in Irish society. The right to equality in marriage stands as one of the last remaining challenges to be overcome. It is worth reflecting upon the steps forward that we have taken and the work that remains to be done in achieving same-sex marriage rights. I take real pride in the work of Fianna Fáil in driving this agenda. In 1989, Fianna Fáil, which was then in government, steered through the Oireachtas the Prohibition of Incitement to Hatred Act, which made it an offence to stir up hatred against a group or persons on account of a number of specific

grounds, including sexual orientation. This principle was subsequently extended to the area of broadcasting to further copper-fasten protection against the proliferation of hateful material.

With regard to the decriminalisation of homosexuality, in 1993 the Fianna Fáil-led Government, with Ms Máire Geoghegan-Quinn as Minister for Justice, brought forward the seminal Criminal (Sexual Offences) Act, which finally brought an end to the unfair criminalisation of homosexual practice. The then Minister took the lead in advocating publicly in the press and Oireachtas for a change to the law. It was worth noting that the legislation was moved forward amidst considerable controversy, with a poll in *The Sunday Press* in May 1993 indicating that 50% of people were opposed to a change in the law. Some conservative groups were mounting a vocal campaign to oppose what they described as teenage buggery. We resisted Opposition attempts to set a discriminatory age of consent. This ensured effective equality regardless of sexual orientation. Others cynically played for political points and pressed for an increase in the age of consent to 18 years for homosexuals while leaving the heterosexual age of consent between 15 and 17 years. The less party-political attention this debate achieves, the better. Gay people deserve better than political point-scoring.

The Employment Equality Act 1998 prohibits discrimination in employment on grounds of sexual orientation. It was followed closely by the ground-breaking Equal Status Act, which was initiated by Fianna Fáil and came into effect in October 2000. The LGBT community rightly enjoyed the full protection of a suite of equality legislation. The evolution of policy that led to this legislative protection has taken place in Ireland since the 1980s and Fianna Fáil has played a central role in legislating on these issues. This is upholding the true republican value of equality for all citizens.

Ireland has been at the forefront of countries that protect LGBT people against discrimination. It has encouraged developments at European level. There are compatible arrangements in Northern Ireland under the Good Friday Agreement ensuring that equality is an issue across the entire island of Ireland.

The civil partnership legislation of 2010 was the next frontier in progressing the equality agenda in the recognition of the legitimacy of loving same-sex relationships. The civil partnership Bill introduced by Fianna Fáil in 2010 had far-reaching consequences for same-sex couples. For the first time in Irish law, gay and lesbian relationships have been given official recognition. With this new legal status comes a range of rights and responsibilities. These include pension rights, succession rights, maintenance obligations and protections in the event of domestic violence. The Act also recognises civil partnerships, or their equivalent, from other countries. It outlined a cohabitants' redress scheme and provides for a safety net for financially dependent long-term cohabitants at the end of a relationship.

In a modern society such as ours, it would be unacceptable to continue to ignore same-sex relationships. The overriding aim of the Act was to bring about positive change to same-sex relationships on both a profound and practical level within the current constitutional framework. More than 1,500 partnerships have been formed in a testament to the liberating strength of the legislation. Civil partnerships constitute an important milestone on the road towards same-sex marriage. Same-sex marriage represents the next fundamental step along the path to genuine equality. At the Fianna Fáil Ard-Fheis held in March 2012, our members voted to pass a resolution supporting equal marriage rights. Fianna Fáil is a republican party and it is our policy to build a republic which is founded on the equality and dignity of every member of the human family. We stand for an open and inclusive society where the dignity and equality of every

person is fully upheld. Our policy of supporting same-sex marriage reflects a commitment to providing State recognition and support for monogamous, lifelong relationships between adults which form the central basis of society. This policy is underpinned by the inalienable principle of equality among citizens, regardless of their sexual orientation.

Fianna Fáil remains committed to the central role of the family, the institution of marriage and the guiding principle of equality that underpins our position as a republican party. We do not believe that equal marriage rights for all citizens in any way threatens or undermines the strength of the family unit and the institution of marriage. Providing a legal framework to sustain lifelong relationships does not weaken society but strengthens it.

It is important to draw a distinction between civil and religious marriages and to respect the innate right of religious bodies to conduct their ceremonies without undue interference from the State. The proposed constitutional change refers to civil marriages and will not force any religious organisations to conduct ceremonies which do not conform to their faith. This principle of fairness has worked in the United Kingdom and elsewhere. Moving forward with marriage equality underpins broader shifts in Irish society, which opinion polls have indicated is overwhelmingly supportive of the move. It also brings us into line with progressive European countries. Ireland can take a stand for enhanced equality by moving forward with this legislation, rather than lagging behind other EU states.

In conclusion, I trust that the Government will push forward with plans to hold a referendum on this issue in 2015 and will provide legal certainty around adoption issues. Clarity over the legal rights surrounding children will be vital in giving real effect to the protections afforded in the Constitution to the family unit. Fianna Fáil supports the convention's recommendation and will actively work towards passing the referendum when the Government moves it. It will be a leap forward for the country and a welcome day for the thousands of same-sex couples who want to express their love.

Deputy Mary Lou McDonald: At the outset, I wish to take a moment to commend the work of the Constitutional Convention and its members. They have truly been a breath of fresh air in our democratic process. We in Sinn Féin believe that the work of the convention should continue and its remit extended to consider myriad constitutional matters that require consideration and reform. I would also like to commend the work of the Marriage Equality campaign, the Gay and Lesbian Equality Network, the Irish Council for Civil Liberties and many other organisations and groups which have campaigned for the right for all families to be treated equally.

The Sinn Féin delegates to the Constitutional Convention welcomed the convention's decisive vote of 79% in favour of removing any possibility of constitutional discrimination against LGBT citizens by explicitly recognising the equal right of these citizens to civil marriage. We noted that the result of the convention vote was and remains a real cause for celebration as it marked a landmark moment for equal rights in Ireland. It was interesting for those of us who were there on the day when the vote was taken and as the debate progressed to witness the genuine spirit of inclusivity, respect and tolerance. So many fantastically positive civic virtues informed the debate among the delegates to the convention. It was a really uplifting moment for all concerned.

The members of the convention gave the Government clear direction by recommending an amendment of the constitutional provision that has been used to discriminate against LGBT

citizens and their families. The change that is envisaged by the convention would allow Ireland to join other countries around the world that have recognised marriage equality rights and by doing so would make a real difference in the lives of Irish LGBT citizens and their children. At the time of the result, Sinn Féin called on the Government to move quickly to progress this proposal to referendum. However, the Government has now indicated that a referendum on marriage equality is unlikely to take place before 2015. Ideally, we would want this referendum held sooner but we do acknowledge the Government's intention to progress the family relationships and children Bill through both Houses of the Oireachtas by the end of next year. The recent comments by the Minister for Justice and Equality on reforming family law to secure equal citizenship for lesbian and gay parents and crucially, to protect the best interests of their children, are particularly welcome. So too is the Taoiseach's commitment to campaign for marriage equality when the proposition is put to the people. While we accept the intention of the Government to proceed first with the family relationships and children Bill, that legislation must be prioritised by the Government to ensure that it is concluded by the end of 2014 at the latest.

The light-of-day reality for LGBT families is that even following the enactment of this legislation, there will still be considerable differences between the legal treatment of LGBT families bound by civil partnerships as against civil marriage. That underlines the fundamental point made by the Minister earlier that there simply cannot be anything but full equality for LGBT citizens. This is an imperative now for all of us as legislators. That full equality can only be realised when there is full and absolute marriage equality.

What struck me most about the convention's debate on same-sex marriage was the generally respectful way in which members engaged with each other. Concerns regarding a swathe of issues were listened to, discussed and, in many instances, real anxieties were dispelled and put to rest. For example, it quickly became clear that constitutional recognition of marriage equality is a demand for access to civil but not religious marriage, as some had suggested. Protections of religious freedom under both the Constitution and the European Convention on Human Rights will continue regardless of the proposed constitutional change. The rights and well being of children were at times, understandably, the main focus of the debate. It was evident that ultimately people came at the debate with the belief that children deserve equal constitutional rights and protections regardless of the sexual orientation of their parents.

Sinn Féin, North and South, has been very proud to sponsor marriage equality motions, some of which were the first to be passed by local authorities. It is really important that we bring this debate outside the Oireachtas and into communities. Campaign groups are doing remarkable work in communities across this island. Anti-bullying campaigns, for instance, are playing a crucial role in creating awareness across society of the prejudice that young people still face as they find and settle into their sexual identity. Despite what has been recorded here as legislative advances in protections for LGBT citizens, it still is a fact that homophobia exists in our society. It must be tackled and taken on, head on. For our part, we have sought to bring the demand for marriage equality to the communities we represent and our experience tells us that we are pushing an open door. It is so important that we discuss and debate this issue at a very local level, with our neighbours and those with whom we work. We also want to see complementary constitutional changes which equally recognise and protect all family forms, including non-marital families of all sexual orientations and a more robust general equality provision that expressly prohibits discrimination on the grounds of sexual orientation or gender identity.

We in Sinn Féin have a long-standing position of support for LGBT families in all dimen-

sions of life and law, including the right to civil partnership, legal recognition of same-sex marriage and the equal right to found a family, including by adoption. Any constitutional provision on the family must not discriminate on the basis of sexual orientation and must equally recognise families in all the diverse and contemporary forms. LGBT families exist and such families can be our friends, our brothers, our sisters, our aunts or our uncles and certainly our neighbours. It is just not acceptable in a modern society to tell these families that they or their children are any less equal than our own.

If we are to wait until 2015 for a referendum on marriage equality, we need a commitment from the Government tonight that it will be no later. The very level of submissions, over 1,000 in all, made on this matter to the Constitutional Convention reflects the level of public interest in the issue of marriage equality. I look forward to the debate on this issue. I hope it will be thoughtful, grounded in fact not prejudice, and be respectful of the diversity of views. When the arguments are set out and the case made, I hope the people will, just like their citizens in the convention, wholeheartedly approve and embrace this important step to the achievement of full equality in Ireland.

Deputy Maureen O’Sullivan: I am sharing time with Deputy Catherine Murphy.

Acting Chairman (Deputy Derek Keating): Is that agreed? Agreed.

Deputy Maureen O’Sullivan: Ar dtús, ba mhaith liom buíochas a ghabháil le agus aitheantas a thabhairt do bhail fhoireann an Choinbhinsiúin as an obair a dheineann siad i gcomhair gach cruinniú, roimh an chruinniú, tríd an chruinniú agus tar éis gach cruinniú. Tá an obair a dhéanann siad ar fheabhas.

A major reason the Constitutional Convention is moving so well is the professional calm and efficient way in which its staff carry out its work. The engagement of citizen members and political leaders, under the able chairmanship of Tom Arnold, also contributes to the convention’s efficient work. Everyone acknowledges the balance in speakers, presentations and the time allocated for each aspect of the topic to ensure a wide spectrum of views are heard. I acknowledge the Government’s response within three months to each of the convention’s recommendations. The next step is the follow through. Will the Government give a definite idea as to when the referendum on same-sex marriage will go ahead? There should be no discussion of a second convention until those issues are brought to a satisfactory conclusion. I noted the Minister said he was looking at 2015 as the date for this referendum, which is a vote of confidence that the Dáil will last until then.

