



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

Ceisteanna - Questions . . . . .	2
Priority Questions . . . . .	2
Child Care Proceedings . . . . .	2
Public Health Policy . . . . .	5
Adoption Records Provision . . . . .	7
Proposed Legislation . . . . .	10
Inter-Country Adoptions . . . . .	12
Other Questions . . . . .	13
Child and Family Agency Establishment . . . . .	13
Adoption Legislation . . . . .	15
Garda Vetting of Personnel . . . . .	17
Children in Care . . . . .	20
Topical Issue Matters . . . . .	22
Public Health (Sunbeds) Bill 2013: Order for Second Stage . . . . .	22
Public Health (Sunbeds) Bill 2013: Second Stage . . . . .	22
Leaders' Questions . . . . .	36
Order of Business . . . . .	43
Judicial Appointments Bill 2014: First Stage . . . . .	54
Membership of Committees: Motion . . . . .	55
Topical Issue Debate . . . . .	55
Social Media Regulation . . . . .	55
Gaelscoileanna Issues . . . . .	58
Stardust Fire . . . . .	62
Mental Health Services Provision . . . . .	65
Recent Flooding: Statements . . . . .	70
Message from Select Committee . . . . .	131
Early Childhood Care and Education: Motion (Resumed) [Private Members]. . . . .	131

# DÁIL ÉIREANN

*Dé Céadaoin, 12 Feabhra 2014*

*Wednesday, 12 February 2014*

Chuaigh an Ceann Comhairle i gceannas ar 9.30 a.m.

*Paidir.*  
*Prayer.*

---

## Ceisteanna - Questions

### Priority Questions

#### Child Care Proceedings

1. **Deputy Robert Troy** asked the Minister for Children and Youth Affairs if she considers the level of fees paid to guardians ad litem to represent children in court to be sustainable or appropriate in the current economic climate; and if she will make a statement on the matter. [6951/14]

**Deputy Robert Troy:** The Minister will be aware of a recent article by reputable journalists, for the second year in a row, confirming the legal fees paid by her Department, particularly the fees attracted by guardians *ad litem*. Does she consider the level of fees paid to guardians *ad litem* to represent children in court to be sustainable or appropriate in the current economic circumstances?

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I believe there is a clear need to radically reform the basis on which the current arrangements operate. They have been operating in that way since 1991, when the guardian *ad litem* system was introduced by the then Government, without regulation or governance structures attached to the position. That is the genesis of the problems which I must deal with and reform.

In care proceedings under the Child Care Act 1991, a guardian *ad litem* may be appointed by a court. In accordance with the legislation, guardians *ad litem* are appointed where the court considers this necessary in the interests of the child and in the interests of justice. Such guardians play a very important role in making the views of the child or young person known to the court.

As I have previously indicated, I will bring forward legislative proposals to reform this area

12 February 2014

in the current year in collaboration with the Minister for Justice and Equality. My Department is very actively examining all aspects of service provision in this area with a view to the introduction of more regulated and sustainable provision which will address a range of issues, including payment arrangements. The examination is taking account of the potential key elements of a reformed service, which are not in place at present, such as the criteria for the engagement of guardians *ad litem*, their role and responsibilities, necessary qualifications for appointment and the basis for their remuneration.

As I said, there is a need to radically reform this area. It is a legacy issue which the Department is addressing in liaison with the Department of Justice and Equality. It is part of a comprehensive reform of the legal framework for children's rights and services which is under way. This includes a number of areas in both public and private proceedings, because the role of guardians applies across both public and private law. Child welfare and protection are relevant in both areas and obviously the role of the guardian is required where decisions are to be made in respect of guardianship, custody and access.

That is part of the collaboration between the officials from my Department and the Department of Justice and Equality. There have been many meetings in this regard to develop the proposals which will form part of the legislation.

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

It is envisaged that such a collaborative approach to devising reforms will be of common interest and benefit.

Other reforms which have already been initiated or completed as part of the wider programme of legal reform relating to children are also very relevant. These reforms include the establishment of the Child and Family Agency on 1 January last, the amendment to section 17 of the Child Care Act enacted in 2013 to address the frequency with which interim care orders need to be renewed, the introduction of national procedures relating to court practice by the Child and Family Agency, the examination being given by the Minister for Justice and Equality to the establishment of dedicated family courts and the referral of a draft general scheme and heads of Bill in respect of the child and family relationships Bill to the Oireachtas. This latter proposed legislation, which is being taken forward by the Minister for Justice and Equality, signals the proposed introduction of revised arrangements for guardians *ad litem* in respect of certain family law proceedings. As mentioned, this is an important context for the collaboration which is under way between both Departments.

With regard to existing guardian *ad litem* arrangements, under the Child Care Act 1991 the cost of guardian *ad litem* services fell to be paid by the Health Service Executive. The responsibility for such payments has now transferred to the Child and Family Agency with effect from its establishment on 1 January 2014. The agency does not procure or manage provision of these services in any normal sense since it is the courts which make such appointments and to whom guardians *ad litem* report. Indeed, given that a guardian *ad litem* may take a contrary view to that presented by the Child and Family Agency about a case, the agency would be respectful that it is the court that has determined the appointment of the guardian *ad litem* to act in an independent capacity in the interests of the child. The agency can, however, apply to the court to have the amount of a guardian *ad litem*'s costs or expenses measured or taxed, although additional costs arise in respect of such a process. The existing limitations on the agency's role in respect of guardian *ad litem* fees were clarified in a report by the Ombudsman in 2008 regarding

the HSE's handling of the issue.

Both child welfare and protection cases and private family law proceedings can raise issues of considerable complexity and sensitivity that have enormous implications for children. In child welfare and protection, regrettably, the intervention of the courts under the Child Care Acts must be sought on a regular basis - there were in excess of 7,400 full care orders and interim care orders sought in 2012. Guardians *ad litem* have an important role in many such cases. However, together with my colleague, the Minister for Justice and Equality, I aim to bring forward in the current year proposals for a revised guardian *ad litem* service that will be more consistent, equitable and economic than that which has persisted since provision was first made in the Child Care Act 1991.

**Deputy Robert Troy:** I again welcome the Minister's commitment to introduce legislation. It is a commitment she has made on a number of occasions in the past three years. The Minister is correct to suggest that guardians *ad litem*, GALs, often have the future welfare of the child in their hands and therefore they perform an extremely important role. Who is responsible for the vetting of GALs? Could the Minister confirm to the Dáil that all people currently practising as GALs are fully vetted and compliant? I have been told that not all people currently acting as GALs are fully vetted. This is an area of huge exposure from a child protection perspective. What qualifications are necessary for such appointments? Is it the case that I, the Minister or anyone in this House could go to a court and become a guardian *ad litem*?

**Deputy Frances Fitzgerald:** It is important to recognise that total reform is needed in this area. There is a need for Garda vetting. Barnardos would confirm that all of the guardians *ad litem* working in its service are Garda vetted. There is no question of that, but there is a need for Garda vetting of GALs to be part of a system of regulation of GALs more generally. Instituting a new system to ensure systematic Garda vetting of GALs would require a joint approach involving the Garda central vetting unit, the Courts Service and the Presidents of the District Court and Circuit Court as well as the Department of Justice and Equality. I have been in contact with the Minister for Justice and Equality to clarify the situation and to progress the issue. Ultimately, it is part of bringing in legislation to regulate the appointment of GALs in terms of their qualifications. A separation of powers issue arises because it is the courts that appoint guardians *ad litem*.

**Deputy Robert Troy:** The Minister confirmed that all GALs appointed by Barnardos are Garda vetted. Could she confirm that all GALs currently in the system who are working with vulnerable children are Garda vetted? Could she indicate "Yes" or "No"? If not all guardians *ad litem* working with vulnerable children are Garda vetted, does the Minister not think that is an area of serious concern? Such positions involve considerable exposure from a child protection perspective.

The Minister has yet to answer the question on the fees charged. One guardian *ad litem* was paid €317,000 in one year. Does the Minister consider such a fee is justifiable? At a time when we do not have sufficient social workers working with vulnerable children, when the youth work budget is being cut and so many cutbacks are being made in the Department, does the Minister consider it justifiable to pay €317,000 to one individual in legal fees from a budget of €31 million? The Minister cannot stand over that.

**Deputy Frances Fitzgerald:** The question must be asked why the Fianna Fáil Government stood over such a system for the past 12 years. I am now in a position where I must reform and

change it-----

**Deputy Robert Troy:** The Minister promised to do that three years ago.

**Deputy Frances Fitzgerald:** -----which is precisely what I am doing. It is clear that the system should have been reformed during the past 12 years. Like so many issues I am dealing with, I now have to introduce reform, examine the situation and make sure that every guardian *ad litem* who is appointed is vetted and that appropriate rates are paid. That is precisely what I am doing. The courts appoint individuals and Garda vetting is undertaken on behalf of organisations rather than at the request of private individuals. GALs may rely on Garda vetting done for them in other settings.

GALs are appointed by the courts and the courts decide on the person they appoint in particular circumstances. As regards the fees, I have already said that a change in fees must be part of the reform. I emphasise that in the reforms I am introducing, the key aim is to ensure that we have a functioning guardian *ad litem* system because it is an extremely important service for young children before the courts. In the legislation I introduced last year on interim care orders I ensured that the cost of guardians *ad litem* was reduced because they did not have to return to the courts frequently. I introduced legislation to ensure that it could be up to 28 days instead of having to go to court every week.

## Public Health Policy

2. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the steps she is taking to address the dangers of the Nekomination Internet craze in view of the recent tragic consequences; and if she will make a statement on the matter. [6694/14]

**Deputy Caoimhghín Ó Caoláin:** I seek to engage with the Minister on the recently highlighted very serious and tragic deaths of young people connected to the social media and Internet craze of Nekomination.

**Deputy Frances Fitzgerald:** I express my sincere sympathy to the families of all those who have been involved and the tragic outcome there has been for some families. The underlying problem we have to deal with is attitudes to alcohol. The Government is very concerned generally about the level of alcohol consumption among young people, but specifically about the recent tragic deaths involving young people participating in the Nekomination trend. Clearly this is a social media craze that started out in what was thought was an innocent way but has turned out to have lethal consequences. Peer pressure is a significant issue.

I was very impressed with the Union of Students in Ireland which initiated a proactive approach to informing, educating and interrupting this craze by the actions it took. Scouting Ireland and others got proactively involved in interrupting it and replacing it with something positive.

Much of the interaction is between adults rather than children. However, there can be lethal consequences. Clearly, the dangerous drink misuse in those circumstances has had very serious consequences. It does reflect on our cultural attitude to alcohol. The important point is that we must focus on information and education. There is a strong role for Government. That is why we have taken the issue of public health and attitudes to alcohol extremely seriously. The

Minister of State at the Department of Health and Children, Deputy Alex White, is working on a public health (alcohol) Bill. Last October, the Irish Government approved an extensive package of measures to deal with alcohol misuse, including the drafting of the public health (alcohol) Bill. Those measures were agreed on foot of the recommendations in the steering group report on a national substance misuse strategy. The recommendations in the strategy are grouped under the five pillars of supply reduction, prevention, treatment, rehabilitation and research. We want to reduce alcohol consumption to the OECD average by 2020.

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

The package of measures to be implemented will include provision for: minimum unit pricing for alcohol products; the regulation of advertising and marketing of alcohol; structural separation of alcohol from other products in mixed trading outlets; health labelling of alcohol products; and regulation of sports sponsorship. The general scheme of the Bill was approved in October. Work on developing a framework for the necessary Department of Health legislation is continuing.

I am conscious that the Nekomination trend has manifested itself through social media and, as a result, been disseminated much more widely and extensively. Contact has been made by my staff with the head of policy in Facebook to express my concern and that of the public with this trend. Facebook has said it addresses reported concerns regarding content on a case-by-case basis. I hope that these contacts and the reporting of such concerns will lead to a reflection among social media providers on the role they can play in limiting the dangers of these trends for the general public, and in particular children and young people.

**Deputy Caoimhghín Ó Caoláin:** We must be sensitive to the families of those young men who have lost their lives in what are tragic circumstances linked to Nekomination dares or challenges, whatever one may call them. I join with the Minister in expressing my deepest sympathy to the families and friends of those who have lost their lives. I do not wish to contribute to any hysteria surrounding this Internet craze or the use of social media. However, we must recognise what is happening. We must acknowledge that it is real and that this Internet craze is tapping into the culture and vulnerability of young people in particular. That is not to suggest that this applies uniquely to young people, as it does not.

A dangerous mixture of youthful exuberance, peer pressure and excessive alcohol have all too often contributed to the premature loss of young lives in this country, but this social media platform has presented a new dimension to this threat and that has been contributed to further by the advent of Nekomination. I am anxious to know what measures the Minister is taking to try to address this unhealthy development and what discussions she has had, if any, with her colleague the Minister for Health, or other Cabinet colleagues on this matter.

**Deputy Frances Fitzgerald:** This issue will primarily be impacted by young people's understanding, information and education and the potentially serious consequences of being involved. I have been in touch with Facebook and have had discussions in the past with Google and other Internet service providers, including UPC, which I met the week before last. I discussed applications that can be made available to parents to support them. The questions of educating and providing information to parents and parental supervision of the online activities of children are very important. However, the circumstances we are discussing today also relate to adults. The Government's alcohol strategy, the discussions I have been having about cyberbullying and the national anti-bullying strategy are key elements in dealing with this issue.

12 February 2014

A combination of information and education, as well as relying on the voluntary organisations, is important. The Internet service providers also have role to play and I have been impressed, having met them, by the safety initiatives they are taking, especially for those who are under 18. In terms of blaming social media for our ills, I do not believe censorship is the answer. Having said that, if there is any question of abusive or bullying videos being posted online, the providers have an absolute obligation to take them down and they have said that, in those circumstances, they will.

**Deputy Caoimhghín Ó Caoláin:** I welcome the last point in particular and that the Minister has been dealing with the matter. The issue of our relationship with alcohol is a very serious one which has implications for all facets of life, but particularly for young people in terms of their mental and general health and well-being, personal development, relationships and their employment and career prospects.

It is often suggested that people in general, but young people in particular, assume so-called online identities whereby normally shy young people become extroverts online, lose their inhibitions and in some cases take on a different persona entirely. Has there been any assessment of the impact of Internet use on the mental and physical health of young people? Are there ways to ensure the online experience is not a damaging one, or worse, a deadly one?

**Deputy Frances Fitzgerald:** We know that Internet usage by young Irish people is quite high. The Internet offers huge opportunities for young people and for everyone else and we do not want to over-emphasise the dangers. We also want to emphasise the opportunities it affords. Information is emerging on the scale of online bullying and general research is suggesting that young people need - as with learning to drive a car- to have information, education and support in using the Internet. Increasingly we are finding that young people are posting information to the web which is then shared widely and which becomes problematic at a later stage. They need to realise that everything that goes online is effectively publicly available. Last year I met representatives from Scotland Yard regarding some very disturbing trends whereby material that young people are posting to the Internet is being used by people involved in trafficking and other illegal activities. We need to inform and educate young people so that they can make the very best use of what can be a wonderful resource. They need to be very aware, as do their parents, of the potential downsides.

### **Adoption Records Provision**

3. **Deputy Thomas Pringle** asked the Minister for Children and Youth Affairs her plans to release more than 60,000 files on forced adoptions; and if she will make a statement on the matter. [6921/14]

**Deputy Thomas Pringle:** It is 60 years since forced adoptions were legalised in this country but more than 60,000 files remain closed. The Philomena Project was launched to campaign for the release of those files. I believe the project should be listened to and its demands acted on and I tabled my question in that context.

**Minister for Children and Youth Affairs Deputy Frances Fitzgerald:** The Adoption Act 1952 placed adoption on a regulatory footing in Ireland and, in accordance with the law, all adoptions taking place since were required to comply with that Act and subsequent legislation. The Deputy quoted a figure of 60,000 and used the phrase “forced adoptions”, which I will ad-

dress presently, but I am advised by the Adoption Authority of Ireland that 44,042 adoptions took place in Ireland between 1953 and 2012. Very significant changes in society and in adoption trends have taken place in the intervening period, with just 49 domestic adoptions in 2012 compared with an average of more than 1,000 per annum taking place through the 1960s, 1970s and early 1980s, in line with the laws of the day. I am also aware that some arrangements put in place in earlier decades were not within the provisions of the adoption legislation, leaving people assuming they were adopted when they in fact were not. There were also births which were the subject of illegal registrations.

I note the recent statement by the Adoption Rights Alliance which suggests “there are over 60,000 ‘adoption’ files held by the HSE, private adoption agencies and church representatives all of which are the sole source of people’s identities”. This is not necessarily the same as the proposition put forward in the Deputy’s question which suggests there exist 60,000 files on forced adoptions. I am not quite sure what the Deputy means by “forced adoptions” but I am trying to highlight here the information that is available.

I would point out that where records exist, it is to be expected that many of these relate to the tens of thousands of adoptions conducted in line with the laws of the day. It is worth noting that, while records exist on past adoptions, the nature of these records may vary greatly and many records may not be as detailed or as expansive as current day processes would require.

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

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 records from their mother and baby homes and adoption societies to the Child and Family Agency. For example, in the case of the Sacred Heart Adoption Society, 25,000 records have been transferred to the agency’s regional adoption service in Cork. Work by the agency on the organising and storage of these records has taken place. The advice of the National Archives has been sought regarding the proper storage of these records which are of great significance. I would hope this process would lead to much greater clarity on the actual number and nature of adoption records in existence.

I have raised the importance of broader arrangements for the management of records directly with the Child and Family Agency and I have asked my officials to examine the work that could be undertaken with the Child and Family Agency, the Adoption Authority and other stakeholders to improve arrangements for managing and accessing the records that are available. I have been advised by the agency that it is reorganising adoption services in 2014 at a national level and will consider how best to deploy its staff to deal with this important issue to facilitate access to records where they exist.

I have highlighted in the House the constitutional and legal barriers to providing access to adoption records without the consent of the birth mother. The Adoption (Tracing and Information) Bill will address this matter, but the Legislature will be constrained by these legal considerations in the nature of any access which can be granted to adoption records. In this context, I would urge birth mothers to enrol on the National Adoption Contact Preference Register which was established in 2005 to assist adopted people and their natural families to contact each other, exchange information or state their contact preferences. They decide, through a range of information and contact options, how they wish to proceed. The Adoption Authority of Ireland has responsibility for the operation of the register. I believe there is an opportunity, in the context

of the considerable public attention this area is receiving, to promote awareness among women whose children were adopted of the importance of registering their consent if contact is to be successfully re-established.

**Deputy Thomas Pringle:** I take on board the Minister's correction of the wording of my question but while adoption may have been legalised in 1952, I personally know of a number of forced adoptions that took place after that time. While they may have been legal, they were still forced in the sense that they took place against the will of the mothers concerned. There is no doubt a lot of the information in the records may not be as complete as they would be now but I still believe that providing access to those records is vital for mothers trying to trace their children and for those who might want to trace their biological parents. The key point is to make the records available and accessible, and whether they are complete is something we will have to deal with. Many of those seeking their records understand they may not provide all the information they need or want. Nevertheless, the key issue is availability and access to enable people to get some completion in their lives.

**Deputy Frances Fitzgerald:** 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 records from their mother and baby homes and adoption societies to the Child and Family Agency. For example, in the case of the Sacred Heart Adoption Society, 25,000 records have been transferred to the agency's regional adoption service in Cork. This means 25,000 files that were previously held by a private adoption agency are now with the Child and Family Agency. Work has taken place on organising the storage of these files, which is a massive job.

In the legislation I intend to bring forward, I will make it a statutory requirement that all records held by private individuals or agencies are made available to a central authority. That will mean any records we can access will be known about, can be archived and made more accessible.

**Deputy Thomas Pringle:** I thank the Minister for her response. Regarding the archive in Cork, is the Minister satisfied there is an adequate number of staff available to archive the records and to provide access and searching assistance to those who want to trace their families? I have heard reports that only a small number of staff are dealing with the archive and that they are unable to research the files in a timely fashion. I fully appreciate that those files need to be archived. Can the Minister give an assurance that the necessary resources are in place to ensure the files are properly archived and made available?

**Deputy Frances Fitzgerald:** I have had discussions with the Child and Family Agency regarding the importance of this issue.

*10 o'clock*

Clearly for the individuals concerned it is key that they get access to these records as quickly as possible. Heretofore, there has not been a national approach to adoption services and Gordon Jeyes, the chief executive officer of the agency, has advised me it is reorganising the adoption services in 2014 at a national level. It will consider how best to deploy staff to deal with this important issue in order to facilitate access to the records. Quite a number of social workers have been involved in assessment and while assessments for adoption still are taking place, the inter-country and international situation regarding adoption clearly has changed considerably.

Consequently, it should be possible that social workers who previously were involved in assessment should now be able to move to help people more on the tracing side. However, there still is considerable demand for assessments and people are entitled under the law to have an assessment even though very few, relatively speaking, inter-country or national adoptions are taking place. There still is demand for assessments because people obviously are hopeful they may be able to adopt and, as Ireland reaches agreement with different countries, that the number of children available for inter-country adoption will increase. While the level of resources the Government can make available is an issue that must be considered, every effort will be made to respond to individual queries.

### **Proposed Legislation**

4. **Deputy Robert Troy** asked the Minister for Children and Youth Affairs when she will bring forward adoption information and tracing legislation; and if she will make a statement on the matter. [6952/14]

**Deputy Robert Troy:** In light of the recent film “Philomena”, the international spotlight is back on Ireland again and not in a good sense. To follow up on the inquiries of my colleague, Deputy Pringle, regarding adoptions and releasing the records, when will the Minister bring forward the promised information and tracing legislation? This is legislation the Minister herself promised almost three years ago.

**Deputy Frances Fitzgerald:** As I have told the Deputy a number of times, both in this Chamber and in committee, my Department and I continue to work on this legislation and I am in constant contact with the Office of the Attorney General. I have told the Deputy repeatedly that I obviously seek to introduce legislation that makes it as easy as possible for people to trace their origins and to get as much information as possible. One reason for the discussions with the Attorney General is to continue to tease out precisely how this can be done in the context of what I must state is extremely strong legal advice about the constitutional protection of the rights of the natural mother to privacy. A number of European court cases also have addressed this issue and highly complex legal and constitutional issues have arisen. I continue to explore how far the Government can go in building into legislation that right of the adopted person to get access to information without breaching the Constitution. This is precisely the reason it is taking this length of time. The Government is taking a great deal of care and has received some additional legal counsel’s advice in this regard. I continue to consult and will bring forward the heads of the Bill as soon as these issues are determined fully. However, it is highly complex and work is ongoing in a dedicated fashion within both the Department and the Office of the Attorney General. As recently as yesterday, I had further advice from the Attorney General on this issue. Consequently, I am committed to bring in legislation that is as strong as possible in respect of access. However, the precise mechanisms by which this can be done are being worked on. I continue to work on the legislation, am committed to it and already have stated that as part of that legislation, the heads of the Bill will include provisions in respect of the existing documents and records. However, it is complex and I continue to work on it. I will bring it to the House as soon as these issues are determined and resolved.

**Deputy Robert Troy:** I am glad the Minister has confirmed this is not something I am bringing up afresh today but is a matter I have highlighted and raised repeatedly in recent years. The Adoption Rights Alliance firmly believes there is a deliberate strategy on the part of

the Government “to deny until we die”. The alliance is firmly of that belief and has received no correspondence from the Minister’s office since September 2013. The Minister has stated continually that her proposed legislation must be compatible with the Constitution. There is nothing new there, as all legislation must be compatible with the Constitution. However, the job of the Government is to legislate and in this regard, the Government is failing miserably. If the Attorney General is of the view that the Constitution is a roadblock to the publication of the information and tracing Bill, surely a proposal to amend the Constitution in this regard should have been put to the people at the time of the children’s referendum? At present, the basic human right of any individual to know his or her identity is being denied. This right is outlined clearly in Articles 7 and 8 of the Convention on the Rights of the Child and I ask the Minister to reply in this regard.

**Deputy Frances Fitzgerald:** I absolutely reject the proposition that I, in any proactive way, am trying to put up a roadblock to this legislation. The opposite is the case. I am working, as is my office and that of the Attorney General, to bring forward legislation that will be as supportive as possible within the constitutional constraints to which the Deputy, this House and I are subject. If one reads the judgments of the European court in respect of this issue and if one reads the Supreme Court judgment in the IO’T v. B case, one will discern how complex is this area. I refer to the constitutional right to the protection of privacy for the natural mother. Moreover, given the way adoption is dealt with in this country, which effectively has been closed adoption from a constitutional point of view, one can discern the legal difficulties that are involved in this area. There is no question of me or my Department trying to put up a roadblock because as I stated, the precise opposite is the case. I believe the Deputy is underestimating the constitutional complexities that are involved in this legislation. I am working on these and will bring forward the strongest legislation I can as soon as I have the legal determination on those issues.

**Deputy Robert Troy:** Although I concur with them, it is not me who believes there is a deliberate strategy on the part of the Government “to deny until we die”. The Adoption Rights Alliance is suggesting this; not me or anyone else in this House. The alliance does not believe this issue is receiving the priority it deserves and one must recall that time is of the essence, because the longer it goes on, the older these people become and the less likely they are to be able to receive the information to ensure they have the basic human right of any citizen, that is, the right to his or her identity. The point I made was if the Minister believes, on foot of advice from the Attorney General and the legal people in her Department, that the Constitution is acting as a roadblock to this legislation, does she not then think it would have been appropriate to bring forward an amendment to the Constitution at the same time the children’s rights referendum was held?

**Deputy Frances Fitzgerald:** There are a number of ways of addressing this issue. Another important initiative that is taking place at present is that the Adoption Authority of Ireland board has taken a decision in principle to take a case to the High Court to clarify the position in respect of information and tracing and is in the process of identifying a relevant case. This also is a highly appropriate mechanism to test effectively the constitutional position regarding this issue. The answer to the Deputy’s question is that at present, I continue to examine the precise legal framework it is feasible to put in place, given the constitutional questions that arise. This is the appropriate time for me to be doing this and I am so doing in the context of the adoption information and tracing legislation.

## **Inter-Country Adoptions**

5. **Deputy John Halligan** asked the Minister for Children and Youth Affairs if she will review an application to the Adoption Authority of Ireland for the registration of a child adopted from Vietnam in October 2012 who is now registered and residing here (details supplied); if she will confirm that at the time of this adoption both Vietnam and Ireland had signed up to the Hague Convention and a bilateral agreement that had been put in place by her; if she will consider directing the Adoption Authority of Ireland to progress the registration of this child on the basis that its parents were in full compliance with the 1991 Act in view of the adoption process having begun prior to the 2010 Act being introduced (details supplied); and if she will make a statement on the matter. [6695/14]

**Deputy John Halligan:** I believe the Minister already is familiar with the details of this unusual case in which the parents of two children adopted in this country from Vietnam find themselves in legal limbo. During the adoption process, the couple in question did everything asked of them to comply with legal requirements. However, in the case of their second child, there was a change in legislation during the adoption process, which means they now are prohibited from registering the adoption on the register of inter-country adoptions.

**Deputy Frances Fitzgerald:** The Deputy is raising an individual case. As he knows, responsibility for individual inter-country adoption lies with the Adoption Authority in its capacity as an independent, quasi-judicial body established under the Adoption Act 2010. It is a matter for the Adoption Authority to ensure all adoptions are carried out in accordance with the provisions of the Hague Convention. I have asked, however, that the individual issues raised by the Deputy in this instance be responded to by the Adoption Authority as soon as possible.

While adoptions ceased from Vietnam between 2009 and 2012 - they have recently recommenced, I am glad to say - some applicants may have chosen to undertake a foreign domestic adoption in Vietnam. In such cases, the residency requirements of the 2010 Act provide that both adopters must be habitually resident in the country of adoption at the time of the adoption being effected. This differs from an inter-country adoption, whereby both applicants should be habitually resident in Ireland while the adoption is effected in the sending state. The Adoption Authority has advised me that for the purposes of defining “habitual residence” for the recognition of a foreign domestic adoption pursuant to section 57(2)(b)(i) of the Adoption Act 2010, where a child is jointly adopted by two adopters, both adopters must be habitually resident in the country of adoption at the time of the adoption being effected.

The registration of all adoptions is a matter for the Adoption Authority and it is not open to me to intervene in individual cases. I have no powers to do so and it would be inappropriate. These matters are often very complex. In such circumstances, it is often beneficial for the applicants to have independent legal advice in order that they are fully informed about the constraints within which the Adoption Authority must make its decisions. I do not know whether the couple in question has such advice.

Overall, there has been significant progress in inter-country adoption relationships between Ireland and Vietnam. We have signed the administrative agreement with Vietnam. It is the first such agreement entered into by Ireland and Vietnam since both countries ratified the Hague Convention.

**Deputy John Halligan:** I thank the Minister for her response and intervention. The ap-

12 February 2014

plication was made in good faith by the couple, who at all times intended to satisfy fully all the requirements. This included the mother moving to Vietnam with her eldest child to live and work there for a year. However, unknown to the couple, when they were in Vietnam the requirements were altered in the Adoption Act 2010. A new requirement was that both parents needed to be in the country. One was already in the country at the time the legislation was changed. The couple have done all in their power to comply. On the legal question, the only avenue for appeal open to the family, according to Minister, is a High Court application. The family is very sincere and has spent an enormous amount of money living in Vietnam over a period of two years. It really does not have the finances to appeal to the High Court. I appeal to the Minister on behalf of this sincere family who did not intend to work outside the legislation but who were caught by a legislative change when in Vietnam. The Minister might intervene on the family's behalf.

**Deputy Frances Fitzgerald:** I have asked the Adoption Authority to respond. I ask the couple to make all the information the Deputy has put on the record available to the authority. The authority has to take full account of the law as it stands, and it must take into account the best interest of the child in any decision it takes. I do not have the power to intervene in individual cases but I have asked that the various matters and the individual issue the Deputy raised be responded to by the authority as soon as possible.

**Deputy John Halligan:** I thank the Minister. I am happy with her response and will await the response of the Adoption Authority.

## Other Questions

### Child and Family Agency Establishment

6. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs her observations on the establishment of the Child and Family Agency, now over one month in being; if the transition has been smooth; if there are particular concerns or issues requiring special address; and if she will make a statement on the matter. [6643/14]

**Deputy Caoimhghín Ó Caoláin:** Following the launch of the new Child and Family Agency, have any issues arisen that may give rise to concern? Would the Minister like to report on the success of the launch a month after the new entity's establishment?

**(Deputy Frances Fitzgerald):** I thank Deputies Ó Caoláin, Troy and others for their support on the establishment of the new Child and Family Agency. I thank Deputy Ó Caoláin for affording us an opportunity today to reflect on the establishment of the agency on 1 January, as planned. I pay tribute to those involved in the very detailed work done leading up to the establishment. This is sometimes forgotten when there is a new initiative. The trade unions were particularly helpful and Ms Joan Carmichael chaired the HR process for nearly two years. I thank the staff of the HSE, including Mr. Tony O'Brien, and my ministerial colleagues, Deputies Reilly and Shatter. Considerable work was done by the Secretary General of my Department and many others. Mr. Gordon Jeyes and his entire management team were very involved in the background work that led to the establishment of the agency. This is now the time to give those concerned an opportunity to ensure the agency is well-established and that it gets an op-

portunity to bring its staff entirely with it in making the transition. Transitions can, of course, be challenging, especially when there are 4,000 staff and a budget of more than €600 million to manage. Many milestones have been reached.

The focus now has to be the three year performance framework for the agency, which will form the basis of its first corporate plan. I have already received the business plan from the agency, as I expected. I will be responding to it in the coming weeks in accordance with the provisions in the legislation. I have approximately a month in which to respond. I congratulate Mr. Gordon Jeyes and the team on putting the first business plan in place.

**Deputy Caoimhghín Ó Caoláin:** I take it from the Minister's response that there are no immediate matters of serious concern and that the transition has been made smoothly.

Are all the board positions filled? What is the position on sub-committees? How many will there be? Will the Minister ensure accommodation of representation for the Family Resource Centre National Forum in regard to sub-committee participation? I would have argued very strongly for its access to a board position but I noted the Minister's response to that point repeatedly. Perhaps she could address the matter of the sub-committees.

With regard to the launch of the new entity, one of the most critical recommendations in the 2012 report of the independent child death review group, chaired by Dr. Geoffrey Shannon and Ms Norah Gibbons and tasked with investigating the deaths of children in care, was that the child and adolescent mental health services be integrated with the child welfare service and protection work in the community. The meeting of this responsibility and the addressing of children's needs are continuing under the auspices of the Department of Health. Would the Minister for Children and Youth Affairs like to indicate whether it is intended to have the child and adolescent mental health services provided in an integral way under the aegis of the Child and Family Agency? If so, at what time might that be the case?

**Deputy Frances Fitzgerald:** I can confirm that all members of the board are in place and that a number of board meetings have taken place. I am not in a position to advise the Deputy on sub-committees yet. I am simply not aware whether the board has yet taken a decision on the exact number of sub-committees. As soon as I have that information, I will let the House know. I imagine the board is still examining the work it must do in deciding on the best way forward. It has already done a considerable amount of work as a board and I am sure that is a decision it will be considering.

I am not in a position to indicate whether the organisation to which the Deputy referred will have direct representation. Its interests will certainly be represented, however, and family support remains a key objective for the agency. The organisation in question plays a positive role in regard to family resource centres and I have no doubt that role will remain. I am sure the form of consultation with it will also continue as heretofore. The board includes people who represent the interests of family resource centres and support networks.

In regard to the Deputy's second question, this area requires further discussion. We have made the decision that certain groups of staff and organisations will be under the agency. We need to discuss the future of mental health services with a view to reaching agreements between child and adolescent mental health services and the agency in order to put in place the best possible arrangements. Mental health services are critical to the work of the agency. Discussions have commenced in this regard and I will be examining the issue further in the course of this

year.

**An Ceann Comhairle:** I am afraid the time has expired for this question. There is a limit of six minutes.

**Deputy Caoimhghín Ó Caoláin:** I did not know that.

**An Ceann Comhairle:** I am only applying the rules.

**Deputy Caoimhghín Ó Caoláin:** I did not notice that I had exceeded the limit.

**An Ceann Comhairle:** That is the purpose of the clock.

**Deputy Caoimhghín Ó Caoláin:** The clock may be wrong.

**An Ceann Comhairle:** I assure the Deputy that the clock is not wrong. I will let him in on another question.

**Deputy Caoimhghín Ó Caoláin:** This was the one I wanted to ask.

**An Ceann Comhairle:** I am sorry; I cannot do anything about it. I have to be fair to every Deputy.

### **Adoption Legislation**

7. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the position regarding the adoption (information and tracing) Bill; if she will provide a comprehensive account of the provisions of the forthcoming legislation; if she will confirm her welcome and support for the Philomena Project; the way she and her Department intends engaging with same in the lead up to the Bill's publication; and if she will make a statement on the matter. [6645/14]

**Deputy Caoimhghín Ó Caoláin:** I ask the Minister to indicate when she expects the adoption (information and tracing) Bill to be published, her position in regard to the Philomena Project and whether ongoing consultation with that body will form part of the preparation of the Bill in advance of its publication.

**Deputy Frances Fitzgerald:** I am conscious of the efforts being made by Philomena Lee to highlight the issues relating to information on and tracing of adoptions and illegal registrations. This is an extremely sensitive matter, especially for birth mothers who may still feel the emotional conflicts associated with adoptions many years ago. I have not yet had the opportunity to meet Philomena Lee. I would welcome a meeting with her, and this has been conveyed to her in a recent meeting with the Irish ambassador in Washington. I have also written to Ms Lee inviting her to meet me at a suitable time.

I am advised that the Adoption Authority has already seen a significant increase in the number of people who are calling it in regard to information and tracing. The Authority has stated that many of these callers have cited Ms Lee as the catalyst for their call. I am grateful to Philomena for the bravery and sensitivity she has shown. She is a remarkable woman who has struggled with great courage and grace on her own behalf and on behalf of all too many single young mothers who faced a cold and brutal response when what they needed was support and

understanding. I hope she takes comfort from the success she has had in having her story heard and in encouraging birth mothers to come forward.

I urge birth mothers to enrol in the National Adoption Contact Register, which 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 believe the register is under-used and I appeal to those concerned, whether as the adoptee or the mother who gave up her baby for adoption, to make their names and contact details known to the Adoption Authority so that they are included on the register. This is potentially an important port of call for those affected.

**Deputy Caoimhghín Ó Caoláin:** I join the Minister in calling on birth mothers to register. It is also essential that the legislation is published so that adopted persons and parents who are searching for each other have the opportunity to access records. A large number of people have expressed frustration at their inability to progress their inquiries. The adoption (information and tracing) Bill will play an important role in this regard and I am anxious to know, if she can be specific, when she expects it to be published. If she is in a position to do so, I ask her to set out the outstanding issues that remain to be addressed in respect of the Bill. I welcome that she has indicated her willingness to meet Philomena Lee and I hope that an opportunity to meet arises in the near future.

**Deputy Frances Fitzgerald:** I will work proactively with Ms Lee and the Philomena Project, and will give it every assistance I can in terms of making data and records available. I have made such information available to this House in response to a number of parliamentary questions in recent months.

We are still teasing out the complex constitutional issues that arise in regard to adoption tracing. I have previously stated that I want the legislation to go as far as possible within the constitutional limits. I am not in a position to indicate precisely when it will be ready because of the complexity of the work being done by my Department and the Attorney General. Once the heads of the Bill have been agreed by the Government, however, I will ask the Joint Committee on Health and Children to examine them. That will give a public opportunity to all interested groups, including the Adoption Rights Alliance and the Philomena Project, to make observations on the legislation. On the legal side, the examination by the committee will also provide an opportunity to tease out the aforementioned constitutional complexities.

**Deputy Caoimhghín Ó Caoláin:** I welcome that the heads of the Bill will be referred to the Joint Committee on Health and Children. That is a worthwhile exercise. I do not doubt that my committee colleagues would welcome the opportunity to examine the Bill.

How does the Minister intend to address the 1998 Supreme Court judgment which stated that adopted people have no absolute right to know the identity of their natural parents? It is my view that they certainly do have such a right. Any of us in that situation would want to know the identity of our natural birth parents. Is this a major difficulty in the preparation of the legislation?