The convention’s session discussing the topic of same-sex marriage was the most tense, intense and emotive I have attended. When it was announced 79 voted in favour of same-sex marriage against 19 not in favour, there was a feeling of celebration, relief and joy on the part of those attending that a right had been granted to gay and lesbian people, a right they had been denied for so long and one enjoyed by people who are not homosexual. This issue is about a human right and equality. Equality should not be based on one’s sexual orientation, gender, ethnicity, colour, creed, wealth or social status. In our own history and that of other countries, we see the mass migration of people because the systems under which they lived did not recognise and respect their beliefs. It is happening in so many places today such as in Colombia, the Democratic Republic of Congo, Central Africa and Syria.

I can understand that same-sex marriage is difficult for some people to accept because it is

different and, for thousands of years, marriage involved two people of different sexes. Some people are not very good when it comes to accepting difference. There was a strong vote at the convention in favour of same-sex marriage. The people will have the opportunity to exercise their democratic right in the referendum when it comes.

Some years ago, in my naivety and ignorance, I believed civil partnership had ticked all the boxes on this issue. I was taken aback to learn otherwise. It was the work of the Marriage Equality group and GLEN, Gay and Lesbian Equality Network, which pointed out the 169 legislative differences between marriage and civil partnership which include, for example, civil partners not being allowed to adopt jointly, issues with guardianship, discrimination faced by children of gay couples and a family home having to be described as a shared home. The TASC submission to the convention put it succinctly:

Marriage, as well as being a social and cultural institution is also a legal and economic institution. It is up to the State to provide for the civil marriage in the legal and economic senses rather than in the wider social and cultural institution of marriage which is conducted in accordance with beliefs and cultural traditions of various religious and ethnic groups.

Its submission also dealt with the tax issue, proposing the most straightforward way of ensuring tax justice is to extend marriage to same-sex couples. Civil partnership went a good way on this but there are still differences. While it was a major advance, it fell short of constitutional equality which is critical. Civil marriage is a further step to build on the civil partnership legislation. While we have come a long way for equality for lesbian and gay people, it must be remembered there are countries where they face persecution, torture and imprisonment.

Some argue that same-sex marriage undermines the value of marriage. From my experience at the convention, from lesbian-gay friends and organisations, the same-sex marriage proposal is an affirmation of marriage, certainly not undervaluing it. They believe in the institution of marriage and their right to share it.

Deputy Catherine Murphy: I welcome the opportunity to contribute to this debate on the third report from the Constitutional Convention. I attended all the sessions, bar one, which was useful in understanding the tone of the different issues debated. All convention participants will agree the debate on same-sex marriage was exceptional.

I was critical of the convention at the start because of the limit on the number of issues with which it could deal. However, having participated in it, I found it to be a good initiative. In the case of same-sex marriage, there was sizeable support for change to the existing constitutional provisions.

The Minister said one of the key issues when this proposal is considered by the public will be the issue of children.

Deputy John Lyons: No, he did not say that.

Deputy Alan Shatter: I said children should not be an issue because it is not an issue of relevance for the referendum to take place.

Deputy Catherine Murphy: I misheard him. From reading the report and various submissions, I felt what was missing was the personal testimony of those raised by same-sex parents. This would have been a good beacon of how this can be debated in a meaningful way and would

show the good experience children in such families had.

During that weekend, we spoke about other jurisdictions that had taken this on board, with the Netherlands being the first country to do so and now 15 countries and 15 states in the US have followed them in changing the law, with England and Wales due to follow next year. The sky has not fallen in with these changes and those countries have had very good experiences. What was really important about that particular part of the convention's work was the celebratory mood afterwards. It sent out a signal of acceptance, and that was really a very powerful signal of encouragement to take this issue on board very soon.

I understand the Government's point that referendum fatigue is a particular difficulty. I recognise that the Taoiseach has provided public support and commitment to marriage equality. It will be very important that this does not go beyond the commitment that has been given for 2015. I accept Deputy O'Sullivan's point that we must see a return on the convention's work before we have another convention doing a whole range of work. We must see delivery, otherwise there will be questions about what the process was about.

Acting Chairman (Deputy Derek Keating): The next three speakers will share ten minutes between them. Is that agreed? Agreed.

Deputy Charles Flanagan: In the few moments available to me, I wish to agree fully with every line of the Minister's speech. Therefore, I will not refer to any points he made as he summed up my views on the issue. I thank him for his leadership in this area. I also wish to acknowledge the work of the Constitutional Convention. I believe that the convention has a solid future, notwithstanding the current narrow remit. I would ask the Government to extend its remit, perhaps even on a permanent basis.

My concern this evening is with the operation and planning for the referendum. I believe that low turnout for referendums is a major cause for concern, and we need to review radically how we do them. Any future referendums must be carefully planned and orchestrated. The recent result of the Seanad referendum should be examined in detail to consider why people voted as they did, and why 60% of the electorate did not bother at all to vote. Qualitative research on this topic is vital, as we need to determine how opinions were formed on the subject matter, and how these views were changed or confirmed during the course of the campaign. We need to know how and why a majority in favour of abolition four weeks before the campaign became a minority on the day. Factors such as the popularity or otherwise of the Government, the communication of the message and the motivation of the voter all affected turnout. We need to obtain hard data on voter behaviour before we go to the polls again.

Recent limited research underlines the need for a publicity campaign to be carried out over a much longer period of time, the information or publicity to be transmitted in different ways than through the Referendum Commission, and that the campaign should be broadened way beyond the narrow party political elite that we have seen in recent referendums. Without detailed voter research, we are left with speculation by pundits and armchair experts which makes for great political entertainment and post-mortems, but is of little or no scientific value. If the Department of the Environment, Community and Local Government does not conduct the research itself, then I suggest that a sum of money be made available to academia or political scientists so that they can do the job, because it is crucially important.

Aspects of the ludicrous McKenna and Coughlan Supreme Court judgments need to be ad-

dressed.

Deputy Jerry Buttimer: Hear, hear.

Deputy Charles Flanagan: The requirement for the Government to adhere to a 50:50 broadcast rule is bizarre, represents a subversion of democracy and undermines the democratic mandate of Deputies on both sides of the House. We have heard people from all parties speak in favour of a recommendation in the referendum, yet we know that when it comes to the campaign, this cannot happen due to the McKenna and Coughlan judgments. This results in the electorate becoming confused as they are unclear on the questions being put to them and the issues under scrutiny. While I very much favour equality and same sex marriage, much preparatory work needs to be undertaken. The Government introduces a topic but is not allowed to campaign actively for a “Yes” vote in the manner in which it might like, due to legal constraints.

As legislators, we need to get on with this and exercise great care. I look forward to a positive, vigorous campaign, but a campaign based on fact not fiction.

Deputy Jerry Buttimer: I congratulate the Minister on his pioneering initiative and salute the men and women in the Gallery from Marriage Equality, GLEN and the Irish Council for Civil Liberties, who have given us civil society leadership in this debate. The extraordinary transformation of this country over 20 years is culminating with the report tonight before the House of the Constitutional Convention, and of the referendum to be held in 2015. We have moved as a country from a situation where being gay and lesbian was seen in the context of shame, and where those of us who are gay or lesbian were seen as being criminals in the eyes of our State. Many of our fellow citizens had to leave their homes and emigrate abroad or migrate to Dublin or Cork to create their own communities because of the shame and because of the burden placed upon them. Thankfully, due to the leadership of GLEN, Marriage Equality and the Irish Council for Civil Liberties, and all political parties in this House and others, we have moved to a situation where we are now on the threshold of a referendum where equality will be given to all our citizens.

The only place where I, as a gay man, am not equal, is in my Constitution, due to the inability to get married. Hopefully, the Irish people will provide that transformation in 2015 and we will all be equal, cherished equally under our Constitution. It has been a remarkable journey, and I am very proud, as a member of the Constitutional Convention, of the mature debate we had that particular weekend. I also wish to congratulate the experts, such as Gerard Durkan SC and others, who gave of their time to make presentations and so on. This debate is the beginning of the referendum campaign. It is very clear that this referendum campaign will be about marriage under the eyes of our Constitution. As the Minister said, it will not be about religion or anything else; it will be about marriage.

The pictures of civil partnerships across the country show men and women - urban and rural, young and old, from all types of society - embracing their love and the sky has not fallen down. The same values, love, affection and commitment exist, no matter who we are. That is why those images celebrate love, which we all cherish in our lives. The next step is that referendum. In April, we had a fantastic debate at the convention over two days, with presentations from everybody. The debate took place. People thought about what they had to say and they thought about how they voted. Some 79% of them voted for the right to have a referendum. I hope that in the lifetime of this Dáil, we will see a plurality of the Irish people voting to support the recommendation from the Government to hold a referendum on marriage equality.

I welcome the statements by the Taoiseach that he supports marriage equality for lesbian and gay couples and that he will campaign for it. I salute the Fine Gael members across the country and in our parliamentary party, especially the Minister, Deputy Shatter, who has been supportive from the start. This is about people. This is about the love that we all have. It is about equality. I wish that this referendum will be passed, and I hope that this House will campaign vigorously for it.

7 o'clock

Deputy James Bannon: The Constitutional Convention has discussed and considered a range of issues. I am very happy to be involved and take part in the wide range of discussions which bring about reform to the Constitution. It is an important forum when so many people are asking what is the proper role of government. The proper role of government is to protect equal rights, not equal things. We are all born equal, not in abilities or talents, but under the law and in our rights. We need to be honest and fair and the Government is honest and fair on this, to secure those rights for all our people.

The Constitutional Convention was established by the Government and is following a set procedure and terms of reference set by the Government. The authority to amend the Constitution rests with the people of Ireland under the ratification process by way of a referendum. We all welcome referenda. I agree with my colleague, Deputy Charles Flanagan, that it is a pity that people do not turn out in greater force for referenda because our Constitution is the bible by which we are guided. Many countries across the world do not have a constitution. It is a very important document and should be respected. This Constitutional Convention is an historic event in Irish constitutional development. It is also important for decision making where we, the members, are asked for opinions on a range of issues. These issues include rights, reducing the presidential term, giving citizens who are resident outside the State the right to vote, the provision for same-sex marriage, encouraging greater participation by women in the political process, reviewing the Dáil electoral system and reducing the age limit for voting from 18 to 16 years. The establishment of a stronger Constitution will protect the rights of all citizens and this should be respected.

At the Constitutional Convention a strong majority favoured the amendment of the Constitution to provide for same-sex marriage. A strong majority recommended legislation to accompany any such amendment. Legislation would provide specifically for changed arrangements regarding the parentage, guardianship and upbringing of children. The reason for including this option on the ballot paper was that in the case of same-sex couples with children, at least one parent will not be a genetic parent and, therefore, the usual rules regarding custody and guardianship would need to be reviewed and adapted. We need electoral reform. I raised the issue earlier today with the Taoiseach that we need to examine the establishment of an electoral commission. I hope something will be done to ensure there is a greater turnout and participation of people in future referenda because this is important for citizens.

Deputy Pádraig Mac Lochlainn: I congratulate the Constitutional Convention on its excellent work to date. I had some reservations initially but I am pleased to see the Constitutional Convention take on a life of its own and begin to undertake the task of making some much-needed changes to Bunreacht na hÉireann. When the Constitutional Convention met in April 2013 it was meeting to consider same-sex marriage. The Constitutional Convention voted by a decisive majority in favour of changing the Constitution to allow civil marriage for same-sex couples. The convention's strong endorsement of equal marriage rights in Ireland marks an

historic step in the campaign for marriage equality in Ireland and we are grateful to all members of the convention who made this happen.

My party and I feel very strongly about marriage equality. As republicans, equality is at the heart of all we believe in and we strive for this every day in the course of our work and activism. We believe in a new republic where all citizens are equal, regardless of the colour of their skin, their religious belief, sexual orientation, where they live and what they do. Offering same-sex couples civil partnership is offering them a second-class right. This is absolutely and entirely unacceptable in 2013 Ireland. It is prehistoric, ancient and discriminatory. The time has come for marriage equality. This is a human rights and equality issue. Loving, committed relationships between two consenting adults should be treated equally regardless of gender or sexual orientation. All couples, same-sex or otherwise, should be allowed to share the same responsibilities, obligations and respect that marriage provides. This should be enshrined in the Constitution.

We also need to see complementary legislative changes to equally recognise and protect all family forms, including non-marital families of all sexual orientations, and more robust general equality provision that expressly prohibits discrimination on the grounds of sexual orientation or gender identity. Sinn Féin has a long-standing position of support for lesbian, gay, bisexual and transgender, LGBT, equality in all dimensions of life and law, including the equal right to civil partnership, legal recognition of same-sex marriage and the equal right to found a family including by adoption. Any constitutional provision on the family must not discriminate on the basis of sexual orientation and must equally recognise Irish families in all their diverse contemporary forms.

The 1937 Constitution should be amended to unambiguously enshrine equality in all aspects of life as part of a comprehensive Bill of Rights or Charter of Rights as required under the Good Friday Agreement, under strand three paragraph 9 on rights, safeguards and equality of opportunity. Sinn Féin submitted a submission to the Constitutional Convention calling for a Bill of Rights amendment. We have been very pleased with the responses. Along with my party colleagues I have met a range of NGOs, stakeholders and people who campaign on human rights matters and it has been received very favourably. I cannot stress enough the need for a comprehensive Bill of Rights amendment that would follow a systematic review of the provisions of Articles 38 to 45, inclusive.

The work of change was delegated to the constitutional review group in 1986. It was then continued, but was never finished, by the all-party Oireachtas committee on the Constitution. The Government discontinued that committee in favour of the Constitutional Convention. As I pointed out earlier, the Constitutional Convention has done a fine job. Following the successful pilot period, the Government and the Oireachtas should now mandate a fresh Constitutional Convention in the same format with a broader and more comprehensive remit to address the two broad areas of a Bill of Rights and institutional reform in the 2014 to 2015 period and to introduce the remaining proposals for amendment in time for 2016.

What better way to celebrate 1916 than by enshrining rights of equality within the Constitution? This would be more in keeping with the coalition parties' pre-election promises than the limited Constitutional Convention it authorised last year. While the convention, in its limited terms of reference, has been a very positive development and has worked better than most people had hoped, it needs to be strengthened. I welcome the Government's commitment to holding a referendum on marriage equality but it is of the utmost importance that the Govern-

ment adopts a proactive approach to bringing forward the legislation to give effect to this referendum. We need a date for the referendum so that all relevant bodies can work towards this.

I was sorry to hear the Minister, Deputy Alan Shatter, refer to referendum fatigue. This idea that the public is tired of referenda should not be held up as a reason for delaying the delivery of equality. It does not wash. I am sure we can all create the mental and emotional space needed to deal with the referendum, especially when it concerns the equality and the delivery of constitutionally entrenched rights. The Government charged the Constitutional Convention with making recommendations on such matters and it recommended that this be put to the people. Our reluctance to allow that process to flow unhindered will effectively undermine the credibility of the convention. Sinn Féin will actively and enthusiastically campaign to ensure the civil and legal rights of the LGBT community, including the right to marry, are fully protected in the law.

Let me now make a personal reflection. I got married recently and this has brought me great happiness. The Minister was one of those who shared congratulations with me on my marriage. Like with all married couples, my and Sinéad's wedding day was a very special day. During it and the days leading up to and after it we felt the embrace and good will of family and friends all around us. This was a wonderful time in our lives. Among the guests at our wedding was a good number of gay couples. I had the privilege of attending the marriage of one of those couples in Spain and that was a powerful day.

There have been many civil partnership ceremonies all across Ireland and more people have had their eyes opened to how important it is to allow two people who love each other to marry. The words of Barack Obama on this issue were very simple, but powerful. He spoke about two people who love each other, who want to step up to the plate, if that is their choice. Some people do not get married and their love is equally as valid as that of those who are married. If two people who love each other want to step up and say they want to make a life commitment in every legal way they can to the person they love, that should be facilitated. The day Sinéad and I got married, I felt a tinge of sadness that we were able to get married, but in our presence were couples who loved each other every bit as much as we did and who had made a commitment in every way they could to each other, but who could not have the same equality or moment we had. The sooner that day comes and the sooner I can go to their weddings the better.

I know we live in a diverse society and that we must respect everybody's perspective. There are people who profess to follow the word of Christ, but who use the word of Christ, as they interpret it, to oppose the right of two human beings who love each other to be married. These people are wrong. I am a Christian and I have faith in Christ, but I cannot for the life of me understand how people who believe in the Christ I love and in whose teachings I believe can advocate that Christ of love, compassion and every good thing we learnt about him and believe in and oppose the right of two human beings, two children of God who love each other, to have that moment to say they commit themselves to each other for as long as they both wish. I was deeply moved by the comments of Barack Obama and by those of his remarkable wife, the First Lady of the United States, Michelle Obama, who both used their words so powerfully. They challenged those powerful forces in American society who opposed same sex marriage by simply speaking about two human beings who love each other.

I wanted to share this with the House because we had a wonderful wedding day. Marriage equality was our theme on the day and we used the rainbow colours of marriage equality throughout the day. Sinéad's bouquet was the marriage equality colours. Our wedding day was

a powerful day. I ask everybody and I am willing to discuss it with them over a cup of coffee or in whatever forum they want, to think about the reasons they oppose same-sex marriage. Same-sex marriage is not a threat to marriage between man and a woman or to the love or status of these couples because of the marriage of two other human beings. I thank the Chair for indulging me on this contribution.

Acting Chairman (Deputy Derek Keating): The next speaker is Deputy Catherine Byrne who is sharing her time with Deputy John Lyons.

Deputy Finian McGrath: On a point of order, I understand we are under pressure of time, but it seems my slot will be lost. Is there any flexibility in that regard?

Acting Chairman (Deputy Derek Keating): I do not think there is, unless other Deputies agree. Unfortunately, we must conclude by 7.30 p.m. and the Minister has five minutes to wind up the debate at 7.25 p.m.

Deputy Alan Shatter: Perhaps the House will agree to Private Members' business starting five minutes late. I am conscious it was the debate previous to this that impinged on the time allocated for this debate. I have no difficulty with ensuring Deputy Finian McGrath can have his few minutes to speak, if the House is agreeable to this.

Acting Chairman (Deputy Derek Keating): I will consult the Clerk and see if that is possible.

Deputy Catherine Byrne: I strongly recommend the report of the Constitutional Convention on the matter of same-sex marriage. In particular, I recommend the recommendation by a large majority, 79 to 19, that a referendum should be held to change the law to allow same-sex couples the right to a full marriage. Furthermore, I am pleased the Government has committed to holding the referendum during the first half of 2015. I commend the Minister for Justice and Equality, Deputy Alan Shatter, for taking these important steps towards full and equal rights for all couples who want to marry, no matter what their sexual orientation. I also commend the Taoiseach for supporting this and for pledging to campaign for a "Yes" vote.

The proposal to hold a referendum should give hope to the 1,500 couples who have already celebrated a civil partnership in this country since the civil partnership legislation was enacted in 2010. The fact this high number of people has opted for partnership in the three short years since that option became available demonstrates the strong demand among the gay and lesbian community to demonstrate their love and their commitment to each other and to their partners in a formal way.

While I welcomed the Civil Partnership Bill as it passed through the Dáil, I sought to highlight in my contribution at the time the frustration of those gay and lesbian couples who needed and deserved more than just a civil partnership. Gay and lesbian couples should not be made to feel like second class citizens. Full equality in the eyes of the law is what we all deserve as human beings. Equality does not have to mean sameness. True equality in society and law should respect and value differences, no matter what those differences are. We should celebrate our differences and avoid labelling each other.

In my previous speech on civil partnership, I also stated I did not agree with people who said the Bill undermined the institution of the family. Judging people or discriminating against them because of those they love goes against the very meaning of love. We know the Irish people are

ready for this. A Millward Brown poll conducted in 2012 showed that 75% of people would vote “Yes” in a referendum proposing same-sex marriage.

Last year, I had the privilege to attend the civil partnership weddings of a number of close friends. In my eyes, they were weddings in all but name. They were the celebration of the love between two people and the great joy of grandparents, parents, the wider family and friends who finally saw their loved ones and their relationships being recognised by society and the State and that was something wonderful to behold. Being part of that made me feel very proud. Like many other speakers, I have attended many weddings of family and friends in the past and I do not see why there should be any difference between those weddings and those of same-sex couples. If two people love each other and are committed to each other, there should be no difference.

I wish to recognise the Constitutional Convention and thank its members, the people of this country, for their hard work, under the expert chairmanship of Tom Arnold. This particular report of the Convention is extremely positive. I hope that when the referendum is ultimately passed, these people will feel proud of their contribution to advancing change and progress in society. I thank GLEN and the many other groups that came to me in the past and recently in regard to this issue. I welcome the fact we have the opportunity to speak in the House and that we are privileged to be here and to be in the presence of the many who want to share their love together.

Deputy John Lyons: Before I get to the issue of the report, I would like to say that the Constitutional Convention, of which I am a member, has been a smashing example of democracy and I believe there is a place for it post-February 2014. We need to consider what that place should be. The Convention has been a place of transparency where we have discussed pertinent issues, such as same-sex marriage. This was the most important issue discussed and was done in a democratic, transparent and respectful way.

Tonight’s debate concerns the report of the Constitutional Convention on same-sex marriage. Given that every other party has spoken about its proud track record it would be remiss of me not to mention the Labour Party as its only speaker in the debate. It is not about the Labour Party, Fine Gael, Sinn Féin or Fianna Fáil but most people mentioned their party.

Deputy Finian McGrath: Do not forget the Independents.

Deputy John Lyons: The Labour Party was the first to have an LGBT sector on the island of Ireland and we have a very strong track record on issues of equality, standing when other people did not want to voice such issues. The facts speak for themselves on this but it is not the issue being discussed. I am a very proud member of the Labour Party because of our strong track record on equality issues. It is why I am a member of the Labour Party. I am glad to see the pushing, shoving and shouting when other people were telling us not to knock on their doors because we were speaking about things which should not be spoken of has moved to a stage whereby we have cross-party agreement on such an important social issue and that such a change has happened over 20 years.