**Deputy Frances Fitzgerald:** Clearly the case to which the Deputy referred is central to the discussion, as are the European decisions on the right to identity. They vary. The United Nations Convention on the Rights of the Child is clear on the right to identity but the I. O'T. case and the European court judgments give a more nuanced response. I wish to state for the House the Supreme Court's direction on the criteria that the lower court should taken into ac-

count when deciding whether a person had a right to access information. The court said a range of issues needed to be taken into account, including the circumstances surrounding the natural mother's loss of custody of the child; the current status and circumstances of the natural mother and the potential effect on her of disclosure of her identity; the natural mother's own wishes and attitudes regarding the disclosure and the reasons behind these wishes and the aforementioned attitude; the current age of the natural mother and the child, respectively; the attitude of the child, including the reasons he or she seeks disclosure of his or her natural mother's identity; the present circumstances of the child; and the opinion of the adoptive parents or other interested persons.

A huge weight was given to privacy in that judgment. That is central to the current discussions on the legislation.

### **Garda Vetting of Personnel**

8. **Deputy Robert Troy** asked the Minister for Children and Youth Affairs if she will expedite a resolution to the conflict between data protection legislation and preschool regulation compliance to enable students to undertake mandatory placements in child care services; and if she will make a statement on the matter. [6651/14]

15. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs if she will amend the Child and Family Agency requirements under the Garda vetting standard of the child care preschool services regulations that relate to students to allow a letter confirming clearance from training organisations to be deemed compliant with regulations; if her attention has been drawn to the fact that the regulations as they stand are jeopardising training placements; and if she will make a statement on the matter. [6656/14]

30. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs if she will amend the Child and Family Agency requirements under the Garda vetting standard of the child care preschool services regulations relating to students to allow a letter confirming clearance from training organisations to meet compliance; and if she will make a statement on the matter. [6655/14]

**Deputy Robert Troy:** The Minister will be aware of a conflict that has arisen recently between data protection legislation and new preschool regulations, which is putting mandatory training placements in jeopardy because Garda vetting clearance certificates cannot be transferred between service providers and training providers through which people carry out the mandatory training. Will she confirm whether she intends to take measures to bring about a speedy and satisfactory resolution to this issue?

**Deputy Frances Fitzgerald:** I propose to take Questions Nos. 8, 15 and 30 together.

I am aware that a problem exists in respect of the sharing of student vetting information by training colleges with a third party. It is my understanding that timing issues between a student finding a placement with a service provider and the time they need to be on placement may not allow for the service provider to obtain Garda vetting on behalf of the student. Where training colleges process Garda vetting for their students and subsequently secure placement of these students in child care settings, they are not permitted under current data protection regulations to release the vetting documents or copies to the child care service. The position of the Office

of the Data Protection Commissioner is that the disclosure of such information to other parties, even with the consent of the vetting subject, is not appropriate and could potentially undermine the integrity of the vetting process. Service providers cannot accept students on placement unless the full Garda vetting documentation is available to them because of the requirements of the preschool regulations. This is to ensure clear responsibility for the vetting of those working with children in this area.

I am anxious that the issue raised by the Deputy be fully examined to find a workable solution can be devised. I agree with him that a workable solution has to be found. My Department has been in touch with the Data Protection Commissioner and I am arranging an urgent meeting to discuss this and a range of issues relating to the delivery of child care services. It is important that we reach a resolution on this because, clearly, it is impacting on placements and the training of child care workers

**Deputy Robert Troy:** I am glad the Minister is aware of the problem and that she is in the process of bringing about a resolution. However, she has not outlined how that will be brought about. I tabled a similar question to the Minister for Justice and Equality regarding his role under data protection legislation to which he replied:

I understand that in the course of audits of childcare providers, the HSE has sought a certified copy of the Garda Vetting Disclosure to be provided to the relevant childcare provider. It is the view of the Data Protection Commissioner that this is not necessary. In September 2013 the Data Protection Commissioners wrote to the colleges in question and to the HSE, suggesting that a written confirmation that a college has vetted a person is sufficient confirmation that the Garda Vetting process has been complied with

Does the Minister concur with that view? Bearing in mind these people are undertaking mandatory training, would she be satisfied if an institute of further education went to the trouble of ensuring it fully complied with Garda vetting procedures, that a letter from the institute to the service provider would be sufficient to ensure the placement could proceed and people could finish their training? If so, will she put in place the necessary provisions to ensure this can happen?

**Deputy Frances Fitzgerald:** It is crucial that the integrity of the vetting procedure be maintained. If there is any question of the Data Protection Commissioner feeling this will not be the case and there is not a separate vetting procedure, I will have to resolve that with him. If he is satisfied with that, it is a question of us further examining the preschool regulations to see if the resolution suggested by the Deputy is acceptable. We are currently examining that. On the face of it, if vetting has taken place recently, one would hope that would suffice but this issue has arisen in regard to vetting a number of times in other areas where even if somebody had been vetted by an organisation previously and they moved to work in another setting, the Garda had taken the approach that to preserve the integrity of the process, separate vetting was necessary. I realise the impact this is having on training and I will work to ensure as quick a resolution as possible.

**Deputy Charlie McConalogue:** I refer to how this is impacting in County Donegal. Currently, it is estimated that 400 students are affected across the county with Letterkenny Institute Technology's most recent placement period commencing at the end of January. Donegal Education and Training Board courses require the Garda vetting procedure to secure work placements and they are run in Donegal town, Stranorlar, Lettermacaward, Gortahork, Milford,

Letterkenny and Merville. A total of 180 students are on the current programme placement. Approximately 200 students are on LYIT's early education social and care programmes and it is estimated that there are 60 additional early childhood programmes offered by private teaching organisations in the county.

This issue is also expected to impact on community employment workers on placements with children. Currently, DLCD has 51 placements and Inishowen Partnership has 21. Many of those who should have commenced their placements by now have had to go on placements that are not directly related to child care because of the ongoing Garda vetting issue. It is crucial that this be resolved quickly. Will the Minister elaborate on what has been done in this regard up to now? When does she expect a practical resolution to this to be finalised?

**Deputy Frances Fitzgerald:** I thank the Deputy. Clearly, this is an urgent issue. If the Garda vetting clearance given to colleges is not deemed sufficient for the placements, the vetting unit has additional staff. Many Members have raised the issue of delays in securing Garda vetting clearance. The delays have been reduced considerably but I take the Deputy's point. My staff are in contact with the Data Protection Commissioner and they are trying to find a resolution to this because it is an urgent issue.

**Deputy Robert Troy:** This is an example of bureaucracy gone mad. The Minister has said these people should seek a second clearance certificate from the vetting organisations in County Tipperary. I agree waiting times have reduced but people are still waiting weeks for these certificates. What is wrong with a training organisation, which has recently obtained a Garda clearance in respect of students, passing on a letter to the service provider with which they will do their training for a number of weeks that says they have been vetted by the Garda unit? There should be no problem, good, bad or indifferent with that.

The Minister said she has been working on this and she is aware of the problems this is causing many service providers and training institutes but she seemed surprised by the reply I quoted from the Minister for Justice and Equality. Will there be a speedy and satisfactory resolution to this issue? My colleague has clearly outlined the ramifications for people in County Donegal. That is being repeated the length and breadth of the country.

**Deputy Charlie McConalogue:** It is not acceptable to suggest people have to go through Garda vetting a second time because there are still significant delays of a number of weeks. Will the Minister outline her view on current delays at the Garda vetting office? I am aware that these stood at 15 to 16 weeks a couple of months ago. Deputy Troy put forward a very sensible solution. Many students find themselves on a sticky wicket at present and cannot proceed with placements relating to their courses as a result of the delays in question. Unless a real and immediate solution is arrived at, they will continue to be unable to take up their placements as planned. Deputy Troy has put forward a very good solution and I ask the Minister to explore it. Will she indicate what is the length of current delays at the Garda vetting office? Such delays are unacceptable and they are causing difficulties not just for these people, but also for many other organisations.

**Deputy Frances Fitzgerald:** I understand that a significant number of staff have been appointed to the Garda vetting bureau. As the Deputies are aware, delays in vetting were previously of the order of 14 or 15 weeks. The most recent information I received indicates that these have been reduced to five or six weeks, which is a substantial change.

It is all very well for Deputy Troy to refer to the sharing of information. However, this has been central to the integrity of the Garda vetting process. Many organisations argued in the past that there should simply be a “passport” in respect of vetting and that this could be carried between different organisations. There has been concern that this would undermine the integrity of the vetting legislation and give rise to questions in respect of safety. The safety of children and ensuring that people are vetted are central to that legislation. Particularly organisations must ensure that their staff are properly vetted.

I take the point about placements for college students. I will ensure that a resolution is arrived at as speedily as possible. I must seek to discover whether the same rules on vetting apply as have applied in the past on the sharing of information between organisations. It has been clearly stated that this cannot happen. I will be obliged to discover, therefore, whether the vetting in respect of a college student who is due to take up a placement will suffice for that placement. I understand the point being made and I want a resolution to be found as quickly as possible.

**Deputy Robert Troy:** Will the Minister communicate further with us on the matter?

**Deputy Frances Fitzgerald:** I will.

### **Children in Care**

9. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which she remains satisfied regarding safety, well-being and welfare of children in State institutions or otherwise under State care; the extent to which monitoring and reporting services remains available; the degree to which reports are followed up; and if she will make a statement on the matter. [6574/14]

197. **Deputy Bernard J. Durkan** asked the Minister for Children and Youth Affairs the extent to which she is satisfied regarding the safety and well-being of children in the care of the State, in State institutions or otherwise; and if she will make a statement on the matter. [7181/14]

**Deputy Bernard J. Durkan:** These questions relate to the need for the proper structures to be in place to ensure that children will receive adequate protection. Such structures are necessary, particularly in light of past events. Will the Minister indicate the provisions that are in place to ensure that children who report incidents can have their cases heard at an early date?

**Deputy Frances Fitzgerald:** I propose to take Questions Nos. 9 and 197 together.

Under the Child Care Act 1991 and the Child and Family Agency Act 2013, the newly established Child and Family Agency has a statutory duty to promote the welfare of children who are not receiving adequate care and protection. The placement of children in care is governed by regulations. These provide for the welfare of children and for care practices, care records, accommodation and safety precautions to be overseen. The regulations also provide that a social worker oversees the implementation of a care plan, visits the child to whom it relates and sees him or her in private and reads the records relating to the child in the centre. That is the practice which obtains. Depending on their needs, children may often be placed in foster care. We are very lucky that the vast majority - over 90% - of children in care are either with relatives

12 February 2014

or general foster carers. A minority of children in care are the subject of residential care, high support care, special care or other placement types.

It is important to note that all children's services are inspected against regulation and national standards. The Health Information Quality Authority, HIQA, has played a particularly important role in this regard. The Deputy will be aware of the range of reports we received from HIQA during the past year on residential settings. The Child and Family Agency is obliged to respond to each of those reports, indicate the action it is taking and address the issues which have been identified. Last year, I asked HIQA to take responsibility not just for residential settings, but to examine the position with regard to child protection teams. We have already received a number of reports from it on the services being provided by those teams.

This is a work in progress and there are variations in standards. We want to move towards national consistency in terms of adherence to absolute best practice. There are some very bad legacy issues in respect of these services and change will not happen overnight. However, in the context of the reports it compiled in recent months, HIQA has returned to matters it examined previously and discovered that huge improvements have been made. An example in this regard is the special care unit at Ballydowd, of which there had been criticism. The most recent report on the unit was extremely positive. The same is true of Waterford. HIQA returned to it, examined the services on offer and provided a much more positive report.

**Deputy Bernard J. Durkan:** I thank the Minister for her comprehensive reply. To what extent has the definition of the word "care" been examined? For example, does a duty of care constitute someone being in the care of the State? I refer here to people in schools, other State institutions and public or private recreational facilities. To what extent does the concept of duty of care apply in this regard and are those in such schools, institutions or facilities deemed to be in care?

**Deputy Frances Fitzgerald:** Yes. The definition is very broad and once a child is in care of the State, it is effectively acting *in loco parentis*. Essentially, what is involved here is promoting the safety, well-being and welfare of children. That is very clearly spelled out in the legislation and it guides the work being done in respect of children in care. It is important that the Deputy has highlighted this matter. We have a very special responsibility to the 6,000 plus children in the care of the State. One of the initiatives I want to take relates to the adoption of a cross-departmental view of children who are in care. In that context, I will ask the Departments of Health and the Environment, Community and Local Government, which deals with housing, to be aware of the needs of these children not just while they are in care, but when they leave it and are in aftercare. In the coming weeks I will be bringing to Government legislation to provide for a statutory right to assessment for aftercare in respect of children who have been in care.

*Written Answers follow Adjournment.*

### **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 Dominic Hannigan - the need for extra funding for school book rental schemes that were started in the past two years; (2) Deputy Paul J. Connaughton - the lack of a consulta-

tion period in respect of the closure Barnaderg post office, Tuam, County Galway; (3) Deputies Denis Naughten and Colm Keaveney - the need to reinstate the psychiatric beds in St. Luke's acute unit, Ballinasloe, County Galway; (4) Deputy Peadar Tóibín - the need to include the proposed North-South 400 kV interconnector in the terms of reference of the recently announced commission; (5) Deputies Emmet Stagg and Catherine Murphy - the need for the provision of an all-Irish second level school in north Kildare; (6) Deputy Derek Keating - the issue of Nekomination; (7) Deputy Timmy Dooley - the need to provide funding for the upgrade of Kilrush marina in County Clare; (8) Deputy Richard Boyd Barrett - the need to establish an accurate figure for Ireland's corporate tax rate; (9) Deputy Michael McCarthy - the penalties facing farmers following the review of 900,000 land parcels; (10) Deputy Kevin Humphreys - the need to prevent the destruction of heritage vessel, *Naomh Eanna*; (11) Deputy Regina Doherty - that the single person child carer credit takes cognisance of those parents-families with two primary carers; (12) Deputy Brian Stanley - the increase in rents by local authorities to include local property tax; (13) Deputy Joe Higgins - the sale of 13,000 mortgage loans of the former Irish Nationwide Building Society; (14) Deputy Joan Collins - the need to prevent the destruction of heritage vessel, *Naomh Eanna*; (15) Deputy Sandra McLellan - the urgent need for flood defences in Youghal, County Cork; and (16) Deputy Thomas P. Broughan - the need to establish an independent commission of investigation into the Stardust tragedy of 1981.

The matters raised by Deputies Derek Keating; Emmet Stagg and Catherine Murphy; Thomas P. Broughan; and Denis Naughten and Colm Keaveney have been selected for discussion.

### **Public Health (Sunbeds) Bill 2013: Order for Second Stage**

Bill entitled an Act to regulate the use and supply of sunbeds; to prohibit permitting persons under 18 years of age to use a sunbed on a sunbed premises; to prohibit the sale or hire of sunbeds to persons under 18 years of age; and to provide for related matters.

**Minister for Health (Deputy James Reilly):** I move: "That the Bill be taken now."

Question put and agreed to.

### **Public Health (Sunbeds) Bill 2013: Second Stage**

**Minister for Health (Deputy James Reilly):** I move: "That the Bill be now read a Second Time."

I am pleased to have the opportunity to address the House on Second Stage of the Public Health (Sunbeds) Bill 2013. I see that we are joined in the Gallery by many young people who might be interested in this matter.

Skin cancer is the most common type of cancer in Ireland and is a particular problem for Irish people because of their fair skin. For most, the main source of exposure to ultraviolet radiation is the sun. However, many people are exposed to high doses of ultraviolet radiation through artificial sources. Sunbeds and sunlamps used for tanning purposes are the main source of deliberate exposure to artificial ultraviolet radiation. All forms of such radiation contribute to skin cancer. According to figures produced by the National Cancer Registry, there were over 10,000 cases of skin cancer in 2011. The most recent projections from the National Can-

cer Registry show that the incidence of cancer in Ireland is expected to double by 2040. The most rapidly increasing cancers are expected to be those of the skin, both melanoma and non-melanoma, in both sexes. This is a significant threat to the future health and well-being of our people. It is a threat that must be faced now to avoid the harm that sunbed use causes and to reduce future costs to the health system.

There has been a growing body of evidence over recent years that the use of sunbeds, especially by children, should be restricted because of the associated increased risk of skin cancer and other health problems. Other recommendations by experts include ensuring adequate protective eyewear is provided to users, that users are informed of the health risks associated with the use of sunbeds, and that sunbed operators are prohibited from attributing health benefits to sunbed use.

The World Health Organization International Agency for Research on Cancer is a recognised leading expert scientific body charged with providing evidence-based science to underpin global cancer control policies. In 2009, the agency reclassified sunbed use from a group 2A carcinogen - one that is probably carcinogenic to humans - to a group 1 carcinogen - one that is carcinogenic to humans. We must be very clear that ultra-violet light is a group 1 carcinogen which is carcinogenic to humans and which will cause cancer.

In 2009, my Department's chief medical officer conducted a review of the international literature on health effects associated with the use of ultra-violet emitting tanning devices. He found that the medical evidence justifies a complete prohibition on the use of sunbeds by children up to 18 years of age, based on the significantly increased risks associated with exposure to ultra-violet radiation in early years. In relation to specific subgroups of the adult population who are at increased risk and for whom ultra-violet radiation constitutes a risk factor for skin cancer, the chief medical officer recommended that this could be dealt by way of regulation.

Healthy Ireland is the Government framework that sets out our vision to improve the health and well-being of the population. To realise this vision, Healthy Ireland will draw on existing policies such as the strategy for cancer control in Ireland, but it will also go further by instituting new arrangements to ensure more effective co-operation to achieve better outcomes for all in reducing the incidence of skin cancers. Achieving the goals set out in Healthy Ireland requires composite solutions. The banning of the use of sunbeds for children under 18 years of age and regulating their use for those over 18 is a very valuable initiative. Targeted interventions such as these will, in the long term, reap rewards and foster healthier living. Healthy Ireland will help to raise awareness on issues such as the dangers associated with sunbed use and will help promote healthy lifestyle choices by building on this legislation and by supporting and monitoring collaboration between areas such as primary care, hospitals, cancer screening and clinical programmes. Prevention is always better than cure and a lot less painful.

In drafting this Bill, my officials have consulted the Department of Jobs, Enterprise, and Innovation, which has responsibility for product safety matters relating to sunbeds and other types of tanning equipment. My Department has conducted a public consultation on the matter and has met interested parties, including the Environmental Health Association of Ireland, the HSE, the Irish Cancer Society, the National Standards Authority of Ireland, Quality and Qualifications Ireland, the National Consumer Agency, and the Sunbed Association of Ireland.

As required, my Department notified the draft public health (sunbeds) Bill to the European Commission under the EU transparency directive. During the three month notification period,

the Commission had an opportunity to make observations on whether the draft Bill created new barriers to trade. The standstill period ended on 2 December 2013. The Commission did not make any observations which would extend the standstill period or require amendment of the Bill.

The Bill sets out the Government's proposals to protect children under 18 years of age from the risk of skin damage, in view of their increased risk of developing skin cancer; to regulate the use of sunbeds by those over 18 years of age so as to reduce their likelihood of, for example, developing skin cancer, premature ageing and damaging their eyes from exposure to ultra-violet radiation; and to promote a greater public awareness about the risks of sunbed use across all age groups, with a long-term goal of reducing the incidence of skin cancers. As the Government's objective in this Bill is to protect young people, the Bill will make it an offence, therefore, to sell or hire a sunbed to a person aged under the age of 18 or to allow them to use a sunbed on a sunbed premises. The Bill prohibits unsupervised use of sunbeds in commercial premises. This will mean a de facto ban on self-service sunbeds, for example, coin-operated sunbeds, except where sunbed use is supervised.

The Bill provides for an exemption to allow the use of certain sources of artificial ultra-violet radiation for medical treatment for specific skin conditions such as dermatitis and psoriasis in both children and adults. The exemption is limited to treatment involving phototherapy provided under the supervision or direction of a relevant registered medical practitioner such as a dermatologist. The treatment must be provided by a health care establishment. In line with the World Health Organization's recommendation that "protective eyewear must be worn during tanning exposures", this Bill sets out mandatory requirements in relation to protective eyewear. This is an important provision as the eyes are particularly vulnerable to damage from ultra-violet radiation exposure. The Bill requires that protective eyewear comply with the relevant European harmonised standards and that it be sanitised after each use or disposed of in the case of single use eyewear. The Bill also sets out certain hygiene requirements, for example, that both sunbeds and premises are kept in a clean and hygienic condition.

Promotional practices, such as every tenth session free, rent a bed for four weeks and get one week free, or early bird offers, are commonplace which incentivise clients to use a higher number of sessions than they may have originally intended. The Bill prohibits such marketing practices in order to protect public health. It has been common for sunbed operators to claim certain health benefits for sunbed use, such as claims that indoor tanning is safer than outdoor tanning because it is controlled, when there is no evidence to support this claim, or that a tan acquired using a sunbed will offer good skin protection against sunburn prior to a sun holiday. In that case all one is doing is doubling one's exposure to ultra-violet light, thereby doubling one's risk of skin cancer. Some operators claim an increase in the production of vitamin D resulting from sunbed use. However, the World Health Organization states that "incidental exposure to the sun, combined with normal dietary intake of vitamin D, provides adequate vitamin D for a healthy body throughout the year". Overall, the serious health risks associated with sunbed use significantly outweigh any claimed benefits. Therefore, the Bill prohibits the use of health claims other than those that may be prescribed by way of regulations.

This Bill is also aimed at raising awareness and helping sunbed users to make more informed choices. The key is to ensure anyone who decides to use a sunbed does so with full information about the associated risks. This is not a nanny State and we will not forbid or ban adults from using these devices but we want to ensure they are fully informed about the risks to which they are subjecting their health and their skin when making that choice. To this end, the

Bill requires sunbed operators to display warning signs on sunbed premises and social media sites. The mandatory warning signs will inform the public of the health risks associated with sunbed use. In addition, to create an awareness of the dangers of sunbed use, including the risk of skin and eye cancer, people planning to use sunbeds should be provided with information on such risks. The operator of a sunbed business will be required to provide this information to a sunbed user in a specified form. The operator must also ensure the client has the opportunity to read and consider the information and has signed the form confirming that he or she has done so.

The Bill requires that those supervising the operation, sale or hire of sunbeds should be trained. Training will cover issues such as the risks of sunbed use, determination of skin types and exposure times, proper screening for potentially exposure limiting conditions, emergency procedures in case of overexposure to ultra-violet radiation, and proper procedures.

*11 o'clock*

In order to ensure the Bill affords the protection we intend, we must provide for an effective enforcement regime. To this end, and in order to be able to identify sunbed operators, the HSE will establish a list of sunbed businesses. The Bill will introduce a notification system whereby all sunbed operators, sellers and hirers will be required to notify the Health Service Executive or its successor. A notification fee will also be provided for.

To underpin the effective enforcement of this important public health legislation comprehensive powers are set out in the Bill. Authorised officers appointed by the HSE will have appropriate enforcement powers in order to carry out inspections and investigations to verify compliance with this legislation. A regime for fixed payment notices for specific offences, such as failure to display warning signs, will also be introduced. This sanction will provide environmental health officers with an additional tool to deal quickly and effectively with non-compliance with the legislation. It is important that the penalties for failure to comply with the legislation are both proportionate and sufficient to encourage compliance and in that regard, the Bill provides that on summary conviction, in the case of a first offence, the fine will be up to €4,000 - a class B fine - or imprisonment for up to six months, or both, and for second or subsequent offences, a fine of up to €5,000 - a class A fine - or imprisonment for up to 12 months, or both. The HSE may also publish a sunbed non-compliance list which will, in effect, name and shame offenders who make a payment to the HSE for a fixed payment notice, or have a fine or penalty imposed by the court.

This Government is committed to reforming the health service to provide a more proactive focus on promoting health and well-being and not only treating those who are unwell. This Bill represents an important step in that direction by ensuring that our children are protected from the harmful effects of sunbeds and by supporting adults to make better informed decisions about sunbeds. I reiterate that prevention is better than cure. Some 156 people pass away each year in this country from melanoma alone, 7,000 people are living with melanoma and there are many thousands who have other forms of skin cancer which require treatment which is sometimes quite painful and is a great expense on the State. I commend this Bill to the House as a real sign of our commitment collectively to prevention rather than paying lip-service to it.

**Deputy Billy Kelleher:** We support this legislation and welcome its publication and this debate. The Minister alluded to the reasons this Bill is important. It is important for a number of reasons, primarily because it states a policy that Government and society in general are try-

ing to bring about which is a preventative type of culture in our society not only in the area of melanoma and skin cancer but in the areas of obesity, lack of fitness and tackling underlying problems which people end up in hospital trying to cure rather than prevent. That is a philosophy that is beginning to ingrain itself in policy development. The next step is to ingrain it in the minds of people and this legislation in the context of skin cancer and melanoma will be a positive and proactive step in that regard.

There is no doubt that the statistics and data which have been collated from around the world, the research by the World Health Organization and the experience of our neighbours in the UK indicate that excessive use of sunbeds is something which should be condemned and prohibited for those under 18 years of age. As this legislation will probably not be passed on time, although it could be, we will see the communion brigade where young children of eight years of age will be paraded into tanning shops to top-up their tans for what is, effectively, a religious ceremony in our schools. We should be conscious that we have a lot of work to do to try to establish in people's minds that some policies Government pursues are good for them in terms of adhering to the philosophy behind that policy. We can have a broader debate on the other issues at another time. However, we welcome and endorse this measure.

Looking at the whole concept of preventative medicine, it will only work if the public is well informed and if it understands the rationale behind it. The public should be made aware of it not only in terms of scare tactics but through an educational process. That is very evident in the area of recycling where the educational aspect takes place in schools and children educate the adults. Children are now saying to their parents that smoking is bad for them and that recycling and water conservation are good for the planet. It is a two-way street. We should use not only the stick but we must educate people with genuine knowledge that what we are trying to do is positive for them and society at large. If we collate all the evidence, synopsis it and put it out in basic form, there is no logical reason a person should use a sunbed other than if recommended to do so by a dermatologist or another clinician. The idea of young people being herded into tanning shops over the coming months is quite obscene and bizarre. I do not want to stigmatise individuals who do so but it is something of which they should be conscious. They are playing roulette with their children's lives in terms of potentially contracting melanoma or skin cancer, damaging their eyes or causing some other health fall-out.

The Bill stems from a growing body of empirical evidence collated from around the world which suggests that sunbeds offer few benefits other than cosmetic ones to people. The Bill will prohibit operators of sunbed premises from allowing anyone under 18 years of age to use sunbeds. That is the key and most central issue in this Bill. Obviously, no Government wants to create a nanny state. We do not want to interfere in people's lives. People are educated, they grow up, become adults and make informed decisions but the key question is that if we expect adults to make informed decisions, one would think they would make an informed decision not to put their children on sunbeds in the first place but they still seem to do so. Therefore, we have to become a nanny state, to a certain extent, for those who cannot make an informed decision. We will bring forward legislation which will ensure adults cannot make that decision for a person under 18 years of age and the law will rightly prohibit it. The evidence in this regard is there for all to see.

The Irish Cancer Society's sunbed briefing document is quite clear and comprehensive in terms of its stated mission. It refers to people with type 1 skin and type 2 skin and fair skinned people are more susceptible to skin cancer and melanoma as a result of exposure to ultraviolet light. We have to trust that if we educate and inform adults, they might begin to understand that

12 February 2014

sunbeds are not the best idea in the world. This Bill goes far enough in terms of trying to protect those we are obligated to protect who are under 18 years of age.

There were 158 deaths in 2011 from skin cancer which is an indication that we are not talking about a very unlikely event and that it is something which will not happen to people. This is clearly happening to people and it is affecting their lives on a daily basis. We will have to get over the thinking that it is an abstract statistic and that it will never happen. We will have to get over it not only in the context of sunbeds but in the context of people travelling abroad. As a people, we simply have no concept of what it is like to contract and suffer from melanoma and other skin diseases as a result of ultraviolet exposure. In many countries in the Tropics, particularly First World countries, there is a proactive policy of ensuring children are protected from a young age, for example, in school. An example of this First World thinking when it comes to preventative medicine is the fact that hats are obligatory in parts of Australia and other areas. By contrast, many people in this country lather themselves up, fling themselves onto the sand in places like the Costa del Sol and bake themselves for hours on end. This happens week in, week out during the summer period every year.

The Bill might raise further awareness of the need to be conscious of skin protection and put on the right sunblocks and sun protections. People need to realise that when they go on holiday, it is not a competition to see who can come back the most tanned. We should try to ingrain in our people the idea that when they lie on the beach for a period of time, they should protect their skin by putting on the proper sunblock, rather than racing down to factor 4, factor 2 or factor 0 to get the ultimate tan. I would like to see the statistics with regard to the contracting of skin cancer and melanomas in this country. I would also like to see research showing how likely people are to contract such diseases from sunbed use or from ultraviolet exposure when abroad. I am quite sure it is available if only we could unearth it. It might focus people's minds on the dangers of excessive ultraviolet exposure from sunrays when they are abroad.

The details of this Bill, including the sanctions set out in it, need to be considered in the context of the policy background, the law as it currently stands and the statistics from the EU, Ireland and the World Health Organization. The Bill does what it says it does. It is about public health. It bans people from making sunbeds available to those under the age of 18. It ensures the operators of tanning shops will follow a code of conduct when deciding who can use their sunbeds. For example, they will have to inform sunbed users of the inherent dangers associated with such activity, such as the damage that may arise from excessive sunbed use. I think that is a very positive thing. Given that we are trying to discourage people from smoking by introducing plain cigarette packaging or changing the graphic design and detail of cigarette packets, perhaps the same point could be argued in the case of sunbeds, which have the potential to threaten people's lives by causing the development of melanoma or skin cancer. Rather than seeing sunbeds as glamorous machines that give one a fine tan for one's holidays, people should be conscious that they have the potential to threaten one's health and one's life. The statistics are there for everybody to see.

We can speak at length about issues we agree on. I would prefer to speak at length about the health service problems we disagree on so that we might be able to come up with solutions. As I have said, I welcome this initiative. World Cancer Day was last week. From time to time, I compliment the Minister on his efforts to make Ireland a tobacco-free country and his initiatives with regard to the EU directive. I emphasise, however, that we will face a major public health policy challenge in the foreseeable future in dealing with the increased prevalence of cancer as this country's population ages, its demographics evolve and, thankfully, people live longer.

The prevalence of cancer will increase for many reasons and we will live with cancer for longer as individuals and as a society. We need to start putting the building blocks in place to ensure we have the structural and physical capacity in our hospitals to deal with that. We need to keep pace with technological advances and ensure we have the financial wherewithal to support and develop services in acute hospital settings. Various strata and tiers of medical infrastructure will be required. I do not know whether we are starting to focus on this key area as quickly as we should.

It is evident from the 2014 world cancer report, which was written by more than 250 leading scientists, that the number of cancer cases will increase by 75% over the next 20 years. This report was published by the International Agency for Research on Cancer, which is the specialist cancer agency of the World Health Organization. It points out that the prevalence of cancer across the world is growing at an alarming rate. It is obvious in that context that an aggressive effort to prevent cancer is needed. This is the ideal solution to many of these issues, but it is not practical in all cases, unfortunately, which is why we also have to deal with the other side of it as a Government, as a State and as a people. Indeed, this challenge must be confronted at European and global levels too. We must use our scarce resources to put a strategy in place to deal with the increased prevalence of cancer that people and society are going to have to live with for many years to come. I hope we do not bury our heads in the sand and let this issue drift to the point at which it becomes a crisis and we are incapable of catching up. As the Minister has often said, there was a time when people who contracted many forms of cancer were condemned. Now that those cancers are treatable, in many cases people make full recoveries and live for many more years. Forms of cancer that people were dying of 30 years ago are now eminently treatable and curable. I hope those advances will continue. A great deal of research and investment is taking place with the aim of finding solutions and treatments. That work is taking place in the whole area of preventative medicine as well. We still have to deal with the broader area.

While we support the Bill before the House, we would like the Minister to examine some areas that have been highlighted by the Irish Cancer Society. For example, the society has pointed out that the Bill does not prohibit people with type 1 and type 2 skin types - the fairest skin types - from using sunbeds. Such a prohibition has been provided for in Australia. While we should not copy everything the Australians do, we should note their aggressive promotion of public health policy. When one visits Australia, one can sense that preventative policies are proactively pursued there. One can see it there. It is everywhere. I appreciate that Australia has a different climate and is a more outdoor-oriented society. The Australian authorities encourage outdoor activities like walking. They encourage healthy living and exercise among all cohorts and age groups. When one goes to the beach there, one sees groups of people over the age of 65 doing stretches, exercises, gym work and all of that type of activity. Similarly, Australians are very aggressive when it comes to protecting their skin from ultraviolet exposure. They insist on children wearing hats in school and not being exposed to the sun for long periods. We do not need to mimic them, but we should take their advice on why they included the prohibition I have mentioned in their legislation. As certain skin types are prevalent in this country - a fair degree of our population has type 1 or type 2 skin - we should consider whether there is merit in adopting such an approach. If we are not going to do it, at least the legislation should require sun-bed operators to inform people with those skin types of the higher propensity to contract skin cancers and melanomas - it may be in the legislation already.

Eye protection is critical. I once called into a tanning shop while canvassing and saw the

goggles it supplied. We need an inspection regime to ensure they are not swimming goggles with a bit of red paint on them. We need to ensure proper goggles are provided to protect people's eyes.

If we pass legislation we need to ensure we provide the resources to enforce it. I do not know what agency will carry out inspections and oversee enforcement of this legislation. The vast majority of people who work in the sunbed industry are there to provide a service that is legal and used by many people. However, people need to be made aware it is a service that comes with many health risks. Forms people sign prior to using a sunbed need to make this clear. As opposed to appearing in the small print, these warnings need to be unambiguous and state in bold that using a sunbed represents a risk to the user's health. This needs to be to the fore so that people can make an informed and conscientious decision to remove their clothing and get into the sunbed or go home.

The purpose of the Bill is to protect people who up to now have been using sunbeds probably largely at the encouragement of parents or older siblings to tan up for a special event. If we did no more today, we should condemn that particular practice for the obvious reasons that we do not want to play with people's lives and health at such a young age. The research provides statistical evidence that the more a young person is exposed to ultraviolet rays the more likely he or she is to contract melanoma or skin cancer. For those reasons we should make it unlawful and explain why we are doing so. Equally we need to encourage our adult population to be conscious of their obligations and not to engage in excessive use of sunbeds.

Inspections are critical to ensure sunbed operators comply with the legislation. It is important this Bill is not just passed and left on the Statute Book. Very often such legislation can drift into people's subconsciousness and they do not take it too seriously. It is not until we have enforcement and a continual education programme around that enforcement that it takes effect and people become conscious of it and more importantly, supportive of it as they have done in other areas. With things such as drink-driving and cigarettes it took time for society to support and buy into a public health policy as they did with the road safety policy on drink-driving. We need to have education or at least awareness programmes on the matter.

There is evidence of sunbed use in advance of first Holy Communion ceremonies and television documentaries have been made on the matter. People going on holidays, particularly to Mediterranean and further south in the Tropics, also need to be conscious of such matters. We do it but we do so at a superficial level. We need to try to bolster it. Public health initiatives and educational programmes and policies encourage an overall interest in individuals' health and that of the people around them - it has a knock-on effect. Healthy living is not just about healthy eating; it is also about exercise, not using sunbeds excessively, not smoking and reducing alcohol consumption. By promoting a strong ethos of public health initiatives in our schools, and through educational programmes, awareness programmes and advertising programmes as well as through legislation and policy, people will buy into it. While it can be slow at times we ultimately get the reward, as we have seen in other areas of public health policy, particularly in the reduction of tobacco consumption.

We still have a long way to go to achieve the Minister's ambition of a tobacco-free Ireland by 2025. While that target will be difficult to achieve it is worth trying to do so. I do not believe anybody will blame the Minister, Deputy Reilly, if there are still one or two people in remote parts of Ireland having the odd cigarette.

**Deputy James Reilly:** Tourists.

**Deputy Billy Kelleher:** It is certainly a worthy clarion call. Everybody should embrace the aim of driving tobacco consumption down to very low levels by the target date. It is also about other areas of public health.

The obesity issue must be addressed. I know the Minister is very conscious of it and is trying to introduce initiatives to promote healthy eating, etc., but there is an alarming growth in the number of very young people who are obese. One in five or one in six of our children under the age of eight is obese. The figures suggest this problem will get progressively worse as time goes on even with those initiatives.

**An Leas-Cheann Comhairle:** The Deputy is straying from the Bill.

**Deputy Billy Kelleher:** I thank you for reminding me, a Leas-Cheann Comhairle. We are talking about public health which is referenced in the Title of the Bill.

When we pass legislation and subscribe to a policy there is a requirement to back it up on a continual basis to ensure that people adhere to it. Irish people are very slow in understanding that the sun can kill if they do not protect themselves from it.

I welcome the Bill and look forward to the debate on it. I do not want to take from the Bill; I published a Bill on the matter some time ago. This Bill is very similar, so I feel vindicated in having published it. I ask the Minister to look at skin types 1 and 2. If there are particular cohorts of people who are more vulnerable to developing melanoma and skin cancers, we should require the owners and operators of sunbeds make that very clear to people in advance of using sunbeds. I commend the Bill to the House.

**Deputy Caoimhghín Ó Caoláin:** I advise my Technical Group colleagues that I will not be using all my allocated time and I hope they will all get the opportunity to speak on this Bill before Leaders' Questions.

I personally and on behalf of Sinn Féin very much welcome this Bill as a vital protection of public health. Sunbeds cause cancer. It is as simple as that. Every effort needs to be made to minimise and eventually, through better public awareness and informed decision-making, to eliminate the use of sunbeds for tanning. As legislators, we have a duty to protect public health. In doing so, we have to strike a balance between what might be seen as coercion and the use of legislation to encourage modification of social behaviour.