As a man who is gay, or a gay man, or whatever one wants to call me - I would prefer just to be me - I am very proud to be here and I am particularly proud we have seen such social advancement whereby we are debating in the House the actuality of a referendum on same-sex marriage in 2015. Recently I visited St. Kevin’s College in Ballygall. The sixth year in the

boys' secondary school invited me as part of a project on same-sex marriage. I thought it was fantastic a group of 18 and 19 year old boys were speaking about same-sex marriage and that they invited me. When I explained the reason we will have a referendum on same-sex marriage they could not believe we needed it. They could not believe we live in a bizarre society which for too many years has decided to relegate constitutionally a sector of society purely based on sexuality and not afford all the constitutional rights every other person has to gay and lesbian people. They were dumbfounded. This dumbfoundedness of the young people was also found in the overwhelming 79% of people in the Constitutional Convention who believe we should have a referendum on same-sex marriage. This has been mirrored in subsequent polls and was higher in a Red C poll.

A sector of society has been left out and the time has come to stop leaving them out because of their sexuality. It is time to bring them in. I believe the Irish people, as the Minister stated, are pretty much ahead of the Legislature on this issue. Anybody I speak to does not understand why we do not have same-sex marriage. Given conditions being the way they are, in 2015 a majority of people will support it because they have brothers, sisters and parents who are gay. We are speaking about real people. Sometimes people think this is an abstract debate. The real people we are speaking about are me, Deputy Jerry Buttimer and many of those in the Visitors Gallery. Some of them have children and they are forgotten about. We have a chance to put it right and to state we value every citizen of the country regardless of their sexuality. The only institution in society of which I am aware which treats gay and lesbian people as second-class citizens is civil marriage. As a state, we will have an opportunity in 2015.

I commend every person, from all parties and none, and from NGOs such as the Gay and Lesbian Equality Network, GLEN, and Marriage Equality who are present this evening, for the Trojan work done for years on end. I believe the people will come with us on this. I believe they will not let people down and that is what this is about. It is an issue of equality and nothing else. The sky will not fall in. If anything, the sky will be a little brighter after 2015.

Deputy Finian McGrath: I thank the Minister for trying to facilitate me with speaking time but I believe Standing Orders overruled both of us. I am grateful for this opportunity to speak on the third report of the Constitutional Convention on same-sex marriage. I warmly welcome the report as it is important to build and develop a new society based on equality and respect for all citizens. It is also an opportunity to start a process of building a new and inclusive Ireland and about enjoying and celebrating difference and diversity. We all need to work hard on the reform agenda and what we all promised at the last general election. I want to stand up for a new and changed Ireland which respects all of our citizens and puts equality at the heart of the country and the Constitution. This is what the debate is about. I urge all Deputies to support the recommendations of the report. It is very progressive and I warmly welcome it.

Minister for Justice and Equality (Deputy Alan Shatter): All of us who are Members of Parliament come here and work every day on behalf of the people. On occasion we forget this is the Parliament of the Irish republic and this evening has been very important. We have made history. We have debated a very important issue. We have had contributions from every party in the House and contributions from Independent Deputies. We have unitedly agreed there is a need for constitutional change in this area. We have unitedly agreed we should hold a referendum. This is something we should celebrate, but we should not assume automatically the referendum will be successful. One of the reasons the Government took the decision that a referendum would not be held until 2015 was to ensure the nature of the referendum to be held is not misrepresented and to ensure there is absolute clarity in the minds of those of our people

who come out to vote as to what it is they are voting about.

Deputy Jerry Buttimer: Hear, hear.

Deputy Alan Shatter: It is important we have this level of understanding and clarity. The referendum will be about one, and only one, issue and that issue is whether it is agreed by a majority of the people of the Republic of Ireland that individuals who are gay can celebrate a marriage. This is the only issue. We already have on the Statute Book civil partnership. Civil partnership in many ways resembles marriage but not in its entirety. Those who wish to be treated equally, who are entitled to be treated equally, and who are equal citizens in the country want when they are in an intimate loving relationship to have the same recognition granted to the relationship as is available to heterosexual couples. It is a very simple question, and it is a question which has been answered in a range of other countries listed earlier. It is my hope the answer to the question will be “Yes”.

I want to emphasise, because Deputy Catherine Murphy raised the issue, the referendum will not be about children. We should not be led into a debate about children.

Deputy Jerry Buttimer: Hear, hear.

Deputy Alan Shatter: We need to address the issue to which the civil partnership legislation, which was very much welcomed and which I supported, was blind and which I raised during the course of the debate on the legislation. It was blind to the fact that gay couples had children, cared for children and brought up children. The HSE places children for fostering with gay couples. That is why we believe it is crucial that before we have a referendum all of the issues relating to children which affect gay couples, cohabitantes be they heterosexual or gay, and affect married couples where they utilise assisted reproduction; all the issues surrounding guardianship and the upbringing of children and identifying family relationships and rights and obligations of those who are truly parenting children and the best interests of children are addressed in legislation because all of these issues are relevant to where we are today. They do not in any way uniquely relate to the celebration of a marriage by a gay couple. They are relevant to where we are today in the context of the diverse range of families we have throughout the length and breadth of the country. They are relevant to individuals who are parties also to civil partnerships. The legislation is at an advanced stage in the preparation of the heads of a Bill which I expect to publish and take through the Cabinet in January. I had originally hoped we would have them in December, but they have taken a little longer to prepare. We are reasonably close to being sufficiently assured to say that by the end of January the heads of the Bill will be published and that they will go to the joint Oireachtas committee for consultation. I hope to publish the Bill in final form well before the summer vacation and to have it enacted, with the assistance of Members of both Houses, by the end of next year. We will then be able to focus in 2015 on the referendum to facilitate the marriage of same-sex couples.

There are two or three crucial issues, the first of which is the question that should be put to the electorate. There must be absolute clarity in order that there will be no confusion as to what the question the people are being asked to favour or reject. The second is preparation in advance to ensure the public fully understand what they are being asked and the issues involved in order that no one can say he or she has been taken short. The third issue, which was raised by Deputy Charles Flanagan and is legitimate, is the need to ensure there will be a debate that to which the electorate will listen and on which it will form a judgment and which will give them the facility to vote in the referendum. I hope a majority will vote “Yes”. My concern which

17 December 2013

I share with the Deputy is the manner in which media outlets, in particular broadcasters, have interpreted Supreme Court judgments results in a distorted media discussion in the lead-in to a referendum. I recall during the court of appeal referendum campaign RTE inviting people who favoured a “No” vote in the referendum to text in because its view was it could not interview anyone, including me, as the Minister who had brought the proposal before the House and who favoured a “Yes” vote, unless it could find someone who favoured a “No” vote. It is my hope there will be reconsideration in that regard. The Supreme Court requires a representative proportionate discussion in the media reflecting the reality, not artificially seeking out people who will say “No” to a proposition that every Oireachtas Member and the overwhelming majority of people support. Those who oppose a proposition must be heard, but we are now operating a system under which those who favour a proposition are censored and there is a barrier to them in articulating the case to inform the people as to why they should vote “Yes”.

I thank everyone who contributed to the debate. I also thank Marriage Equality, GLEN, the ICCL and my Fine Gael colleagues, led by Deputy Jerry Buttimer, who are committed to change and equality in this area. I look forward to bringing forward the necessary legislation to facilitate the referendum.

Planning and Development (Transparency and Consumer Confidence) Bill 2013: Second Stage [Private Members]

Deputy Catherine Murphy: I move: “That the Bill be read a Second Time.”

I thank my parliamentary assistant, Mr. Eoin Wilson, for his help with this legislation, in which we have invested a great deal of time over a considerable number of months. I also thank Councillor Pádraig McEvoy who is in the Visitors Gallery for his input and sharing my passion about the planning system. The Bill’s provisions are intended to be practical, but it seeks to reframe planning and development legislation in such a way that it would give much greater consideration to planning and development from the point of view of citizens and consumers. Most of the legislation in place was framed with the developer and planning authorities in mind. The citizen and consumer were left on the sidelines as though they were disinterested parties or adequately protected by legislation or their local authority. Based on the litany of failures we have experienced, the individual and the taxpayer either lives with the problem or picks up the tab. That has to change and if it is to change, everything must be done differently. It is not good enough to say it will not happen again. We must make sure the law is amended and new thinking applied to how planning and development laws function. Transparency is critical to putting the interest of the citizen and the consumer at the centre. There are thousands of unfinished estates, a small number of which are ghost estates. If one asks those living in them or in estates where a bond was put in place by local authorities to complete the developments if they feel protected or if one asks those who have found that they must wait up to 17 years before they can force the local authority to take their estate in charge if they feel protected, the resounding reply will be “No”. The Bill is an honest attempt to outline some of the issues and even though it has taken time to draft, other remedies could be added. It is intended to provide in a timely way practical remedies for problems I encounter routinely.

There is a housing shortage in parts of the country, including in my constituency, although development has recommenced on a good number of sites. If finance was available to those

who could sustain a mortgage, there would be a major pick up in the housing market. That is all the more reason to do things differently rather than picking up where we left off to ensure we do not end up addressing the same problems in a few years time. I meet residents' groups all the time and find myself telling them that this is my second time to pick up the pieces following a collapse in the construction sector. Those of us who were elected to local authorities in the 1980s or 1990s know unfinished estates were a major feature of our work, particularly in locations where there was significant development. Kildare County Council has 280 unfinished estates on its books, with a total of 19,683 houses that have not been taken in charge. There are houses to be built on only a tiny proportion of the estates; therefore, they are largely complete. Outstanding issues include construction drawings or vesting maps, but other issues require significant work in bringing the public infrastructure up to a standard to comply with the conditions of planning permission.

In addition to new laws, there is also an issue in some local authority areas in respect of the adequacy of staffing, both in terms of their number and skill sets. The Department is constructing a workforce plan, but this must be followed by recruitment in key locations. A failure to do so will cost us all in hard cash, but it will also cost those living with the consequences.

I refer to a number of the sections in the Bill, Part 2 of which seeks to construct a national compliance register. The number of planning authorities will reduce to 34 following the abolition of town councils. Under current law, each maintains its own compliance register, which is largely an internal process. Planning authorities such as city and county councils and some town councils keep their own register. Under the Planning and Development (Strategic Infrastructure) Act 2006, a new law was introduced aimed at weeding out rogue developers. It enabled a planning authority to refuse permission if there had been non-compliance on previous projects. A council was given the right to refuse permission and if the developer was unhappy with the decision, he or she could appeal to the courts. The lack of a national compliance register means rogue developers can leave a trail of destruction across several counties. A good example of that is the developer of Priory Hall, Tom McFeely, who also developed apartment blocks containing similar defects in Dundalk and Clondalkin, with disastrous consequences for those who bought and lived in them. These are high profile failures but how are planning authorities to track similar incidents if information is not captured nationally and easily searchable? A national register is needed if local authorities are to be able to weed out the rogue developers. It would be based on an enforcement notice issued by the local authority and, in advance of the enforcement, a warning notice would be issued giving sufficient time to comply with the directions. As what I propose is a public process, it will contribute to a change in the culture because developers will be more likely to take an enforcement notice seriously. It is critical that we change that culture and it may also save time and avoid costly court cases. It is an essential first step in rewarding good behaviour and weeding out rogue developers.

Part 3 of the Bill provides for stronger and more consistent language around proposed developments associated with local area plans or integrated area plans. These are the plans at the end of the food chain where land is zoned and applications are made on developments. The national spatial strategy sets the scene and plans go to regional and county or city level. It is important that local level plans are consistent. We have seen the consequences of building in the wrong locations, such as flood plains, or building excessive numbers of houses not only for those who live in these developments, but also in terms of providing public infrastructure and services.

Part 4 seeks greater transparency and accountability in respect of development contribu-

tions. The Bill is not aimed at self-builds, one-off housing or extensions. In theory, development contributions are paid in advance but in practice, and with the agreement of local authorities, they are often paid on an incremental basis as housing units are sold. Unfortunately, we saw what occurred to this approach in the context of a building crash. The reply to a parliamentary question tabled by Deputy Simon Harris earlier this year indicated that in excess of €312 million is outstanding in long-term legacy development contributions. Each local authority is required to operate a development contribution scheme which sets out the public infrastructure required, such as roads, paths, public lighting, water and leisure facilities. The local authority usually has to provide matching funding for major infrastructure works. Essentially, if there is a deficiency in the fund, the matching funds are not available. This is why we cannot allow somebody who has failed to pay levies in the past to come back into the system.

The Bill would also seek retrospective contributions for the preceding ten years to take account of the pre-crash situation. In most cases those who purchase a house will not be aware that the planning permission contained a development contribution which was built into the cost of the house. Development contributions are usually a condition of planning permission. Failure to pay means the developer is not in compliance and subject to enforcement proceedings. It is essential that clear liability is established because otherwise those who purchase could end up with double liability in that they could be pursued by the planning authority. This happened in Avoca, County Wicklow, earlier this year when Wicklow County Council pursued 24 home owners for unpaid contributions which were required in the planning permission. The council was of the opinion that unpaid development contributions were charges on the properties concerned rather than on the developer. The case was considered by the Ombudsman, who found that local authorities are legally entitled to pursue home owners for payments under section 152 of the Planning and Development Act 2000. It appears that local authorities may reach agreements with developers on phased payments at the expense of the purchaser, who ends up taking the risk. We need to close off that risk by making it clear where the liability resides. Section 49B does just that. A by-product of introducing a searchable list is that legal searches as part of the conveyancing process may become easier and more cost efficient.

Section 28 of the Planning and Development Act 2010 provided powers to extend the appropriate periods of permission. In practice, this means planning permission is extended for a further five years. The extension must be applied for within the timeframe of the first permission. This roll over provision may be in conflict with new provisions contained in the same Act which raise the bar on environmental considerations. Section 28 did not make provision for a consideration of citizen and consumer opinions. The provision as it stands is a private matter between the planning authority and the developer as if it had no consequences to anyone else. However, there are real consequences for others. For example, section 180 of the Planning and Development Act 2000 provides for the taking in charge of housing estates by local authorities. The Act allows residents to petition a council seven years after planning permission has expired, or 12 years after it is first granted, to have the estate taken in charge. The 2010 Act extends that period to a potential 17 years. In many cases, the developer will be long gone by that stage.

Section 9 seeks the full transposition of the 1998 Aarhus convention on access to information. We are signatories to that convention. An application to extend planning permission should be a public process and subject to the same considerations and appeal options. The conditions for granting permission should include, where appropriate, taking earlier phases in charge, the level compliance with the original permission and the term of the bond. In other

words, the planning authority must consider the impacts on those who live in an estate which has remained a building site for several years.

Bonds take the form of cash or insurance. Cash bonds are generally sought only where issues previously arose with the developer concerned. The vast majority of bonds are in the form of insurance policies. Most bonds are limited to seven years. The Anglo Irish Bank bonds were the only bonds issued in perpetuity and now the bank is in liquidation bondholders are essentially unsecured creditors. Bonds are required to guarantee that the public elements of estates are completed. Key issues include the adequacy of bonds. In recent years, most planning authorities have ensured the monetary value of bonds are adequate but we need to make sure this is fully considered. The bond must also remain in place until the development fully complies with the conditions of the planning permission. Even if the value of the bond is sufficient, it does not guarantee anything if a developer becomes insolvent and ceases to make payments to the bank or insurance company to maintain the bond. The result is that there are often no funds to complete the development. Local authorities are precluded from spending public money on what remains a private development. Typical problems include incomplete roads and footpaths; faulty sewers and drains; and a lack of landscaping. The absence of a bond in an estate not taken in charge will often mean that a house or apartment cannot be sold. I am constantly asked by those who live in such developments why they are being asked to pay property tax, and I have no answer for them because there is not an adequate answer.

Calling in a bond is also a complex matter, and the balance is given to the developer. The planning authority must wait for the bond to expire before it can pursue the developer for non-compliance with the permission for not having a bond in place. Section 10 seeks to amend section 180 of the Planning and Development Act to ensure action is taken in advance of a time-limited bond expiring.

It seems there is more consumer protection for purchasing simple items such as food products, than there is for purchasing a house, and that urgently needs to change. The bond is critical for the home purchaser but also for the public purse. Section 180 of the Planning and Development Act allows the residents to petition to have their estate taken in charge after a specified timeframe. Clearly, non-compliance involves a cost for the home owner but it also involves a cost for the public, and we must address that issue.

Part 7 seeks to reduce, from seven to two, the number of years residents must wait after planning permission has expired before they can petition to have their estate taken in charge. It also seeks to address the further extension of planning permission to the developer, which in practice would mean, as I stated, that it could be 17 years before one could petition to have an estate taken in charge.

It is open to the local authority to take enforcement proceedings. This is a last resort. They usually try to work with the developer which can be a time-consuming and slow process and is administratively expensive.

As for the consequences for those who have been unfortunate enough to have a non-compliant developer, they are often consigned to living on a building site with many of the obvious services, such as roads, footpaths and lighting, not dealt with, or where there are constant problems with sewers and drains. The longer it goes on, the more likely it is that the builder will not complete the work, and timing is vital.

Part 8 refers to the Multi-Unit Developments Act 2011. There is a problem with the definition of a development containing residential units where it is intended that amenities, facilities and services are to be shared. That definition is vague and it is conceivable that it could include every housing estate and residential street in the country. It needs to be tightened up to mean the amenities, facilities and services to be shared between the residential units, not by the wider public.

I fully accept that a management company is needed for apartments where there are shared services, but the vagueness of the definition of housing development is now being interpreted to mean any housing development and we are back to the situation I had hoped was resolved in 2006 when planning authorities often included as a condition of planning permission a requirement to establish a management company, even in traditional housing developments where there are no shared internal spaces. I brought this to the attention of the Minister for Justice and Equality some months ago, but see no reason it cannot be resolved in the context of the Bill given the urgency of the situation. In parts of the country, including Kildare, building has recommenced. While it is welcome that big industrial developments are being constructed, there will be more housing development and we need to ensure we deal with this in a timely way.

Part 9 seeks to amend section 179, in effect Part XI, of the 2000 Planning and Development Act where a local authority gives permission to itself. There needs to be some recourse to an appeal because consultation can often mean that people are told what will happen but they feel that the local authority is judge, jury and executioner on that. I will leave it at that and use the remainder of my speech in the wrap-up tomorrow. I was told earlier that the Government did not intend to oppose this Bill. That is welcome.

Deputy Finian McGrath: I thank the Leas-Cheann Comhairle for the opportunity to speak on this new radical Bill.

This new sensible and progressive Bill should be supported by all Members of the House if we are serious about doing something practical about planning and development and tackling dodgy practices. There has been enough talk; we want action.

Before I go into the details of the Bill, I thank and commend my colleague, Deputy Catherine Murphy, for bringing the Bill before the House. Not only does she deal with legacy issues, she also tries to protect the citizen and sets out a clear path for planning and development in this country. That is another example of how Independent Deputies can make a significant contribution to economic development. Independent Deputies have new ideas and new solutions, they want accountability and transparency, and they believe in putting forward solutions to problems, such as has been done with this Bill. It is important we say this. When new ideas, such as this from my colleague, Deputy Catherine Murphy, and others on banking, disabilities or the Central Remedial Clinic come from the Independent benches, they are an important statement to say we have arrived and are part of modern political society. The Bill being discussed is another example of what can be done and, once again, I thank the Deputy for her work on this matter.

Let us remember bad planning and development in this debate. I remember, in particular, the residents of Priory Hall whom I thank for their bravery and support. I commend the Minister, Deputy Phil Hogan, on the final solution in that issue also. Those residents were victims of bad planning, a bad developer and mishandling, and they were let down by sections of the State. I thought it was a nice gesture when I read yesterday that Ms Stephanie Meehan was

being given some money from the sum that was found in the developer's house. It was an important gesture from the new residents of that house. Ms Meehan and her family appreciated this gesture, as did many of my constituents. The Bill will try to stop situations such as Priory Hall developing.

The Bill is about protecting citizens. There has been much bribery and corruption. Big developers and greedy politicians have been milking money, swapping money, and so forth. Most of them have got away with it. They have damaged the integrity of politics. It is important we say this because this is what the Bill is about. It is about accountability, transparency and, above all, fairness to the citizens of the State.

On the details of the Bill, it establishes a national planning compliance register, which is a positive development. It also establishes a national schedule of development contributions. It ensures greater consistency of the local development plans. It tightens controls on the extension of planning permission and brings in greater public scrutiny and right of appeal to extension decisions. It requires full inclusion of the Aarhus Convention in the planning code in this area. The key words are "public scrutiny", which is essential if we want sensible and clear planning. The Bill also removes some of the worst and most unnecessary obstacles for taking in charge of estates. It tightens the practice around the stipulation of the bonds as a planning condition.

The Bill is about good quality planning, accountability, transparency, common sense and protecting the rights of citizens.

8 o'clock

Deputy Thomas Pringle: I welcome the opportunity to contribute to this debate. I congratulate Deputy Catherine Murphy and her team on putting together this Bill and bringing it to the floor of the House for debate in the next two nights. This is an important Bill. There have been indications that the Government is not opposing it and that is a welcome step. If that is the case, I commend the Minister.

This legislation will be important in bringing transparency, accountability and protection of citizens into the planning code. For too long planning permission and the planning code have been the domain of developers who have driven development plans at local level across the country. Such plans have been developer-led rather than community or citizen-led and have taken into account the best needs of developers rather than those of communities. The transparency, accountability and public scrutiny provided for in this Bill will go some way towards making developers more accountable and responsible for the decisions and permissions in which they have been involved. It will also force local authorities to be more proactive in dealing with developers who may have a large number of enforcement proceedings against them or developers who have not paid development contributions. That is important because we need to give the planning authorities a push in that direction. From my experience of dealing with planning matters during the time I served as a county councillor, I am aware that it has been very difficult to getting planning approval. The planners have pointed out that the legislation does not always assist in that way.

It has been very difficult to make developers accountable for bad developments and to pursue them in respect of bad decisions. The planning system seems to facilitate them in doing this. I have often thought that if one has the brass and money, one can railroad one's way through the planning system. All one has to do is ignore the local authority and sit it out. It

is mainly developers who have the brass neck to do that. Most citizens would be too worried about the implications for themselves if they were to do that. In effect, people get away with it because the enforcement system is too cumbersome, too slow and it is a complete waste of time. The local authority will spend months, and perhaps up to a year, trying to get a developer to deal with an enforcement notice, then it will decide to go to court and it will take time to get the case to court and when it goes to court numerous adjournments will be granted by the judge because the developer will come on site and do a little bit of work and tell the court that he is dealing with the matter and the court will adjourn the case. At the end of the process a few years later the court might decide to fine the developer a few hundred euro and that is the end of the process, but the process will start again when the developer does not comply with conditions attaching to the planning permission. That is the system under which people have to labour, including many people living in unfinished multiple developments who have tried to ensure that developers are held to account for shoddy workmanship.