We have done this quite successfully in relation to smoking, although much remains to be done in that regard. The ban on smoking in public premises and in workplaces has been a clear success in public health terms, but it would not have been possible without the years of widespread education of the public about the reality of lung cancer and the many other illnesses caused by smoking. That was a long battle fought against the massive resources of the tobacco industry and, as the Minister and I both know, that battle is far from over.

Smoking has both a social and a physical aspect. For some, there is a perceived social or peer pressure to smoke, although that has greatly diminished. Far more important is the physical addiction to tobacco that is so difficult for people to overcome. In contrast, the attraction of tanning with sunbeds is purely a product of social and cultural attitudes. It is about the body image held by many in our society. There is almost a compulsion for these sections of our

population to have a permanent tan because of the widespread perception that a tan is necessary to appear attractive and even healthy. In contrast again to smoking, there is a widespread lack of awareness of the damage that sunbeds are doing. There is much work to be done to catch up on the public awareness that was essential in driving home the ban on smoking in the various settings that were introduced at the outset of its introduction. We have much to do in regard to sunbeds to bring people along the path to an equal or complementary realisation of the damage that sunbeds are doing.

A very interesting survey was carried out last year among 243 transition-year students at five County Sligo post-primary schools on their attitudes to skin cancer, sunbed use and tanning. The results were quite alarming. While there was a low incidence of actual use of sunbeds among these young people, there was a lack of awareness of the dangers. Of the teenagers surveyed, 77% thought tanned skin looks healthier and 73% believed it looks attractive. Of most concern is the belief among 73% of those surveyed that a sunbed tan provides a so-called safe base for a holiday tan, and the persistence of the myth among some that it is an address or, even more incredibly, a cure for acne. The clinical nurse specialist in dermatology who carried out the Sligo survey said that while the long-awaited ban on sunbeds for those under the age of 18, provided for in the Bill before us today, will be welcome, a nationwide sun awareness campaign is essential. I would certainly echo that call. I hope we will not only see this Bill progress but that the other essential messages and measures will also be adopted and employed over the period ahead.

Legislation, to be effective, must go hand in hand with public education and awareness. In this regard, I commend the work of the Irish Cancer Society which has done a great deal to expose the reality of what sunbeds mean for public health. The statistics are grim. Up to nine out of ten cases of skin cancer are caused by ultra-violet radiation from the sun or from sunbeds. In 2009, the International Agency for Research on Cancer placed sunbeds in the highest category of cancer risk - as carcinogenic as tobacco and plutonium. I repeat that point - as carcinogenic as tobacco and plutonium. The most common cancer in this country is skin cancer. More than 9,000 people were diagnosed with skin cancer in this State in 2010, nearly 900 of them with melanoma. There were more than 150 deaths from skin cancer in 2011, the last year for which I was able to acquire those particular statistics. It is of great concern therefore that the incidence of melanoma is rising and the current rate is over 130% on that recorded in 1994.

The risk of developing cancer as a result of sunbed use is greater among the young. Despite this, the Irish Cancer Society researchers found that in 2010, 28,000 young people under the age of 25 used sunbeds in this State. What is very worrying is that many of them did so on a weekly basis. I was alarmed by that information.

Returning to the social attitudes which lead to sunbed use, 88% of those who use them are women and 20% are between the ages of 15 and 24. It is very clear that parents as well as children need to be educated about the dangers. That is a common task we must all face together. No responsible parents who are properly informed of the high risk of cancer to which they are exposing their children would allow them use sunbeds or expose them to that risk.

It is appropriate, therefore, that a special focus of this Bill is the protection of children and I commend that. I welcome the outright ban on the use of sunbeds by people under the age of 18. Welcome also is the new regulatory regime for a sector that has been unregulated up to this. I look forward to seeing these regulations put in place and implemented comprehensively, and I urge the Minister to ensure the necessary resources are in place to do so.

I am not certain of the outworking of section 14(1) of the Bill which enables the Minister to prescribe training leading to a qualification in the “safe use of sunbeds” which is recognised within the national framework of qualifications and-or equivalent qualification. The Minister might address that when replying to the debate on this Stage.

Apart from the exempted area of phototherapy, surely the whole thrust of this Bill is that there is no safe use of sunbeds. The message is for everyone, not just for those under the age of 18. It is not the position that on reaching one’s 18th birthday the risk no longer exists - far from it. I accept that so long as sunbeds are permitted for tanning purposes, the providers must be properly qualified. However, I would not like to see the impression given that the State is encouraging young people to train and receive qualification for something that, in time, we would like to see eliminated altogether. Perhaps this section can be revisited in the course of Committee Stage.

That raises the question as to whether a simple outright ban on sunbeds was considered. The Minister said “No” to such a step in his opening remarks this morning. I want to ask was it even considered in the preparation of this legislation and will the Minister give an answer to the House in his responding contribution at the close of Second Stage. In Australia, the states of Victoria, New South Wales, South Australia and Tasmania have banned sunbeds altogether, a fact I am sure the Minister is fully aware of. In the latest state to impose the ban, Victoria, almost 400 tanning beds operating in 118 solariums across that state will be shut down when the ban comes into effect in 2015. Again, I ask the Minister to expand on his reasons for not taking a similar course. Why follow Australia in regard to tobacco packaging but not on the use of tanning beds given that both have an indisputable link to cancers in human beings, something the Minister has acknowledged in regard to both threats to individual health and public health? I am anxious to tease this out with the Minister in order to get a clear sense of his reasons for making such a strong statement at the outset that no such step would be contemplated.

The Irish Cancer Society has called for the Bill to include a prohibition on people with type 1 and type 2 skin, the fairest skin types, from using sunbeds. I share that concern but I can see that a selective ban would be problematic given that all skin types are at risk. I emphasise that all skin types are at risk, so why ban only the higher risk types? These are important questions and issues we should address and tease out in the course of the passage of this legislation.

In conclusion, I welcome this Bill and I confirm that I and my colleagues in Sinn Féin will be giving it our wholehearted support. I emphasise again, as I have tried to impart to the Minister in the course of my contribution to Second Stage, that this legislation should be accompanied by an effective public awareness campaign that we will sustain into whatever period of time is necessary to bring us to a point where more and more of our adult population are making an informed choice regarding the use of tanning beds.

**Deputy Maureen O’Sullivan:** It is something of a paradox that we are talking about sunbeds and the need to have a suntan given the weather we are having. In another way, however, that perhaps explains people’s need to have a year-round tanned complexion or a tan for special occasions.

Tanning is a business, and a very lucrative one, whether it is in regard to the sunbeds we are discussing, the various lotions that have come on the market or the need to go on holidays in sunny climates for that special occasion. It is interesting that at different stages in our history, we would not be having this debate because there were times when having a chalky white

12 February 2014

complexion was the look to have, and a ruddy or tanned complexion was considered to be for the labouring classes only. Times have changed.

This Bill has been in train for some time now and it is a good preventative measure with regard to cancer. Ba mhaith liom fáilte a chur roimh an mBille seo. Is mian liom tacaíocht a thabhairt don Bhille. I support what is in the Bill but I also want to acknowledge what the Irish Cancer Society has been saying, particularly its concerns that the Bill does not go far enough. At present, however, there is no regulation of sunbeds in Ireland, so the Bill is certainly progress on that front.

I want to acknowledge what the Bill will do. It ensures anyone under 18 cannot use a sunbed on official premises and prohibits the use of sunbeds on unsupervised premises. The sunbed operators will have to make users fully aware of the risks and warning signs must be in place in all sunbed operation establishments. Nonetheless, how the ban on the use of sunbeds on unsupervised premises will be enforced and monitored is highly problematic.

With regard to the risk warnings for those over 18 years of age, one of the points made by the Irish Cancer Society is that the Bill does not prohibit people with type 1 and type 2 skin, the fairer skin types, from using sunbeds, although such people cannot use them in Australia. As pointed out by the Irish Cancer Society, in Australia every client has to have a skin type assessment before using a solarium. Reference was made to the Fitzpatrick scale, which categorises the various skin types. It seems to be a straightforward skin type assessment, and I do not know where there could be a problem in applying it here.

With regard to warnings, we know that warning people of the risks associated with smoking is not having a major impact. Likewise, warning people of the risks associated with misuse and abuse of alcohol is not having a major impact. I sometimes wonder if it is making any impact when we see the amount of money that goes on the issues relating to the misuse of alcohol, whether that has to do with health or crime. We warn people about the dangers of getting involved with heroin, cocaine, snow blow and benzos, but they are still using them. We warn people about the sugar content in fizzy drinks but what we see are increasingly high levels of obesity. I hope putting warnings on sunbeds does not have a similar effect. It is a very problematic area, and, while we want it to have an effect, we have many examples where warnings are not working.

Skin cancer is the most common cancer in Ireland. There are deaths from skin cancer as well as increases in cases of melanoma. Some nine out of ten cases of skin cancer are caused by UV rays from the sun or from sunbeds, so reduced exposure to UV rays equals reducing the risk of developing skin cancer. The other fact I have alluded to is that people with fair skin or skin that burns easily - type 1 or type 2 skin - have an increased risk of developing cancer. Therefore, eliminating those people from being able to use these sunbeds would also be an improvement.

This does not mean we are living in a nanny state but that we are living in a caring state. In this context banning those under 18 years of age is also progress because those who start before the age of 30 have a 75% increased risk of malignant melanoma. Another alarming statistic from the Irish Cancer Society concerns the number of people under 25 who use sunbeds. What is really disturbing for me is the number of children, not just in Dublin but elsewhere too, whose parents seem to think using a sunbed before holy communion or confirmation is the way to go. I do not know what can be done to get the message home to such parents of the dangers involved.

Today, there are all sorts of tanning lotions, false tans and false sprays. Great improvements have been made from the days of the orange, “Oompa Loompa” look, so I cannot understand why there is not more of an emphasis on increasing the use of lotions and sprays instead of sunbeds. I would like to see sunbeds limited altogether, in the same way as with smoking. However, as with smoking, we just have to keep going.

**Deputy Thomas Pringle:** I welcome the opportunity to contribute to the debate on the Bill. Like other speakers, I believe this Bill is a very welcome development. Sunbeds have been around for a long time and the damage they have caused has been known for probably just as long. One would wonder why it has taken so long to get to the stage of having a legislative base put forward in regard to controlling the use of sunbeds.

The Minister referred to the significant increases in the number of cases of skin cancer and melanoma since 1994. I wonder how much of this is actually contributed to by the use of sunbeds in the last 20 years; I would think quite a lot of it is. Therefore, while I welcome the Bill and believe we should have a legislative base for controlling the use of sunbeds, I wonder why it has taken so long to introduce legislation. This is something of which we should be aware because another product may come along in the next couple of years that will have a significant impact. We should as a society be quicker to respond and put regulations in place to control the use these products.

As has been outlined by other speakers, the World Health Organization has classified sunbeds as a class one carcinogen along with things like plutonium and tobacco. One has to wonder about the discussion that took place about whether sunbeds are necessary and whether we should consider a complete ban on them because, obviously, the public health impact of that would be much more significant than trying to control the use of and access to sunbeds by people with vulnerable skin types or those of vulnerable age. Let us face it. The history of regulation and the enforcement of regulation in this country is abysmal. This legislation will only be as strong as the enforcement afterwards. Unfortunately, I do not hold out much hope for effective enforcement of the regulations introduced after this legislation is passed. We have a great habit in this country of passing legislation and putting regulations on the Statute Book. To all intents and purposes, it looks like we have a strong basis for it but when we look at the amount of enforcement that takes place and the difficulties the HSE faces with regard to staffing levels, one wonders whether any enforcement will take place.

The Irish Cancer Society has called for a ban on people with types 1 and 2 skin using sunbeds. I can understand why the Minister is refusing to do this because of equality legislation and the difficulty in having a selective ban. The fact that these two skin types are very susceptible to melanoma makes the question of the discussions and arguments about having an outright ban even more interesting. It would be interesting to hear what kind of discussion and debate around the issue of an outright ban took place in the Department when this legislation was devised. In response to a parliamentary question of mine, the Minister said the cohorts of the adult population at risk from ultraviolet radiation could best be dealt with by way of regulation rather than prohibition. I understand and accept that for the reasons I outlined.

Will regulation place an obligation on the operators of sunbeds to warn people in advance about their skin types and the fact that they are at increased risk so that they can make an informed decision when deciding to use a sunbed? The regulations must include that and ensure that people at risk of cancer from the use of sunbeds are identified by operators and that extra warnings are given to them.

The Bill introduces requirements in respect of the hiring of sunbeds and stipulates that they should not be hired out to under 18s. A few years ago, I noticed advertisements in connection with sunbeds being offered for hire. Such sunbeds could be brought to one's home and one could keep them for a week or two. Will regulations address the fact that although the people hiring those sunbeds may be over 18, children may have access to them? If someone over 18 hires a sunbed and allows it to be used by somebody in the prohibited category, will that be an enforceable breach of the law? That is something we need to see.

The main thing we need is a publicity campaign around the use of sunbeds. I know the intention of this legislation is to alter people's behaviour, including those at risk, and that is very welcome. However, the only way to achieve that is to get a wide-ranging publicity campaign going so that people are aware of the dangers, the new legislation and the behaviour that needs to change because, ultimately, that will point to the success or otherwise of this legislation. Hopefully, it will have the effect of reducing the levels of melanoma. I have concerns around the enforcement of the legislation and whether it will ultimately achieve its aims. This legislation is welcome and I wish it a swift passage through the House.

**Deputy Jerry Buttimer:** I commend the Minister on bringing this Bill before the House. Deputy Pringle and other speakers have issued a clarion call about the need for an awareness campaign surrounding this legislation and the impact that exposure to sunbeds can have. Arising from today, it is important that we send the message to parents in particular that children should not be exposed to tanning beds and that parents have a responsibility and duty to make sure that the obnoxious spectacle of young children having to use a tanning bed to look good before First Holy Communion, confirmation or graduation does not continue. What happened to the old adage of "we are who we are" and self-acceptance? I hope that this debate can send a message that this type of behaviour is from an outdated era and should be changed.

As the Minister alluded to in his speech, we have a duty to protect the health of the nation. This Bill is the beginning of that with regard to the issue of skin cancer and melanoma. I commend the Irish Cancer Society which produced a very good piece of literature for Members of the Oireachtas in advance of this debate. Sometimes one hears that statistics are just that. However, one should put it in the context of information from the Irish Cancer Society that skin cancer is now the most common form of cancer in Ireland. In 2010, 9,450 people were diagnosed with skin cancer in Ireland. Of those people, 896 were diagnosed with melanoma, which is the most serious form of skin cancer. In 2011, there were 158 deaths from skin cancer in Ireland. If we put those figures in context, these lives could have been saved had there been an education and awareness campaign and had the people concerned been aware of the damage caused by ultraviolet light, be it from the rays of the sun or sunbeds. A total of nine out of ten cases of skin cancer are caused by exposure to ultraviolet rays, be they from the sun or sunbeds, and they can be prevented. That is the key point. We see the marketing of sun holidays and the marketing of the tanned look through models and celebrities. That all looks great in a glossy magazine where one has air brushing but it has an impact that must not be brushed aside. Cases of melanoma in this country increased by 66% in the past ten years. That is an extraordinary and spiralling increase that is linked to the issue of image and consciousness around how people look.

If we look at it in terms of public health, which this Minister is trying to espouse through Healthy Ireland, skin cancer has increased between 1997 and 2007 by 75%. That did not happen at the click of a switch. It happened because of a failure of public health officials to educate and make people aware and because in some cases, people did not take responsibility. I was struck by the figure from the Irish Cancer Society which reported that 140,000 people in Ireland

use sunbeds on a regular basis. A total of 88% of those are women and 20% are between the ages of 15 and 24. I know we live in a country where we have had lots of rain but that figure should not be hidden but exposed because it is an extraordinary amount of people. I welcome this Bill because it is about reducing the exposure to ultraviolet rays and the incidence of skin cancer. That is, ultimately, the aim of this Bill.

*12 o'clock*

Debate adjourned.

### **Leaders' Questions**

**Deputy Micheál Martin:** The office of the Garda confidential recipient was appointed after the Morris tribunal, which investigated serious wrongdoings within the Garda in Donegal. It was set up to hear complaints from members of An Garda Síochána and, above all, to protect the integrity of the force and to offer full protection to Garda whistleblowers.

I have read a transcript of a conversation between the Garda confidential recipient and the Garda whistleblower, Sergeant Maurice McCabe. It makes for serious and grave reading. The import of the transcript is such that the Garda whistleblower is frustrated and there is a sense of disbelief that his complaints are going nowhere. Clearly, the transcript reveals efforts, if not subtle threats, that if the material that the whistleblower had ever got to the media, the Minister, Deputy Shatter, would come after the whistleblower. This is a grave situation in a democracy, particularly given the office involved.

I will give the House some flavour. The confidential recipient told the whistleblower:

If stuff was to get out into the public, the print media, I tell you something Maurice - and this is just personal advice to you - if Shatter thinks you're screwing him, you're finished. What I'm saying to you is, if stuff is to get into print broadcasting media, if Shatter thinks it's you, or if he thinks that it is told by the Commissioner or the gardaí, here's this guy again trying another route to put you under pressure, he'll go after you.

There is more. Basically, the confidential recipient suggests in the transcript that maybe the Minister is too close to the Commissioner and that, as a result, he will not deal with some of the issues. The confidential recipient makes it clear that he knows the Minister. He states: "I know Alan." He was appointed and is a Fine Gael supporter, as he is entitled to be, and we know that he made a donation. However, the sensitivity of the office now calls into question whether that was an appropriate appointment. The confidential recipient told the whistleblower:

Your complaints went to the Department of justice and that annoyed the Commissioner greatly. I'm sure it's going to be an embarrassment for the gardaí, a disaster for them. And, listen, if your complaints are exposed to the print media, it will make him an angry man.

That is truly shocking. There is more in these transcripts.

Deputy Wallace was the first to raise this matter in the House last week. Bar last night, I have heard no denial of the content of the transcript. There is an aural recording of it and I have read the transcript. Has the Taoiseach spoken to the Minister, Deputy Shatter, since this was first revealed last week? Has the Minister spoken to the confidential recipient about this ex-

change? Is the Taoiseach concerned? It seems that the confidential recipient was protecting the Minister, the Department and the Commissioner, but not the whistleblower. This is the sense that I take from it. Is the position of the confidential recipient now tenable, given what has been revealed via these transcripts?

**The Taoiseach:** I thank Deputy Martin for his comments and his question. Yes, I am concerned about it. I believe there is a matter of public interest here of the utmost importance that has to be dealt with. Now, the confidential recipient, as Deputy Martin is aware, was appointed under a statutory instrument introduced quite some time ago. The Minister, Deputy Shatter, has already made it clear that he is unhappy with the way that this has operated. Separate from this particular matter, he is intending and has stated his intention to bring in legislation to change the way it works.

I might say this, though. The Minister dealt with this in the House last night. He does not have any knowledge of the alleged conversation, of a transcription of the conversation or of a tape of that conversation, nor indeed is there any basis for implying that the Minister ever expressed the kind of views that are attributed to him in what has been alleged. Nor is there any basis for implying that the Minister ever had the conversation of any nature with the-----

**Deputy Micheál Martin:** Sorry?

**The Taoiseach:** Nor is there a basis for implying that the Minister had any conversation of any nature with the confidential recipient concerning the expressions of views by him. To suggest otherwise would be completely false. Now, the Minister has no access to, nor should he have, details of confidential conversations which take place between the confidential recipient and members of the Garda Síochána. That would completely defy the purpose of the statutory instrument in appointing a person for the receipt of confidential information in the first place.

As I said to Deputy Martin in the beginning, I regard this as a matter of fundamental importance. There is clearly a matter of public concern that needs to be dealt with here. Yes, I did speak with the Minister for Justice and Equality and I have asked the Department of Justice and Equality to give me a report on this incident, on the conversations as published and comments from the person concerned here. I await that.

The position is that, I think it is important that we should know whether a conversation of the nature reported took place, because it is absolutely important that there be confidence among the public in any confidential recipient. Why would anybody go to somebody if he or she does not have a trust or belief that the situation is above board? So, this is a matter of grave concern to me.

I think it is also important that no member of the force should feel in any way under pressure or under threat in his or her dealings with the confidential recipient, but that it would be a matter for the confidential recipient to consider whether there is a matter that should be addressed in allegations made by a member of the force. That was the purpose of setting up the confidential recipient in the first place.

So, as I said, separate from this the Minister has already said he is not happy with this arrangement and the way it is operated. For me, I have asked the Department of Justice and Equality to furnish me with a report on these transcripts, whether they took place or not, and comments from the person concerned. I regard that as being a matter of considerable public importance and we will deal with it.

**Deputy Micheál Martin:** I thank the Taoiseach for his reply, but when I put this question to him yesterday, he was silent on it. There has been no comprehensive statement from the Minister on this matter. There is no evidence that he has been proactive in this regard since the issue was first raised on the floor of the House last week. The Taoiseach has answered some questions that were not asked. I have made no implications about the Minister. I simply made the point that the import of the transcript with the Garda confidential recipient was that the Minister would be an angry man if the complaint entered the public domain.

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

**Deputy Micheál Martin:** The entire purpose of the exchange seems to be that, no matter what else happens, the complaint must not get to the media. I have heard from other whistleblowers. The strategy seems to be to get some of this stuff into the courts, then to get mediation and then to reach a confidential agreement to settle matters. Much of this stuff never comes out.

We have had fine-sounding words and rhetoric about how we all want to celebrate whistleblowers and make life easy, but it is a lonely place to be for a genuine Garda whistleblower. The system trains its guns on the whistleblower. Whistleblowers are demonised and undermined. This is what has happened in recent weeks, given the saga of the Committee of Public Accounts and what happened with the Garda Síochána Ombudsman Commission, GSOC, yesterday. In the past 48 hours, the guns have been trained on the GSOC because it did not report to the Minister even though it had no obligation to.

**An Ceann Comhairle:** I am sorry, but will the Deputy put his question, please? We are over time.

**Deputy Micheál Martin:** The entire machinery of the State and even some of the media pointed their guns in the direction of the victim and everything got messed up. The same is happening in this instance. The whistleblowers feel that there is no one out there. They feel that the entire system is against them, from the Minister to the Department. The quality and import of what they were saying were undermined. It is very serious.

We are heading in a direction. There are suggestions of some axis of collusion and a concerted effort to cover up this entire saga. The bottom line that emanates from this transcript is-----

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

**Deputy Micheál Martin:** -----whatever else happens, this must not get into the media because it will make a lot of people in high positions very angry. That would not be good for the whistleblower.

**Deputy Michael Healy-Rae:** He has gone after politicians too.

**The Taoiseach:** The Deputy raised this yesterday in the House. When I left the Chamber, I read the transcript and I asked that the Department of Justice and Equality furnish me with a report on this matter, including comments from the person involved. This is a matter of public concern which interests us all.

The Deputy said I answered questions that were not asked. I said that there is no basis for implying that the Minister for Justice and Equality spoke to the confidential recipient about expressions that refer to him in the article which appeared as printed in the newspaper. The

confidential recipient has to be seen to be a person who can be trusted. The Deputy speaks of an axis of collusion, of heading in a particular direction, of guns being trained on whistleblowers. This is a matter of considerable public concern. I have not spoken to the confidential recipient. I have asked that the Department of Justice and Equality furnish me with a report-----

**Deputy Timmy Dooley:** Where did the Taoiseach get the transcript that he read yesterday?

**The Taoiseach:** -----including comments on this matter from the person concerned. I await that report as soon as possible. We cannot have a situation where members of the Garda Síochána who want to give information to the confidential recipient do not have trust in that person or do not believe that the information they give will be kept confidential and that their confidentiality will be protected. That is what happened after the Morris tribunal, and that is why the confidential recipient is appointed under a statutory instrument.

**Deputy Timmy Dooley:** Where did the Taoiseach get the transcript he read after he left the Dáil yesterday?

**The Taoiseach:** I await that report from the Department of Justice and Equality, including comments from the person concerned, and I will act on it when I receive it.

**Deputy Gerry Adams:** The controversy about whether the office of the Garda Síochána Ombudsman Commission was bugged has highlighted the dysfunctional relationship between GSOC, the Garda Commissioner and the Minister for Justice and Equality. The Government's reaction to this shows that the Taoiseach has not fully embraced the need for independent oversight of State agencies or institutions, despite that recent history has shown that it is the absence of such oversight that has been at the root of many of the recent scandals.

We all know that GSOC is an independent body, committed to upholding the integrity of An Garda Síochána, like all of us here in the Oireachtas. It is charged with the oversight of An Garda Síochána, although not of the Garda Commissioner. The Taoiseach's insistence that GSOC was obliged or compelled to report to the Minister and his repeated misquoting of the Garda Síochána Act 2005, even after I corrected him in this Chamber, has undermined GSOC. That may not have been the Taoiseach's intention, and I accept that we all make little slips, but it may have been the intention of those who leaked the story in the first place. My point is that the Government's reaction has undermined the independence and integrity of GSOC when it should be upholding its integrity and independence.

Will the Taoiseach take the opportunity now to correct the Dáil record by reading into that record section 80(5) of the Garda Síochána Act 2005, which makes it clear that the commission is not obliged to report to the Minister? In fact, the section of the Act states that it may make available any other report it considers appropriate, so GSOC was entirely within its rights not to report to the Minister at the time.

**The Taoiseach:** I thank the Deputy. He quoted section 80(5) yesterday. There is a clear provision in the law for GSOC to report major issues to the Minister for Justice and Equality. The commission had knowledge that it should have availed of this provision and reported the matter to the Minister. GSOC discussed that and decided not to do so. The commission regretted that decision and said so to the Minister. The priority has to be to rebuild the sense of trust and integrity in both of these organisations. I was at pains yesterday to point out that it is of the utmost importance that the independence and integrity of GSOC be maintained. That provision in the law to bring the information about this matter to the Minister was not used by the com-

mission, which it regretted.

Any excessive meaning attributed to my words is regretted. I had no intention whatsoever to undermine GSOC in any way, and the commission was clear in its view that it regretted its decision not to inform the Minister under the provision that is in the law.

**Deputy Gerry Adams:** Here is the difficulty. This independent body was sent for by the Minister. In his first public utterance, the Taoiseach stated that it should have reported the information to the Minister and that it was compelled to do so. There is no provision in the law which insists that GSOC must report to the Minister. Whether that is the right thing is an entirely different matter. The fact is there is an independence which is being undermined.

I do not wish to compare like with like, but I was one of those who helped to negotiate a new policing dispensation in the North. The majority of people in the Six Counties support the PSNI, but it contains an independent police authority, an ombudsman who has an ability to look at all aspects of the policing operation and so on. That is what the Garda Síochána needs, and it would be good for the policing service if that was the case. If we look at this bugging controversy, the penalty points scandal, the whistleblowers' debacle, and even the recent Garda role in the case involving Roma children, what did the Minister do? He referred the last case to the Ombudsman for Children. These cases were the very reason GSOC was established, but on each occasion the Minister sidelined the ombudsman and went somewhere else. Unlike the North, GSOC does not have unfettered access to Garda computer systems. In particular, it has no oversight over the Garda Commissioner.

I am disappointed the Taoiseach did not correct the record on the Garda Síochána Act 2005, but yesterday he said that GSOC concluded there was no definitive evidence of unauthorised surveillance. That begs another question on whether there are technical or electronic-----

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

**Deputy Gerry Adams:** Ní bheidh mé ach nóiméad amháin. Last night, the Garda Síochána Ombudsman commissioner, Kieran Fitzgerald, was equally clear in stating that a credible threat to GSOC security had been identified when the screening of its office was carried out. The response of the Government and the culture and the atmosphere are not conducive to transparency, accountability and to an effective and efficient oversight of a modern police service. On the contrary, they lead to conspiracy theories and all sorts of nonsense.

The Taoiseach should correct the record. He should also reconsider his refusal to have a fully independent inquiry. There is plenty of scope for this. It would clear things up, so we can all go ahead.

**The Taoiseach:** I thank the Deputy. I reject his assertion that I intended in any way to undermine the independence of GSOC. On the contrary, I was very clear about maintaining its independence, integrity and its oversight responsibility of the Garda. The provision is in the law that GSOC may report to the Minister for Justice and Equality-----

**Deputy Róisín Shortall:** That is not what the Taoiseach said.

**The Taoiseach:** -----and the commission considered that. It decided not to inform the Minister for Justice and Equality, and it has regretted that decision. I think we can put that behind us now.

*(Interruptions).*

**The Taoiseach:** GSOC is appearing before the committee this afternoon, and I am quite sure the issues which require clarification will be dealt with by the commissioners when they attend.

The Deputy made a point about bugging devices. GSOC made it clear there was no specific concern which led to the security sweep. The commission concluded there was no definitive evidence of unauthorised technical or electrical surveillance of its offices. This was confirmed last night by the GSOC commissioner on “Prime Time”. He also stated he had no issue with what the Minister had said. Moreover, the Garda Síochána Ombudsman Commission was very clear in confirming its databases have not been compromised. It concluded in its findings that no definitive evidence existed and decided that no further action was necessary or reasonably practicable.

The Garda Síochána Ombudsman Commission is an independent entity. Deputy Adams wants a public inquiry into an independent entity which has every capacity to carry out its own investigations, as it has done and these were its findings. I hope its representatives, when they appear before the committee set up by the Government on taking office, will be able to provide the clarification or answers to questions that Deputies from all sides of the House may wish to ask. I hope we can move on with maintaining the balance of integrity and credibility that the Garda Síochána Ombudsman Commission has in respect of the job and responsibilities allocated to it in respect of oversight of the Garda Síochána.

**Deputy Seamus Healy:** During Leaders’ Questions on Tuesday of last week, I asked a number of basic questions on water charges, which the Government will introduce on 1 October 2014. I asked whether families would be charged for water in cases where their water supply was not fit for purpose, a boil water notice was in place or hard water was being provided that was affecting electrical appliances. I also asked what would be the charge, whether a free allowance would be provided, if so, how much the allowance would be, and if a higher free allowance would be provided for larger families and persons with a medical condition which necessitates greater use of water. The Taoiseach refused to answer my questions and dismissed my suggestion that he was attempting to kick this issue down the road beyond the European and local elections. However, he provided a definitive assurance that members of the public would know the precise position in respect of water charges before the European and local elections. He stated: “In the next couple of weeks, the Government will bring to the House the financial and structural model under which Irish Water will operate and it will include a very clear analysis and presentation of how this will operate, the extent of the charges that will apply, the follow through on the use of an allowance of water and the charge thereafter.” At a meeting of the Joint Committee on the Environment, Culture and the Gaeltacht yesterday, representatives of Irish Water and the Commission for Energy Regulation stated precisely the opposite, noting that an indicative charge would be announced by June and the charge would be set in August, both of which months fall after the European and local elections. Either the Taoiseach misled the House yesterday week or Irish Water and the regulator misled the joint committee yesterday.

Members of the public and Dáil are entitled to know the truth about water charges. The Taoiseach must clarify the position today. Did he mislead the House last week? Did the regulator and Irish Water mislead the joint committee yesterday or does one hand not know what the other hand is doing? Will the Taoiseach specify the date on which the report he promised last week will be laid before the House for debate? He indicated it would become available in a

couple of weeks. I presume that means it will be presented not later than next week.

**The Taoiseach:** I am not sure how the Deputy can conclude from the words “a couple of weeks” that it will be this day next week.

**Deputy Patrick Nulty:** The Taoiseach is engaging in an exercise in crazy maths.

**The Taoiseach:** I stand by my statement to Deputy Healy last week that the Government will, before the local elections, produce, publish and debate the financial and business model dealing with the structure and running of Irish Water. In its commitment to set up Irish Water, the Government stated there would be a free allowance per person and a charge would be levied for usage thereafter. The business and financial model and structure the Government will present will include the level of subvention the Government intends to provide from the taxpayer for the allowance that will be included in that structure. This will set out the average charge per household. Shortly thereafter, Irish Water will submit to the regulator its detailed plan, taking into account what has been determined in Government policy and decisions. The Government will make the decision about the level of subvention, which will determine the extent of the allowance and the average charge per household. I cannot tell Deputy Healy what he will be charged in January 2015 when he receives a bill because I do not know the culture of water usage he will adopt.

What we have said is very clear. The Government will set out its structure, that is, the financial and business model for Irish Water, and the level of subvention will determine the average charge, which will be known by everybody before the local elections. The plan Irish Water will submit to the regulator must be open for consultation and debated in a full, open and transparent manner. The statistical details are a matter for the regulator. The Government sets policy and the Deputy will know the policy long before the local elections. While it will not be produced next week, I stand by my statement that it will be produced in the next couple of weeks.

**Deputy Seamus Healy:** What the Taoiseach promised last week is very clear and on the record of the House. I remind him of his statement that the Government would, in the next couple of weeks, have “the extent of the charges that will apply, the follow through on the use of an allowance of water and the charge thereafter”. He is not fooling anybody. Is it not time to stop ducking and diving, come clean and explain in plain language to the public the details of the charges? Will a family be charged for water if a boil water notice is in place and the water supplied to it is not fit for purpose? Will a family which is being supplied with hard water that is damaging electrical kettles, dishwashers, showers and washing machines be charged for water? Will large families be provided with a larger free allowance? Will people who have medical conditions which require the use of additional water receive an additional free allowance?

It is clear from the Taoiseach’s reply that he and his Government are making a deliberate attempt to confuse the public and hide the details of the charges from them until after the local and European elections. It is the Taoiseach’s responsibility, particularly in view of the confusion that arose at yesterday’s meeting of the joint committee, to clear up this issue and inform the House of the exact position regarding water charges.

**An Ceann Comhairle:** Before the Taoiseach replies, it is not in order to accuse the Taoiseach, a member of the Government or any Member of deliberately misleading the House. If an allegation of that sort is to be made, according to Standing Orders, it may be done only by way of substantive motion.

12 February 2014

**The Taoiseach:** As I have stated on many occasions, the cost of dealing with water is currently €1.2 billion, some 18,000 people are on boil water notices and the Environmental Protection Agency reports that 16% of supplies are at risk. We are under threat from the European Commission, which has launched a pilot infringement procedure against Ireland in respect of 80 treatment plants. These measures are necessary and there should not be any confusion.

**Deputy Patrick Nulty:** The Taoiseach should answer Deputy Healy's questions.

**Deputy Róisín Shortall:** He is misleading the House.

**The Taoiseach:** I do not know if Deputy Healy washes his car three times per week. As we set out at the beginning, a free allowance will be provided and thereafter a charge based on usage will apply. While I do not know what Deputy Healy will be charged next January, I will be able to tell him before the local elections, based on the business and financial model published by the Government and debated in the House, that the subvention being provided by the taxpayer through the free allowance-----

**Deputy Seamus Healy:** The Taoiseach is providing cover for the Labour Party.

**The Taoiseach:** Together, these will determine the average charge.

**Deputy Patrick O'Donovan:** Deputy Healy does not want to pay for anything.

**The Taoiseach:** The details to which Deputy Healy refers must all be worked out. The end result will not be in excess of the average charge determined by Government decision. The Government is the only body that can make the decision on what will be the average charge. There are a couple of issues here. The Government produces a business and financial model, and the subvention included determines the average charge. Issues such as statistics and so on will be dealt with by the regulator in a public consultation process. The end result will not be in excess of the average charge.

**Deputy Róisín Shortall:** The Taoiseach did not answer the question asked.

### **Order of Business**

**The Taoiseach:** It is proposed to take No. 7a, motion re membership of committees and No. 20, statements on the recent flooding. It is proposed, notwithstanding anything in Standing Orders, that No. 7a shall be decided without debate; the proceedings on No. 20 shall, if not previously concluded, be brought to a conclusion at 7.30 p.m. and the following arrangements shall apply: the statement of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order and who may share their time, shall not exceed 15 minutes in each case, the statement of each other Member called upon shall not exceed ten minutes in each case and Members may share their time, and a Minister or Minister of State shall be called upon to make a statement in reply, which shall not exceed ten minutes; and Private Members' business shall be No. 135, motion regarding child care (resumed) to conclude at 9 p.m. tonight, if not previously concluded.

Tomorrow's business, following Oral Questions, shall be No. 8, ESB (Electronic Com-

munications Networks) Bill 2013 - motion to instruct the committee; No. 21, ESB (Electronic Communications Networks) Bill 2013 - Order for Report, Report and Final Stages; and No. 2, Public Health (Sunbeds) Bill 2013 - Second Stage (resumed). It is proposed that the proceedings in relation to the motion to instruct the committee shall, if not previously concluded, be brought to a conclusion after one hour and the following arrangements shall apply: the speech of a Minister or Minister of State and of the main spokespersons of Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order and who may share their time, shall not exceed 15 minutes in each case.

**An Ceann Comhairle:** Is the proposal for dealing with No. 7a agreed to? Agreed. Is the proposal for dealing with No. 20 agreed to? Agreed. Is the proposal for dealing with No. 8 tomorrow agreed to? Agreed.

**Deputy Micheál Martin:** Section 80(5) of the Garda Síochána Act states: “The Ombudsman Commission may make any other reports that it considers appropriate for drawing to the Minister’s attention matters that have come to its notice and that, in its opinion, should, because of their gravity or other exceptional circumstances, be the subject of a special report to the Minister.” The Taoiseach is on the record as saying that section 80(5) of the Garda Síochána Act “requires” that GSOC would report unusual matters or matters of exceptional importance to the Minister for Justice and Equality and that this was the fundamental issue which GSOC needed to explain to the Minister. People would like the record to be clear. Does the Taoiseach accept that the Act does not place any such obligation on GSOC and that he was wrong in saying that the Garda Síochána Act “requires” GSOC to report to the Minister? Will the Taoiseach correct the record?