The legislation helps to enshrine the Aarhus Convention into the planning system and that is vitally important. That convention sets out that members of the public have a right to participate in a range of decisions where they may have an environmental impact and that includes planning matters. We need to provide for that and to put citizens to the forefront and allow them to participate fully in the system. The Bill outlines a number of ways that can be done, namely, through the national compliance register and a national register for development contributions and, importantly, there is an onus on local authorities when they receive a planning application to search the national compliance register. We have seen in the past where developers will move from county to county to avoid being held up for having poor quality permissions completed. That is an important requirement. We must send the message to local authorities that they must refuse permissions to developers who have been problematic in the past in their own counties and in other planning areas and make them access the courts if they want to obtain planning permission. That is the only way we can send a clear and strong message in this respect.

I welcome a number of other provisions in the Bill. There are one or two measures I would like included in it that could be considered at a later point, particularly in regard to section 5 of the 2000 Act where a developer can seek a declaration as to whether a proposed development would require planning permission. That needs to be opened to allow third parties who may have concerns in that respect to take part also in the process.

Deputy Mick Wallace: I also commend Deputy Catherine Murphy on bringing forward this Bill. It contains many ideas. As in the case of much legislation that goes through this House, there is not enough time to debate it. The Water Services (No. 2) Bill is a stark example of that this week.

Part 2 of the Bill provides for the establishment of a national planning compliance register composed of information relating to enforcement notices issued by every planning authority in the State. The intention of the register is to allow far greater transparency than presently exists in the area of compliance. If a builder carries out an unauthorised development, he is subject to criminal proceedings but too often that does not happen. While we have had a great deal of debate on problems in the construction industry in the past two years, there is a fair amount of decent regulation in place but the problem is that it is not implemented or enforced. I have some serious reservations about some major aspects of the new building regulation that the Minister plans to introduce in the new year.

To return to Part 2 of the Bill, I am advised that the Construction Industry Federation, CIF,

is compiling a registry of compliant builders, and reference is made to that register in Part 2, but I do not believe that those in the CIF are the best people to do this. It is a bit like the gardaí inspecting themselves. If the Minister was to take account of the bad building that was done here in the past 20 years, I can assure him that more of it was done by the larger developers - rather than the smaller operators - who had a very good relationship with the CIF. I do not know if this problem will be tackled. Self-regulation is a huge problem. The Minister's new regulation cuts out the local authority too much; it will not give them an independent input into what is going on. The lack of site supervision on a constant basis is a massive problem. I do not care how many drawings one has to do in advance or how many certificates one has to get, if a builder is on site and needs 32 mm steel bars for a load-bearing beam and has only 25 mm steel bars on site and no one is watching what he is doing, he can use the steel bars he has on site and they will be covered in concrete in an hour or two. What is going to change? Therefore, site supervision is critical.

I spent most of my life on building sites and I know where the cheating happens. I am surprised there has not been more consultation. The Minister has dealt with the professionals, the architects and engineers in the design game, rightly so, but builders, homeowners and people who manage properties have a good deal to bring to the table. I am surprised there was not more consultation with those people. I can assure the Minister that builders know a great deal more than architects about how work is done poorly on sites. The Minister has made the architect completely responsible but I do not know how the architect will get insurance cover to do that. I believe the responsibility must be spread more. The architect is supposed to get certificates of all the others involved but the individuals have to provide the insurance on an individual basis. I am only getting started.

An Leas-Cheann Comhairle: The Deputy will have to conclude as I must call Deputy Broughan who will have five minutes.

Deputy Thomas P. Broughan: I agree with many of Deputy Mick Wallace's comments. The Minister had an opportunity to bring in proper building control regulations but he has singularly failed to do that.

Deputy Phil Hogan: Was the Deputy talking to the architects?

Deputy Thomas P. Broughan: As with many other things, the Minister has flunked the challenge.

Deputy Phil Hogan: The Deputy has taken the side of the architects.

Deputy Thomas P. Broughan: At the weekend the Minister, Deputy Leo Varadkar, rightly said that much more housing is needed in the greater Dublin region and his comments included a caveat. He said: "The planning system will also be made less restrictive." A major programme of social housing in Dublin and throughout the country is urgently needed but the deplorable record of the Celtic tiger era is that the planning system was anything but restrictive. Disasters such as the pyrite infestation, Priory Hall and the shoebox apartment approach happened because the flotilla of developers, out-of-control banks and quiescent Fianna Fáil-led Governments permitted planning controls and building regulations to be loose or non-existent, with up to 100,000 commercial housing units being built every year. I warmly commend Deputy Catherine Murphy on drafting this Bill. It is another thoughtful and timely Bill that she brings before the Oireachtas. I commend her on the proposal, in Part 2, for a planning compli-

ance register. It would be a huge step forward in protecting citizens when making the largest purchase of their lives. Hundreds and thousands of citizens who bought during the Celtic tiger era are left with huge liabilities of €200,000 or €300,000 above the current value of their homes. Two or three years ago, my colleague in Dublin North, Deputy Seán Ryan, introduced a simple Bill on behalf of the Labour Party, which I strongly supported at the time. The Bill included a provision to refuse further planning permission to builders or developers who had previously left unfinished estates or estates with outstanding problems. That was the way to go and the approach is necessary to invigilate building and development. In my student days, like many Members, I worked on those sites; therefore, I can testify to what Deputy Mick Wallace tells us.

As a councillor, I regarded the adoption of the city and county development plans and local area plans as one of the key functions of local government. I made a lengthy submission on behalf of constituents on the north fringe, Baldoyle, Stapolin and south Portmarnock local area plans. Unfortunately, these plans are often disregarded by developers. Our officials had just finished the north fringe plan in Dublin City Council and Fingal County Council when developers came along with a different proposal for areas that were supposed to be developed for housing and commercial development. That is why I welcome Part 3 of the Bill, which legislates that all permissions shall comply with the area and local plans. Egregious attempts were made over recent years to make young householders pay development contributions to finish key and necessary infrastructure in housing and apartment developments. Part 4 is also welcome in providing a centralised national schedule of agreed development contributions. Part 5 addresses the long-standing problem of the extension of planning permissions. We have seen a plethora of extensions before Dublin City Council and Fingal County Council and they should be open to the same invigilation as they were originally.

Part 6 addresses an important lacuna in the law in respect of bonds connected with developments. I welcome the amendment to section 180A of the 2000 Act as outlined by Deputy Catherine Murphy in Part 10. It will address something that has been, regrettably, a feature of developments in recent years whereby the bond expired before the local authority in question could redeem it. Many local authorities have suffered grave losses.

I also agree with Deputy Catherine Murphy's proposals in Part 7, which give residents in an estate an active role in the initiation of the estate being taken in charge. In Dublin Bay North, estates such as Clare Hall went through seven or eight years trying to get the city and council authorities and developers to finally take estates in charge. Now I am grappling with that on behalf of constituents in the north fringe, Belmayne, Clongriffin and The Coast. It is the same old story. I commend the Deputy for the Bill which is part of a series of thoughtful and useful legislative proposals from her.

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to share time with Deputies Paul Connaughton and Joe Carey.

I thank Deputy Catherine Murphy for bringing forward this Private Members' Bill, which contains many interesting proposals pertaining to planning and is intended to improve transparency and consumer confidence in the planning system. The Government and I subscribe to these principles and, accordingly, the Bill is not being opposed on Second Stage.

I am surprised at the reaction of Deputies Mick Wallace and Thomas P. Broughan when I seek to improve the building regulations. They should know better than anyone the poor quality of our regulations. They are taking the side of the professional classes that have abdicated

responsibility.

Deputy Thomas P. Broughan: The Minister has abrogated his responsibility.

Deputy Mick Wallace: Very little will change.

Deputy Phil Hogan: I am making sure the people in question will be responsible for the work they sign off on. An efficient, well-functioning planning system is essential for the proper, balanced and sustainable development of our country. In this regard, we have very detailed legislation built up over a number of decades to underpin the planning system, namely, the Planning and Development Act 2000, as amended, supplemented by equally detailed planning regulations which, in unison, set out how the overall planning system should operate. The Government inherited many legacy planning issues arising from bad planning decisions and poor planning enforcement. However, the Minister of State and I have provided solutions to the residents in Priory Hall while others spoke about it. We provided solutions to those homes affected by pyrite while others spoke about it. We are dealing with the unfinished estates legacy. That is not to say the planning system and the legislation underpinning it are perfect. As has been indicated on a number of occasions by the Minister of State, Deputy Jan O'Sullivan, and I in recent months, a commitment has already been given to review the Planning and Development Act. In this regard, we have announced the firm intention to bring forward proposals for a new planning Bill in the first half of 2014, primarily for the purposes of implementing the recommendations of the Mahon tribunal and, in particular, the establishment of a new office of the planning regulator. In association with this, it is also intended to undertake a broader review of certain provisions of the Planning and Development Act, including some of the matters raised in Deputy Catherine Murphy's Bill, with a view to appropriate updating and strengthening, particularly in the area of enforcement, which is an issue of concern.

I will now briefly discuss some of the main provisions in Deputy Catherine Murphy's Bill that require some further consideration and teasing out as the Bill is considered by the Oireachtas. Section 4 proposes to establish a national planning compliance register containing particulars of all planning enforcement notices issued by all of the planning authorities in the State, the measures taken to ensure compliance with planning permissions and the outcomes achieved. I consider that there is some merit in this idea. However, there are a number of issues which need to be further teased out as the approach could involve additional administrative burdens and resources which may be better employed in undertaking actual enforcement on the ground. There could also be data protection issues that need to be considered in the compilation of any such national register. It is also worth pointing out that much of this data is already required to be published on each planning authority's planning register. I will give consideration to the matter of how enforcement data could be better published electronically, as appropriate, and whether legislative proposals or guidelines are required.

The second issue in the Bill relates to the taking into account of past non-compliance by a developer when deciding on a planning application. This is already covered by section 35 of the Planning and Development Act. Accordingly, I do not consider that the amendment proposed at section 5 is necessary.

Section 6 proposes that planning permissions be fully compliant with local area plans. There is some merit in this proposal but care needs to be taken that the introduction of such a provision does not introduce undue inflexibility into the system. For instance, a proposed development might comply with a large number, but not all, of the local area plan objectives. Taking account

of the wording in these proposals, planning permission for such a development would have to be refused. Section 18(3) of the Act already provides that planning authorities must have regard to the provisions of a local area plan when considering a planning application. It may be appropriate to better highlight this provision by moving it to section 34 of the Act where reference is made to the development plan.

In section 7 Deputy Catherine Murphy proposes the establishment of a centralised national schedule of agreed development contribution liabilities in respect of industrial and commercial developments. Under the proposal, local authorities would be required to submit to the Minister at specified intervals comprehensive details of all development contributions determined under sections 48 and 49 for the preceding ten years, the monetary amounts of such contributions, the specified improvement works carried out in respect of the payments in question, the liable persons, the local authorities to which the contributions are to be paid, and the dates by which payment falls due. Given the thousands of planning applications determined by planning authorities each year, the level of detail required in compiling the data specified represents an onerous task. Nevertheless, it may be necessary although it gives rise to an additional administrative burden and resource implications.