**An Ceann Comhairle:** Sorry, Deputy. That is not a matter for the Order of Business.

**Deputy Micheál Martin:** In the context of a question I put to the Taoiseach yesterday in regard to the setting aside of time for a debate on the financial model for Irish Water, I asked if people would know well in advance of the local elections what they are likely to be charged for water and the Taoiseach’s response was that they would. The Taoiseach did not, perhaps, realise at that time that the regulator would appear before a committee and say something different, namely, that he expected to receive a report on water charges in June and would not be in a position until August to let people know how much they will be charged. There is an urgent need for somebody to clarify the record, be that the record of this House in respect of Leaders’ Questions yesterday or the record of the committee. From what the Taoiseach said this morning, it now appears householders will not know before the local elections what they are likely to be charged for water. The Taoiseach was very assertive yesterday, which assertiveness I welcome-----

**An Ceann Comhairle:** This is the Order of Business.

**Deputy Micheál Martin:** I think it is in order to-----

**An Ceann Comhairle:** We have had Leaders’ Questions.

**Deputy Micheál Martin:** I am not going through the issues.

**An Ceann Comhairle:** This is like a second Leaders’ Questions.

**Deputy Micheál Martin:** The record of this House in terms of a question I put to the

12 February 2014

Taoiseach yesterday during Leaders' Questions states one thing and the record of a committee meeting yesterday in respect of the response from the regulator on the same matter states something different. I am asking the Taoiseach to clear that up and if, as agreed by him yesterday, time will be set aside to debate this issue. Will the Taoiseach confirm once and for all whether households will know their likely water bills prior to the local elections? That is an important point.

**The Taoiseach:** The answer to the Deputy's question is "No". How can I know the water usage of individual households?

**Deputy Micheál Martin:** The Taoiseach said "Yes" yesterday.

**The Taoiseach:** Let us be clear - what I said was-----

*(Interruptions).*

**Deputy Barry Cowen:** The Government knows about €2 billion in savings but cannot quantify them.

**An Ceann Comhairle:** We are not having a debate on this issue.

**The Taoiseach:** We are not having the runaway train about which Deputy Cowen spoke before.

**Deputy Barry Cowen:** It is a runaway train that the Government will not quantify the €2 billion in savings it has admitted to having.

**An Ceann Comhairle:** Sorry, quiet please.

**The Taoiseach:** When I say that householders will know the charge that will apply to them, I mean the average charge that will apply.

*(Interruptions).*

**An Ceann Comhairle:** Deputies, please. This is not in order on the Order of Business.

**The Taoiseach:** I find it truly extraordinary that Deputy Martin as the leader of Fianna Fáil would come in here and ask that individual charges be made known before the local elections.

**Deputy Micheál Martin:** The Taoiseach said yesterday that people would know that.

**Deputy Dara Calleary:** The Taoiseach said it would be known.

**An Ceann Comhairle:** Deputies, please.

**The Taoiseach:** I made it very clear that the charge-----

*(Interruptions).*

**An Ceann Comhairle:** Would you stay quiet, please?

**The Taoiseach:** -----that will be known by people is the average charge based on the subvention being given by Government. The bill for the charges will apply from January. They will be used from September onwards. Deputy Martin is asking me to tell him before the local

elections what charge will apply to him.

**Deputy Micheál Martin:** If the financial model was produced earlier, the regulator could come in before June.

**The Taoiseach:** I am telling the Deputy. He does not want to accept this.

**An Ceann Comhairle:** Sorry, Taoiseach. This is the Order of Business and we are not discussing that anymore.

**The Taoiseach:** The average charge per household will be known before the local elections-----

**Deputy Micheál Martin:** The Taoiseach did not use the word “average” yesterday.

**The Taoiseach:** -----because the subvention determines that average charge. The regulator was correct in what he said at the committee meeting. The policy issue can only be decided by Government. This will be known and published before the local elections.

**Deputy Micheál Martin:** Get on with it then.

**The Taoiseach:** I dealt with the other matter raised by the Deputy earlier this morning.

**Deputy Micheál Martin:** The Taoiseach did not.

**The Taoiseach:** I did. I also dealt with it before I came into the House. The position is that the wording is as the Deputy says but there is a provision in the law whereby these matters can be reported to the Minister for Justice.

**Deputy Micheál Martin:** Does the Taoiseach accept he was wrong?

**The Taoiseach:** The GSOC has said it regrets that it did not report the matter to the Minister.

**Deputy Micheál Martin:** Does the Taoiseach accept that he was wrong in what he said?

**The Taoiseach:** I said that-----

**Deputy Micheál Martin:** The Taoiseach said that the Act “requires” that GSOC report the matter to the Minister.

**Deputy Willie O’Dea:** The Taoiseach said the GSOC broke the law.

**An Ceann Comhairle:** Deputies, please respect Deputy McDonald. She is on her feet.

**Deputy Timmy Dooley:** It is the Ceann Comhairle’s responsibility to ensure that the record of the House is set straight.

**An Ceann Comhairle:** You too, Deputy Dooley. Deputy McDonald is on-----

**Deputy Timmy Dooley:** On a point of order-----

**An Ceann Comhairle:** The Deputy will not make a point of order. He will sit down or leave the House.

*(Interruptions).*

12 February 2014

**An Ceann Comhairle:** The lady is on her feet.

**Deputy Mary Lou McDonald:** The Taoiseach has been given two opportunities to correct the record of the Dáil. I now invite him for a third time to do so. The clear implication of what he has said and restated in respect of GSOC is that it was not in compliance with the law. That is not true.

**An Ceann Comhairle:** Sorry, we have just dealt with that issue.

**Deputy Mary Lou McDonald:** It is important that the Taoiseach avails of the opportunity to make that clear.

**An Ceann Comhairle:** He will not do it on the Order of Business. This is not a matter for the Order of Business.

**Deputy Willie O'Dea:** When will the Taoiseach do it then?

**Deputy Mary Lou McDonald:** The Taoiseach will need to do it at some stage. I do not know what his game is but it is not helpful to GSOC to insinuate and repeatedly state it acted outside the law.

**An Ceann Comhairle:** Sorry, Deputy would you get on with your-----

**Deputy Mary Lou McDonald:** I hope the Taoiseach will avail of that opportunity. We have had the legislation read to us and we know what the law says. We now need clarification on the Taoiseach's position.

On the consumer protection and competition Bill, the Taoiseach will be aware that the succession of stealth charges introduced by this Government have placed middle and low income families under huge pressure. The introduction of water charges will undoubtedly add to this burden. Reports in this morning's media indicate that owing to the failure of the previous Government to deal with our not fit for purpose water system, we are now faced with a €10 billion repair bill. Does the Government intend including in the consumer protection and competition Bill a provision to allow the amalgamated National Consumer Agency and Competition Authority to play a statutory role in protecting the interests and welfare of hard pressed consumers on whom water charges will be imposed?

The recently enacted Public Services Management (Recruitment and Appointment) (Amendment) Act 2013 provides for the Minister Expenditure and Reform to regulate for sick leave across the public service. There is a requirement for regulations in respect of this matter to be laid before both Houses of the Oireachtas. I am anxious to know when those regulations will be laid before us.

**The Taoiseach:** I will come back to Deputy McDonald from the point of view of the Minister for Public Expenditure and Reform, Deputy Howlin, in respect of the regulations to be laid. The consumer protection and competition Bill is well advanced and will be published in this session. We will have an opportunity to debate the matter fully.

For the third time, I accept that the wording of the legislation in respect of the Garda Síochána Ombudsman Commission does not require GSOC to report to the Minister but the provision in the law means the commission may report to the Minister. I have said to the Deputy's party leader, if she had listened, that if my words were excessive in their meaning, then I regret that.

**Deputy Micheál Martin:** They were not excessive, they were wrong.

*(Interruptions).*

**An Ceann Comhairle:** Deputy Flanagan, please.

**Deputy Patrick O'Donovan:** Deputy Martin was never wrong, was he?

**Deputy Micheál Martin:** I would admit it.

**An Ceann Comhairle:** Deputy Flanagan, do you want to speak or not?

**Deputy Terence Flanagan:** Yes, thank you.

**An Ceann Comhairle:** Then ask your question, on the Order of Business, please.

**Deputy Terence Flanagan:** I wish to ask the Taoiseach about two issues under promised legislation. The first relates to the local property tax and the commitment made by the Government on 12 March last year that 80% of the property tax would be ring-fenced in the local authority area where the revenue was generated.

**An Ceann Comhairle:** What legislation are you talking about?

**Deputy Terence Flanagan:** Will the Taoiseach indicate when the legislation will be introduced to put into effect that commitment? The second issue relates to the fact that this is the 33rd anniversary of the Stardust tragedy in Artane. Will the Taoiseach meet the Stardust victims committee given the new evidence that has come to light?

**An Ceann Comhairle:** Not on the Order of Business. There is a Topical Issue debate on the matter later.

**Deputy Terence Flanagan:** By doing so, the Taoiseach could help to bring closure to this matter.

**An Ceann Comhairle:** Not on the Order of Business. Table a parliamentary question on all these things. Is there promised legislation?

**The Taoiseach:** The promised legislation has gone through. People will elect councillors this year. Those councillors will have a direct impact in respect of the property charge, commercial rates, parking charges and so on as they relate to towns and main streets throughout the country.

I understand a new inquiry is being followed through by the Garda in respect of the survivors of the Stardust tragedy. My advice before was that if there was new evidence, it should be produced. Obviously, the Garda will conduct an inquiry into whatever that new evidence is.

**An Ceann Comhairle:** There is a Topical Issue debate on the matter later.

**Deputy Peter Mathews:** On Friday last, the German Constitutional Court decided that to save the bond market, the European Central Bank-----

**An Ceann Comhairle:** Hold on a second. Where are we going now? We are not dealing with the German Bundestag at this stage on the Order of Business.

12 February 2014

**Deputy Peter Mathews:** We are, and I will tell you why.

**An Ceann Comhairle:** No, we are not. I happen to be in the Chair. You happen to be on your feet and you have to stick to Standing Orders as they relate to the Order of Business.

**Deputy Peter Mathews:** A vast amount of legislation going through the Houses at the moment derives from this territory.

**An Ceann Comhairle:** I know that.

**Deputy Peter Mathews:** To ignore it would be stupid.

**An Ceann Comhairle:** Table a parliamentary question. That is not for the Order of Business.

**Deputy Peter Mathews:** The Taoiseach was in Davos less than three weeks ago where Ken Rogoff, an internationally regarded economics professor-----

**An Ceann Comhairle:** Deputy, would you respect the Chair, please? You are totally out of order.

**Deputy Peter Mathews:** -----said that a debt write-down for Ireland would be the right thing for Europe to do.

**An Ceann Comhairle:** No, you are not going to start quoting from Davos. Thank you. I call Deputy McLellan.

**Deputy Peter Mathews:** Now, the Federal Constitutional Court of Germany is saying that the ECB is being prohibited from doing what it has been doing since Mr. Draghi instructed in 2012.

**An Ceann Comhairle:** Deputy, would you resume your seat please?

**Deputy Peter Mathews:** In other words, the outright monetary transactions are illegal. This is a major mess.

**An Ceann Comhairle:** Please sit down and resume your seat. I call Deputy McLellan. Thank you.

*(Interruptions).*

**Deputy Bernard J. Durkan:** Fair play to Deputy Kelleher.

**Deputy Sandra McLellan:** Will the insurance Bill take into account the current situation-----

*(Interruptions).*

**An Ceann Comhairle:** Deputy Durkan, do you mind? Deputy McLellan is on her feet. Please show some manners. Thank you.

**Deputy Bernard J. Durkan:** My apologies, a Cheann Comhairle.

*(Interruptions).*

**An Ceann Comhairle:** This is not some town hall discussion we are having. This is the Parliament and we are doing business here.

**Deputy Micheál Martin:** If we cannot discuss things that are far more central, then what is the use?

**An Ceann Comhairle:** Do it under Standing Orders or else change them.

**Deputy Peter Mathews:** Small and medium-sized enterprises have €60 billion in debt and €25 billion, which according to-----

**An Ceann Comhairle:** Deputy McLellan, would you please proceed and just ignore them?

**Deputy Sandra McLellan:** Will the insurance Bill take into account the current situation of those residing on flood plains who cannot get insurance? Will these households be included in the insurance Bill when it comes before the House?

**The Taoiseach:** We do not have a date for publication of that Bill, but I want Deputy McLellan to understand that the Government considered this matter yesterday arising out of the difficulties that many businesses and households are having. A memorandum was produced during the time of the previous Government which made several recommendations. It is important we engage with the insurance industry and that we will do. I cannot give Deputy McLellan the outcome of those discussions yet but we are conscious of what has occurred.

**Deputy Barry Cowen:** Will the Taoiseach inform the House exactly when we will have a housing Bill to address the crisis evident throughout the country, specifically referred to by Deputy Durkan in respect of Kildare but which is evident in other counties as well? I got a call last week from my housing officer in Offaly. He asked me not to proceed with any more representations in respect of housing because he had neither the time, energy, resources or commitment from Government to address the crisis.

**The Taoiseach:** The housing Bill will be this session.

**Deputy Barry Cowen:** I have heard that before.

**The Taoiseach:** Deputy Cowen will hear it again. It will be this session, that is, this session.

**Deputy Mattie McGrath:** My question relates to the Central Bank consolidation legislation. When are we going to have the banks brought in? Ulster Bank is shedding a further 1,000 jobs and is closing branches. When will that be dealt with?

When will we see the judicial council Bill? When will we see some sense made of what is happening in respect of families who are being terrorised by the actions of the courts?

**The Taoiseach:** The judicial council Bill will be this session. The bank Bill to which the Deputy referred is due next year.

**Deputy Mattie McGrath:** That is too late.

**Deputy Michael Healy-Rae:** When the Land Commission was disbanded, no authority was put in charge of the infrastructure for which it had been responsible. This has led to much of the damage done by the recent high tides and floods. Are there proposals under the local government provisions Bill to take over the network formerly taken care of by the Land Commission?

12 February 2014

**An Ceann Comhairle:** When is this Bill due? We cannot discuss the content.

**The Taoiseach:** I am not sure what Deputy Healy-Rae's question is.

**An Ceann Comhairle:** When is the Bill due? What Bill is it?

**Deputy Michael Healy-Rae:** It is the local government provisions Bill.

**An Ceann Comhairle:** When is the local government Bill due?

**Deputy Michael Healy-Rae:** As they going to take over the network formerly taken care of by the Land Commission?

**The Taoiseach:** The Local Government Reform Act was completed and dealt with last month.

**Deputy Peter Fitzpatrick:** The housing (miscellaneous provisions) Bill was to extend and strengthen the regulatory framework for social housing, including a statutory underpinning for the new scheme of housing assistance payments, the repossession of local authority dwellings and to provide for a new tenant purchase scheme for existing local authority houses along incremental purchase lines.

The problem I have at the moment is-----

**An Ceann Comhairle:** You have no problem, only to ask when the legislation is due. Thank you.

**Deputy Peter Fitzpatrick:** Many families come into my constituency office-----

**An Ceann Comhairle:** We do not deal with problems on the Order of Business, personal or otherwise.

**Deputy Peter Fitzpatrick:** Many families have come into my constituency office. The major problem they have is that they cannot get their names off the deeds of their houses.

**An Ceann Comhairle:** You were not listening to me. What Bill are you talking about?

**Deputy Peter Fitzpatrick:** This means they are not entitled put their names down for social housing. What I am asking is-----

**An Ceann Comhairle:** Sorry, Deputy, will you resume your seat? Thank you.

*(Interruptions).*

**An Ceann Comhairle:** Will you resume your seat? Do you hear me? This is not an opportunity to make speeches. It is simply to ask about when legislation is due. There is no need to be going through a whole speech on it. Many other Deputies are waiting.

**The Taoiseach:** As I indicated, the housing Bill is listed for this session. Furthermore, following Deputy Durkan's request, there will be statements on housing to allow Deputies to give the circumstances that apply in their constituencies.

**Deputy Paul Kehoe:** Deputy Martin should note that the leader is a great adviser.

*(Interruptions).*

**Deputy Bernard J. Durkan:** I thank the Taoiseach for the information on the housing Bill and I support my colleague in that regard.

The cost of criminal legal aid has been an issue of concern in the country. It was even a concern when the current Opposition was in government. When will the criminal justice (legal aid) Bill come before the House? Have the heads been cleared? Will it be in the House at an early date?

An issue that has cost this country dearly in the past and which we will recall with some interest is the activity of lobbyists over the years.

**An Ceann Comhairle:** What Bill are you talking about?

**Deputy Bernard J. Durkan:** It led to considerable difficulty for many people inside and outside this House. When will the regulation of lobbying Bill come before the House? To what extent have the heads been cleared by the Government?

**The Taoiseach:** The heads of the criminal justice (legal aid) Bill were cleared back in 2010. It is scheduled at the moment for early next year. The heads of the regulation of lobbying Bill were cleared last week and it will be published this session.

**Deputy James Bannon:** There is an urgent need to improve the safety, quality and reliability of our road network-----

**An Ceann Comhairle:** That is grand. To which Bill is the Deputy referring?

**Deputy James Bannon:** -----particularly through the midlands.

**An Ceann Comhairle:** There is no Bill through the midlands. What is the name of the Bill?

**Deputy James Bannon:** There is a bottleneck between Mullingar and Longford because the motorway was never completed. When will the road traffic Bill be introduced? The travelling public needs a wider choice.

I also refer to the road transport Bill. Last weekend, the Taoiseach visited the midlands and turned the sod for Jazz Pharmaceuticals in Athlone-----

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

**Deputy James Bannon:** -----and a director of the company pointed out how important good connectivity is to the midlands. There is a motorway between Dublin and Galway but the motorway has not been completed between Dublin and Sligo and this is a problem for the north midlands.

**An Ceann Comhairle:** The Deputy should table a parliamentary question. I call the Taoiseach to answer the questions on the Bills.

**The Taoiseach:** The traffic and transport Bills are scheduled for early next year.

**An Ceann Comhairle:** The Taoiseach is not the Minister for the Environment, Community and Local Government. He does not deal with the content of legislation.

12 February 2014

**Deputy Dara Calleary:** He does not micro-manage.

**Deputy Dan Neville:** The mediation Bill, an important Bill in the reform of the criminal justice system, has been promised for some time. When will it be introduced?

**The Taoiseach:** Later this year but it will not be introduced this session.

**Deputy Brian Walsh:** There is a commitment in the programme for Government to introduce legislation to provide for the electronic tagging of sex offenders and other violent offenders. The Minister for Justice and Equality indicated last year that he was working on the Bill. When can we expect it? Will it provide for measures to electronically tag sex offenders? I refer to the case in Athlone last year which highlighted the need for this.

**An Ceann Comhairle:** We cannot discuss the content of legislation.

**The Taoiseach:** This will be tagged on to the DNA Bill. I will inform the Deputy about the exact procedure.

**Deputy Willie O’Dea:** The Taoiseach said in an earlier reply to Deputy McDonald that his interpretation of the relevant section of the Garda Síochána Act 2005 was excessive.

**An Ceann Comhairle:** We are not going there again.

**Deputy Willie O’Dea:** Clearly it was wrong. Can he just say it was wrong? In fairness to GSOC, will he admit that his interpretation was wrong?

**An Ceann Comhairle:** The Deputy can table a substantive motion, which is in accordance with Standing Orders.

**The Taoiseach:** Incorrect.

**Deputy Micheál Martin:** It has taken about two and a half hours to get to “incorrect”.

**Deputy Charlie McConalogue:** The British Government is planning to introduce a levy on foreign heavy goods vehicles crossing its borders. The Minister for Transport, Tourism and Sport has indicated in recent days that he is contemplating introducing similar legislation to levy international vehicles entering the State. Has the Taoiseach an update on that? I refer to the impact the proposed British levy will have on vehicles-----

**An Ceann Comhairle:** That is a separate issue

**Deputy Charlie McConalogue:** -----travelling between Donegal and Dublin.

**An Ceann Comhairle:** The Deputy should table a parliamentary question.

**Deputy Charlie McConalogue:** Will the Taoiseach engage with the British Government to arrange exemptions for through roads in the Border area to ensure trade is not disproportionately affected?

**The Taoiseach:** No Bill is promised in this regard but the Minister for Transport, Tourism and Sport will bring any recommendations he has to Government. I will inform the Deputy of the current position and whether work is ongoing on that.

**Deputy Ray Butler:** When will the adoption (tracing and information) Bill be published?

It will provide for an information and tracing service on a statutory basis through which applicants can seek information about adoptions. We all watched Philomena Lee on the “The Late Late Show” and how heart wrenching it was.

**The Taoiseach:** The Bill is complicated constitutionally and the Minister expects that it will be published this year. We hope we can adhere to that. However, it is a complicated Bill.

**Deputy Frank Feighan:** There is a great deal of concern among small businesses regarding the lack of equity and transparency in commercial rates. When will the Valuation (Amendment) Bill 2012 be brought before the House? It provides for self-assessment by occupiers of valuations of certain premises.

**The Taoiseach:** The Bill is on Committee Stage in the Seanad. I expect it to progress before Easter.

**Deputy Martin Heydon:** I refer to the schools enrolment Bill and, in particular, my concerns about a lack of openness and equity across the system where fees and the date of application determine the position of pupils on waiting lists for enrolment. This leads to cherry-picking in some cases.

**The Taoiseach:** I will have to advise the Deputy on the current position. I know the Minister has made some recommendations but I will get back to the Deputy.

### **Judicial Appointments Bill 2014: First Stage**

**Deputy Niall Collins:** I move:

That leave be granted to introduce a Bill entitled an Act to provide for the selection, appointment and promotion of members of the judiciary, to establish a judicial appointments board with responsibility for recommending to Government who should be nominated for appointment to judicial office, to give effect to the declaration of the European Network of Councils for the Judiciary on standards for the recruitment and appointment of members of the judiciary approved in Dublin on 9, 10 and 11 May 2012, and to provide for related matters.

The Bill will reform the judicial appointments process, which is currently conducted by the Judicial Appointments Advisory Board that was established in the mid-1990s. It is the common view of all parties in the House that this organisation needs to be modernised and updated and that the judicial appointments process needs to be reformed to remove the perception that political affiliation plays a major part in such appointments.

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

**The Taoiseach:** 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 Niall Collins:** I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

### **Membership of Committees: Motion**

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

That Deputy Alan Farrell be discharged from the Joint Committee on Public Service Oversight and Petitions and that Deputy Patrick O'Donovan be appointed in substitution for him.

That Deputy Jonathan O'Brien be discharged from the Select Committee on Jobs, Enterprise and Innovation and that Deputy Peadar Tóibín be appointed in substitution for him.

Question put and agreed to.

### **Topical Issue Debate**

#### **Social Media Regulation**

**Deputy Derek Keating:** I am grateful to the Ceann Comhairle for selecting this matter. I am disappointed the Minister for Communications, Energy and Natural Resources could not be present but I understand. I thank the Minister of State for attending in his absence.

This is one of the most important Topical Issue matters that I will table during the lifetime of this Government. I recently had a meeting with students from Lucan Community College in my constituency and I am happy that two of them, Orla Kenny and Katie Farrell, are present. I was challenged by them to examine, research and study the Neknomination phenomenon. As I said to them at the time, it was one of the most disturbing experiences of my life. I have never seen a four or five minute film that was so disturbing and I had difficulty containing myself in the seat while I watched it. When it concluded, they said: "Derek, this is not the worst by any means."

There is significant peer pressure on young people today. Neknomination is a Facebook game. It is a dangerous practice that has led to deaths, sickness, injury and increased psychological problems over the past few weeks. Friends contact each other through social media to make a dare and some of those who do not respond to the dare stand to lose their friends. The vast majority of young people in second and third level have many hundreds of contacts on their smartphones and tablets and there is continuous communication. Adults often communicate with each other through social networks from time to time but I have come to realise young people communicate continuously through them. It is a way of life for many people, particularly young people, and it helps to form relationships and communications.

The Minister for Communications, Energy and Natural Resources is on record saying it would be helpful if Facebook agreed to take the Neknomination page down.

*1 o'clock*

I am calling for much more than that. I am requesting an intervention from the very top in order to deal with this new and dangerous practice. We have laws and regulations which are in the interests of people from different walks of life and which reflect the common good. I refer here to the laws relating to roads, licensed premises, etc. There is a need for social media to be regulated as a matter of urgency.

I welcome the fact that the Internet content governance advisory body is prepared to examine this dangerous phenomenon, which, as a result of online bullying, the issuing of crazy challenges, increased binge drinking and the performance of some of the most dangerous acts one could possibly imagine, is affecting the lives of many young people. I welcome the Union of Students in Ireland's campaign against this dangerous drinking game. I reject what Facebook has said to the effect that "controversial or offensive behaviour is not necessarily against our rules". I have a serious issue with anybody who adopts such an irresponsible position. Parents, teachers, students unions and those who play leading roles in our society all have a major part to play in stopping this practice by encouraging young people and detagging and unblocking their dares.

An eminent judge recently warned that if the current Internet drinking contest takes hold, there will be a tsunami of prosecutions before his court. I am of the view that the Nekomination phenomenon is one of the greatest threats to young people in modern times. I welcome the fact that some students have responded to it by launching their own campaign, RAKnomination, which involve people performing random acts of kindness. However, I am of the view that those involved have a challenge on their hands. This House must send out a message to the effect that it is prepared to provide leadership and respond to any threat or risk to members of society. Facebook must be regulated as a matter of urgency. It is not only the latter which has facilitated Nekomination challenges and we must beware of that fact. The two students I met last week informed me that other social media options and opportunities are becoming available all the time.

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** There can be no doubt but that the pervasive use of social media has challenged a wide number of previously accepted norms, both in the context of media governance and in more general societal terms. These issues are far from simple. In fact, they are quite complex. The nature of the sector is such that a formal regulatory system similar to that for broadcast media would be impossible to create. Moreover, the evolution of social media and online media in general has proven to have radical and important positive characteristics. Social media are categorically not a bad thing, rather they enrich the lives of millions of people every day. That is not to say, however, that all of the uses to which social media are put are positive.

Substantial work has already been completed in this area in the past 15 to 20 years and European Union Safer Internet Day is an example of what has already been achieved. On Monday, at this year's Safer Internet Day event, my colleague and Minister for Education and Skills, Deputy Quinn, reiterated the Department's and Government's commitment to safer Internet use, including the responsible use of social media. To this end, the Department has funded the Up2Us anti-bullying kit as a practical resource for dealing with the issue of cyberbullying.

It is clear that time has come to take stock of Government responses to some of the questions posed by online media use. In that context, the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, has asked the Internet content governance advisory group, formed in December, to evaluate the full range of content issues that now arise online. This

12 February 2014

group will report in May and the Government will consider its report in great detail. A public consultation process is now open and submissions from all interested parties are welcome before the closing date of the 18 March. I am aware also that group expect to meet with all key stakeholders in the coming weeks as part of its work.

While there has been significant media commentary around the way the phenomenon referenced by the Deputy has been propagated, the key issue here is our underlying attitude towards alcohol in this country. The Government has been very clear about its commitment to deal with the pattern of alcohol misuse in society and the widespread harm this causes. The issues involved are multifaceted and a co-ordinated response is in place across a number of Departments. Last October the Government approved an extensive package of measures to deal with alcohol misuse based on the steering group report on a national substance misuse strategy, which was published by the Department of Health in February 2012. These measures are being delivered and include a minimum price for alcohol and a number of new restrictions on how alcohol is advertised, particularly in the context of how it is advertised to children and young people.

The issues that arise in respect of this matter are complex and delicate. A balance must be struck between preserving freedom of speech and freedom of expression online, and protecting children and young people in particular from content that may well be age inappropriate or harmful. As already stated, social media and online content in general are not subject to the same types of editorial restrictions as broadcast media, for example, and questions as to the most appropriate governance model are being asked by governments and civil society groups across the globe. There are no simple answers to these questions but I am confident that the group established by the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, will evaluate all of these issues thoroughly and in detail.

**Deputy Derek Keating:** I thank the Minister of State for his reply. I am aware of a number of the matters to which he refers. I am aware, for example, of the many positive opportunities to which the Internet gives rise in the context of education and communication and in facilitating people in enhancing relationships through social media. However, I want to focus on the dangers involved. I welcome the establishment of the group to which the Minister of State referred. I also welcome the fact that it is going to report in May. However, I am concerned with regard to the fact that an emergency exists in respect of this matter and I am of the view that an emergency intervention is required. Will the Minister of State comment on that matter?

I accept that there are huge levels of peer pressure involved and the Minister referred to the misuse of alcohol. We all have a responsibility in this regard. The phenomenon under discussion can lead to cyberbullying and the online shaming of people who do not take part. The two students whom I met last week informed me that many other social media and networking options and opportunities are coming down the line. We must be prepared to deal with these also. Yesterday I wrote to the principals of each of the second level schools in my constituency and asked them to provide advice on the best way to respond to the current phenomenon before more deaths or injuries occur or more damage is done. As stated earlier, Facebook and other social networking sites must be regulated. Despite the fact that the Internet content governance advisory group has been put in place and will report in May, I am concerned that - as is often the case - the process will take too long. People are dying and we must respond.

**Deputy Ciarán Cannon:** I agree with the Deputy that some very tragic incidents have been associated with the Neknomination phenomenon in recent weeks, not only in Ireland but across

the globe. He suggested that we somehow shut down all social media communication which is in any way connected with these tragic occurrences. It would be impossible to achieve this, either now or at any time in the future. If we decided to try to convince Facebook to remove all references to Nekomination from its website, what would be the outcome? The Deputy referred to the many other social media opportunities that are becoming available on a daily basis and there is no reason why young people - in view of their talent and creativity - would not develop their own social media platforms in order that they might engage in what some regard as quite juvenile behaviour. One would certainly not advise one's sons or daughters to become involved in such behaviour. The Deputy must realise that it would be impossible to regulate or shut down communication on the type of sites to which we are referring here. That is the way the Internet works and that is the way it will always work.

Deputy Keating referred to peer pressure. What he said is correct. Peer pressure occurs everywhere, not just on social media sites. It happens in our schools and in school yards, streets and pubs but there is no suggestion that we need to regulate that interaction between young people and those settings. It is undesirable in those settings and it is undesirable in social media. What we need to do is to educate and empower our young people to use social media and all other forms of communication sensibly and not to engage in activity that compromises the safety of their friends and their peers. The long and perhaps difficult process in which we have always been engaged and in which we will continue to engage is to educate young people on how best to interact with and support one another.

Deputy Keating referred to the nominations for random acts of kindness. I saw an excellent example of it on Facebook where a young person in my constituency had put up a RAK nomination, a random act of kindness. I am more than confident that young people themselves are well capable of highlighting the general challenges around these nonsensical Nekomination activities and how they are subjecting their peers to these very challenging situations. They are well capable of responding and showing the very positive force that social media can be to do positive things. I do not think it is a question of regulation or somehow shutting down the interaction that will always occur through the use of social media, rather it is about educating our young people to the best possible extent on how social media can be used wisely and effectively as a positive force.

### **Gaelscoileanna Issues**

**Acting Chairman (Deputy Frank Feighan):** Deputy Emmet Stagg and Catherine Murphy are sharing time on this issue.

**Deputy Emmet Stagg:** I thank the Ceann Comhairle for selecting this matter. I am sorry the Minister is not here to take the debate as he, rather than the Minister of State, is the Minister responsible. I thank the Minister for the provision he has made for north Kildare with two new second-level schools in Maynooth, and a second level and new primary school in Celbridge.

Cóláiste Cois Life was established in 1997 to serve the needs of west Dublin and north Kildare. It has been repeatedly stated that this was the purpose, including very recently in answer to a parliamentary question from my colleague, Deputy Bernard Durkan, to the Minister for Education and Skills who said the school was for students from north Kildare and west Dublin. However, a new enrolment policy has been put in place by Cóláiste Cois Life which excludes north Kildare students. All-Irish schools in Celbridge, Leixlip and Maynooth are

now excluded from that post-primary all-Irish school. These three schools have no outlet to a second-level school.

The Minister has stated repeatedly that he will make provision if there is a proven need; there is now a need proven. I propose to the Minister that the provision can be achieved at a minimal cost. It is accepted that Cóláiste Cois Life is full. Maynooth post-primary school will be empty shortly because although it is a fine structure it is not fit for purpose for the post-primary general school. The Kildare and Wicklow Education and Training Board is prepared to make it available for use as an all-Irish second-level school in north Kildare. In September 2014, the sixth class students from the three primary schools will have nowhere to go. I suggest that the vacant prefabs in Cóláiste Cois Life could be used on a temporary basis until the post-primary school building in Maynooth is available, which is expected to be shortly. I ask the Minister of State not to tell us about Aonad because this is not an acceptable alternative to a full immersion in an all-Irish system. The secondary schools in Naas and Clondalkin might as well be on Mars because there is no public transport from north Kildare to either place and the Minister of State will not provide school buses from north Kildare to those schools.

I know the Minister is a reasonable and practical man. I am making a very positive proposal which will deal with the issue at minimal cost and I ask him to consider it.

**Deputy Catherine Murphy:** The all-Irish school model is well established in north Kildare, with the first primary school established in 1979. There are three all-Irish primary schools in the north-eastern part of the county, in Kilcock, Maynooth and Leixlip. In September this year they will have to refuse admission to just short of 200 pupils. They are very successful schools. Six classes of sixth class - rang a sé - will be finishing in June and there is insufficient post-primary provision for them. Cóláiste Cois Life was developed as a regional school. It is popular in Lucan and pupils from two primary schools in Lucan will take up all the available places in Cóláiste Cois Life from next year with the result that no children from north Kildare will be admitted because of the enrolment policy. Modern prefabs are in place. Short, medium and long-term strategies need to be put in place and we have made proposals. I met the Minister several times last week and I gave him the numbers for each of the schools.

Approval is awaited from the building unit for a third stream in the all-Irish school in Kilcock. This proposal is stalled at a time when the baby boom is producing the children and the parents desire this type of education. It is not a fad and it has been a consistent desire since 1979. It is a choice that has to be met. The kind of choices we debate are exclusively restricted to the issue of religious patronage. Parents want to make different choices and they are choosing with their feet. Some 197 students in north Kildare are not being accommodated where there is a desire to have them accommodated. There is something going wrong with the planning for those children and this needs to be righted by the Department.

**Deputy Ciarán Cannon:** I thank the Deputies for raising this matter as it provides me with the opportunity to outline to the House the position on the extent of all-Irish school provision in the north Kildare area. Three Gaelscoileanna were established at primary level in north Kildare to meet demand for instruction through the medium of Irish, Scoil Chearbhaill Uí Dháiligh in Leixlip, Gaelscoil Chill Cóca in Kilcock and Scoil Uí Fhiach in Maynooth, while in nearby Lucan, two new 16-classroom school buildings have been provided for Gaelscoil Naomh Pádraig and Gaelscoil Eiscir Riada.

I am aware that one of the Gaelscoileanna recently applied to my Department to expand its

accommodation. As with any application for capital investment, the assessment process will necessarily take into account overall enrolments and the extent of the existing and planned school accommodation in the area where the school is located. My Department is currently liaising with the patron of the school in question and a decision will be conveyed to the school authorities when this process has been finalised.

At post-primary level, the Deputies will be aware that in July 2012, the Minister, Deputy Quinn, announced the patronage of 14 new post-primary schools to be established to cater for increasing demographic changes across a number of locations. This included the Kildare and Wicklow Education and Training Board as patron of a new post-primary school for Maynooth to commence operation in September 2014.

One of the requirements for patronage of new post-primary schools where the medium of instruction is English, is a willingness and commitment to open an Aonad in the school if there is a significant element of parental demand for instruction through the medium of Irish. In the case of Maynooth, the Department noted the high level of parental demand identified for alternative language provision. Accordingly, the announcement included the establishment of an Aonad in the new Maynooth post-primary school. In addition, my Department has confirmed that if sufficient demand for education through the medium of Irish in the Aonad is demonstrated over a four-year cycle, consideration will then be given to the establishment of an independent Gaelchólaiste. I expect that this Aonad, together with provision in Cóláiste Cois Life, can between them meet the current demand for students seeking instruction through the medium of Irish.

The Department of Education and Skills is forecasting an increase nationally by 2019 of over 70,000 primary pupils and over 35,000 post-primary pupils. To meet the needs of our growing population of school-going children, the delivery of new schools together with extension projects will be the main focus for capital investment in the coming years. Considerable investment has already been made in the north Kildare area in recent years to meet the demographic challenges, including significant all-Irish provision at both primary and post-primary level. My Department will continue to keep the demographics of the area under review and additional accommodation requirements will be met under this process in consultation with the patrons of the schools concerned as appropriate.

**Deputy Emmet Stagg:** The Minister of State's response was a typical civil servant one rather than a response to what we said. He did not even consider what we said and I ask him to do so rather than what the civil servants are telling him about this in isolation. We face a situation where there is no all-Irish second level school for students from three primary schools.

In a short period of time, there will be an empty school in Maynooth which is entirely fit-for-purpose for the establishment of a second level all-Irish school. The civil servants are saying they might consider it in four years time if a need is proved. How can one prove a need if there is nowhere to show the need? Aonad will not show a need. We have the primary schools and the students who have said they want to continue in all-Irish setting. If we value the Irish language and its development and growth, we should deal with this situation now rather than in four years time. Without very much cost, we could establish an all-Irish school in Maynooth in an existing school building to cater for the three schools right beside it.

**Deputy Catherine Murphy:** I sometimes wonder what is the first language. My children went to one of these schools in the 1980s and the early 1990s. Each time one was established,

12 February 2014

the parents were the drivers and it was fought all the way. The Aonad is seen as a rowing back or a watering down. It is not seen as an acceptable model. Hundreds of parents have united in terms of what they want and they do not want an Aonad. Again, they are being asked to prove there is a demand. There are seven sixth classes coming out of the primary schools. The estimate is that 60% of those will want to go on to an all-Irish model, which is not available. There will not be one place available to them from next year unless there is a change in the way the Department deals with this.

The building section must also do something in regard to the application for the third stream in Kilcock. Almost 100 pupils are being turned down in that school alone. It has a wider catchment area, which takes in Clane.

What has the Department been counting? Has it not been counting the children in those schools? It does not seem it has been counting the right thing at all. The Minister of State referred to the overall enrolments. It seems it is not about choice or continuing a very successful model in terms of teaching through the medium of Irish.

**Deputy Ciarán Cannon:** As I stated earlier, the biggest challenge the Department faces between now and 2019 is to find and establish accommodation for those 70,000 extra children in primary and 30,000 in post-primary. That is a major challenge which the Department is undertaking over a five year programme which was announced by the Minister, Deputy Quinn, very early in the life of this Government. The Department had regard to both the existing and planned all-Irish provision at primary and post-primary level in the areas concerned in determining where new schools would provide tuition through the medium of English or Irish.