In particular, the requirement to list each of the specified improvement works carried out in respect of the monetary payments for each and every development contribution condition attached to each and every relevant planning permission in the State would be burdensome for both developers and planning authorities. However, I am prepared to look into the matter of the compilation and publication of more comprehensive information on development contributions generally, both locally and nationally, than is the case.

Deputy Catherine Murphy's proposals in sections 8 to 10, inclusive, of the Bill relate to extending the duration of planning permission. These proposals require that applications for extensions of permission have to comply with the requirements of newspaper notices, site notices and all of the other public participation requirements of the Aarhus Convention. However, it is considered that an application for an extension of the duration of a permission is not an application for development consent; instead, it is regarded as an administrative application for additional time to complete a development for which permission has been already granted, and which has already gone through all of the public participation processes required. The proposed amendments also provide that an extension of permission in respect of a residential estate will only be granted where conditions are attached and where the planning authority considers it appropriate to do so with regard to the phasing of the development and the application of bonds. I add with regard to bonds that the planning Act was already amended in 2010 to provide that when granting an extension of the duration of permission, a planning authority may attach conditions requiring a bond or may vary or add to any such conditions attached to the permission which was originally granted.

As regards the phasing of developments, it could be argued that this should be more appropriately dealt with in the initial permission and that any changing of the phasing of a development is in fact varying the terms of the initial permission. Existing guidelines to planning authorities on the taking in charge of estates state that planning authorities should consider requiring the phasing of residential developments. However, I have noted the Deputy's particular concerns about the desirability of phasing housing developments and the phased taking in charge of estates, and of the need to strengthen the arrangements in this regard.

Section 11 proposes to insert a new section 180A into the planning Act relating to bonds.

The proposed new section 180A(1) would enable planning authorities, within one year of the expiration date of a bond or security, to stipulate an extension to the bond or security to a period deemed sufficient for the development to be completed, not exceeding five years; or where an extension of a bond is not possible, to call in the bond where there is no likelihood that the development will be completed to the satisfaction of the planning authority and complete the development as soon as it has funds from the bond. There is merit in the overall thrust of the Deputy's proposal but I am not convinced that it is necessary as local authorities are already permitted under current legislation to monitor the completion of housing developments, the adequacy of securities provided for and to pursue enforcement actions where the terms and conditions of the relevant permission are not being observed. That provision may not always be enforced and this is essentially an enforcement matter but I am willing to look further into how the provisions regarding bonds and securities can be better operated in practice.

Again on the bonds issue, the new section 180A(2) as proposed in Deputy Catherine Murphy's Bill would require the Minister for the Environment, Community and Local Government to make regulations providing for the phased redemption of a bond or security which a planning authority may specify as a condition to be attached to a planning permission; and the index linking of bonds or securities. This proposal which is well-motivated and worthy of consideration and it has some practical implications which merit further consideration. Local authorities are already enabled, having regard to the circumstances and nature of particular housing developments, to specify the way in which the security is to be structured and operated. For example, many local authorities will approve a development subject to the lodgement of security for the overall development. They may also specify conditions on the sequencing or phasing of houses within the development. Subsequently, taking account of market conditions and preferences for different house types in different parts of the overall development, the local authority may agree to a request by the developer to lodge a security for the initial phase of development and to release that security for reuse in a later phase subject to the local authority being satisfied that the initial phase has been completed.

This arrangement is often necessary to avoid overly onerous working capital requirements preventing an otherwise good scheme to get off the ground. In essence, such new arrangements as proposed by Deputy Catherine Murphy could stymie the smooth progression of developments but the secondary issue of the index-linking bonds and securities is something that I am open to considering.

The Deputy also proposes two amendments to section 180 of the Act relating to the important issue of the taking in charge of estates. The first proposal would require planning authorities to include both owners "and occupiers" of houses in any plebiscite to establish whether an estate should be taken in charge by a local authority. In this regard, the existing wording in the Act, which refers only to "owners" in the context of a plebiscite, was revised as recently as 2010 on foot of a recommendation in the Law Reform Commission report on multi-unit developments. The commission concluded that it is only the owners, rather than the tenants or occupiers, who should be the appropriate people to decide on whether an estate should be taken in charge. The second proposal, involving the transfer of responsibility for an estate from a developer to a local authority within two years - instead of seven years - of the expiration of the permission for that development may be problematic from a practical perspective. However, I am prepared to review the seven-year timeframe currently in place.

The amendment proposed at section 13 of the Bill on multi-unit dwellings is a matter for my colleague, the Minister for Justice and Equality, and my Department will consult further with

his Department on this issue as the Bill progresses.

The final element of Deputy Catherine Murphy's Bill relates to an appeal mechanism for local authority "own development" proposals. It is important to state that under section 175 and 177AE of the planning Act, any developments by a local authority which require environmental impact assessment or assessment under the habitats directive are already required to be submitted by the local authority to An Bord Pleanála for approval. Local authority "own development" proposals that do not require environmental impact assessment or appropriate assessment are regulated by section 179 of the planning Act and Part 8 of the planning regulations. Proposed local authority "own developments" can include public housing, water services infrastructure, sewers, mains pipes, minor road works, parks, public amenities, swimming pools, etc. Under the relevant provisions, local authorities are obliged to publish notices of any such proposed developments and to undertake a public consultation process in respect of same. The manager then submits a report to the elected members, who in turn can decide to accept, reject or vary the proposed development in accordance with their democratic mandate acting on behalf of the local community they have been elected to represent. Thus, there are already public consultation procedures incorporated into the decision-making process in this regard. In addition, one must also take account of the fact that the introduction of such an appeal mechanism could delay the implementation of works already deemed necessary by the elected representatives for the benefit of the general community.

In acknowledgement of the importance of the proposals contained in the Bill, I have tried to respond in a detailed manner and as constructively and openly as possible to each of the proposals, all of which should be considered as they have merit. There are a number of considerations that need to be taken into account in the further development of this Bill. It is fair to say Deputy Catherine Murphy and I share the same objective in seeking to revitalise the planning Act and make it more transparent, dynamic and fit for purpose, having regard to the need for an efficient, workable and streamlined planning system that facilitates balanced and sustainable development while simultaneously protecting the interests of citizens. Accordingly, I am not opposing the Bill on Second Stage.

Deputy Paul J. Connaughton: I am thankful for the opportunity to speak to the Bill, which I welcome. I congratulate Deputy Catherine Murphy on bringing the Bill to the House, as it involves many measures that will streamline the planning process and create a more transparent system. If there is only one complaint, it is that this comes many years too late. That is not the Deputy's fault and if these measures had been implemented many years ago, we may not have been put in the mess we are in currently. It is very welcome that the Government and the Minister are willing to work with this in order to see how the system can be improved and used more effectively.

I will only speak to certain elements which reflect the concerns I get across my table. They concern estates and developments and the main issue is taking in charge. A number of estates have been built in the past few years and the developer has gone but there is still much confusion about who carries out the maintenance in these estates. This causes unbelievable anger in the residents who bought houses in estates, with many properties still vacant. If parts of an estate are vacant people may try to put up shutters around that portion, and there can be other issues, such as potholes and malfunctioning lighting. The council cannot take over such estates if it does not have the means to do so. The issue must be tackled and addressed quite quickly. Nobody would buy a house with the intention that for many years afterwards he or she would be fighting with a local authority about it.

Another element of the Bill relates to extension of time. There is the case of previous planning applications that were granted but where nothing was built. These would have been approved under a previous county development plan, which could be completely different from the current plan. There are cases where people have sought to build houses under a current development plan while considering how plans changed under an old plan. They may wonder why a previous application was granted but there is no expectation for it to change. That causes much anxiety and concern as it seems it is not the same rule for everybody. We are at a point where consistency must be the name of the game and applications must be coherent with other applications in the area from that time. There is a concern where an extension might have been given once or twice as the application may not be the same as more recent examples. If somebody is looking to build a house or a number of houses, it leads to a great amount of anger.

There is also an element relating to contributions to local authorities and I will approach this issue from two angles. There is a lack of consistency in the amount being sought from people when planning permission is granted. We know it is expensive to plan and build a house even before one is notified of the contribution to be given to the council for amenities, water etc. The greatest level of concern relates to the lack of transparency as to how the figure is calculated. Building a house is expensive and when one gets notice of a contribution to be made to an authority, one may not be 100% sure from where it is coming. I represent a very rural constituency where houses are not very near to one another and there is no certainty as to how the contribution fee is calculated. It is very important that we come up with a clear, transparent system of calculation.

I know one person who set up a small business in recent months. He is an entrepreneur who received no State funding. He built up a business from scratch that is based in a shed. He needs help and encouragement to continue. He got a massive contribution fee bill from the council which will stymie his business for the first six months if not the first 12 months. If there is an economic management element in local authorities it is important that it would take into account that such a person might not make any income from the business for the first six to 12 months. It is not fair to slap a big bill on top of such businesses. I understand local authorities need to get revenue from industry and households but it must be done in a way that is clear, transparent and fair.

That leads me to my final point which is the consistency of planning. One sometimes sees planning permission granted for a house but a year later if a different planner is *in situ* he or she could take issue with a similar type of application. The point could be made that one's neighbour got permission for a similar house. That leads to frustration and anger at the lack of consistency in reaching decisions on planning applications. That is especially true of one-off rural housing. One could have a planner with a very set idea of how houses should look but if another planner is not consistent with such a view that is not entirely fair.

The Bill is most welcome as its intention is to bring transparency to a system that for too long was not transparent. I have no doubt the Minister, Deputy Phil Hogan, and the Minister of State, Deputy Jan O'Sullivan, will probably have to make certain changes in order to improve the Bill but it is something that was needed a long time ago. That is not a criticism of Deputy Catherine Murphy's Bill but it will help to restore public confidence in the process. We all know of the devastating effects of the Celtic tiger era, especially in small rural towns around east Galway. Many towns have unfinished housing estates that will never be finished. It is very difficult for someone who is living in an unfinished estate in cases where a decision has been taken to knock down the estate. I refer, for example, to where four or five houses are occupied

and ten or 12 houses are not. We must come up with a clear, transparent system of planning that has full public confidence now and in the future.

Deputy Joe Carey: I welcome the opportunity to speak on the Bill, which I support. I commend Deputy Catherine Murphy for introducing it to the House for debate. It contains many practical measures that would bring about more transparency and consumer confidence in the planning and development system.

It is my understanding that the Minister of State, Deputy Jan O’Sullivan, has indicated that she is not in opposition to the Bill. The Bill contains a number of welcome provisions such as the establishment of a national planning compliance register composed of information relating to planning enforcement notices issued by all planning authorities in the State; consistency of proposed developments with local area plans and their full compliance with same; the establishment of a centralised national schedule of agreed development contribution liabilities relating to specified classes of development; new proposals on the extension of planning permissions; new proposals on the application of bonds on housing estates and apartment complexes; new proposals on the taking in charge of estates; and the possibility for persons to appeal decisions of planning authorities to An Bord Pleanála relating to local authorities’ “own development” proposals.

I also understand that the Minister of State has indicated a commitment to review the Planning and Development Act. In that regard, it is her intention to bring forward proposals for a new planning and development Bill in the first half of 2014, primarily for the purpose of implementing the recommendations of the Mahon tribunal, involving the establishment of a new office of the planning regulator. In association with that, it is also intended to undertake a broader review of certain provisions of the Planning and Development Act, including some of the matters raised in Deputy Catherine Murphy’s Bill, with a view to appropriate updating and strengthening, particularly in the area of enforcement.