As I mentioned, Maynooth Community College, which will open in September 2014, includes an Aonad and, in the opinion of the Department, along with Coláiste Cois Life, both those centres are able to address current demand.

**Deputy Emmet Stagg:** That is not correct.

**Deputy Ciarán Cannon:** According to the people in the building unit, the Aonad and Coláiste Cois Life have sufficient capacity to accept the enrolments likely to occur from the Gaelscoileanna in that particular region.

If the Deputies are making the case there is insufficient accommodation available within those two centres and if there is an opportunity, as one Deputy suggested, to look at reallocating a particular school building in the region, I will certainly undertake to raise that directly with the officials concerned and to revert to the Deputies on that matter.

## **Stardust Fire**

**Deputy Thomas P. Broughan:** I thank the Minister of State, Deputy Kathleen Lynch, for attending and the Minister, Deputy Shatter, for contacting us and giving his apologies. The Minister of State may recall it is almost a year ago today that I raised the same issue with her on the approach to the 32nd anniversary of the Stardust tragedy. We now approach the 33rd anniversary. The same unease and the same grief remains that this important legacy issue has not been dealt with. The Stardust Relatives and Victims Committee campaign is clearly showing the need for a commission of investigation into this tragedy under the 2004 legislation and I am

calling for this investigation.

On hundreds of occasions in my time as a public representative, I have highlighted the concerns of the Stardust families that the cause of the fire was not adequately or correctly investigated by Justice Keane's tribunal or subsequently. Most recently, I have raised the matter with the Taoiseach and the Tánaiste. The families of those who died or were injured are rightly dissatisfied with the Keane report of 1982 and the subsequent report of Paul Coffey in 2009. As the Minister of State may be aware, a Garda investigation is now taking place into alleged perjured evidence presented to the Keane tribunal in 1981. In recent years, there have also been a number of instances of new evidence emerging about the tragedy. The families have in their possession research which points to inconsistencies between an earlier version of the Coffey report from 2008 and the final published report by Paul Coffey SC in 2009. They also note that a Garda letter sent to Paul Coffey in 2008 concerning the map of the Stardust presented at the Keane tribunal was not furnished to the families. They also have new evidence which I understand they will publish on the 33rd anniversary this Friday.

Based on research carried out by independent researcher, Ms Geraldine Foy, and a leading fire expert on these islands, Mr. Robin Knox, it seems clear that the fire started in the roof space of the Stardust nightclub where cleaning and other flammable materials were stored. The time line of the first external witnesses to the fire, as outlined by Ms Foy at a recent press conference in the Skylon Hotel, strongly supports this conclusion. The implications of this research are profound for finally establishing accountability for this terrible tragedy and for vindicating the memories of the young people who died and to bring closure to the great suffering of their relatives down through the decades.

Recently, the release of the 1983 State papers underlined the need for a new fresh inquiry. It was reported, on the release of those papers, that a confidential Government memo cautioned against fully implementing all of the recommendations of the Keane tribunal report because of the potential that it could leave the State open to civil liability claims for similar future accidents. It seems clear the Haughey Government of the day and subsequent governments were not overly concerned about getting to the root of this matter.

Earlier this year, I highlighted evidence also obtained by Ms Foy through a freedom of information request which showed that crucial aspects of an earlier unpublished draft of the Coffey report were not included in the final published version. Among other things, Paul Coffey stated in that draft: "I further accept that a new inquiry is necessary if it is the only way of placing on the public record a finding that is based on evidence". Basically, the missing excerpt of the report related to the lack of an established cause of fire based on evidence having been erroneously arrived at by the earlier Keane report.

Members of the Stardust Relatives and Victims Committee have argued continuously that there were seven significant alterations of the Coffey report between it being in draft form and the later published version. They are very anxious that a short sharp commission of investigation is held into this tragedy. Last year I think the Minister of State associated herself with addressing one or two of the most critical legacy issues in our country and getting resolution for the victims and relatives. I hope she urges the Minister to do the same.

**Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch):** I thank the Deputy for raising this issue. We are approaching the anniversary, which falls on such a poignant day each year, and it cannot be easy for people who lost such young vibrant

people. I am taking this issue on behalf of the Minister for Justice and Equality who sends his apologies but he must be somewhere else. However, I commit to bringing back to him the remarks made by Deputy Broughan who has been a very active campaigner on behalf of this committee.

As the Minister previously emphasised, irrespective of any differences of opinion, no one disputes the magnitude of the tragedy or the impact it had on the families concerned and on the wider community. We are all conscious that this Friday is the anniversary of the fire and all of our thoughts and sympathies are with those affected by this tragedy. The Deputy is familiar with the background to the concerns relating to the cause of the Stardust fire. As the Minister has responded previously to queries the Deputy has raised on behalf of members of the committee, I will not revisit the full history of the case on the Minister's behalf.

The victims committee's long-running campaign for a new inquiry into the cause of the fire led to the making some years ago of a detailed submission making the case for a new inquiry, criticising the original tribunal and setting out an alternative hypothesis regarding the cause of the fire. The professional advice that was given to the Government at the time was that the argument being presented did not amount to new evidence. The committee rejected this assessment. It was precisely in response to this situation, and with a desire to resolve this question definitively and impartially, that an independent examination was put in place. Mr. Paul Coffey SC was appointed to carry out this exercise by making an entirely objective and professional assessment of the committee's call for a new inquiry. His appointment and terms of reference were agreed with the victims committee and its legal representatives. The committee was given considerable financial assistance to make its case. It had a full legal team to present that case over three days of hearings.

The outcome of the Coffey process was very significant, in so far as it led to resolutions in both Houses clarifying that no one present on the night can be held responsible. This was a key concern for many people and a central component of the committee's criticism of the original tribunal. Mr. Coffey concluded that in the absence of any identified evidence about the cause of the fire, the most another inquiry could achieve would be another set of hypothetical findings, which would not be in the public interest. As the Deputy is aware, these findings were endorsed by motions in both Houses of the Oireachtas and were widely welcomed at the time. Since then, members of the committee have continued to contend that their theory on the cause of the fire accurately reflects what transpired. Nothing the Minister has seen would warrant a departure from Mr. Coffey's findings.

Issues have been raised by members of the committee about the Coffey process on the basis that they justify a further inquiry. There has been an entirely unfounded suggestion that attempts were made to influence his drafting or conclusions. The Minister has made it clear for the avoidance of doubt that no such influence was brought to bear. Unwarranted significance has been attributed to differences between a draft report and the final report. Extracts have been cited out of context and without regard to Mr. Coffey's actual recommendations, which were materially unchanged. The nature of draft reports is that they change. The Government of the day clearly had to rely on the final report, as submitted by Mr. Coffey. As I have said, Mr. Coffey's conclusions and advice were entirely independent and were widely welcomed when his final report was published. The Minister is aware that allegations have been made to the Garda concerning evidence presented to the original tribunal. The Deputy will appreciate that these allegations are matters for the Garda to examine in the normal way. It would not be appropriate for the Minister to comment on that process.

Clearly, members of the victims committee do not accept the outcome of the independent process which was put in place to enable them to present their case for a new inquiry. The people in question have made it clear that they will continue to campaign for a new inquiry. The Minister sympathises greatly with them, but having regard to the outcome of the independent examination and in the absence of new evidence concerning the actual cause of the fire, he does not believe it is open to him to disregard the advice which emerged from that process and which was endorsed in both Houses of the Oireachtas. The Minister has indicated he will arrange for the examination, as appropriate, of a further submission on behalf of the committee. He has cautioned against raising unrealistic expectations about what can be achieved or appearing to suggest the outcome of the Coffey examination can be set aside, simply on the basis that Mr. Coffey's conclusions are not accepted by some.

It is right that concerns about this dreadful and tragic event should be raised in the House. On behalf of the Minister, I thank the Deputy for his continuing support of the victims committee. I can give him a commitment that I will ensure the Minister hears about the statement he has made today.

**Deputy Thomas P. Broughan:** The Minister has said on a number of occasions, in replies to parliamentary questions and in response to debates on this issue over the past year or two, that he has examined all of the new evidence presented to him and that he has concluded that nothing he has examined has changed his mind regarding Mr. Paul Coffey's final report. In that light, would it be possible for the Minister to meet the relatives and victims committee to explain why he believes the new evidence is not sufficient and why he thinks the Keane and Coffey conclusions are valid?

As the Minister of State knows, Ms Antoinette Keegan, who is a leading personality in the Stardust relatives and victims committee, occupied the security area at the Department of the Taoiseach for 24 hours last week on foot of a commitment given by the current Taoiseach during the 2011 general election contest. I understand that when he was in Coolock in support of Deputy Terence Flanagan's re-election campaign, the Taoiseach gave the people of Artane and Coolock a commitment that he would put a commission of investigation in train. On the basis of what he had heard at that stage, perhaps having listened to me and other Deputies in this House over the years, he felt a commission of investigation was necessary. Will the Minister of State follow up on that? The Tánaiste told me last Thursday morning that if a request for a meeting with representatives of the relatives and victims committee went to him, he would be prepared to meet them and such a meeting could take place.

The key aspect of the Minister of State's response was the statement that "unwarranted significance has been attributed to differences between a draft report and the final report". I suggest that the decision to omit Mr. Coffey's call for the establishment of a commission of investigation was a profound change. It is understandable that the relatives and victims committee and its advisers have paid strong attention to the draft report.

A number of investigations have taken place under the legislation that was introduced by Michael McDowell in 2004. I refer, for example, to the investigations in the cases of Dean Lyons and Gary Douch, a constituent of mine who died tragically. These commissions of investigation were short, sharp and effective. They did not cost the State a great deal of money. I think the commission of investigation approach is the right one to adopt in terms of cost. I thank the Minister of State for her attention to this matter. I would like her to ask the Minister, Deputy Shatter, to act in the manner that has been requested by the committee.

12 February 2014

**Deputy Kathleen Lynch:** I have no difficulty in bringing the Deputy's request to the Minister. We will look at anything that can bring a degree of comfort to these families. I will also convey to the Minister the fact that the Taoiseach and the Tánaiste have indicated that they would be quite prepared to act in the manner suggested by the Deputy if such an invitation were extended and acceded to. I will convey that and I will do my best.

### **Mental Health Services Provision**

**Deputy Denis Naughten:** I acknowledge the presence in the Chamber of the Acting Chairman, Deputy Feighan, and of the Minister of State, Deputy Cannon. I am calling for a stay to be put on the reconfiguration of mental health services in the Galway-Roscommon area, pending a review of the services available in the wider catchment area, which comprises the west and midlands regions. The initial evaluation of the acute units in the region was flawed. On the question of whether the location is adjacent to a major or regional hospital, Roscommon hospital was deemed to be an excellent level 2 hospital, which is a hospital that does not have an accident and emergency department and where minor surgery is the only form of surgery that is available. Portiuncula Hospital in Ballinasloe scored below average even though it is a level 3 hospital, which is a hospital with a 24-hour, seven-day accident and emergency unit and where complex surgery is available 24 hours a day, seven days a week. It is alleged that the reason for Portiuncula Hospital's score is that the €3.1 million St. Luke's acute psychiatric unit is 3 km away. The HSE is currently spending €5 million upgrading a similar acute unit in St. Loman's Hospital in Mullingar, which is 3 km from the level-3 regional hospital in Mullingar. The minutes of a meeting in January 2011 refer to one of the authors of that evaluation, Mr. John Meehan, stating that St. Brigid's Hospital was to close. Clearly the report was to endorse the decision and not the other way around.

This is not about Roscommon versus Ballinasloe because the same meeting in 2011 outlined that the long-term plan for the Galway, Roscommon and Mayo mental health catchment area was for 50 acute psychiatric beds. Coincidentally that is what is planned in a new €13 million unit in Galway University Hospital. This would leave psychiatric patients, who are neighbours of the Acting Chairman, Deputy Feighan, 120 km away from their local acute psychiatric unit.

Patients are not at the centre of the plan for reconfiguration. For example, eight months ago when a woman lost her life in Roscommon psychiatric unit, I was told that there was no six-bed high-dependency observation unit vacant in Galway University Hospital. However, when management at Galway University Hospital realised last September what was being planned with the closure of St. Luke's unit in Ballinasloe, miraculously this six-bed unit was found and is now being opened. Beds are being found to deliver on the downgrading plans but not to protect patients. I urge the Minister of State to carry out an independent review of the services across the region.

**Deputy Colm Keaveney:** This topic arises as a consequence of a report in last week's edition of *The Connacht Tribune*, which suggested that mental health patients from the east Galway mental health services who would previously have been directed to St. Brigid's Hospital were left on trolleys in an emergency unit in the middle of last week. From information the HSE gave the local media, it appears that the patients concerned may have been involved in a self-harm situation.

However, that does not change the fundamental principle that it is completely inappropriate

ate for patients reporting with mental health difficulties to be left in an emergency department for any length of time beyond that required for their immediate treatment. It is particularly inappropriate in the case of those attending owing to self-harm because the emergency department is not a ligature-free unit, unlike the inpatient unit in St. Brigid's that was only recently upgraded at a cost of €3.1 million to provide a ligature-free environment.

From my discussions with the front-line staff - an exercise in which the Minister of State should involve herself - I have discovered that in the incident at Galway University Hospital, no psychiatric nurses were available to support critically ill people. I have also discovered that private security personnel were there to support general nurses with respect to their admission. Issues such as this will continue to arise and the decision to close a recently refurbished state-of-the-art unit in Ballinasloe is flawed. The Galway University Hospital psychiatric unit is simply not capable of undertaking the workload to be adopted from the east Galway services. The unit in Galway University Hospital has been subject to significant criticism from the mental health inspectorate. I call on the Minister of State to commit to carrying out a review of the decision to close St. Brigid's Hospital.

**Deputy Kathleen Lynch:** We are not closing St. Brigid's Hospital, we are changing what goes on there. We all need to be very careful with the language we use when discussing mental health and people who find themselves in need of an acute service. I think some people are being reckless in that regard.

I thank the Deputies for raising this issue for discussion today. The HSE has, on several occasions recently, indicated the clear need to modernise mental health services across the HSE west region, including in the Galway and Roscommon area. A key factor in this regard is that the current overall stock of 79 beds in Galway and Roscommon is too high, as set out in *A Vision for Change*, allied to a corresponding underdevelopment of community-based mental health services.

In this context, an implementation plan to reconfigure mental health services across the Galway-Roscommon administrative area was recently put in place. Phase 1 of this was implemented on 20 January with the transfer of five acute beds from Ballinasloe to the existing acute unit in Galway University Hospital. The initiative now under way is a rebalancing in a more focused way of available resources and skills towards community-based services. It has not resulted in reduced service levels overall for Galway and Roscommon mental health services.

The existing Galway University Hospital acute psychiatric unit is currently registered to operate at a higher bed number, so no issues arise with regard to capacity or managing increased bed numbers. The Deputies will also be aware that a purpose-built 50-bed acute mental health unit will come on stream at Galway University Hospital next year to replace the existing smaller unit. This new facility will consist of 35 general adult mental health beds, with the remaining 15 beds dedicated for psychiatry of later life, eating disorders, and mental health and intellectual disability purposes. The acute unit in Roscommon will continue to provide 22 general adult mental health beds.

Regarding the two cases of patient care raised, the HSE has indicated that, on occasion, patients may present with co-existing medical emergencies. In such cases, they are managed initially through an emergency department, in line with best practice, to ensure their medical needs are addressed as a priority. The majority of patients admitted to the psychiatric units in Galway or Roscommon are referred via community-based mental health teams or directly through

consultant psychiatrists. Very few patients come directly to psychiatric services through an emergency department.

Mental health services in the Galway and Roscommon area have been enhanced recently by the introduction of a suicide crisis assessment nurse, SCAN, service. This service will help address gaps and provide supports to general practitioners in the area, and patients who present to them with thoughts of suicide. Access to the SCAN service is via a single mobile telephone number which gives the GP direct access to the service, allowing for speedy referral and immediate discussion of an individual's case.

The HSE is not aware of any recent increase in the incidence of self-harm in the catchment area. However, when such cases occur, a community mental health team is available to deal with such incidents, and where necessary, patients can be admitted to Galway University Hospital, or the department of psychiatry in Roscommon. The executive also points to a welcome and increasing awareness generally of issues surrounding depression and self-harm, which include specific measures adopted by local mental health services.

I am satisfied that the decision taken by the HSE, based on expert recommendations, to enhance future mental health provision across Galway and Roscommon is the best option, taking account of overall service needs and competing resource priorities. The approach and objectives to bring about change in this case is no different from that undertaken, or planned elsewhere, to implement a widely agreed policy on improving mental health services. Therefore, all concerned should work together to improve future service provision in this area.

**Deputy Denis Naughten:** In her response, I had hoped the Minister of State could address some of the questions I have raised. She made the point that very few patients come directly to the psychiatric services via an emergency department. I can tell her that is not the case in Portiuncula Hospital where a substantial number of people have come through the emergency department, as the Minister of State, Deputy Cannon, will be aware.

I will put to the Minister of State a hypothetical situation, which highlights the flaws in what is happening not just in our catchment area but across the country. A woman from Baylough on the Connacht side of Athlone might give birth to a baby in the local maternity hospital up the road, which is Portiuncula Hospital. If that baby has serious complications he or she could not go home with the mother and because of that separation the mother might suffer post-natal depression, which is not uncommon. However, instead of that woman being treated beside her baby in Ballinasloe, she would need to travel 70 miles to St. Loman's Hospital in Mullingar. If I were to cut my finger here today I could go to St. James's Hospital and have it sutured but if I were harmful to myself or someone else in this House I would have to be transported to the acute psychiatric unit in Roscommon town because that is my designated unit.

Why is mental illness not being treated the same as physical illness? St. Luke's unit in Ballinasloe, which is the most modern in the country, cannot provide a service to patients within its own local catchment area - so much for treating the patient as close as possible to his or her home. Would it not make far more sense to put mental health on an equal footing with physical health and allow catchments in respect of acute psychiatric units to be similar to those for accident and emergency departments in respect of general hospitals?

**Deputy Colm Keaveney:** I observed with great interest the Minister of State's caution around language when it comes to the issue of mental health. I also noticed the absence of a

wholesome response to the substantive questions that have been raised here.

To focus again on the evaluation that facilitated the political decision to accelerate this type of reform, could the Minister of State share with the House if she is prepared to stand over the objectivity of the professional input? Will she also share with the House the timelines applying to that criteria in terms of the evaluation? I am of the firm belief that this evaluation took place significantly earlier than the justification to apply the matrix that was used by the consultants associated with it.

I wish to deal with the issue of staffing in the Minister of State's response. Under A Vision for Change, there is provision for 97 staff to be provided for the facilitation of this change across the region. To date, there are only 37 staff *in situ*. The Minister of State is accelerating this reform and change, which, we would argue, is based on flawed criteria. I would be grateful if she would comment on that. The staff are not on the ground to facilitate this organisational change. We both want to support the implementation of A Vision for Change but the ethos underpinning that change, that the composition of the community-based teams would be in place before the scale of this change happened, is simply not there.

**Deputy Kathleen Lynch:** I advise Deputy Naughten that there will not be a separation of mothers and babies in any new unit that will be built. In the case of any woman who suffers from postnatal depression, the plan is that there will be a bed available for both the mother and the baby. All modern thinking informs us that there should be no separation.

**Deputy Denis Naughten:** They are living in County Weatmeath - that is the problem.

**Deputy Kathleen Lynch:** That is what will happen. I wish to reply to the Deputy's point about what has happened about treating the patient as close to home as possible. What we are doing is ensuring that they will be treated at home - not as close as possible to home but at home. The community mental health teams will call every morning, afternoon and evening and they do so in my area. That is how I know about it, and that is what is going to happen.

**Deputy Denis Naughten:** For the acute phase.

**Deputy Kathleen Lynch:** It is during the acute phase that this happens. That is what happens in Cork North-Central, in Tipperary and in other areas where this has been rolled out. This is not something that has been done without history and practice to back it up.

I do not understand why the Deputy thinks that only 10% of the teams are in place. Of the 44 teams, 32 are in place. On Deputy Keaveney's point regarding the additional staff that are necessary to implement this, 64 was the number made in the business case and 64 is the number that is being allocated. Almost all of them are in place and the rest are being recruited. That is the business case that was made to us and that is what we are doing. I do not have the information with me but I have gone over this numerous times in regard to Ballinasloe and I do not mind doing so because I went through it in terms of Clonmel and I will go through it in terms of a certain part of Cork. The same argument will be made, namely, how was the assessment done, what was the analysis and what was the outcome. I stand over the conclusion of the expert group because I have spoken to the members of it time and again. I spoke to one of the members about it in Stewarts Hospital three weeks ago and I again went over all of this. I stand over this.

**Deputy Colm Keaveney:** Does Deputy Naughten's observations - that one of the consul-

12 February 2014

tants was minuted - not concern the Minister of State?

**Deputy Kathleen Lynch:** No, they do not concern me because I know the consultant and I have asked him face-to-face about these matters. He is a man whom I consider to be of the highest possible integrity who desperately wants to give the best possible service to people in the community. I understand the politics of this but I do not understand how anyone could possibly justify keeping people in an institution when there is a better way to ensure they have a better life.

**Acting Chairman (Deputy Frank Feighan):** Thank you, Minister of State.

**Deputy Colm Keaveney:** They were sent to another institution that the Mental Health Commission has said is inappropriate.

**Deputy Kathleen Lynch:** May I address that point?

**Deputy Colm Keaveney:** The Mental Health Commission had not-----

**Acting Chairman (Deputy Frank Feighan):** Allow the Minister of State to conclude.

**Deputy Kathleen Lynch:** The most recent report from the Mental Health Commission is an excellent one.

**Deputy Colm Keaveney:** The one I have clearly states that Galway University Hospital is inappropriate.

**Deputy Kathleen Lynch:** The one the Deputy has is clearly the one to which he is going to cling like a life-raft.

**Deputy Colm Keaveney:** It is the one I received last week.

**Deputy Kathleen Lynch:** The one I have-----

**Deputy Colm Keaveney:** The Minister of State is talking about the one she did not get. She is rolling away on this on the basis of information she does not have.

**Deputy Kathleen Lynch:** It is a scandal-----

**Deputy Colm Keaveney:** It is a scandal. What happened is a scandal-----

**Deputy Kathleen Lynch:** -----that any elected representative would use vulnerable people to enhance their own reputation.

**Deputy Colm Keaveney:** -----that two vulnerable people were left abandoned in Galway University Hospital last week by her plan to roll ahead with this based on sand. Scandal is right.

**Deputy Kathleen Lynch:** It is a scandal.

*Sitting suspended at 1.57 p.m. and resumed at 2.57 p.m.*

## **Recent Flooding: Statements**

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** As the Minister responsible for the co-ordination of the emergency response to the severe weather, I welcome the opportunity to make this opening statement. As we all know, we have experienced an unusually long sequence of severe weather and flooding events since mid-December 2013, through the early weeks of the new year and up to the present. Here, in the second week of February 2014, we are being hit by storms, and due to the unstable weather patterns which we are encountering, Met Éireann has forecast more stormy conditions to come, including a level orange storm alert for Dublin and surrounding counties this evening.

Our response systems have worked very well and I recognise and thank all involved, including the local authorities, the Garda Síochána, the Civil Defence, the Irish Coast Guard and all our emergency services. I also acknowledge the Trojan work done by volunteers and others who have assisted their communities.

*3 o'clock*

The severe weather we are experiencing is unusually prolonged. Given the strong winds and high seas today, Met Éireann has issued a red level warning for Cork and Kerry, and an orange level warning for the other coastal counties in the west, south west and south east. Red means people should take action to protect themselves and-or their property, and obey all safety instructions which may issue from the local and other public authorities. Orange means to be prepared for the conditions, exercise caution and monitor safety announcements. On foot of the conditions today, my Department convened a meeting of the National Co-ordination Group on Severe Weather at noon. This group will ensure that a whole-of-Government approach is in place to support and assist the principal response agencies at local level and speedily bring to bear any national resources which are needed. As always, our principal objective is to keep people safe.

The Government recognises the enormous impact of these events on people's lives, on infrastructure and on the coast. The storms that have rolled across Ireland have occurred over two time periods and have had distinctive features. We first had the damage caused by the Atlantic storms that occurred in the period 13 December 2013 to 6 January 2014, and then the storms in the period from 27 January to 5 February 2014, which coincided with high tides.

High winds and heavy rainfall in the lead-up to Christmas were followed in the first week of January by a series of deep Atlantic weather systems, which, in combination with seasonal high tides, caused significant damage, particularly along the western seaboard counties of Mayo, Galway, Clare, Kerry and Cork, which received strong tidal surges powered by the strong winds and low pressure. Major damage was caused to existing coastal protection and flood defences, roads, local amenities, tourism and community infrastructure. Counties Mayo, Galway, Clare, Kerry and Cork were the worst affected and coastal communities were hit hard. All of these counties suffered severe damage to their roads, harbours, piers, beaches, coastal protection works and tourism and community infrastructure. We all recall the images on television and in the newspapers in regard to the damage to roads, piers and beaches in particular.

From 27 January to 5 February 2014 we experienced a combination of astronomical high tides, high winds, heavy rainfall and low pressure, which created very strong tidal surges. This resulted in serious flooding in the south west, south and south east and, in particular, parts of

the cities of Cork and Limerick were badly affected. In Limerick, the River Shannon burst its banks, causing extensive damage to houses in St. Mary's Park, where some 40 families have had to leave their homes. While many people from these households are being accommodated by their extended families, Limerick City Council has an emergency housing team in place and emergency accommodation has been sourced for any households who want it. The city centre business district in Cork city was flooded by two high tides. Cork City Council had taken the precaution of distributing 1,800 gel bags and over 650 sandbags but, despite these efforts and the efforts made by businesses, several premises were flooded. A number of other towns and villages along the south east coast were also affected. On Saturday last, 8 February, I had the opportunity to see at first hand some of the difficulties faced by communities in New Ross, Passage East, Dunmore East and Portlaw. However, in all of those areas, in the face of the many difficulties being encountered, I saw communities who were focused on positive and proactive solutions. I also witnessed first class interaction between the local and public authorities and local residents.

While the threat of tidal flooding has abated since last weekend, the risk of flooding in our long slow-moving rivers moved to the fore. Traditional settlement patterns have seen the growth of urban centres around our rivers, which leaves our towns and cities at risk of flooding. Farmlands, many of which are already inundated with water, are equally vulnerable. The rivers Shannon, Nore, Suir, Slaney, Barrow, Boyne and Blackwater, already swollen from previous high rainfall volumes, are in danger of breaking their banks if there is a continuation of the current unsettled weather patterns. All river levels are and will continue to be monitored closely.

The Government wants to help people and communities get back on their feet as quickly as possible. We want to assist in all practical ways, including financially. At its meeting yesterday, the Government considered a report on the severe weather. We decided that a sum of up to €70 million will be made available for a programme of repair and remediation works. This will enable local authorities in the areas worst affected by the storms, including the most recent flooding, to help affected communities by restoring roads, coastal protection and other infrastructure and amenities. The €70 million figure derives from estimates provided by local authorities and other agencies and is broadly broken down as follows: €16 million for roads; €20 million for restoring coastal protection infrastructure; €26 million for local authority infrastructure, tourism, amenity and community infrastructure, and piers and harbours; and €8 million for other transport and OPW infrastructure. This is in addition to the €25 million which the Government has already announced for the Department of Social Protection's humanitarian assistance schemes, €1 million of which will now be channelled through the Society of St. Vincent de Paul and the Irish Red Cross.

The Government will ensure that this money will be put to use immediately. My Department will convene a meeting of the other Departments and agencies involved with the local authorities concerned to set out the working arrangements in consultation with the Department of Public Expenditure and Reform. Local authorities have identified what needs to be done and they will be asked to bring forward timetables for repair and restoration programmes which prioritise works as necessary. This will be done as speedily as possible to enable local authorities to get on with what needs to be done.

The Government also noted an initial estimate that up to 500 domestic properties and more than 250 commercial properties have been damaged by the most recent flooding. Estimates of the damage to private property are not yet available from Insurance Ireland. The Department of Finance has been mandated to continue to liaise with the insurance sector and to report back on

a range of issues which arise in regard to insurance and severe weather and flooding.

As regards possible EU solidarity funds, following discussions with the European Commission, the Government has noted that the impact of the storms does not meet the threshold conditions for EU Solidarity Fund assistance. The thresholds for regional and exceptional applications are also very high, and the EU budget has been reduced from €1 billion to €534 million per annum. The Commission has signalled this will mean grants for successful applications being cut from 2.5% to about 1.33% and, accordingly, we have decided not to make an application at this time.

The most important objective for Government is to ensure that the communities and people who were badly affected can recover and get back on their feet as soon as possible. Events like these are a severe test of resilience but I believe we are a resilient people. Government will support communities in the recovery from this severe weather. Resources will be allocated to keeping people safe during our severe weather and practical and substantial resources will go to helping communities recover in their aftermath. The National Co-ordination Group on Severe Weather will continue to monitor the situation and ensure that all necessary resources are deployed.

**Deputy Barry Cowen:** I wish to share time with Deputy Timmy Dooley.

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

**Deputy Barry Cowen:** The storms of recent weeks have, as the Minister rightly said, inflicted massive damage on homes, commercial property, farmland and infrastructure. The Government's support and response must be adequate. I am glad to hear the Minister raise the issue of transferring information between the Government, the OPW and the insurance industry in regard to outstanding insurance claims in order to assist property owners to access insurance, based on the claims they are making on foot of their current policies. We will later on get to the other issue of those who do not have insurance.

The Government reaction in addressing the short-term situation has been mentioned. The Government has made €70 million available to deal with roads, infrastructure and the amenities throughout the local authority infrastructure in the country, which is welcome. Will the Minister make available to the House the submissions made by the relevant local authorities? The Minister said €25 million is available to the Department of Social Protection, and this is being dealt with by community welfare officers and so forth. From talking to many people, including Deputy O'Dea in Limerick, Deputy Dooley in Clare and Deputy Browne in Wexford, I know these welfare officers are dealing adequately with the claims that are made for the essentials to live day to day, such as in regard to fridges, beds and the like. However, the one gap that exists and about which people are frustrated is the question of where stands the State in regard to the massive damage done to their residential property, where no insurance was available to them when the storm or the flood hit. What progress, if any, has been made in that regard? What efforts are being made? What have the co-ordinating committee, the Minister's Department and other Departments put together with a view to addressing that issue, because it is the broader issue that has yet to be detailed?

For anyone who was not aware of it, "Prime Time" last night showed that, since 2009, when funds were put into Clonmel, the situation there has improved immeasurably. The Minister of State, Deputy Hayes, has said on numerous occasions that he cannot prevent flooding. How-

ever, he can make a good stab at limiting its effects into the future. We need funding to be made available and not only from the Exchequer. I am surprised the Minister has not gone down the avenue of EU assistance or explored the possibility of funds coming from the National Pensions Reserve Fund whereby a list of flood defence mechanisms in various cities and coasts around the country over the next number of years could be agreed and prioritised. Figures are being bandied about by the Minister of State in respect of how much it will cost to rectify the situation in Cork, Limerick, etc. However, we do not know this exactly until the experts put it down on paper and the Minister looks at the cost-benefit analysis of any such work. In respect of submitting that to the EU for assistance, this funding is available. My colleague, Deputy Dooley, clarified that with the relevant Commissioner. A figure was mentioned last night and it was stated that if it is not in excess of €800 million, it cannot be accessed. Cork alone is to cost €150 million. Issues need to be addressed not only at the coasts, but inland, as the Minister said in respect of rivers like the Nore, Barrow and Shannon. People have seen overhead footage on television of the damage caused by the Shannon burst. I meet that every year. It is nothing new to me; it only happens to be worse this year. However, it has become a summer phenomenon as well. The Minister for Agriculture, Food and the Marine and others are well aware of the representations we have been making on an ongoing basis for that to be addressed. On foot of the relevant committee producing a report in conjunction with relevant stakeholders, we asked for it to be debated in the House 12 months ago. It is still not here.

There have been lapses in concentration, the eye has been taken off the ball and commitments have been made throughout the country. I have seen Ministers visiting various disaster areas over the past number of weeks, be it the Minister for Finance in Limerick and others in Clare, Wexford, Waterford and Cork. This is welcome and must be done in order to assess the damage and have first-hand knowledge of the effects on the ground in real terms so that one can come back to Government and the expert group and access the expertise one has at one's disposal with a view to putting a plan in place to address these issues not only in the short term, but in the medium and long term. I ask the Minister to consider what we are proposing by virtue of pooling the resources of the Exchequer, the EU and the National Pensions Reserve Fund. A good programme can be put in place that would have the support of the House in order to prioritise in the first instance and address those issues thereafter, having established by virtue of cost-benefit analysis the success that can be achieved, as was proven to be the case in Clonmel.

I do not want the Minister to lose sight of the inland situation. I will not repeat myself but the Minister knows where they are. He knows they are in Offaly, east Galway, Roscommon, Westmeath and even down in the Minister's own area in respect of the other freshwater rivers. Those two issues have to be addressed. There is an immediacy about coastal areas in respect of the amenities that lend themselves to the tourist industry and it is paramount that procedures and funds are put in place for that to be done as soon as possible so that those coastal villages and towns that depend greatly on that sector can look forward to that issue being resolved.

We all have a duty to address the availability of insurance after these sort of episodes considering that we have been reminded of it on numerous occasions over the past ten years. We in Fianna Fáil will not be found wanting in that regard and will bring forward a Bill in the House to address this issue based on the English model that has been successful in similar circumstances. I hope we would have support from the Government if it has not already brought forward legislation to deal with the issues before then.

People's property has been damaged greatly to the tune of €40,000 or €50,000 in some cases, be it in Limerick, Waterford or Wexford. We hope that the €25 million given to the De-

partment of Social Protection will deal with the necessities to allow people to get by for the moment. However, the bigger picture is that those people have no insurance and have been offered no assistance, solace or comfort as to what road they need to travel for that to be addressed. I hope the Minister would make providing some comfort in that area a priority in the days and weeks ahead. I reiterate that the Minister should pool our resources and those of the EU and the National Pensions Reserve Fund with a view to putting a plan in place to meet the bland commitments and promises that are being made rather than rehashing them when we meet the same issue this time next year or even before then, as is the norm. The Minister knows from communications we have had at the committee that there is an obligation to move ahead with the relevant legislation to give effect to the heads of the climate action and low carbon development Bill 2013 which were introduced last year.

**Deputy Timmy Dooley:** I welcome the opportunity to contribute to this debate but it is somewhat disappointing that it is necessary. We had an opportunity to discuss these issues two weeks ago. It is not that we need a debate every time there is another storm. The principles remain the same. There is a storm blowing across Munster and heading towards Dublin today, but we do not need to have a debate in the House to discuss whether it is a code orange or code red event. Very significant damage is being caused throughout County Clare, with which I am most familiar, and particularly Ennis where roofs and shop-fronts are being blown off as we speak. These are really difficult circumstances. What we need to address here, however, is a co-ordinated approach to responding to such a crisis.

This has been ongoing since around Christmas in the constituency I represent in County Clare. Ministers have visited the area and, in fairness, the Minister for Agriculture, Food and the Marine visited recently in respect of the aspects relating to his Department such as ports. He also met with farmers. The Minister of State with responsibility for the Office of Public Works was there as well and assured Clare County Council that it would be given funds to deal with the crisis and told it to go ahead and spend the money. Clare County Council has proceeded, done an excellent job with the limited resources it has and carried out an extensive clean up. Sadly, much of that clean-up work was for naught because a fortnight later, another significant storm took place and pretty much the same havoc was wreaked on many of the coastal villages and tourist locations. The fact is that as of now, Clare County Council is still not clear about how much money it will get to repair the significant damage, be it to roads, piers or a range of other areas such as flood defence systems that were already there. The council is not in a position to know what it can spend the money on.

A situation has arisen in Kilbaha, which the Minister of State with responsibility for the Office of Public Works has visited. He knows full well that the road was washed away in the second storm. On Monday, the locals took it into their own hands to re-open the road. Council engineers came along and closed it again because they did not feel it was safe. In doing so, they explained to the locals that it would be June before the road would be opened. That is forcing locals to do an exceptional detour of about ten or 12 miles to collect kids from school. Even the road that is acting as the relief road is not strong enough to take milk trucks or feed trucks through to the farmers behind Keating's Bar & Restaurant and towards the lighthouse. It is not acceptable for a group of families to be told that it will be next June before the road is opened. The only reason Clare County Council is doing that is because it does not know what funds it will get. The Minister of State told it to spend the wages that it would have in place for next June, April or May and that the Government would put it back in funds. However, Deputy McNamara let the cat out of the bag when he said that Clare County Council needed €35 million

12 February 2014

to deal with this. It will not be getting €35 million. It will get some amount of money and it will be up to it to prioritise it. We have had this kind of soft approach where the council is told to spend the money and get the work done. Clare County Council was probably right not to proceed with some of this work because, quite frankly, the Department was not fessing up, not manning up and not saying what moneys it had put in place.

I appeal to the Minister to be upfront with the councils through whatever central co-ordination committee he is part of or in charge of. He should give councils the money they need. It is fine to tell them to repair or restore existing flood defences but the storms and their impact on the coastline have necessitated new requirements relating to flood defences that were not required heretofore because the topography of the land was such that the water did not inundate farmland. However, the formation of the shoreline has changed to such a significant extent that even without the normal inundation of a storm, low tides will breach the coastline and flood land. The Minister need only visit the area to see what the impact will be. Rocks and water will be brushed onto the land.

I also appeal to the Minister for Agriculture, Food and the Marine, Deputy Coveney, to develop a workaround for farmers whose land is required for the single farm payment or the agri-environment options scheme, AEOS. He knows his Department's methodology for checking whether land is arable, for example, if certain vegetation grows there or certain pools of water make it unusable. Where land has become unusable as a result of the storm, the Minister should allow farmers to continue drawing the same level of single farm payment. In the case of the AEOS, farmers should not be penalised because of an act of God. It is not their fault. They have lost that land, in that they will not be able to graze it because it has been inundated by water and, in some cases, rocks. In other cases, it has actually been washed away. I appeal to the Minister not to penalise those farmers further. He should find a method to give them a break.