I further understand that the Minister proposes to use the opportunity of the forthcoming planning Bill review to bring forward a number of potential planning-related measures to support economic growth and job creation activity. That is welcome.

I concur with Deputy Paul Connaughton’s point that unfinished housing estates are a significant issue. That is the case in County Clare. Current statistics indicate that there are 63 unfinished housing developments in County Clare that all have varied and specific problems. A common trend is that residents associations are frustrated with the lack of progress in regard to them. Lights do not work and there are problems with potholes and sewerage systems. Complete and utter frustration has been expressed to me by one residents association after another. A proper regime is required to deal with the issue. Consistency is required for the taking in charge process. Residents associations should be central to the solution. That is one of the proposals in Deputy Catherine Murphy’s Bill and it is a welcome measure.

It is not fair that local authorities do not take housing developments in charge given that individuals who buy a house spend so much money investing in their property. That leads to frustration and anger. The lack of progress by local authorities adds to the anger. I would support any measure that could be introduced to speed up the process.

Deputy Paul Connaughton also referred to the extension of time for planning permissions. People who got planning permission and who through no fault of their own were not in a posi-

tion to develop the site to build a house, possibly due to the financial crisis, should be allowed to get an extension of time to build their house. I welcome that aspect of the Bill.

There is a ghost estate on the outskirts of the village of Clarecastle in County Clare. The only new addition is the hoarding around it which protects one from looking inside. There is a mass of concrete behind the hoarding. Pools of water litter the site. Concrete has been poured into foundations and some houses are half built. The development would not have worked even in the good times. It was bad planning from day one that planning permission was granted on the site. The only solution is for what has been built to be knocked down. I welcome the proposals introduced by the Minister to deal with the issue. The estate takes significantly from the appearance of the village of Clarecastle. The issue must be sorted out. The local community development group should be central to finding a solution. People should have a say in how the site is restored to a greenfield site and possibly used by the community. Currently, the estate is in private ownership and is in the care of a receiver. No matter what is done with the site it will never be occupied. Powers should be given to local authorities in such instances to compel the receiver in question to make safe and knock such developments and restore them to a greenfield site in the interests of local communities. I support the Bill. It is very practical and I look forward to its progression through the Houses of the Oireachtas.

Deputy Barry Cowen: All across the country we bear witness to the spatial legacy of a planning system that was put under immense strain in the past decade. Unfinished housing estates and unsustainable developments on the edge of hollowed-out towns pockmark the landscape. All the while, ordinary people seeking to build a family home on their own land feel frustrated by an expensive and unresponsive system. In County Offaly considerable time is spent by public representatives in helping local people to navigate through a system that does not seem to engage with them and which lacks popular legitimacy.

Fianna Fáil has consistently argued that a revamped planning system must engage citizens at every point if it is to work. A new planning system with real citizen engagement would be an integral part of an overhauled local government system. We have put forward detailed plans on the future of local government and argued for them in the 2013 local government legislation. These are ideas that would break the distance between ordinary citizens and the planning system. An effective planning system is a key part of promoting economic activity and creating strong environmentally sustainable communities. Weaknesses in the planning system have played a significant role in facilitating the construction of unviable developments across the country and need to be fully addressed.

Deputy Catherine Murphy's omnibus Bill takes a miscellaneous approach to several issues in the planning system, namely, development contributions, estates taken in charge, planning enforcement notices and planning permission roll-overs. Overall, it is a welcome Bill that would rectify several weaknesses in the planning process. While we have some concerns about certain aspects of the Bill, these could be addressed on Committee Stage if the Government is willing, as it should be, to engage with it.

The Bill provides for the establishment of a publicly available, updated national planning compliance register drawn from information on enforcement notices placed by local authorities across the country. The goal of the register is to promote enhanced openness in the area of compliance and to facilitate access to essential information on past failures to comply. The legislation would enhance the prohibitive aspect of the law in combating unauthorised development. It earmarks rogue developers who have systematically dismissed planning concerns.

This information would help to inform future planning decisions in shaping the future of each county. The register would help to underpin a cultural shift that would penalise unauthorised developments and retrospective planning permissions. Highlighting non-compliance in a manner similar to a litter register or tax non-compliance would help to underline the negative impact that breaches of planning law have on the landscape.

Regarding development plan consistency, the Bill tightens legal language in regard to the consistency of proposed developments with the local area plan, or integrated area plan, for future developments. A key issue that emerged at the height of the boom was the lack of alignment between regional, county and local development plans, creating an excess supply of zoned land and, ultimately, vacant units. The spatial legacy of ghost estates and the overhang of vacant housing reflect the misplacement of housing units across the country. Strengthening the link between plans and the distribution of demographic plans would be an important step, towards providing homes, facilities and transport links where they were required. Permissions have to reflect the vision laid out for the area as decided by the democratically elected councillors.

The legislation seeks to bring greater transparency and accountability to development contributions which have been agreed as part of permission for certain classes of development. The Bill would create a publicly available, centralised national schedule of agreed development contributions. A fair and balanced development contribution scheme is an important part of incentivising development, while financing future infrastructural requirements. Local authorities across the country have cut development contribution scheme contributions in order to attract investment in the moribund construction industry. While property prices have partially recovered in Dublin and other major urban centres, they remain stagnant or declining beyond the M50. A register of development contributions would help to outline best practice across the country and add to the public debate about competitive development contribution rates. It is imperative that the contribution system does not act as a drag on viable construction investments across the country.

The part of the Bill on planning permission roll-overs might present problems, as it might unfairly penalise legitimate developments delayed through no fault of the developers with additional financial burdens. The Bill seeks to introduce specific circumstances in which an extension of an appropriate period would only be granted for developments consisting of traditional housing estates or apartment complexes. The roll-over permissions referred to are a sensitive issue, given that many developments were unable to be completed in the midst of the recession owing to the rapid and ongoing drought of available credit.

A key feature of the Planning and Development (Amendment) Act 2010 is the provision for an extension for planning permits for developments. This corresponds with the provisions in section 238 of the NAMA Act, pertaining to Part 3 of Schedule 8, where an application can be made to extend an existing planning permission for five years. A planning authority may extend the period of the permission where it is proved, including an explanation of the circumstances, with evidence, that there were considerations of a commercial, economic or technical nature beyond the control of the applicant that substantially militated against either the commencement of development or the carrying out of substantial works. A further requirement in that legislation is that there be no significant changes to the development objectives in the development plan or to the regional development objectives in the regional planning guidelines for the area since the date of the permission that would make the development inconsistent with the proper planning and sustainable development of the area.

The changes outlined in the Bill might clash with what was envisaged by the Planning and Development (Amendment) Act 2010 as a respite for individuals undermined by the credit drought, for example. If the Government is willing to engage, I am sure we can address this issue by way of a more appropriate wording on Committee Stage.

The part of the Bill on bringing estates in charge would place new obligations on planning authorities where permission for housing estates or apartment complexes had been granted subject to the payment of a bond or securities in the event of non-completion. It also seeks to eliminate any case where a bond may expire before a local authority has a chance to redeem it, which it is hoped would, in effect, provide an early warning system for the expiration of a bond or security. The relevant section seeks to define those residents who may petition a local authority to take an estate in charge as a majority of those casting votes in a plebiscite of the owners of the houses involved. It would further reduce the amount of time before an estate might be taken in charge by a local authority from seven years to two.

Despite the fact that 1.6 million homes are being levied for the local property tax, which is ostensibly for local services, countless estates have not been taken in charge by the local council. The home owners are, in effect, paying for services they are not receiving. Taking estates in charge at a faster rate is vital to addressing this gross unfairness in the property tax system.

The Bill tackles some of the outstanding areas to be addressed in the planning system. The Government should approach it in a constructive light and the spirit in which it is intended. We could move to strengthen it on Committee Stage with the co-operation of all parties. Such co-operation has been evident in the speeches of Members since Deputy Catherine Murphy initiated the debate. I hope the Government will give an indication that it is prepared to allow this Bill to progress to Committee Stage and to work with all parties to strengthen its provisions for the betterment of those we seek to represent.

Deputy Martin Ferris: I commend Deputy Catherine Murphy for her Planning and Development (Transparency and Consumer Confidence) Bill, in which she is attempting to limit or repair some of the damage done during the so-called boom, which in fact saw some of the most negative and corrupt practices in the history of the construction industry.

Housing is one of the most basic human rights and the lack of it, or homelessness, is a disaster in anyone's life. There is a crisis in public housing and we do not have to turn to the ESRI or other research agencies to tell us that. Every day, on the streets of Dublin and towns across Ireland, we can see people in horrific circumstances, trying to keep body and soul together without a roof over their heads. The constituency offices of every public representative are dealing with more and more people who are in housing crisis and housing lists are growing all over the State. The spectre of increased homelessness in rural areas is looming, something which was almost unknown in living memory.

The legacy of the Fianna Fáil-Progressive Democrats coalition and its "greed is good" mentality is an attitude that Government should tax at the minimum and let people fend for themselves. This legacy did not, unfortunately, die with that Fianna Fáil-led Government but is alive and well and is central to this Government's policies. It goes against the honourable tradition of social welfare, including social housing, provided by Government to those who cannot provide for themselves.

The destruction of the rates system for short-term electoral gain by Fianna Fáil in the 1977

17 December 2013

general election and the subsequent starvation of local authority funding by central Government mean that it has almost become a thing of the past that county councils build and or even maintain social housing. The social housing that was available, dating back to the 1930s and 1940s, was sold off to tenants. This housing stock was never replaced, thereby reducing social housing and making housing lists all over the State grow longer while the housing crisis grows. Meanwhile, the private rental sector is being subsidised heavily to provide the housing that the local authorities once provided and should still be providing. Providing social housing is the most efficient, equitable and socially responsible way for local authorities to ensure that the housing needs of citizens are met.

While there is a role for the voluntary housing bodies, they are not accountable to the citizens in the same way as the county and city councils are, nor are as transparent. Furthermore, they do not have the ability to cope with the scale of the housing crisis we currently face. Meanwhile, we have the potential of NAMA housing, with 3,500 homes already earmarked for social and voluntary housing. However, progress is so slow that the Minister of State herself admits that only 500 of these units will be made available for social housing before the end of the year.

Despite all its financial difficulties, the local author sector is still the main provider of social housing, although it is becoming more dependent on the private and voluntary sectors to meet the needs of those on the housing lists. Significant borrowing restrictions imposed on councils are a major obstacle to progressive action on housing. Local authorities are owed €700 million in development levies from builders who are now in NAMA. However, local authorities are not listed as creditors of NAMA and so the moneys owed to them, which would alleviate some of their dire financial problems, are not going to be paid over to them. This situation also distorts their accounts, where such debts are listed as assets but in reality they are liabilities.

The solution is greater local authority involvement in the provision of social housing. Rental supplements and rental accommodation schemes should be nothing more than emergency measures while a properly planned and financed building programme, which would also create jobs, is implemented. The long-term aim must be that local authorities build, maintain and provide an adequate supply of housing for rental to the public at rates people can afford.

Debate adjourned.

The Dáil adjourned at 8.55 p.m. until 9.30 a.m. on Wednesday, 18 December 2013.