The Minister for the Environment, Community and Local Government, Deputy Hogan, indicated that his Department did not intend to proceed with an application to the European fund. I met Commissioner Johannes Hahn. In 2009, I also met the then Commissioner. Although the threshold is high, Commissioner Hahn explained to our delegation, which was organised by Mr. Pat The Cope Gallagher, MEP, that an application made on a regional basis might not be subject to the same threshold. He was careful in his language and stated that he would work with various Departments.

I remember a similar situation in 2009 when the then Minister for Finance, the late Brian Lenihan, hesitated because the advice from Government officials at the time was that we would not be successful. In the latter hours, an application was submitted and we received €13 million. That amount would be helpful in the current climate, as the Minister well knows. We would like more, of course.

The Minister referred to having €70 million available, but the difficulty is that Clare needs €35 million. Based on the loaves and fishes work that the Minister would need to do, it is highly unlikely we will get that amount. This is the impression I am getting. The Minister is pushing it onto the shoulders of county councillors and engineers to perform a loaves and fishes miracle. He will have irate communities along the western seaboard.

There are 40 sites. Many of them are essential through routes for people going about their daily lives. Some are essential parts of the local economy, which is dependent on tourism. However, the Minister is suggesting that the communities will not get the €35 million and must

find it from their own resources or leave the situation to continue. That is not acceptable. We should not have another debate the next time there is a shower of rain in some part of the country.

**Deputy Phil Hogan:** We are having a debate because it was sought.

**Deputy Timmy Dooley:** We should put in place a comprehensive fund and appropriate criteria under which-----

**Deputy Phil Hogan:** Does the Deputy not want this debate?

**Deputy Timmy Dooley:** -----the Government will respond appropriately when critical infrastructure gets obliterated.

**Deputy Phil Hogan:** Does the Deputy not want this debate?

**Deputy Timmy Dooley:** If this was happening in Kilkenny or Dublin, it would be addressed, but it is the western seaboard, so forget about it.

**Deputy Phil Hogan:** The poor west of Ireland.

**Deputy Timmy Dooley:** That is not an approach I am prepared to stand over.

**Deputy Phil Hogan:** What about Offaly?

**Deputy Brian Stanley:** I welcome the additional €70 million to address the problems caused by the recent storms. We have received reports from the south west today of considerable damage being caused. While any additional funding is welcome, we may need to examine the figures again. I understand that significant damage has been caused along the Kerry coastline and other parts of the south east.

A case for EU funding must be made at Government level. The previous Government received €13 million in respect of the 2009 flooding. At the levels being mentioned by the current Government, we would only get €1.33 million for our €100 million worth of damage. There is a strong case to be made. Two Ministers are present. If the Government has not already done so, will it make an argument for funding from Brussels? Is Ireland's European Commissioner, who came from the Fianna Fáil side of the House, taking the case to Europe for extra funding? Our State is small compared with the rest of Europe. We are out in the Atlantic and exposed to that ocean's storms. We are witnessing more extreme weather events than central Europe.

Given the level of damage caused to date, I appeal to senior Ministers, the Taoiseach, the Commissioner and our embassies to start lobbying as a special case for increased aid and for the criteria to be changed, given our coastal areas' exposure to Atlantic storms. The possibility of making regional cases should be explored. All parties are concerned by what is happening to communities along the coasts and in the midlands.

Local authorities have lost approximately 20% of their staff. Unfortunately, many of those were front-line staff, for example, engineers and others who carried out vital preventative and maintenance works. The reduction in staffing and funding levels in recent years has meant that routine maintenance work on roads, bridges, coastal defences and culverts has not been carried out. I want the two Ministers to take this matter seriously. There was flooding recently in the Knockmay area of Portlaoise because a culvert on Harper's Lane was not kept clear. It was a

simple issue. There is a culvert across from where I live on the Clonrooske link road. I assure the House that a good eye is being kept on it, but if it was not kept clear, entire estates and hundreds of houses in Portlaoise would be flooded.

Regarding the embargo on local-----

**Deputy Phil Hogan:** The Deputy should get on to his county manager.

**Deputy Brian Stanley:** Hold on one second. The Government is supposedly reforming local government this year.

**Deputy Phil Hogan:** We are. We are devolving functions.

**Deputy Brian Stanley:** I appeal to the Minister to examine the question of staff. Engineers are telling me-----

**Deputy Phil Hogan:** The Deputy never-----

**Deputy Brian Stanley:** Never mind that. On the ground, area engineers are telling me that they cannot mobilise teams because they do not have overseers or crews. The Minister knows that, given the new health and safety regulations, a certain number of people must be mobilised at the same time. One person cannot be sent out to work on his or her own. When reforming local authorities, the Minister should pare away a bit at the top but try to provide staff at local level in what will be called municipal districts.

Drainage boards were mentioned in terms of rising levels along slow-moving rivers. The Barrow is a case in point. That river and its tributary, the Owenass, which flows through Mountmellick, will cause significant problems. In recent weeks, locals in Mountmellick and Portarlinton have watched water levels rise. There is considerable concern. Mountmellick is a low-lying town. If the Owenass breaches its banks, there will be major flooding. The county council makes an allocation to the Barrow Drainage Board each year, but-----

*(Interruptions).*

**Deputy Brian Stanley:** I hope that the Ministers are taking my point on board. This is a serious matter for both of them. Agricultural land is also being flooded. However, homes must be the first priority. Will the Minister for the Environment, Community and Local Government examine the allocations to drainage boards - the Barrow Drainage Board has done great work in recent years - to determine whether they need extra funding to prevent flooding in towns such as Mountmellick and Portarlinton?

Regarding flood mapping, something must be done for people who cannot get insurance. They are caught between a rock and a hard place. Measures must be put in place while they wait for flood defences to be prepared. The Government should meet the insurance industry to determine what can be done. Some areas have been mapped as being at risk of flooding, but they are not. They only contain specific zones that are at risk. I ask the Minister and his officials to meet representatives of the insurance industry on that.

A significant amount of money has been brought in by the property tax and the motor tax this year. The Government has hived off €600 million of that to pay off debts, as well as €490 million for Uisce Éireann. We went through that in detail yesterday. The promise made to the public was that such money would be available for local projects, and that has never been more

important than now, in order to cope with flooding damage in our towns. What has happened has made a nonsense of the local property tax. The raiding of that fund, along with the reduction in outdoor staff in the local authorities has left them ill equipped to cope with the problems they are facing. This policy has been shortsighted, and I know that when an area is flooded, repairing the damage will cost a lot more than a bit of prevention. The fact the OPW has spent €350 million in capital works in recent years is to be welcomed. Some good work has been done and many counties, in which nothing had been done for years, have had some of their problems solved by those works.

In light of what has happened this year, it is important that an up-to-date risk assessment be conducted. I know the Minister is seeking information from the local authorities, but it is important that a comprehensive risk assessment is carried out following recent storms and floods in areas that have not been flooded before. These are new problems. We cannot delude ourselves that this is just a once-off consequence of severe weather. This is happening more frequently. Severe weather events in recent years have highlighted the consequences of climate change, and the need to address this at global, national and local levels. Extreme weather events are taking place every few months. While we have been relatively fortunate in this country, we have seen massive devastation across the globe. We cannot be confident that the weather patterns of the last ten years will not continue.

Mr. Gabriel D'Arcy of Bord na Móna announced today that the company's data have shown that in each of the past six years, we have experienced weather patterns that would normally occur only once every 50 years. That is very worrying when we consider what is likely to come. People have had direct experience of the impact of the severe weather, and it has been proven that these are not freak one-off events. Climate change is happening. We in this State need to make the case due to our position in the Atlantic. The Gulf Stream is being pushed further south by warm air from the Arctic due to global warming. While we in this State have signed up to EU commitments on CO2 emissions, where is the climate change Bill? The Minister might tell us that today. I have not seen it. Last year, the environment committee did a lot of work trying to put a report together on the issue. The Government produced an outline draft heads of a Bill. Professor John Sweeney, a leading expert in this area, put in substantial time and effort to produce a report. The Minister has that report for over seven months.

**Deputy Phil Hogan:** He only gave it to me in November.

**Deputy Brian Stanley:** Well the Minister has seen the draft heads of the Bill before that. We want to see the actual Bill. While we were waiting for the Minister's Bill, we in Sinn Féin brought forward our own climate change Bill last year, without the resources available to the Minister. This would legislate for a 20% reduction in carbon emissions by 2020, and an 85% reduction by 2050. These are ambitious targets, and would require radical changes in the energy sector. The change involves a move away from the current dependence on imported fuel, but it would bring huge economic benefits because we would be saving on that. We believe that this should be done. We also believe that each local authority should have its own climate change action plan. We hope that will happen on the back of the Government's Bill. If we are to have reform of the local authorities, each local authority should play its part in combatting climate change locally.

Massive wind farms are being built in the midlands. We are going to export the electricity to them and we will help Scotland, Wales and particularly England to meet their renewable energy targets, while here in this State, including in the midlands, we will be importing very expensive

coal and oil. A huge number of households in the midlands and in other rural areas in Ireland are dependent on such imported fossil fuels, which are very expensive. The Government has signed a memorandum of understanding with the British to export the energy before we meet our own energy needs. I do not have a problem with exporting energy to England, provided that our own needs are met first in respect of renewable energy. Why is that happening? It is absolutely ridiculous that it is happening, leaving us massively dependent on this imported fuel. Around 90% of all our energy needs is being met with expensive imported fossil fuel.

There are economic advantages and environmental advantages if we become a leader in developing alternative energy. A number of research centres around the country are at the cutting edge of developing alternative energy options, and not just wind, with which the current Government seems completely fixated. The Government needs to examine tidal energy, solar energy, hydropower and geothermal energy. There should be plenty of hydropower, given the amount of water that is in the country. The Minister should have a chat with the Minister for Communications, Energy and Natural Resources, because he seems to be completely fixated on wind. We will have wind turbines everywhere, but I would like the Government to look at other alternative energy sources. I would like the Minister to take that seriously, and it is also relevant for the Minister for Agriculture, Food and the Marine.

I welcome the extra €70 million. The Minister will need to look at it again after today's storm. The reports I am hearing is that it has wreaked havoc in three or four hours. I appeal to the Minister to examine the issue of the EU disaster fund. He must make the case.

**Deputy Phil Hogan:** We have looked at it.

**Deputy Brian Stanley:** The Minister, the Taoiseach and the other senior Ministers need to be making a case at the highest level in Europe to change the criteria. We are very exposed to these storms. There have been disproportionate impacts on us and on the south of England. I appeal to the Minister to make a stronger case to Europe.

**Deputy Luke 'Ming' Flanagan:** I welcome the opportunity to talk about this. It is great to hear that a load of money will be spent, but there has to be a little bit of accountability as to how this money is spent. The Minister can throw figures out there, but if the money is wasted at the end of the day, that is not much use to anyone.

I know of a situation in Athleague, County Roscommon, whereby a successful application was made by the council for €270,000 in funding, but it did not spend the money on what it was meant to spend it on, and there seemed to be no problem with that. The council was meant to spend the funding on doing something with flooding in the Athleague area, and from the estimates I received from various contractors, it could have done it for about €25,000. Trying to find out what happened to the rest of it seems to be impossible. Will someone learn a lesson from this experience? The next time the Department throws money at the flooding issue, it should ensure it is spent on the purpose for which it is intended.

We may have had a tough time when the British were running the country but they knew how to keep the water flowing. As regards the €270,000 that was meant to be spent in Athleague, if those who are wondering why the water does not flow had stepped down from the bridge, they would have seen that four of the channels had been closed by experts on Roscommon County Council. When one places one's hand over the nozzle of a hosepipe, the water does not come out quickly when one turns it on. Instead, pressure is created which results in

damage when the water eventually bursts out. Why would one address this problem if one can continue to waste money without being held accountable for doing so?

Deputy Stanley stated that €350 million has been spent on flood prevention over the years. I wonder how much of this was spent properly. Fine Gael is purportedly a right-wing party. Flawed and all as the right-wing philosophy is, one element of it is that one should not waste money. The Government should concentrate on that part of its philosophy.

The bigger issue arising on the River Shannon is governance. Who really runs the country and who is the boss of the National Parks and Wildlife Service? It appears the NPWS is its own boss and it decides what happens. Does it come as a surprise that the problem of flooding has worsened when the National Parks and Wildlife Service is engaged in a wilderness project? Bord na Móna's briquette-making activities have produced a large amount of silt deposits in the River Shannon, which are beginning to form islands that slow the flow of the water. When the National Parks and Wildlife Service or Office of Public Works are asked to remove these deposits, the former responds that these islands are very important habitats. As more of these habitats form, the human animal living in the area will eventually be forced to move away. That is the direction in which we are heading.

My argument is not that the River Shannon should be drained but that we must use the resources available to us, including the many bored unemployed people who would love something to do, to remove these deposits. While this will not completely solve the problem as flooding is inevitable on a slow-moving river, the deposits are exacerbating the problem. In certain cases where silt has been removed, a hit squad from the National Parks and Wildlife Service subsequently arrived with microscopes and teaspoons and minutely examined the silt to ascertain what exactly was in it. This is ridiculous.

**Deputy Phil Hogan:** I thought the Deputy counted the National Parks and Wildlife Service among his friends. Its staff are environmentalists like him.

**Deputy Luke 'Ming' Flanagan:** Environmentalism is a broad church. One does not need to be a fundamentalist to be an environmentalist. One must also listen to people. Supporting environmentalism does not mean keeping people cold in their homes. People need to be encouraged, whereas the Government is discouraging them. If a farmer's land is flooded in the middle of the summer as a result of action by the National Parks and Wildlife Service and inaction by the Office of Public Works, how can the Government expect him or her to have respect for the environment? Farmers, who are being criticised for damaging the environment, are the very same people who worked with environmentalists to save the corncrake, hen harrier and many other birds. As a result of the activity of the National Parks and Wildlife Service, these birds can no longer nest in certain areas in the summer. The NPWS is damaging wildlife, while the farmers who co-operated with efforts to save certain bird species are throwing their arms in the air and asking why the service is killing the very thing it claimed it was trying to save. This does not help.

**Deputy Mick Wallace:** I thank Deputy Luke 'Ming' Flanagan for giving me an opportunity to speak.

While I hold the Government responsible for many things, I do not blame it for the weather, although I have been blamed for the weather in the past. Given that the weather and the damage it has caused have been so bad, the Government clearly does not have the capacity to solve all

the problems. For the past century, the State has failed to give much thought to fighting coastal erosion. It would be interesting, therefore, if the Government would consider this issue.

It is disappointing to note the European Union is not prepared to provide us with substantial funding to address coastal erosion. The amount available to Ireland is less than 2% of the total available for this purpose. The European Union benefited from our status as an island community. In 2009, Chancellor Merkel stated that Ireland had benefited to the tune of €56 billion in European Union funds since 1973. EUROSTAT figures for the period from 1975 and 2010 show that the commercial value of Irish fisheries over that period was €201 billion, of which Ireland took a mere 11.8% or €17 billion. It would be nice if the EU were to consider returning some of the money it robbed from us through our fisheries. The Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, will be familiar with this issue, although to be fair to him he is doing his best to secure a better deal for us in fisheries.

We are not being treated fairly by Europe. The principle underpinning the European Community was that nations would look after each other and the central authorities would look after the smaller nations. Ireland is being shafted by being forced to bail out its banks to the tune of approximately €70 billion, while the European Union is prepared to provide only a pittance to address coastal erosion.

I submitted a question to the Minister on the dismantling of Courtown Pier. It was interesting to note comments addressed last week to the British Minister for the Environment, Food and Rural Affairs, Mr. Owen Patterson, who was told that “skimping on flood defences is deeply false economy even in austere times: ministers admit each scheme saves £8 in damage for every £1 spent. The costs are now being counted”. The Government should take this view on board and start to act on rather than react to coastal erosion problems. Taking action on Courtown Pier, for example, would be a good investment as it would save money in the long run.

In reply to a parliamentary question about inshore fishermen in Wexford who lost 80% of their pots, the Minister for Agriculture, Food and the Marine pointed out that a range of grant aid schemes administered by Bord Iascaigh Mhara, BIM, are already available to inshore fishermen. When I contacted the fishermen who had raised the matter with me I was informed that the only grant they had ever received from Bord Iascaigh Mhara was for safety equipment. That is fair enough but its importance should not be exaggerated. The Minister’s answer continued:

There have been some reports in the media about the loss, by some inshore fishermen, of their pots. It is not unusual for inshore fishermen to experience some pot losses through the winter. It is too early to fully determine the scale of the losses and if these were widespread. I am working with BIM to endeavour to assess the scale of losses that may have occurred.

He also noted that the “EU requires that any financial assistance provided by Government to the seafood sector must always be considered in terms of what is permissible under EU State Aid rules.” This is a major problem and one of the reasons Irish people no longer find many EU rules attractive. The Government boasts that we can borrow money on the markets at an interest rate of 3.5%, which is good. Despite this, we are not allowed to borrow money to build a bypass in New Ross, although we are allowed to build the bypass under a public private partnership, which would cost the State 20% more. The reason is that the costs would not immediately appear on the books, in other words, the European Union will allow us to invest in infrastructure provided we put the money in the pockets of investors and bondholders. This is unfair.

When Cathal Mac Coille asked the Minister, Deputy Varadkar, this morning if we could expect to see more millionaires from the United States buying properties here on the cheap, the Minister's response was that a number of people have invested in properties of Ireland, including a Chinese business family which bought Fota Island and a Russian lady who invested in the Morrison Hotel, and that what we needed was more of these types of investments.

**An Leas-Cheann Comhairle:** What has that to do with flooding?

**Deputy Mick Wallace:** The Minister added that what was important was that such properties when purchased were invested in and promoted because while it may be the case that they are being bought at a major discount in terms of what they were worth a couple of years ago, the previous owners had not done a very good job. To say that the previous owners had not done a good job is rubbish and totally unfair.

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

**Deputy Mick Wallace:** I wonder if these investors would consider buying some of our coastline and investing in the prevention of coastal erosion instead of cherry-picking like vultures.

**Deputy Clare Daly:** While it is always a pleasure to have the Minister, Deputy Hogan, in the House, it is unfortunate that the Minister of State, Deputy Brian Hayes, is not here for this debate.

**Deputy Phil Hogan:** He is in the Seanad.

**Deputy Clare Daly:** Fair enough. We have been subjected to listening to this individual on the airwaves for some time.

**Deputy Phil Hogan:** I am sure it is reciprocal.

**Deputy Clare Daly:** Perhaps so.

**Deputy Mick Wallace:** That is why the Deputy is offering no defence.

**Deputy Clare Daly:** The Minister of State, Deputy Brian Hayes, has repeatedly said on the airwaves that we can never be prepared for every contingency or eventuality, which is true. However, that is to miss the essential point in this debate that contingency plans, flood relief mapping and preparation can prevent a problem from becoming a crisis. In essence, what we are experiencing is a crisis and a national emergency. In my opinion, the response has been in many ways too little, too late. That what we are experiencing is a crisis must be recognised. Many people have literally lost everything. Every major city has been affected by flooding.

It is fair to say that these events are not unparalleled or unexpected. They may be worse than other weather problems we have experienced but the signs that these problems were going to arise were there for all to see. We had flooding crises in 2002, 2009 and 2011, which means the gap is narrowing. Extreme weather events are now occurring with greater frequency and intensity than at any time during the past century and a half and the commencement of global climate recording. It should not be forgotten that it was as a result of flooding a number of years ago that a nurse died in a basement and an off-duty garda was killed in Wicklow. The question that must be posed is what we have we learned and what new steps have been taken.

12 February 2014

The flood relief section of the OPW has not recruited any permanent engineers as a result of the recruitment embargo in the public sector. This must be taken into account. Perhaps the Minister of State will tell us how many skilled expert staff have left the OPW and not been replaced. I am aware that every year the OPW takes on a number of graduates, who it trains over a three year period. At the end of their training, however, they then go on to assist in the development of another economy. Why can they not remain in Ireland? I note that according to the clock my time has expired. However, I do not believe I have been speaking for five minutes.

**Deputy Micheál Martin:** We have no objection to the Deputy being given a few more minutes speaking time.

**Acting Chairman (Deputy Peter Mathews):** The Deputy may continue.

**Deputy Clare Daly:** There is a loss of expertise and knowledge from the OPW which is not being replaced. The people who are paying for this are the families who have lost everything in this current crisis. It is necessary that the Minister of State rectifies this if there is to be any change in this situation. We are spending an enormous amount of money on outsourcing flood relief planning work to third parties because the expertise is no longer available in the OPW. Much of this work, rather than being carried out by Irish engineers, is being outsourced to foreign companies, which is a travesty given the thousands of young Irish engineers who are being forced to leave this country every year. The reality is that in terms of tendering, prices have never been as low. We could have in place a programme of works to repair much of the damage caused by the flooding. The amount being provided by Government in this regard is minuscule in terms of what is necessary. It was reported the other day that the Government has approved €70 million in funding for repair damage caused by the recent storms in the west and south. While that funding is to be welcomed, the repair bill from County Clare alone will absorb most of that money. We are spending €9 billion on interest repayments on debts that were never ours in the first place and only €70 million for essential repair work, which puts into scale just how little funding is being provided.

It is ironic that a great deal of money is being spent on outsourcing flood relief work and that there is an embargo on the recruitment of people who could plan for such crises. This means we are spending money after the horse has bolted. The impact of climate change on extreme weather is having a serious effect on tens of thousands of Irish families who cannot insure their properties. We have all heard about the damage caused in the agriculture sector. This issue is not going to go away. Forward planning does count. The Department has depleted itself of its resources in terms of-----

**Deputy Brendan Howlin:** Absolutely not.

**Deputy Clare Daly:** Let us hear the statistics. How many of the engineers who have left have been replaced and how much money has been spent on outsourced reports? If the Minister has not done that, then it begs the question why he was not better prepared.

**Deputy Phil Hogan:** The Deputy says we have them so it must be true.

**Deputy Brendan Howlin:** The Deputy is against outsourcing, taxes and so on.

**Deputy Clare Daly:** The Minister is in favour of privatisation.

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to

focus in my contribution on coastal damage, in particular on piers and harbours and the inshore fishing sector to which Deputy Wallace referred. The Irish coastline has since December last been subject to a series of extreme storm events which has caused significant damage to the infrastructure of many of our harbours, piers and slips. At this point, we are aware of damage to more than 100 piers, harbours and slipways and other coastal infrastructure linked to fisheries and aquaculture. We are also acutely aware that there is a likelihood that these storms, the latest of which first hit the west coast early this morning, may continue over the next week or so causing further damage. The situation, therefore, continues to evolve. Given what happened this morning in the midlands and south east, in particular Cork and Kerry, I suspect we will be debating this issue again in the not too distant future.

While my Department has a key role to play in regard to the Government's response on damage to fishery and aquaculture-related piers, harbours and slipways around the coast, the Office of Public Works retains overall responsibility for the Government response in relation to coastal erosion, coastal defence and flood defence projects generally. As Members will be aware most of the harbours and piers around the coast that have been adversely affected by recent storms are owned by the relevant local authority and responsibility for their maintenance and repair rests with those authorities. That being said, I am acutely aware of the dependence of a large proportion of the Irish fishing fleet, in particular our 1,900 strong inshore fleet, on the network of local authority and Department owned piers and harbours around our coast.

My Department maintains the harbours in its direct ownership and has run a limited programme in recent years co-funding the repair and upgrade of local authority harbours linked to the fisheries and aquaculture sectors. I am delighted to say that as part of its overall co-ordinated response to the impact of the recent unprecedented weather conditions, the Government yesterday decided to allocate an additional €8.8 million for the repair of the publicly owned pier, harbour and slipway network linked to fisheries and aquaculture. This is a significant amount of money given current economic circumstances and is a clear indication of this Government's commitment to rural coastal communities and the wider fishing sector that are dependent on this infrastructure. While it is difficult to be definitive at this stage, as I stated, following extensive consultation with local authorities, my engineers estimate that there are more than 100 projects involving significant damage across nine counties.

*4 o'clock*

In light of the additional funds now available it is my intention to broaden the remit of my Department's 2014 capital programme immediately to encompass to the greatest extent possible repair works on publicly-owned fishery and aquaculture-related piers, slipways and infrastructure in harbours damaged by the storms. With that in mind in the coming days I will be inviting local authorities to follow up on their estimates of damage by applying for funding under the programme and to indicate their prioritised list of eligible projects on a county-by-county basis for consideration for funding for repair of the damage caused by the recent storms. The funding will be focussed on infrastructural repairs to fisheries and aquaculture-related harbours, piers and slipways, with one exception to which I will refer in a moment. A number of other general criteria similar to those attached to the previous scheme will continue to apply. However, in the current circumstances I am removing the upper limit of €150,000 grant aid per project which had previously applied.

In addition to the funding to be provided to local authorities, my Department will be moving to repair storm damage to piers, harbours and coastal infrastructure in its direct ownership.

12 February 2014

This will include moving as quickly as possible to repair the significant storm damage to North Harbour in Cape Clear, west Cork; Dunmore East Fishery Harbour Centre, County Waterford; the Gun Rock beacon, Inisboffin, County Mayo; the West Cove navigational beacon, County Kerry; and Roonagh Pier, County Mayo. An evaluation committee will consider the eligibility of all applications submitted by local authorities and advise on the eligibility and priority of the projects submitted on the basis of overall priorities and the total budget available. I will then consider the overall submissions and decide which projects are approved. I assure Deputies, including Deputy 'Ming' Flanagan, in particular, that we will be insisting on value for money and will be following up on that with our engineers supervising these projects. There is a particular problem relating to a graveyard near Rossaveel, County Galway, which has been literally washed into the sea as a result of recent storms. We will instruct the county manager in Galway to immediately fix that problem and give the authority the resources to do that. I hope this quick response from Government will address the storm damage to this vital public infrastructure and limit the damage to the local economy.

In addition to the damage caused to piers, harbours and coastal infrastructure Bord lascaigh Mhara has advised me that there have been consistent reports from around the coast to local officers of loss or destruction of lobster and shrimp pots during the extreme weather storm damage. While I am aware that some loss of pots is normal at this time of year, the scale of losses this year is exceptional. I understand that pots deployed in shallower waters have been most affected. Anyway, what makes this year exceptional is the loss of pots stored on quay sides which would normally be considered secure from winter storm damage. Reports indicate that many pots were washed off piers by the ferocity of waves and the high tides we have seen.

The pot fishermen affected by these losses are small-scale coastal fishermen but there are many of them. The vast majority of vessels are under 10 m in length and many are open or half-deck vessels. In many cases they are crewed by one owner, perhaps with one other crew member. Primarily, these fishermen fish lobster, crab and other shellfish. With the loss of pots, their means of making a living is severely threatened and we are keen to respond to protect their living within reason.

In considering assistance to these pot fishermen for their losses I am mindful that it is not possible to obtain insurance to cover the loss of pots. Therefore, I am pleased to announce today a temporary one-off scheme of assistance to these pot fishermen for the replacement of lobster and shrimp pots lost or destroyed in the recent extreme storms. The scheme is focused on smaller inshore fishermen, it will be limited to vessels under 15 m and it will be administered by BIM, ensuring value for money. It will provide a set amount of €24 per lobster pot lost or €12 per shrimp pot lost. These amounts represent approximately 40% of the cost of replacing such gear. While I am conscious that some pot fishermen have reported losses of several hundred pots I believe these are exceptional cases and therefore I am capping the number of replacement pots at 50 for under 12 m vessels and 100 for under 15 m vessels. A fisherman who has lost 100 pots at the replacement cost of approximately €6,000 will receive assistance of a little under €2,500. A fisherman availing of these schemes will be required to provide certain evidence to BIM to show that he was actively pot fishing in the months before the storms and evidence of purchase of pots that were lost. In addition, he will be required to make a sworn declaration concerning his losses. I am setting aside a maximum budget within my Department of €1.5 million for this scheme to be borne by the existing Vote within my Department. No additional funding will be made available. Therefore, I emphasise that should applications exceed this budget the rate of assistance will be reduced, either in terms of the amount of payment per pot

or the maximum number of pots, in order to remain within a managed budget.

Again today, coastal communities are getting hammered by an extraordinary weather pattern. It is as if there is a storm factory in the middle of the Atlantic sending in one storm after another. We have had eight storms at this stage. It is an extraordinary weather pattern and it looks as if it will continue for a further ten days or so. This is a movable feast but the Government is responding today, as it did last week from a humanitarian point of view when €25 million was announced. Today, the Minister for the Environment, Community and Local Government, Deputy Hogan, is announcing a further €70 million for structural damage in need of repair. This amounts to a combined commitment of almost €100 million from Government. The problem is still being assessed given the storm that is raging as we speak. We are doing all that is reasonably possible to respond to extraordinary weather conditions prevailing over a prolonged period. Given my responsibility as the Minister for Agriculture, Food and the Marine, my focus is on agriculture and we are focused on that sector, but today I wish to focus specifically on fisheries, harbours, piers, slipways and so on because of the two specific schemes being launched today in this area.

**Deputy Micheál Martin:** I welcome the opportunity to speak in the House about the flooding and storm damage that has occurred throughout the country in the past month or so. I believe there has been a certain degree of complacency and a lack of urgency on the Government side in respect of the preparation and prevention mechanisms that could have been put in place. Irrespective of the arguments for and against climate change, it appears there has been a significant pattern of climate change given the significant flooding events in various counties. Certainly this year there have been significant events in Galway, Limerick, Cork and elsewhere as well as throughout the country today. I say as much without endeavouring to make a political point. However, it seems to me that there is a basic lack of any sense of urgency to deal with the issue. The catchment flood risk assessment and management studies are dragging on too long. They have been going on for years at this stage examining proper preventative measures that should be put in place for tidal situations or flooding. I do not believe we are seized enough of the gravity of the situation and the potential for even more damage in future.

I pay warm tribute to all the public sector workers, including those working within the ESB, local councils throughout the country and voluntary rescue teams, who have been helping people who have got into difficulty, some in fatal circumstances. We welcome the work they are doing at the front line and they deserve great credit. Today, they are working in extremely hazardous and difficult conditions. I understand up to 100,000 homes are now without electricity in what is a ferocious storm throughout the south west. From what we hear, it is moving up the country at this stage.

We know that where preventative measures are put in place it can have an appreciable impact. “Prime Time” broadcast a programme on Clonmel. An investment of up to €150 million was made and it has had an impact in terms of the defences and barriers that can be put up, along with proper flood warning and diverting measures, preventing the flooding of the commercial and residential centre of the town. Recently, I was in Mallow. In the midst of bad weather the flood scheme in the town was effective in protecting the centre and this was also the case in Fermoy. That illustrates what can be done but more urgency is needed to get on with coastal protection and protection of cities and towns from tides and rivers bursting their banks. More has to be done than just praying for better weather. Last week, the Minister of State at the Department of Public Expenditure and Reform, Deputy Brian Hayes, said the Government did not have the money. That is what I mean about a complacent mindset. Three months ago the same

man said we could look forward to tax cuts. This is what happens. The people are told things are getting better and the Government parties have decided to promise tax cuts because local elections are coming and there will be a general election by 2016 saying, “No matter how bad things are we will have a few tax cuts for you by 2016”. However, when the storm damage erupted, the Minister of State said it will add 10% to people’s tax bills to sort everything out. That is incoherent.

**Deputy Simon Coveney:** He did not say that.

**Deputy Micheál Martin:** He did. He threw his hands in the air and said this would cost billions of euro and we cannot afford it. He said if we were to do all that had to be done, it would add 10% to our tax bills. It is hyperbole; it is exaggeration. He was trying to move the debate. It is clever politics, spin and PR.

**Deputy Simon Coveney:** I do not recall the Minister of State saying that.

**Deputy Micheál Martin:** I read that in the *Irish Examiner* and the Minister would not question the veracity of that paper. Deputy Hayes said we needed a debate in society.

**Deputy Brendan Howlin:** We do.

**Deputy Micheál Martin:** Why the hell did we not have it before now? The climate change Bill is going through for the past two and a half years.

**Deputy Brendan Howlin:** Fianna Fáil was 14 years dealing with it.

**Deputy Micheál Martin:** That is the old argument, which has no relevance.

**Deputy Brendan Howlin:** It is the truth.

**Deputy Micheál Martin:** The Government parties have been in office for three years. The Minister of State decided after the event that we should have a debate. We should have had a debate prior to it. He should have come into the House three months ago when he said we had plenty of room to reduce taxes and the Government would give people whatever lollipop they wanted before the next election. The Labour Party did the same before the previous election. Its members said they would give people anything they wanted and they put that on triangular notices.

**Deputy Jan O’Sullivan:** That is hyperbole.

**Deputy Brendan Howlin:** I do not recall any “Anything You Want” posters.

**Deputy Micheál Martin:** It is not hyperbole. I recall Councillor Jenny McHugh telling me that there were posters up all over County Meath saying the Labour Party would protect child benefit and third level fees.

**Deputy Barry Cowen:** Is that not what one does during elections?

**Deputy Brendan Howlin:** People are suffering out there.

**Deputy Micheál Martin:** There is a tendency as the storms break to make announcements that €70 million or €25 million will be provided but the drawdown is much less and the money does not get to the householders or business owners who are flooded in an adequate time. The

Minister for Social Protection was able to announce last week: “By the way I have €7 million left over.” No one knew where that money was but it was in a pot that had not been spent during a previous storm or flood.

**Deputy Simon Coveney:** It is a reserve fund.

**Deputy Micheál Martin:** Clearly, the Minister does not realise what his colleagues are saying. This is the incoherence at the heart of government. It took me a week to get the Taoiseach to say the Minister for the Environment, Community and Local Government was in charge.

**Deputy Simon Coveney:** It is money that was left over.

**Deputy Brendan Howlin:** For this purpose.

**Deputy Micheál Martin:** It is money that was not spent during the last storm. I made representations on behalf of people to try and get basic provisions for them and there was too much red tape, regulation, barriers and obstacles for them to access the money. Of the sum of €25 million announced recently, only €225,000 has been given out.

**Deputy Simon Coveney:** We just announced how we will spend €9 million to put piers back together.

**Deputy Micheál Martin:** This Minister should not be so defensive; this is the reality.

**Acting Chairman (Deputy Peter Mathews):** The Deputy has three minutes remaining.

**Deputy Micheál Martin:** Times flies when one is being interrupted.

**Acting Chairman (Deputy Peter Mathews):** While the conversation is interesting, I remind the House that we are taking statements.

**Deputy Micheál Martin:** In November 2011, the Government allocated up to €10 million for flood damage. By May 2012, only €760,000 had been spent. That is a disgrace, particularly in the context of businesses that cannot take out flood insurance. The Government parties can make all the announcements they like but the money does not get to the people.

The Minister of State, Deputy Brian Hayes, needs to be sure about the funding announcements he makes. He said he would allocate €50 million to Cork city. The council says it will cost €100 million to implement flood prevention measures. People are ruling out flood barriers but nothing should be ruled out. The studies should be completed as quickly as possible. Once good flood prevention mechanisms are put in place, they can last a lifetime and save billions of euro. That is the mindset with which we should approach this issue. We should do what is right. The €100 million estimate for Cork city does not cover Douglas, Blackpool and Blackrock. The city council believes €100 million is required to protect the city centre alone and that would cover the quay walls and so on.

However, the problem is the Government has starved councils of funding in the very year they need it. Approximately 80% of the property tax yield or €450 million was taken from them. Why is the Minister nodding his head?

**Deputy Brendan Howlin:** I will explain.

**Deputy Micheál Martin:** Of course the Minister will in his normal way.

12 February 2014

**Deputy Brendan Howlin:** In plain English.

**Deputy Micheál Martin:** The reality is the Government promised 80% of property tax yield to councils but, by last November, it had taken the money from them and given it to Irish Water. That is why local authorities are strapped for money. They cannot even repair footpaths. That is why officials look askance when someone comes along and says he will give them €50 million. They would like money now to plug the gap and address issues.

Tracts of farmland are under water.

**Deputy Simon Coveney:** It is called transfer of functions. The Deputy is playing politics.

**Deputy Brendan Howlin:** He knows well. People are suffering.

**Deputy Micheál Martin:** The Minister, Deputy Coveney, is wrong. It is not a transfer of functions. The Government promised the people that councils would get 80% of the property tax yield.

**Deputy Brendan Howlin:** They will.

**Deputy Micheál Martin:** They were supposed to get it this year. The Government is continually misleading the people.

**Deputy Brendan Howlin:** The Deputy should deal with the floods; people are suffering.

**Deputy Micheál Martin:** That €450 million would help councils to deal with the floods, coastal protection, rivers and barriers immediately. Deputy Cowen will introduce a Bill to deal with insurance for businesses and householders who cannot get insurance because of the way insurance companies are dealing with flooding similar to the legislation that has been adopted in the UK. Will such a Bill be introduced by the Government? We would like answers to these questions.

I welcome the provision of minor grants to fishermen but comprehensive plans are needed to protect our coastline. They are not in place. I have been in Galway and all over. These events are occurring year after year and no comprehensive plan is in operation for the long term.

**Deputy Jan O'Sullivan:** One would swear the Deputy was not in government for 14 years.

**Deputy Brendan Howlin:** And awash with money.

**Deputy Barry Cowen:** The Ministers have been in office for three years.

**Deputy Micheál Martin:** A comprehensive approach and significant investment are needed in places such as Athlone and County Offaly.

The Government should consider using the National Pensions Reserve Fund, NPRF. The fund was used to finance Irish Water. This issue deserves to be the number one priority in the country because it will cost millions and millions of euro. We do not have a proper estimate of the cost. The Government has put forward a stopgap, sticking plaster approach.

**Acting Chairman (Deputy Peter Mathews):** The Deputy's time is up.

**Deputy Micheál Martin:** I am aware of the tolerance the Acting Chairman often seeks from the Chair when he contributes and I will not over indulge in this regard.

The use of the NPRF should be an option in the context of the scale of funding that will be required to deal with the impact on farming, fishing, business and householders. Something big is needed and it is not happening. The sum of €250,000 allocated by the Minister for Public Expenditure and Reform in the Estimates for the next three years is pitiful. He is in charge of public expenditure and he sets the limits on what can be spent. That amount is negligible and it will be ineffective.

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I wish to share time with the Minister of State at the Department of the Environment, Community and Local Government, Deputy Jan O'Sullivan.

I am grateful for the opportunity to contribute to this important debate. I am conscious that inclement weather is visiting the country again as we speak. We have been experiencing it for weeks on end and ten minutes ago, Met Éireann extended its red alert from Munster to Connacht and Leinster. I understand 100,000 homes are without electricity, Shannon Airport is closed and bus and rail services are severely affected throughout the country. I was in touch with my constituency office before I came to the House and severe damage has been done across my home county. The roof of the new swimming pool in New Ross, for example, has been damaged among other infrastructural damage. I am conscious that we are not talking in historic terms about damage done or sticking plasters, to use Deputy Martin's phrase. There is an ongoing crisis affecting people as we speak. I pay tribute to the staff of all our utility companies for the work they continue to do in order to ensure that services, particularly electricity, will be restored to people as soon as possible. The point has been made before, but it bears repeating, that the staff of the ESB and local authorities, the members of An Garda Síochána and the Civil Defence and all the community groups that have been involved in addressing the unprecedented storms we have been experiencing in recent weeks must be commended.

Like other Deputies who represent coastal constituencies, I witnessed at first hand the damage that has been done when I visited the flooded areas around New Ross last weekend. Members will be aware that no amount of TV coverage, regardless of how effectively it is presented, can impart the personal hurt and sense of loss and devastation endured by individuals and families when their homes or businesses are devastated by floodwaters. Their hurt and fear is compounded by the knowledge that future weather events might bring further harm to them. Unfortunately, we do not know when the current storm cycle will end. When I was in New Ross, I witnessed the impact of many voluntary community responses to the floods. Indeed people in every part of the country have been rallying in support of their neighbours in so far as is possible. I also saw how small-scale works can offer real protection. The centre of New Ross is protected by flood walls - these will have to be extended - and the works involved were not particularly expensive to complete. Despite the recent floods, there have been instances where flooding was avoided as a result of the fact that defences were put in place. Weather events of the kind we have been experiencing in recent weeks are going to become more common and it is clear that we must engage in a debate on this manner in calmer times.

The response of the Government to the disaster has been threefold. First, as the other Ministers who contributed have already indicated, we have allocated up to €25 million for humanitarian assistance. That is an indicative sum. The moneys involved are to be drawn down on the basis of need and we made a decision yesterday to the effect that some of them are to be channelled through the Society of St. Vincent de Paul and the Irish Red Cross, particularly in respect of those who have difficulty in accessing these moneys through the social welfare system. Social welfare offices have extended their opening hours and social welfare officers

12 February 2014

are providing assistance to people on a door-to-door basis. I commend the staff of the Department of Social Protection on their efforts in this regard. The second part of the Government's response involves the €70 million that has been allocated, to which the Minister for the Environment, Community and Local Government, Deputy Hogan, referred, in order to address the damage done to key infrastructure.

The third element of our response - I accept what Deputy Martin stated in this regard - relates to a challenge with which we must deal in the medium term. I thank my colleague, the Minister of State at my Department, Deputy Brian Hayes, for the tireless work he has done not only in recent weeks but also during the past three years. He has been forthright in offering his opinion in respect of what needs to be done and he has commenced the national debate on the impact of climate change. There is no doubt that climate change will pose real and substantial challenges to an island nation such as Ireland. Six more flood relief schemes are expected to commence this year in Templemore, Claregalway, Bandon, Skibbereen, Bray and Dublin. In the coming years, progress will be made towards enhancing flood defences throughout the country. I met senior officials from the OPW this morning in order that I might pledge whatever resources are required to put in place immediate relief measures that can have an impact in the medium term and protect our coasts.

It will not be easy to deal with what lies ahead. Let us not pretend that instant schemes can be put in place. The schemes to which Deputy Martin referred, such as that in Clonmel, were planned over many years. We are involved in a major planning process in this regard and we must engage in a debate on how a significant level of resources will have to be deployed in order to ensure that this country and its people will be prepared to deal with the change that is happening to climate worldwide. These issues must remain at the core of our focus long after the current storms pass.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** I am conscious that we are speaking about a situation which continues to evolve. At present, people are experiencing the ravages of the storms which continue to hit our country. There has been a whole-of-government response to this matter from the outset. The very first person to come to Limerick in order to see what was happening there was Mr. Sean Hogan, who is present in the Chamber and who is chairman of the national emergency co-ordination unit. The Minister for Public Expenditure and Reform, Deputy Howlin, his Minister of State, Deputy Brian Hayes, and the Minister for Social Protection, Deputy Burton, also visited Limerick. The people of the city took heart from this timely response and from the visit from the President in recent days. The courage and solidarity shown by individuals and communities cannot be overemphasised. I witnessed a real coming together of people and all involved are to be hugely commended.

I take this opportunity to comment on the co-ordinated response of the emergency services, the local authority, HSE staff, community welfare officers from the Department of Social Protection, the Irish Red Cross and others to the current crisis. Many different individuals have come together in order to respond to what is happening. I saw one community welfare officer and a social worker from the local council walking around together and knocking on people's doors. I met a public health nurse who literally arrived on scene, introduced herself and asked what she could do to help. Local health services, should they be required, have been put at the disposal of the local community welfare office. The co-ordinated response is ongoing.

I wish to emphasise that immediate assistance is available. Deputy Martin stated that it is

taking a long time for help to be forthcoming but community welfare officers are responding immediately and they have already paid out money. In addition, supplies that are urgently required have already been provided. Steps will be taken to ensure that people can replace floor coverings etc., which have been destroyed. Contrary to what some have stated, there is assistance available for those who do not have insurance and who are working. An average family comprising one or two parents and two children can earn up to €70,000 a year and still qualify for support from community welfare officers. We must get the message out that there is help available. In the community in which I live, an information office has been opened at the offices of Limerick Regeneration in the King's Island community centre. In addition, those who are not in receipt of social welfare payments or dependent on the State will have access to the Red Cross fund. One of the most important things we can do at this point is to provide people with information on what is available.

As the Minister of State with particular responsibility for housing and planning, I wish to state that I have ongoing contact with the relevant individuals in respect of regeneration in the Limerick area in particular. In that context, my officials will be meeting representatives from Limerick Regeneration tomorrow. The threat of flooding in the King's Island area of the city was a key factor when the regeneration implementation plan was being designed. Contact with the relevant people is ongoing in terms of whether we need to address the current difficulties in the context of the planning of regeneration. Some significant changes have come about in the area of planning. For example, flood plains are now mapped and development in such areas is forbidden. In addition, local authorities are taking a much more sustainable approach to planning. This is supported at national level by means of a range of policy directives. In circumstances where local plans diverge from the best planning advice available, I have clearly stated my intention to exercise my powers to intervene. In the past two years I have used those powers on four occasions. In the previous decade they were only invoked eight times.

We have major challenges to overcome as a result of the decades of under-investment in flood prevention. The Minister of State with responsibility in the area, Deputy Brian Hayes, has been doing a huge amount of work in that regard. We have also changed planning practices in order to ensure that additional threats will not be created in the future. We have a major job to do in the context of protecting those communities that are vulnerable to flooding. This is an ongoing problem which the Government is addressing.

**Deputy Martin Ferris:** There is no doubt that what is happening today and what has occurred in recent weeks and months must be classed as a national emergency. The homes of people in Limerick, where the Minister of State, Deputy Jan O'Sullivan, lives, Cork and elsewhere have been flooded in recent weeks. Water can do significant damage in a house; it destroys carpets, floorboards and everything else and nothing can undo the emotional and psychological damage it can cause. Even people who have escaped from having their homes flooded have been confined to their homes for fear of going out. This was more than evident in the past two weeks.

I have been receiving calls all day today from people in my constituency and from those in my own area of Ardfert. They are telling me that they are cowering in their houses. The slates are flying all around them, trees are falling and power is gone. My ten grandchildren, my daughter, sons and wife are all sheltering in one house, my family home, as are their neighbours. They cannot come out because the weather is so bad. We live in Ardfert which is five miles from Tralee where the roof of the Brandon Hotel is gone, as is a roof in the institute of technology in Tralee. Part of the roof of Tralee golf club is gone. I telephoned two people I

12 February 2014

know very well who have been fishermen all their lives, one of whom is older than me and the other man is my age. They have never seen anything like it.

During the week the Minister of State, Deputy Brian Hayes, was down in Fenit and in Ballylongford and Castleisland on his way to Cork. I thank him for making the effort to come down, which is appreciated. I refer to the devastation that has been done in the past number of weeks, in particular, the damage to breakwaters which protect part of our coastal communities. Gaps have been made in the sand bar between Fenit island and Fenit. It is inevitable this sand bar will be destroyed unless something is done to try to protect it. If it does go, between 25 and 30 houses will be in danger along the Tawlaght area back into Chapelstown and over onto the Barrow side. The Minister of State was in Ballylongford. What happened in Ballylongford is not the Minister of State's fault. In 2002 the people were flooded out of their homes and they were made election promises. The previous Government did nothing and now the same thing has happened but only worse. Ballybunion was hit very badly. Rossbeigh has a big sand bar going across the bay from Inch which serves as a protection. It is reckoned that in excess of 1 million tonnes of sand has gone. Anyone who has walked Banna beach will know the lifebuoy posts are positioned against the sand dunes. Now a forty foot articulated truck could be driven between the posts and the sand dunes because the dunes are gone.

There is a significant job of work to be done and I pay credit to the people of Fenit who had a meeting last week. If they can be provided with the material support they are prepared to make the effort to save that sand barrier which connects Fenit island and Fenit. It will take community effort and support as well as government funding. Together we can do something that would benefit all communities and help to save communities which are in a terrible state.

I do not like to attack the Minister, Deputy Hogan, or try to point-score but his announcement of €70 million in aid is in contrast to the €80 million spent on consultants by Irish Water. That puts it in perspective. Individuals prepare a report and they are paid €80 million while an extra €70 million is to be spent in trying to protect our communities. One of the people who telephoned me today said, "We were calling this hurricane Hogan. The Minister is like a hurricane; he destroys everything and he fixes nothing". I hope he proves me wrong and that the other Ministers will live up to our expectations.

This is a national emergency. I have never seen anything as bad in my lifetime. Coastal communities all around the coast have been affected. I was in Kilmore Quay last week because the Sinn Féin Ard-Fheis was held in Wexford. I went out to Kilmore Quay on Thursday and I saw the huge damage there and in Duncannon. There has been damage all along the east coast but the west coast has taken the brunt of it because it is so exposed. Capital funding is necessary to restore and protect the piers and slipways and scenic coastal walkways. Clare County Council estimates that it will cost €45 million or €46 million to restore Lahinch. I do not know what will be the estimate for County Kerry but it will be astronomical if everything is to be restored as it was. It will take very great effort and financing to save the sand dunes that have been badly damaged in the past week.

I wish to put on the record of the House the tremendous efforts by the ESB workers, council workers, community activists and ordinary councillors who have been helping people in their respective communities. They have been a shining example and we are greatly indebted to all of them, in particular, the county council, the ESB and others, who have made such a huge effort.

Is everyone around the Cabinet table taking this situation and the damage seriously? Is it a case of saying that we get this every year? This is the worst I have seen in my lifetime. I come from a coastal community where I live and where I grew up. I have seen circumstances where human life and boats were lost but nothing compares to this. When I left Fenit on Monday evening to come to Dublin, half of Fenit island was flooded and it has been flooded for the past two months. That is only one area. Parts of west County Clare have been greatly damaged. I refer to the material damage to the fishing sector. I welcome the announcement by the Minister for Agriculture, Food and the Marine, Deputy Coveney, that he will make funding available to replace lost fishing gear from the 10 m and 15 m inshore fishing vessels. I know people who have lost 500 and 600 pots and that can be multiplied by 60, which is their entire fishing gear gone. They will be given up to €6,000 maximum to replace their gear. That amount would replace 100 pots, one sixth of what they need to fish to make a living. The funding is a help and I will not belittle it but it is a long way short of what they will need if they are to be able to have a viable fishing livelihood.

Sinn Féin has drafted a climate change Bill which would legislate for a 20% reduction in carbon emissions by 2020, and an 85% reduction by 2050. We have been waiting for the Government to publish a climate change Bill to address the problems. The long-term weather forecasters say things will be worse rather than better. We need to protect our coasts and our communities.

I refer to information on work carried out by the OPW which was given in answer to a parliamentary question. Out of a total spend of almost €290 million on flood capital works carried out by the OPW since 2002, only €1 million was spent in County Kerry, which represents 0.3% of the total spend.

**Deputy Brian Hayes:** It is €1 million of €25 million spent on minor schemes and not the total amount.

**Deputy Martin Ferris:** I have not seen what happened today but I am told what happened before is minimal compared to it. I do not know whether people's insurance will cover them. People in places in Limerick will not be covered. We need to be there for people politically and all parties in this Chamber must work together to try to get the best possible result for them. Where necessary, we must declare a national emergency and try to get to extra funding from people to whom we have contributed in the past when they had difficulties.

**Minister of State at the Department of Finance (Deputy Brian Hayes):** On the day when a major emergency plan has been declared for Kilkenny city and county and the south west and south of our country have been battered by the storms referred to by Deputy Ferris and others, I find it really quite disturbing that the alleged leader of the Opposition would try to make cheap little political points. It is gutter politics at its worst. On the day when this House should be coming together to help our people and speaking with one voice, I find the remarks made by Deputy Martin quite remarkable. Clearly, he had nothing of a positive nature to say and he turned the debate into an attack on the Government. It is gutter politics at its worst. It is a very serious issue for the leadership of that party that this kind of mealy-mouthed observation should have been made in this debate. I have just come from a two hour debate in the other House where every member of Fianna Fáil was constructive and wanted to help, as I suspect every Deputy in Fianna Fáil will. For the leader of the Opposition to do what he did in the context of this debate represents a new low even for him in his attempt to rewrite history.

12 February 2014

This is a very serious situation and this House should come together. The Government, in its statement yesterday setting out €70 million of additional moneys to repair the damage from the first set of storms in January of this year, has acted appropriately. As the Minister, Deputy Howlin, said, the first response of Government was to set out the initial humanitarian support needed for our people across the western part of this country as a result of the storms that occurred. I pay tribute to the Department of Social Protection and its staff who, as the Minister of State, Deputy Jan O'Sullivan, said, are going from house to house trying to get money to those families who need it most and making sure we get support to those families to help them to rebuild their lives.

An enormous amount of damage was done in the first few days of this year - somewhere close to €60 million to €70 million worth. In my area of responsibility - flood defences - we reckon approximately €19 million is required to fix existing embankments and flood defences. Local authorities will apply for funds to do this work through the minor works scheme. The minor works scheme would normally represent approximately €3.5 million but we expect approximately €18 million to €19 million to be the total sum in that area this year. We are asking the local authorities to send applications into us as soon as they can and we will turn around those applications within a matter of days, and I have already given a commitment to the House to do so. We will prioritise those counties which have been worst affected so that we can get that money quickly to the local authorities. That is the commitment I will give the House in respect of the minor works scheme.

When we have expended that €3.5 million, which I suspect will be by March or April, we will then seek, by way of Supplementary Estimate through the Department of Public Expenditure and Reform, additional moneys to replenish the minor works scheme which is the best way to get money quickly to the local authorities. We will give money to the local authorities which, in turn, will contract private sector people to do this work, which we need to get done quickly. I saw examples in Clare, Limerick and Kerry where already the local authorities are patching up work done and are helping to get the embankments solid again. In those cases, we will ensure that the funds are given directly to the local authorities. The Government does not want to see any bickering or any bureaucratic nonsense between local authorities and central government. We want to ensure that money gets to them quickly. That has been the resolve of the Government since this crisis began in the first few days of this year. By virtue of what is happening today and will possibly happen tomorrow, it is inevitable that the bill will grow but we must get that money to the local authorities quickly.

I echo what every Deputy, who spoke in a positive way in this debate, said about what the local authorities and the emergency services have done. They have done a terrific job and are public servants of the highest calibre. I spoke to a group of young people in the Civil Defence in Limerick when I visited there last Monday. They were brilliant young people under 18 years of age who led by example in coming to the rescue of fellow citizens in Limerick and who had not slept for two days. One reads negative commentary about our young people but one should have seen what these young people were doing. It was a marvel. That is the kind of dedication, volunteerism and spirit of our people. It is absolutely the case that the Government, this House and our local authorities must work as one in helping those people in our constituencies who have been so badly affected by the storms and the tidal surges.

What has happened has been an unprecedented weather event. It has not just happened in this country. If one looks at the south of England, France, Portugal and Spain, one will see western Europe has been battered of late. We need a strategic response to this and I make no

apologies for my remarks last week that we need a national debate on this issue when the storms end, the cameras stop running and the media is no longer there. The debate I have been trying to have in my Department for the past three years has not engaged the public. We need a debate about how we plan for the future and create sustainable development.

Part of that is the work the OPW has been doing in regard to the river basin catchment areas. We have divided the country into six major catchment areas. All of the areas around those six catchment areas have now been properly dealt with in terms of flood maps. We can now predict what is likely to happen in those river basin catchment areas by way of a series of weather events. Those maps will be signed off on and agreed by this year. By the end of next year, we will have dealt with the 300 areas which are prone to significant flooding events and that will be sent to Brussels with a design plan around each of them and the prioritisation of how we expect to proceed in those particular areas.

This Government and, in fairness, the previous one ramped up expenditure on capital defences. We have €0.25 billion to spend over a five year period. When that envelope comes to an end in 2016, we will set out a new plan. For the first time ever, we will have all of the flood maps in place, which the public can see, and we will have detailed designs around those 300 hotspots and a plan on how we will spend that money. The total cost of those 300 hot spots, as we refer to them in the OPW, is somewhere between €1.6 billion and €2 billion. Given the current rate of expenditure, it could take 35 years before we have dealt with all those issues. Clearly, this will be an issue for Government in terms of capital expenditure and spending on flood relief schemes to ensure we can continue to roll this out. That will require additional expenditure, a prioritisation and a multi-criteria test in terms of cost-benefit analysis. We must spend the money where we can save most. For every €1 we spend, we save €3 in terms of potential loss on the damage side. In Dublin city, for example, €65 million worth of damage was done over three days in 2002. The tidal event that happened in the first two days of this year was greater than the 2002 event but the total damage in Dublin city was less than €100,000. That bill has gone down over the 12 year period because the Tolka river and the Dodder river were dealt with and very important engineering schemes were put in place, which have made a huge difference.

I mention Clonmel, Fermoy, Mallow, Ennis, Waterford and Kilkenny, despite the fact an emergency has been called in the city this afternoon. Where investment has been made, it has made an enormous difference when it has come to dealing with these events. We must agree strategically how we will continue to put investment into these communities. I stand over what I said last week. I was honest in what I had to say. We cannot provide a solution for every acre of land in the country but we need to utilise the resources we have in the most effective way possible.

That requires people to buy into the CFRAMS mapping process and into the plan we will submit under the flood directives by the end of next year.

A national debate about proper planning and development is also needed. We are now paying the price for a generation of bad planning. Houses were built in flood plains and in other areas where they should never have been built. Taxpayers and everyone else in this country are having to pay for that. We need to proceed on the basis of a proper national debate, rather than by making silly party political points during a five-minute contribution that has not been thought out. I hope the House will work on that basis with whatever Government is in office. We need long-term solutions as part of the long-term process of resolving these issues. The

most immediate concern we face is to make sure we can help communities to rebuild their lives after these dreadful events. We need to make sure the State is there to support local authorities, which are doing a fantastic job. The necessary planning and funding arrangements must be put in place to help us get through this very difficult position.

**Deputy Alan Kelly:** Well said.

**Deputy Joan Collins:** I wish to share time with Deputies Catherine Murphy and Tom Fleming.

**Acting Chairman (Deputy Peter Mathews):** Is that agreed? Agreed.

**Deputy Joan Collins:** We are practically in the eye of the storm that has come up from the south. It is hitting Dublin at the moment. I would say we are seeing the tail end of it.

I would like to pick up on the points that were made earlier about the overall climate change picture. We remember the weather events of 2002, 2009 and 2011 and we are having another such event in 2013-14. It is symptomatic of a change in our climate. This change will continue over the coming decades. As glaciers in the North Pole and South Pole melt, there will be more water in our seas which will affect coastal regions in a big way. That is for the longer term.

These difficulties are not confined to Ireland. As the Minister of State said, there have been problems in England and elsewhere in Europe. Significant areas of America, including poor island countries and coastal areas, are regularly damaged by hurricanes. Poorer areas are generally more affected by storms because they are less protected and less investment has gone into them. The Minister of State rightly said that investment is crucial, but investment takes time. We need to reflect as a matter of emergency on how we can hasten investment in flood defences over the next few years.

Some €50 million of damage was done in Cork and Limerick over a period of between 36 and 48 hours. We need to add to that the cost of having to send out workers from the ESB, local councils and the OPW. The cost of the effects of recent events on aspects of farm activity, such as cattle, grain and vegetables, also needs to be considered. It has been forecast that Britain will have problems feeding its people next year because of the effects of the floods there on farmland. The costs associated with the effects of what happened recently can be added to the costs that had to be met after the events of 2002, 2009 and 2011. If we had put in better flood defences many years ago, the recent bad weather would not have had such an impact and would not be costing people so much. I refer not only to the economic cost, but also to the human cost of people having to leave their homes and deal with such disruption.

I will make a final point with regard to insurance companies. I would very much like to have a little more speaking time. We met the Minister of State in 2012 to discuss what happened in Kilmainham during the big floods in Dublin the previous year. He met the relevant people very quickly after we asked him to do so. The issue of insurance was raised on that occasion. There are two aspects to this matter. First, insurance companies use flood maps to say they cannot provide insurance. Second, they refuse to insure people after flood defences are installed. Approximately 100,000 people cannot get flood insurance at present. That number will increase now that so many people have been affected by the recent flooding. We need to seriously consider establishing a national public insurance fund to assist people. I do not accept what the insurance companies are saying because they are trying to get out of it. This matter needs to be seriously examined.

**Deputy Catherine Murphy:** Anyone who has stood in a house that has been flooded will be aware that after the immediate crisis has been dealt with, householders are keen to ensure they do not have to go through such an experience for a second time. A more strategic focus is needed in that regard. I acknowledge that the work done after a flooding event has often been shown to have represented a good investment when further weather events have taken place. That has been the experience in my constituency. Last year, some staff from Kildare County Council who had been involved in very good works in this regard spoke at a meeting of the Joint Committee on Environment, Culture and the Gaeltacht and went through some of their case studies. That meeting was poorly attended, unfortunately. If a similar meeting took place today it would be better attended. We need to learn from where we have done things right. For example, I question whether we can get better value for money by doing something by means of direct labour. The OPW does have some direct labour but it could be greatly expanded. The Minister of State has shown clearly by referring to the Dublin model that a saving can be demonstrated where works have been done. We could be much more proactive, rather than being reactive in some respects.

I am concerned to ensure the money that is allocated on foot of these events is new money. Work on some schemes, including the River Morell scheme in my constituency, is very close to commencing. I would hope the funding of such schemes would not be lost simply because bigger areas have been affected by flooding recently. I wonder whether we need to re-examine the effect the habitats directive is having on the dredging of rivers. There is a conflict in this regard. Rivers sometimes silt up, to the point at which some of the capacity that could be absorbed in the event of a flood is lost. Local knowledge is often good knowledge from that perspective. I will conclude by reiterating the point Deputy Collins made about insurance companies that are using flood maps against people. In some areas, they are almost suggesting that water is flowing uphill in order to deny people insurance. They have to be reined in because this is not good enough.

**Deputy Kevin Humphreys:** Hear, hear.

**Deputy Catherine Murphy:** I think we will all say the same thing about the insurance companies.

**Deputy Tom Fleming:** The Minister of State, Deputy Brian Hayes, witnessed at first hand the devastation and turmoil that have been experienced in coastal and inland parts of County Kerry when he visited the county last week. It is unfortunate that time constraints prevented the Minister of State from visiting all the crisis areas in the county.

**Deputy Alan Kelly:** It was impossible.

**Deputy Tom Fleming:** I urge the Minister of State to act immediately on the catchment flood risk assessment and management programme, which is developing a medium to long-term strategy for reducing and managing flood risk. As this study, investigation and plan of action is being compiled under an EU directive that involves identifying areas of existing flooding, it is imperative and crucial for Ireland to seek and secure substantial EU funding to enable us to combat this problem as it exists in those areas which were worst affected and devastated in recent weeks, as well as those areas which will be at significant risk in the future.

As we are speaking, the situation in County Kerry has been exacerbated by today's storm. I have received several communications from people regarding fallen trees and the prospect of

12 February 2014

serious flooding as river levels get higher. This storm is likely to cause more devastation along the coast, as well as electricity blackouts, etc. I focused on coastal regions when I spoke during the Dáil debate on this issue on 16 January last. The OPW has placed many towns and villages in County Kerry, including Castleisland, Glenflesk, Ballylongford, Kenmare, Killarney, Milltown, Portmagee, Tralee, Dingle, Banna, Abbeydorney and Tarbert, on the priority list of places that need immediate attention. I believe Cromane, Kells, Lower Bridge Street in Killorglin, the Maharees and Waterville should be added to this list. I have heard from people in those areas again today. The new cemetery in Castleisland has been submerged under a serious amount of water for the past three weeks.

*5 o'clock*

The Minister of State has seen it at first hand and this should be resolved immediately with drainage and diversion of the water.

There is also need for immediate remedial measures to stop the ongoing flood damage to houses in Ballylongford where householders and businesses are experiencing repeated flooding to their premises. The residents of Glenflesk and Clonkeen east of Killarney have historically had flood damage to their properties for many years and this project is also a priority.

In view of the adverse effects of global warming and subsequent rising seas, we need to look to the expertise of the Dutch who have centuries of experience in battling water. We can certainly learn from their engineering techniques how better to protect people and property from flooding. The Netherlands experiences ferocious storms that hurtle in from the north west and are funnelled across the North Sea towards Dutch coastal areas. They have developed a keen awareness of the consequences of flooding and the imperative to prevent it in a country where two thirds of the population, including most of the residents of the largest cities of Amsterdam, Rotterdam and The Hague, live in flood-prone land, much of which is below sea level. The Dutch have been able to mobilise enormous resources to anticipate and minimise the risk of flooding. The Government should engage and communicate with the Government of the Netherlands. We can learn from the Dutch expertise and we need to develop a relationship immediately.

**Acting Chairman (Deputy Peter Mathews):** I call the Minister of State at the Department of Transport, Tourism and Sport, Deputy Alan Kelly, who is sharing time with Deputies Conway and Kevin Humphreys.

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** I am obviously conscious that we are engaging in a debate at a time when we can hear the storms blowing outside. I am growing increasingly concerned about the storms that are ravaging Munster at the moment. Having seen what social media can deliver to people's phones straightaway, showing the devastation across the country, the House needs to work collectively on the matter. I am sure we will see further trouble today and tomorrow. I agree with the Minister of State, Deputy Brian Hayes, that we all need to work collectively across the House on the issue. This is not about this Government or the previous one; it is about multiple governments having a consistent approach to the matter when it comes to how the climate and tidal conditions have changed in recent decades and will continue into the future.

As one who lives on the banks of the Shannon, and having seen the devastation to my neighbours' property, I have been heartened by the work of utility company employees, volunteers,

council workers, the Civil Defence, emergency crews and all those working for the different State agencies involved, who have gone beyond the call of duty to assist their neighbours and everyone who has been in trouble. I also pay tribute to those who work for the Department of Social Protection, who have done fantastic work, going from door to door in many cases to ensure that people are safe.

In places where flood defence mechanisms have been put in place previously, have they delivered on everything? Perhaps not. However, in many cases we can see the effects they have had. For a small to medium investment in some cases, we have seen gradual real proof that defence mechanisms can work. In particular major progress has been made with the work undertaken in Clonmel, County Tipperary in recent years.

Having seen the devastation at first hand, the Government has announced a €70 million relief package. In the area of public transport, the Government has allocated €5 million to Iarnród Éireann to deal with major damage, which arose mainly at three mainline stations - Kent Station in Cork, Pearse Station in Dublin and Plunkett Station in Waterford. Having recently visited both Kent and Plunkett stations, I can confirm the damage was extensive. Irish Rail had to utilise everything it could to maintain services, on which I compliment its workers. Some €2.8 million will go directly to the roof repair in Kent Station with a further €500,000 going towards renewal works in some of the depot buildings within the overall site.

Just under €1 million will be allocated towards Plunkett Station in Waterford. This will see €300,000 being spent to clear up the site where recent rock falls occurred, as the station is very close to cliffs, with a further €600,000 being put in place to protect against further rock falls in future. There will also be some remedial works at Pearse Station to the value of €300,000.

As the Minister, Deputy Varadkar, will outline later in the debate, this funding will not solve every issue there is in the transport system in Ireland. In some cases we will need to look deeper to solve some of the issues. I have looked at the issue of the Limerick to Ennis line which seems to get closed during any floods. I was recently notified that it could be closed for up to six weeks, which is not sustainable and this has been going on for decades. We need to consider what solutions may be used.

We have targeted our limited funds at the areas where roads are worst affected with counties Waterford, Cork, Wexford, Mayo and Clare receiving extensive funding. A further €1.5 million has been made available for repair to embankments to protect Shannon Airport and the industrial estate in the town, which has been badly damaged.

It is too soon to say whether the most recent flooding and storms will cause further damage in the transport sector. We will return to this matter when new assessments are carried out and all the various agencies will need to look at that in the coming weeks. We have been working very closely with all those agencies to ensure we mitigate the effect of storm damage and to maintain a proper service as far as is practicable given the safety requirements.

There is a real need for a wider debate on the issue and I hope the House will adopt a cross-party spirit because we need a long-term strategy to address the matter.

**Deputy Ciara Conway:** Further to what the Minister of State has said, I welcome the significant amount of money made available to Waterford railway station. That station is vulnerable, as it is by the shore and near the cliffs. As it is an essential part of our infrastructure, that €1 million is, of course, very welcome.

12 February 2014

The storm is raging as we speak this evening. I have heard countless reports of debris sprawling across roads. In a very serious incident a roof was blown off a retail unit into a secondary school in Ferrybank. I appeal to people who may be out there that there is no heroism in trying to get the best photograph for Facebook. I am concerned that people going out to get that photograph are putting at risk not only their own safety, but also that of others, including those in the fire brigade and the ambulance service, who are working with might and main to keep people safe. While I know it is not always possible, if people can stay at home, they should do that. I am increasingly alarmed at what is appearing in our social media feeds in terms of what is going on at the moment.

Waterford city was very badly hit. Last week, up to 150 homes were flooded in the Poleberry area. I commend the cross-agency effort of the HSE, the Department of Social Protection and the local authority. Fishing boats in coastal villages such as Dunmore East, Cheekpoint, Passage and Ring have been tied up for six weeks. There are families without income because of the storms that are ravaging. I call on the Minister for Agriculture, Food and Marine to engage with fishing communities throughout the country because these people have been starved of an income, not to mention the damage to the local amenities. I have seen a submission to the OPW showing the cost of damage in one part of County Waterford at €750,000.

**Deputy Kevin Humphreys:** The Minister of State, Deputy Brian Hayes, mentioned what happened in February 2002 when €65 million worth of damage occurred in the Dublin area. That was 12 years ago and we are still waiting for the insurance companies to react and for people in those areas to get flood insurance. When people get back on their feet, which I believe they will, and the repairs are done, they still have to face the consequences of the lack of insurance in the event of their houses being flooded again.

I want to focus in my contribution on the issue of flood insurance. Tens of thousands of homes cannot get insurance cover. That means people cannot sell their homes or buy new homes. They are trapped in a catchment area. If they bought a two-bedroomed house they cannot move to a three-bedroomed house and if they want to downsize they cannot do so because if they cannot get flood insurance they cannot get a mortgage.

As the Minister of State, Deputy Hayes, said on “Prime Time” last Tuesday, we need to discuss whether the State needs to become the insurer of last resort. We as legislators have a responsibility to act. The insurance industry in Ireland has been subject to light touch regulation and that needs to be changed. In that respect, I need only mention PMPA, the Quinn Group or the RSA. As Deputy Catherine Murphy said, entire areas have been blacklisted. That is the position even if one’s house is on the top of a hill where it cannot be touched by flood water, as has happened to home owners in Lucan. It is unbelievable.

I ask that on foot of this debate a national survey would be carried out to establish exactly how many homeowners cannot get flood insurance. The Minister for Finance, Deputy Noonan, referred to a memorandum of understanding between the OPW and the insurance industry. That will only work for those areas that have had flood protection works carried out by the OPW. I will not hold my breath for bringing in of such a memorandum of understanding.

We need to examine what is happening elsewhere. In the UK, there is the operation of a statement of principles between the Government and the insurance industry. That allows for insurance companies to continue insuring areas where flood defence work has taken place. That agreement will be replaced by a proposal called Flood Re, the impact of which is that £10.50

put on every policy to cover those areas that are being flooded. The flood forum in Cork has put forward a very good scheme that would have a limited liability.

On foot of this debate we should go to the Central Bank - the Financial Regulator - to make sure that insurance companies play a fair and clear role in this regard. Home owners who have had flood insurance for 30, 40 and 50 years and never made a claim now find they can not longer get insurance. This is not acceptable and action is needed. I heard Deputy Barry Cowen speak about bringing a Private Members' Bill on this issue before the House. I spoke last week, last month and last year on this issue. We need to move on. People need certainty, security and flood insurance. This House needs to act and act now.

**Acting Chairman (Deputy Peter Mathews):** The next speaker is Deputy Naughten. He is sharing time with Deputy Terence Flanagan and they will have five minutes each.

**Deputy Denis Naughten:** I am also sharing my time with Deputy Timmins.

**Acting Chairman (Deputy Peter Mathews):** Yes, if he arrives.

**Deputy Denis Naughten:** My heart goes out to those who have had their homes flooded. I have been in similar houses down the years. It is devastating for any family to have their house flooded, particularly when there is the potential risk of it happening a second and third time. During the past few days numerous families in my constituency have not been able to sleep at night because of the risk of their home being flooded again for a further time. It is an issue of huge concern around the country and in my constituency and one on which we need to definitively act.

I acknowledge the role played by the Minister of State, Deputy Hayes, in this regard. In fairness to him, he is the first Minister with responsibility for the Office of Public Works who came to the Shannon catchment area in advance of any flooding. He was proactive and met the communities involved and started putting steps in place straightaway. That needs to be acknowledged. One significant step he took was to introduce a pilot project to reduce the water level at the weir wall in Athlone and the water level in Lough Ree. A concern I have about the work is that a trial was done on it in 2013 but it is like the third secret of Fatima, in that, for some bizarre reason the OPW and the ESB are not willing to disclose the results and the impact it has, particularly on summer flooding within the Shannon Callows. The results of that need to be put into the public domain in order that we know exactly what is going on.

The Minister of State, Deputy Hayes, spoke about hotspots and said that it would take 35 years to address those hotspots. Included in those are ones in my new constituency in Ahascragh and Ballinasloe and in my current constituency in Ballinamore, Carrick on Shannon, Drumshanbo, Leitrim, Mohill, Athleague, Boyle, Castlerea, Dromod and Roscommon. I note from the list of hotspots that there is no mention of the community in Four Roads in County Roscommon or of the community in Clonown who can, on occasion, be marooned in their homes because of flooding. I hope the Minister of State will amend that list to include those particular communities.

Many speakers have spoken about the issue of insurance. In fairness to the OPW, it has spent a good deal of money in addressing flooding problems. One particular community that has benefited is the community in Athleague where some works have been carried out to alleviate the flooding problem, but families and individuals there cannot get flood insurance from the insurance industry to cover their homes and premises even though those works have been

carried out and more works are planned. It is an issue that needs to be addressed immediately by the insurance industry.

It is imperative that we ensure that the moneys that are being made available are spent in a practical way. A fund was put in place to provide for a home relocation scheme in my constituency on foot of the 2009 flooding but families are still waiting in 2014 for money to be released under that scheme. It is not right that families have had to wait five years and cope with layers upon layers of bureaucracy to deal with a scheme, the purpose of which was to take them out of a flood plain once and for all to ensure that the issue not arise again. The OPW has said that it will not be physically possible for it to protect those homes.

It is also important that immediate action is taken to address the siltation of the River Shannon. Since the British left this country not one shovel of silt has been taken out of the river. We have addressed the issue in other tributaries but not in the River Shannon. I urge the National Parks and Wildlife Service to take a proactive approach to address this. I ask that it thinks of human beings and not only the flora and fauna and to take a practical approach to address this.

**Acting Chairman (Deputy Peter Mathews):** The next speaker is Deputy Terence Flanagan who will have four minutes and Deputy Timmins will have a minute and a half.

**Deputy Terence Flanagan:** Like Deputy Naughten, I very much sympathise with the residents who have been badly affected and will be affected in the coming days with the current bad weather we are experiencing. I acknowledge, as did Minister of State, Deputy Kelly, the presence of the staff of the county councils and all their hard work and the work that has been done by the Minister of State, Deputy Hayes in particular. Addressing the issue of flooding will always requires more funding, and more funding is necessary, as was mentioned by previous speakers.

My constituency of Dublin Bay North has been affected by the flooding as have all constituencies. I met residents in Sutton recently who raised the issue of flooding on the Strand Road, particularly during periods of bad weather and high tides, and their homes are close to the coast. A sea wall is badly needed to protect the local area. Strand Road is part of the main road into Sutton and provides an access to the local graveyard. It is also an access point for the local national schools. The residents want Fingal County Council to provide the necessary funding. It is an issue that has been ongoing for 15 years and, sadly, they have been refused funding on an ongoing basis because the project required is of a larger scale than that which would be covered by a minor works scheme. A larger project is required but it would not qualify for the lower limit of funds that would be available under the minor works scheme. A sea defence wall is very much needed in this area. It is a matter I hope the Minister will consider because it happens every year, if not more frequently, depending on the weather conditions at the time.

Clontarf is another coastal area that is affected from time to time. There was controversy there in recent years regarding the council unilaterally going ahead with the building of a sea wall without full consultation with local residents and the business community. I am glad progress has been made and that a joint working group has been set up in the area, with the Clontarf Business Association, the residents association and Dublin City Council holding regular meetings to discuss the construction of a second, much lower wall, which may be necessary to allay residents' fears. Donnycarney is another area that faces flooding issues, particularly during periods of heavy rain, when properties are affected.

As other Deputies have said, there are concerns about insurance companies not being willing to insure those homes that are prone to flooding. It is to be hoped the Minister will look towards an insurance levy, which is one way for moneys to be ring-fenced to help those home owners who are badly affected and who should not be left to pick up the tab.

**Deputy Billy Timmins:** I thank Deputy Flanagan for sharing time. In the first instance, I send my sympathies to the families, relatives and friends of those who have lost their lives during this tragedy. I think particularly of the tourists in the Sheep's Head area. I hope people can remain safe for the duration of these storms. I acknowledge the work of the emergency services, the ESB and other essential services.

With respect to the issue of flooding, we are faced with three choices: first, we leave things as they are; second, we put in the necessary funding to deal with the issue; or, third, we decide to abandon particular areas that may be subject to flooding. It is important that the Government does not adopt a *carte blanche* approach, that it looks at each area individually and then decides what is best for the individual and for the common good. I know it is difficult to see some areas completely isolated and cut off, notwithstanding that in some cases planning permission may have been granted for some of these developments that did not necessarily have the support of the technical staff. It is important to judge these issues case by case.

I urge a word of caution, however. The storm we have seen in the south west today, which is working its way up the country as we speak, is probably unique, and we cannot base policy on the damage it may do. A number of flood schemes have been in the pipeline in recent years. With my local hat on, I think of the scheme in Arklow, on which several reports have been drawn up over 20 years. A final report has been completed and it is hoped the Minister of State with responsibility for the OPW will grant the funding for it. While the east coast has been relatively unscathed so far during these floods, I would like to think this will not result in funding being moved away from it. In addition, a scheme is under way at Bray that has run into a contractual problem, and I hope that will be completed.

I acknowledge the work of the Minister of State, Deputy Brian Hayes, in this area in recent years. I know he has, with his staff, meticulously examined several areas, including my own home town, where €200,000 to €300,000 was provided for flood relief work that has held off the flooding which had occurred regularly in the past ten to 15 years. I welcome his commitment in this regard. However, I would advise the Government to tread cautiously, not to base its decisions on what has happened in recent weeks and to look at the overall scheme of things. We have to decide, as a country, whether we are willing to put the necessary funding in place to make these locations safe because it will take an awful lot more funding than has been granted heretofore.

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I join other Members of the House in sympathising with all those who have been adversely affected by the recent weather emergencies and, in particular, the loved ones of those who have lost their lives, including tourists who were visiting the country. I realise only too well the devastation that can be caused to homes, businesses and properties, and the terrible sense of helplessness when flood waters rise above the sandbags and threaten to destroy everything in their path. As a society and as communities, we need to band together at times like this and do as much as we can to protect each other from harm, and to provide help where it is needed. In that spirit, I pay a particular tribute to all those who have gone to great lengths over the past eight or nine weeks to help those who have been in trouble and to deal with the after-effects. These include local authority staff,

staff from the Department of Social Protection, Coast Guard volunteers, the emergency services, transport workers in CIE and other operators, the Civil Defence and, of course, the very many good samaritans who responded to the immediate needs of their friends and neighbours.

The flooding events of recent weeks have been exceptional and the Government has decided to make exceptional provision to deal with their consequences. Before I address that, however, I acknowledge that, in the transport sector, weather conditions cause significant damage to our infrastructure every year. For that reason, the financial allocations for roads and other elements of our infrastructure are always intended to cover the costs of repairs and restoration arising from weather related damage almost every year. To take regional and local roads, for example, where most of the damage tends to occur, all Members will be aware that the maintenance and repair of these roads is the statutory function of local authorities. The Exchequer provides grants to supplement the local authorities' own spending and resources, not to cover the full cost.

Last month, I announced regional and local road allocations to local authorities totalling €332 million. Given the severity of our fiscal position, these grants are running well below the level of previous years and, for that reason, the main focus of all available funding is on the maintenance and repair of existing roads rather than on new schemes or improvements. In current circumstances, we have to prioritise the maintenance and restoration of our existing assets over and above the addition of new assets. Therefore, even though there was a 17% cut to the local and regional roads budget, when it came to roads maintenance, repair and restoration, there was actually an increase. This was made possible because so many of the improvement schemes have been suspended.

This year, I have given the local authorities more discretion than they have ever had in deciding how to make best use of the funding I allocate to them. This will enable them to have greater flexibility in addressing priority repair works. I have to recognise, however, that the storm damage to regional and local roads has been so extreme in certain counties that it will not be possible to address them within the normal allocations. Therefore, the Government has agreed that, in transport as in other areas, additional allocations will be made to rectify the problems in the areas that are most badly affected.

The Cabinet yesterday considered a report on the costs arising from the first sequence of severe weather, which ran from 13 December to 6 January. In due course we will get an additional report on the additional costs that have arisen from the more recent episodes of storm damage and flooding which have occurred throughout the month of January and into February. Indeed, the storms today have been very severe. I have been in touch with the various transport operators during the day. As I speak, 260,000 homes are without power, Cork and Shannon airports have had to suspend services for a period of time, and indeed a small aircraft at Shannon was tipped on its wing. Train services from Heuston to the south west have been cancelled and many bus services in the south west have been cancelled as well.

The exceptional costs to local authorities in regard to the restoration of damaged roads have been estimated at just over €16 million. The Government has agreed to provide that amount in a supplementary allocation to the counties concerned. While most counties will require some level of support, certain counties were particularly badly affected and will each require very substantial funding. I will give just two examples. First, in County Waterford, the bill for roads comes to almost €4 million. The promenade wall was breached in Tramore and part of the road was washed away, and a number of other roads were also damaged. Second, County Galway

will require support of almost €3 million. Sections as long as 200 m to 300 m were washed away on nine coastal loop roads. Many causeway walls, footpaths and car parks were damaged and access to a number of houses was cut off when a coastal road was washed away. These will, of course, have to be restored as soon as weather conditions permit. Other counties that were particularly badly affected include Mayo, Clare, Kerry, Cork and Wexford.

Other transport infrastructure, in addition to roads, has also been damaged by the extreme weather. The Government has agreed to provide €5 million to Iarnród Éireann to deal with the major damage which arose mainly at three mainline stations - Kent Station in Cork, Pearse Station in Dublin and Plunkett Station in Waterford. Some €1.5 million will be provided to the OPW and Clare County Council to repair embankments which protect Shannon Airport, as well as the industrial estate and the town of Shannon. There will also be a small provision of around €50,000 for some Coast Guard station houses, which have been very badly damaged along the west coast. There will also be significant repair costs in a number of port companies but as port companies are entirely commercial entities and receive no State income, they will have to meet the cost of these repairs from their own resources.

It is too soon to say whether the recent storms and floods will cause major damage in the transport sector on a scale that would require a further supplementary provision to be made. The Government will return to this question when fresh assessments have been made. For now, I am pleased to be in a position to be able to provide very significant extra support to deal with the very exceptional damage caused by the storms of late December and early January.

**Deputy Éamon Ó Cuív:** I am pleased the Minister is here while I am speaking because there are issues, some of which relate to his Department, that need to be tackled in a pragmatic and reasonable way. I have heard much reasonable talk about the fact there is no way in which we can foresee every event of nature. We could deal with all of what we think might happen in the future and nature would still beat us because nature is very fickle. However, we must look at this on two levels. The first and much more urgent level involves dealing with the aftermath of the damage done. The second level, which applies to cities and rural areas but is particularly important in cities, relates to the steps one takes to prevent on a cost-benefit analysis preventable floods in future. We saw the effect of the work that had been done in recent years in Claregalway and Clonmel.

There needs to be a whole-of-government approach to this problem. We must make sure Departments do not take a narrow approach and look after their bailiwick and little sectional interests. At the end of the day, if there is a problem that needs to be addressed, it needs to be addressed. Nobody chose for this to happen. The consequences outlined by the Minister, including all these loop roads in my constituency that have been destroyed, took place in places one would not expect to find them. An issue that has arisen about which we need clarification is that some of the roads referred to by the Minister are not in council charge. They are public roads leading down to public infrastructure and were built with public money through either Gaeltacht schemes or local improvement schemes. Many of them serve houses, graveyards, piers etc. They are not for private use and when one drives on them, one does not know they are not council roads. We need clarification about the money being provided as long as these roads were submitted on the county council list. I have checked with the county manager with Galway. It is all public infrastructure but a mixture of council charge infrastructure and non-council charge infrastructure was submitted. I believe that in terms of need, they should be assessed on a needs basis and not on whether the council is in charge. If that is not done, we will face a major headache in terms of basic services to people.

12 February 2014

I will provide another example of how we need flexibility. The air trips are the lifeline to the islands. There was a large sandbank on Inis Meáin air strip that protected the air strip from the sea. There was a breach in that bank during the first storm and, again, I understand the county council has submitted a proposal to deal with that issue and put in sea defences. I can imagine the turf war that will take place with people passing the parcel in respect of responsibility for these issues. Many rural people have depended on this type of publicly funded infrastructure that is not taken in charge for maintenance for many years and are waiting for that infrastructure to be put back in.

I am very pleased to hear that roads like Errelough road that were destroyed in the storms were county roads. I presume they are one of the five loops because it was the loop with the greatest number of houses on it that was utterly destroyed that will be put back. We need to do this urgently. It is important that within the next day or two, the county council is given the go ahead for the really urgent work. It has waited quite a long time already to be told it will be getting the money and formal sanction to do the work that needs to be done urgently to give people access to their houses. I understand that there has been a bit of tick tacking but the council needs clarity. We need to get that work done. A lot of figures have been thrown about. An allocation was made yesterday, which I obviously welcome, but the reality is that one will not spend the money this year in respect of some of the work that will need tenders that is not so urgent or will need designs and tenders. Let us be honest about it. It is not that urgent. It is urgent to say “here is the money to go and design it” but one does not have to find the money out of the Exchequer this year. I and the Minister know that so we need to prioritise those issues. I mentioned Errelough road in Roundstone. The road to the oil depot and the recycling depot on Inis Mór has been cut off. I stood in one of the craters created by the sea and it was way over my head. That is how deeply the sea cut into the road. I understand it is far worse since I visited it in early January. We need to give the go head immediately to deal with these. The same thing applies to sea defences, graveyards etc.

The second thing I would like to mention is the need to be creative. I suggested to the Minister for Social Protection twice that we have a huge problem along the coast. Every kind of bric-a-brac has been washed up in the storms. Plastic has come up. Along the coast, particularly in the west of Ireland, many of the fences were not fences but stone walls. In many cases, the entire foundation is gone and what was the beginning of one’s field where one built the wall on the grass is now ar dtuirling with all these stones one would find on the seashore. It will not be possible for many of the farmers who own this land to put back these walls. These walls were built over hundreds of years and the stones would be very heavy to lift. What I suggested to the Minister for Social Protection as a cheap, efficient and socially acceptable way of dealing with this problem was that for one year she would allow the rural social scheme to employ 300 extra participants. A participant on the social employment scheme costs about €5,000 over and above what they will get if they are receiving farm assist. In a situation where one would allow another €2,000 for materials, money or the odd machine one might need to do the work, it is my belief that the cheapest and most cost-effective way of reinstating the coastal walls along the seashore would be to employ 300 extra people at a cost of €2 million net to the Department of Social Protection. To be honest, €2 million is margin of error stuff in the Estimate of that Department. In fact, it is much less than margin of error stuff in the Estimate of that Department. I ask the Minister to ask the Minister for Social Protection to look at this as a creative, cost-effective and simple way of solving a problem that will cause difficulty.

The Minister for Agriculture, Food and the Marine confirmed to me yesterday that farmers

must build up these walls and fences again or they will otherwise not be eligible for their farm grants. They are already facing the loss of land. I received a letter immediately after the storm asking me whether I could do anything for them as their land was devastated by coastal storm damage. The letter said that all their walls and large chunks of their land were washed away and that they were suffering great hardship because of it. They asked me to let them know if there was any financial help. People are in desperation in respect of this issue.

My time is fairly short. There are many things I would like to say. I reiterate that fishermen have not been able to put to sea and because of the social welfare arrangements under which they work, they have not been able to claim social welfare for the abnormal duration of their time off sea. Storm after storm has rolled in off the Atlantic. The Minister for Social Protection needs to consider this issue and devise an arrangement to assist these people.

There is a major problem with urban flooding around the coast. Galway, Limerick, Waterford and Dublin are prone to flooding, some worse than others. I join in supporting those who believe that, just as everyone must have car insurance and anyone who is refused, say, four times should go to the insurance federation, we need a situation in which the insurance industry provides everyone with flood insurance, if necessary through a levy, as long as the householder takes reasonable precautions. Otherwise, the industry will throw the entire burden of flood damage little by little onto the State.

I hope that the Minister, Deputy Varadkar, will be able to have some of the issues that I have raised addressed. Perhaps he could write informing me of what council and non-council infrastructure falls under his remit.

**Deputy Joe Carey:** The year 2013 will be fondly remembered in County Clare following the historic All-Ireland success of our hurlers. Last year also brought a summer of brilliant sunshine, with many tourists holidaying on the Banner County's north and west coasts. While 2014 may also prove to be a successful year for our hurlers, it will definitely be remembered for the trail of havoc and destruction caused by Storms Christine and Brigid and the current Storm Darwin. Extremely high tides, combined with gale force winds and torrential rain, have caused mayhem to homes, villages, businesses and communities on the north and west coasts of County Clare. Significant urgent works are required to rebuild flood defences and to incorporate new flood protections, including the construction of sea walls to protect homes that have been left vulnerable, such as at Cloughaninchy in Quilty.

Vast stretches of coastal roads have been broken up, damaged, undermined and, in some cases, swept away. A prime example of a most vulnerable road in the wake of the storms is the R478 regional road through Liscannor, which provides access to the Cliffs of Moher where 950,000 people visited last year. Its foundation has been severely undermined by the sea and there is a justifiable fear in Liscannor that it could collapse. Immediate action is required to safeguard the public from the road's dangers. The public road at Kilbaha has been closed in recent days, which is a major inconvenience for residents. It must be re-opened without delay. It forms part of the Wild Atlantic Way and must be brought up to standard at the earliest opportunity.

The damage has to be seen to be believed. A number of weeks ago, the Minister of State, Deputy Brian Hayes, visited County Clare to view the devastation at first hand. He spent the entire day getting properly briefed by the Clare senior engineer, Mr. Tom Tiernan, the Kilrush area engineer, Mr. Cyril Feeney, and the north Clare area engineer, Mr. Steve Lahiff. The Min-

12 February 2014

ister of State saw damaged piers, footpaths, walls, bridges, railings, lighting and promenades that were all in need of repair and investment. This work is required in areas such as New Quay, Doolin, Liscannor, Lahinch, Quilty, Doonbeg, Carrigaholt, Kilbaha, Ross Bay and into the Shannon Estuary at Kildysart, Ballynacally and Clarecastle along with an inland community at Dooras in O'Callaghan's Mills, east Clare.

I compliment the Clare county manager, Mr. Tom Coughlan, Clare's senior engineer, Mr. Tiernan, local area engineers and the outdoor staff of Clare County Council on their work. The emergency services, including the Coast Guard and fire services, were on hand throughout the storms and in their aftermath and deserve particular credit. Similar credit is due to ordinary concerned people who helped their communities and their neighbours by turning out in great numbers and getting involved in the cleanup operation.

The initial storm damage report as presented by Clare County Council documents the scale of the devastation and puts a total cost of €23.7 million on the works. A subsequent report following Storm Brigid has brought that total to €38.6 million. As we speak, considerable storm damage is being inflicted on County Clare, with Shannon Airport closed, reports of a truck having overturned coming off the Ennis bypass, damage to the roof of Coláiste Mhuire in Ennis, fallen trees and telephone poles and widescale ESB outages.

I welcome the provision of the €70 million announced yesterday by the Government to deal with the damage that took place in the first set of storms. It is clear following the February storm, Storm Brigid, and the current Storm Darwin that additional funding is required. Clare County Council has sought an extra €13 million for essential works. I ask that further funding be made available in response to the damage caused by subsequent storms.

My first concern in this debate is for people who have been displaced from their homes in, for example, Cloughaninchy in Quilty, for homes that have been exposed to sea water for the first time in living memory, for example, in Liscannor and Doonbeg, and for people who have been cut off from their communities, for example, in Kilbaha, Carrigaholt and Dooras. These communities are living in fear of the next high tide and the next storm. As anyone can understand, people are justifiably worried for their children and for the homes in which they have invested so much.

County Clare is dependent on tourism and it is important that work on repairing the unprecedented damage to Lahinch, New Quay, Liscannor and the Loop Head Peninsula can begin in time for the forthcoming summer season. The farming community has also suffered greatly, with hundreds of acres of land flooded in Ballynacally, Kildysart, Kilbaha, Carrigaholt and Doonbeg. The Minister for Agriculture, Food and the Marine, Deputy Coveney, visited County Clare last Friday to see the damage. It is important that special dispensation from inspections for single farm payments and agri-environment options scheme, AEOS, payments be given to farmers in affected areas. Large tracts of land are now under water along the Fergus Estuary at Ballynacally and Kildysart, where banks have been breached and breached again following temporary works completed by the farming community. There is a requirement to protect these lands, as they support the livelihoods of those who farm them.

The second phase of the flood relief scheme in Ennis is nearing completion and, to date, has withstood rising waters, proving that investment in flood defence works. I want to raise the need to progress to construction this year the St. Flannan's and Ballybeg flood relief scheme in Ennis. It is at an advanced stage of planning, having received planning permission from An

Board Pleanála and with a cost-benefit analysis recently submitted by Clare County Council to the OPW. As we speak, temporary pumps are keeping water away from homes in the Ballybeg and Kildysart Road areas of Ennis and Clarecastle. This is unsustainable. It is important that this scheme be given final approval and that it move to construction in the coming months.

In addition to Exchequer funding and given the sheer scale of the devastation along the western seaboard, it is clear that an application will have to be made for aid from the EU through the scheme for extraordinary regional disasters. While the threshold for access to the main EU solidarity fund may be high with prospects of little return, it is important that we draft a regional application for the western seaboard. Discussions should commence immediately with the EU with a view to drawing up such an application.

Significant costs are associated with delivering a comprehensive schedule of works to deal with the damage caused by these natural disasters, to rebuild flood defences and to incorporate new ones in order to protect homes, businesses and land, together with rebuilding roads and public infrastructure. It is important that this work commence at the earliest opportunity so that people can get on with their lives and County Clare can bounce back from these devastating storms.

**Deputy Sandra McLellan:** A day has not passed in the past six weeks without us seeing the devastating effects of flooding on our television screens. Communities live with the threat of homes and businesses being washed away. Households struggle to rebuild their lives only to have the next flood warning and downpour set them back again. Terms like “Code Orange” and “Code Red” are becoming everyday phrases. There is not a Member in this House who has not heard heartbreaking stories about families suffering as a result of flood damage.

Local communities and local authorities are not in a position to respond to the daily devastation, and urgently require Government support. That support has not been forthcoming. It is not acceptable that it has taken six weeks for the Minister for the Environment, Community and Local Government to come to the Dáil to make a seven minute speech. My home town of Youghal, like so many other coastal towns, has suffered more than its share. In fact, it has now been flooded three times in recent weeks. Anyone who has visited our town will undoubtedly remember the boardwalk at Claycastle Beach. This boardwalk goes right along the length of the beach and links two main car parks at Youghal Front Strand and Claycastle. That boardwalk has been seriously damaged and must now be rebuilt at a cost of €90,000 as it is very important to the tourism industry in Youghal.

In order to protect Youghal, we require the sea walls at Nealon’s Quay, Buttimer’s Dock and Market Dock to be expanded and strengthened, while the flood barrier at Nealon’s Quay and Mall Dock needs to be built as a matter of urgency. These flood barriers can be constructed at a cost of €200,000 and they will save hundreds of thousands of euro in the long term.

Youghal also requires new groynes at the front strand to be installed. The current groynes are totally ineffective, having been there since the 1970s. In fact, new groynes were part of the recommendation from the coastal management report, which was published in 2000. If this work is not done, we will be revisiting the tears and frustration we recently experienced for many more years.

Last Friday, I was happy to welcome the Minister of State, Deputy Brian Hayes, to Youghal to view for himself the damage caused by the most recent storm and flooding. However, I

warned the Government last week that the public wanted action, not words of sympathy and photo opportunities. The Minister of State came and went and no commitment was given by the Government to assist our town in rebuilding itself. The Government must take immediate action. It must happen on three levels.

We have all witnessed the awful scenes from Limerick where people are forced to burn their belongings in case of contamination. First, the immediate needs of people must be met. Homeowners, businesses and service providers need urgent practical and financial aid from the Government, outside the terms of their private insurance, if they have any, to alleviate the impact on people for things like cooking, washing, utilities and bedding, which also needs to be replaced. Second, the Government must put in measures to minimise flooding and flood damage. This will require capital funding to expand and strengthen flood walls and defences. This must be done in consultation with local authorities.

The unfortunate reality is that this weather looks like it is continuing for the near future. Money spent on these capital projects will save money in the long term. Local authorities trying to rebuild their coastal towns have been starved of funding by consecutive governments. The funds simply are not available to repair the terrible damage left behind by the recent storms. Money must be speedily released. It is vital that this Government seeks assistance from the EU. The House needs to know if the Government has been in direct contact with the European Commission and the directorate general for regional policy through its permanent representative in Brussels, Mr. Declan Kelleher, or any other means, to request financial aid through the EU solidarity fund. We know this solidarity fund can be mobilised in the event of an extraordinary regional disaster, as we have experienced here across the State in recent weeks.

A major outstanding issue that needs the Government's attention is that of home insurance. Only today I raised the need for the forthcoming insurance Bill to take into account current problems for those residing in flood plains who cannot get insured. Sadly, the Taoiseach was less than reassuring. While confirming the issue was discussed at this week's Cabinet meeting, there was no commitment to address the issue. This will be cold comfort to the many families living in fear of the next storm. These households must be able to look forward to being included in the forthcoming insurance Bill.

In the meantime, longer term solutions must be found. It is nothing short of a disgrace that after three years in power, the Government has still not published a climate change Bill. The programme for Government states that "a climate change Bill...will provide certainty surrounding government policy and provide a clear pathway for emissions reduction, in line with negotiated EU 2020 reductions". The Government published the heads of a Bill last June. After pressure from Sinn Féin, it agreed to open the process up to the public. Groups, experts and the general public made submissions. The Joint Committee on Environment, Culture and the Gaeltacht held several public sessions and invited in experts. A report was prepared and sent to the Minister, Deputy Hogan, but since that day last summer, we have heard nothing.

It is a total abdication of responsibility not to take action on climate change. Sinn Féin has continued to raise the issue. Our spokesperson on the environment, Deputy Stanley, published a climate change Bill in the hope it would spur this Government into action, but no action has been taken to date. This is unacceptable. The debate on climate change and global warming is long over. The time for action is now. If we do not legislate on climate change, we will be having these debates for years to come and people, their businesses and their communities will continue to suffer because of harsh weather conditions. This current crisis can be a wake-up

call to this Government. Not all will be wasted if it takes the appropriate action. It must publish a climate change Bill as a matter of urgency. The Bill must have, as its cornerstones, an independent expert authority advising the Government; science-based targets for the reduction in carbon emissions of between 20% and 30% by 2020, and 80% by 2050 based on 1990 levels; and annual carbon budgets presented before the Dáil.

In conclusion, the current state of emergency requires the Government to take action. That action must be part of a long-term plan. It must entail short, mid- and long-term goals. To do nothing is simply not an option.

**Deputy James Bannon:** I welcome the opportunity to speak on this important debate on the recent flooding and severe weather conditions. I welcome the Minister of State, Deputy Perry, to the House.

When severe weather conditions hit, it is essential that the State bodies act on the principle that fore-warned is fore-armed, be well prepared and in a position to react efficiently and promptly. The management of severe weather conditions, such as those that occurred in November 2009 and January 2010, last month and again today, require a combined effort between the individual State bodies, businesses, farmers, charitable organisations and so on, which must lead by example with positive, effective action.

A worrying thread running through the response in 2009 and 2010 and again in the last few weeks by the various bodies that have a vested interest in the Shannon - over 40 such bodies in total - is the tendency of these State bodies and Departments to define their responsibilities in terms of what they do not include, rather than what they should do collectively. The State has a responsibility to prevent the hardships and devastation caused to families and individuals in areas like west Longford and south Westmeath, where roads have been washed away. I was out last Saturday and the Saturday before and I took several photographs of the devastation caused to families and individuals, which I will show later to the Minister and the Minister of State. Business owners and home owners who have enough to worry about as it is, must also fight to guard their properties from flooding, from rivers bursting their banks, from high tides. This is totally unacceptable and must not be repeated. That is why I strongly believe we need a River Shannon authority.

*6 o'clock*

In that regard, I thank the Ceann Comhairle for affording me an opportunity to raise this issue in the Topical Issue debate last week. A Shannon authority would have overall responsibility for river management and development in the Shannon catchment area, from the source of the river to the Shannon Estuary at Limerick. It would also be charged with establishing a flood alert system as part of a national system to increase awareness of potential river flooding. The authority could alleviate flooding in the Shannon basin in urban and rural areas by co-ordinating water levels on the entire river throughout the year.

The River Shannon is the lifeblood of the midlands but unless it is properly managed and placed under the control of one single authority, the river could become a liability and the devastation caused by the flooding that has destroyed housing, lands and other properties could recur. This devastation has resulted in a loss of income for already hard-hit farmers, businesses and householders, as is clear from the photographs I took last week.

In 2010, the then Joint Committee on the Environment, Heritage and Local Government,

following consultation with the various agencies, prepared and presented a report on severe weather events to a number of Departments, the Office of Public Works and local authorities. The majority of members believed that the report's recommendations, if implemented, would allow us, at least partially, to manage future severe weather events. Over the years, most flooding events on the River Shannon have been followed by various reports but little or no action. It should be noted, however, that the current Minister is taking more of a hands-on approach than his predecessors did. I had reservations about the report published by the previous Government because it again sidelined the issue of establishing a River Shannon authority. Having made such a proposal a number of times over the years in both the Seanad and Dáil, I was disgusted by the stock answer I received from the then Minister who spoke of co-ordinating flood risk management, with the Office of Public Works as lead agency, and embarking on the development of a catchment flood risk assessment and management plan for the River Shannon. We had heard all of this before.

Deputy Ó Cuív's grandfather once spoke of draining the River Shannon but this never came to pass and one no longer expects that it will be done. What is required is a management structure to manage the Shannon water course. A number of local authorities have emergency plans in place to deal specifically with flooding and severe weather emergencies. These plans are not being integrated with the relevant bodies and State agencies. Such integration is essential if the response to major emergencies is to be comprehensive. Effective leadership must be provided by one authority. As someone who lives in the Shannon catchment area, I have held this view for a long time.

A River Shannon authority should oversee and sponsor an independent review of the technical and engineering role of the ESB's hydroelectric schemes in view of the conflicting requirements of electricity generation, flood management and the provision of water supplies by the controversial new company, Irish Water. Such an authority would assess the effectiveness with which rivers and inland waterways are managed, controlled and regulated, thereby eliminating the multi-agency approach that is not getting us anywhere, as has been demonstrated by developments over the past 90 years. The River Shannon catchment area has been experiencing the same problems since de Valera was in power. We should learn lessons from the Netherlands, much of which is below sea level, and its approach to addressing the issue of flooding.

It is important that the Department of the Environment, Community and Local Government improve funding to local authorities by reimbursing emergency response costs. It must also ensure that urban wastewater and drainage schemes are planned and flood risk management fully assessed. The onus is on the Government to implement real and substantive plans to manage the River Shannon and prevent serious flooding in the Shannon region and other flood prone regions. Appropriate early warning systems must be introduced and flood mapping work must be updated to reflect localised risks. It is essential that the future management of severe weather conditions is as effective in practice as it is in theory. While much has been written about flooding, there is little evidence of action being taken. Flood defences, for example, should have been constructed long ago. I visited families in Athlone in 2009, 2010 and again last week and have witnessed the horrific effects flooding has on morale and livelihoods.

It is a matter of concern that insurers are refusing to offer flood cover for properties in flood risk areas. This leaves many people having to foot the bill for flood damage. Standard home insurance policies offer flood protection as a routine benefit. Renewing an insurance policy will become considerably more difficult for those who have been affected by flooding. It is standard practice for insurance companies to ask people applying for insurance cover if their property

is located in an area with a history of flooding. A survey of eight insurers conducted by the National Consumer Agency last August found that not one of them would offer a quotation for a property if the householder had previously made a claim due to flooding.

The Office of Public Works spends approximately €40 million per annum on flood protection and the Government is set to invest a further €250 million on flood defences over the next five years. While this is welcome, real action is required because people are fed up. Public meetings are called every time a crisis occurs but very little action takes place. This must change.

**Deputy Dara Calleary:** As we speak, the country is experiencing one of the severest of the current series of storms. Our thoughts are with all the emergency response workers who are dealing with the damage and all the communities that are affected by it. According to the RTE website, the managing director of ESB Networks has described the situation as as bad, if not worse, than anything that has occurred in the past decade. It would be remiss of us not to acknowledge the major response being provided by the staff of the utility companies, local authority workers, members of the Civil Defence and others since the start of the year.

Having visited west County Sligo last weekend, the Minister of State, Deputy John Perry, will have seen the extent of the damage caused by recent storms. The damage must be seen to be believed. Large rocks have been washed up on farms and piers and major destruction has been caused to piers and roads along the entire coast. I make no apology for focusing on the damage that has been caused in County Mayo. Mayo County Council has prepared a three page document which sets out the level of destruction caused in the county. It refers to damaged walls, a car park being washed away, the complete breach of a wall, pontoons being swept away, flood defences damaged and the rear of properties being destroyed. It also notes the repairs required to piers and the need to build walls along the River Moy. The cost of the damage is estimated to be in the region of €13 million. The total cost of this work is €13.5 million, of which €524,000 is required immediately for clean-up works.

It is essential this money is released without delay. While I welcome that €70 million has been allocated I am deeply frustrated by the Government's refusal to apply to Europe for funding. The Minister, Deputy Hogan, who apparently is in charge of the Government's response, told us today that the Government does not propose to apply for funding because we do not qualify for it. This same advice was given to the late Brian Lenihan in 2010 but he ignored that advice and, working with Pat the Cope Gallagher, MEP, applied for funding on a regional basis and secured some €13 million. The Minister needs to go back to the drawing board and to prepare an application under the regional emergency fund before the deadline of 21 February. If he needs help in doing so, Pat the Cope Gallagher, MEP, is more than willing to assist him. The Government's defeatist attitude in terms of coming in here and saying that it will not apply for the funding because it will not get it is wrong. In regard to the €70 million announced yesterday, given the response needed in Clare, as mentioned earlier by Deputy Carey, that €70 million will be swallowed up very quickly. The Government should be seeking funding from everywhere it can. The attitude that we are not going to get it when compared with what happened in this regard in 2010 is completely unacceptable.

A number of specific actions are needed, with which I am sure the Minister of State, Deputy Perry, will identify. On the agricultural side, a number of farms have been severely damaged by the flooding. Land that was mapped has been severely damaged by sand, seaweed and boulders thrown onto it. Land around the coast at Achill, Belmullet and Easky, which the Minister of

State, Deputy Perry, visited at the weekend, has been swept into the sea. There is a need for a common sense approach by the Department of Agriculture, Food and the Marine in terms of investigations and inspections. We experienced storms prior to the ones which affected Limerick and Wexford, although it took those two storms to get funding moving. On the first Monday of January when an inspector arrived to a farm on the coast of Mayo to inspect fencing work that had been carried out there in November, the farmer having, unfortunately, passed away in the meantime, there was no talking to him in terms of the huge damage that had been done to the fencing, with much of it having been swept into the sea because of storm damage the previous weekend.

This type of bureaucracy gone mad has to cease in this case. Maps in place up until last year need to suffice until such time as farmers can reclaim their farms or repair damage done to them. Hardship money such as is being provided by the Department of Social Protection must also be provided by the Department of Agriculture, Food and the Marine for farmers, who must also be given advice on what to do because currently they are being given conflicting advice in regard to what they can do in terms of repairing damage. The National Parks and Wildlife Service is loitering around, although the national park officers in Mayo have been most helpful. Farmers need to know whether if they do repairs they will be penalised. In other words, if they move sand, sea stones, etc., off their land, will they be penalised? Nobody appears to be able to give a definitive answer in that regard.

Similarly, small scale fishermen around the coast have been destroyed by the recent flooding. Thousands of lobster pots, which cost approximately €50 each, have been destroyed or washed away. One fisherman in Achill lost 600 lobster pots in the first weekend in January. They were his livelihood. He has no other way of making money to feed his family. He needs those pots replaced quickly. Similarly, nets and boats have been washed away. Small traditional rowing boats, such as currach and punt boats, which are essential for getting people to and from the mainland, have been swept away. Money must be provided for the replacement of these boats which provide essential transport. The island communities do not have DART and so on. Much of their transport is by boat. As such, there is need for urgent provision to replace the boats swept away.

On the first weekend of January there was major flooding in Ballina. Anybody with any kind of sense of tide tables knew there would be similar flooding in the first weekend of February, and there was. Flooding occurred in the same area of the town for the second time in four weeks. There was huge damage caused to houses, which put the households concerned under enormous stress. When one attempts to engage with a local authority in terms of providing a comprehensive response before a second event and that does not happen, it is frustrating. People are justifiably angry. There are high tides promised for the first weekend in March. We are told these tides will be similar to those which occurred during the first weekend in February. We are currently experiencing low pressure, which will exacerbate flooding damage. There is a need for a comprehensive response country-wide in the next few weeks ahead of the March tides. The attitude that has prevailed up to now, such that everything will be all right on the night, is not good enough. Everything was not all right on the night for many households in Ballina on the first weekend of February, resulting in their homes being damaged again.

There is a need for significant investment in flood defences along coastal areas. We have never before witnessed the types of tides and winds we are currently experiencing. There must be serious investment in rock defences. Also key bridges around the country need to be investigated in the coming weeks as a matter of priority. The level of water in our rivers is signifi-

cantly higher than it has ever been. Bridges along the Moy, Shannon and other major rivers, which are traffic arteries, must be investigated as soon as water levels decrease to ensure no incidences with bridges over the course of the next few weeks.

As we speak, the British Prime Minister, David Cameron, is chairing a COBRA meeting in response to the flooding and storm conditions in Britain. Last week, the Taoiseach confirmed that the Minister, Deputy Hogan, is in chair of the national response here. The only person who appears to be pulling up his sleeves and doing any work is Minister of State, Deputy Brian Hayes. He is travelling the country and engaging with communities. The response thus far has not been good enough. The Minister of State, Deputy Brian Hayes, reverted to candidate Hayes about two hours ago and attacked the Fianna Fáil Party leader, Deputy Martin, for criticising the Government response. I accept that conditions are very difficult but this does not prevent us calling the Government out for a poor response. The first round of storms and flooding occurred in the first weekend in January. The response was slow, to say the very least. Yesterday, when travelling here amid snow and gales I heard the chairman of the national co-ordinating committee say on radio that the committee did not intend meeting because everybody was happy with events. It is an interview worth listening to. The weather forecast is the main news item in terms of what is happening. We need a far more urgent response. It is not fair for a line Minister to be giving that response. This should be led from the top by the Taoiseach. If the Prime Minister of Britain has the time to lead a response surely the Taoiseach can do so.

The long-term response to this matter is a far bigger debate. The Ceann Comhairle in the past chaired the committee on climate change and energy security for many years. What we need now is to put in place whatever is necessary to avoid any damage in the next few weeks. There must also be a humanitarian response for people who are suffering and a response from local authorities with funding provided in the main by the Government but also from Europe. The notion of giving up on funding from Europe is unacceptable when history and the track record shows it is possible to get it.

**An Ceann Comhairle:** I call Deputy Brendan Ryan who is sharing time with Deputies Anne Ferris, Michael Conaghan and Michael McNamara. Deputy Ryan has three minutes, Deputies Ferris and Conaghan have two and a half minutes each and Deputy McNamara has two minutes.

**Deputy Brendan Ryan:** Today we awoke to news of a status red wind warning for counties Cork and Kerry, with weather systems bashing the coasts throughout the morning and into this afternoon. The past two months have been incessant for so many communities around the country. In my own constituency we have seen severe flooding in Portmarnock, Malahide and Swords as well as spot flooding in almost every other town. One major issue which has reached a critical level is the threat to the Burrow residents in Portrane, the natural coastal defences of which are being eroded by high tides and strong winds, threatening severe flooding of many homes and businesses in the area. Without the protection of the dunes, any flooding which takes place could be irrevocable.

As a native of Portrane, I share the residents' daily concern as they watch their natural coastal defences disappear and high tides and wind-driven waves threaten their homes and businesses. The outlook is stark for entire communities, such as the Burrow in Portrane, unless we invest in long-term protection measures. The threat to the Burrow, Portrane, reached critical level in October 2012 after a particularly bad storm swept metres of dunes into the sea. Fingal County Council officials argue that erosion in Portrane is cyclical and part of an ongoing

erosion and secretion pattern along the north County Dublin coast. The residents who live in the borough of Portrane and know the sea, the tides and the patterns have never witnessed so much destruction and such a threat to their homes. In their view this is not cyclical but rather permanent damage and it must be tackled now. These residents have had to take matters into their own hands. They built their own temporary flood defences using two-tonne canvas bags filled with sand from their beach. They have been maintaining this defence for over a year but they are concerned that this is only a finger-in-the-dam measure. When the next vicious storm and high tide hit the peninsula they will be at the mercy of the sea again.

We need solutions and we all understand that solutions cost money. However, we are not talking about wasted money but investing in the protection of entire communities, homes, businesses and real people. Different solutions will be required for different areas throughout the country but, where possible, I believe it is vital that communities are consulted on proposed solutions. Communities such as the borough of Portrane have a deep knowledge of their areas and how nature affects their homes and environment. Their insights will be invaluable to local authorities and Government agencies. I imagine Members could attest to the knowledge of similar communities in their areas. Can a commitment be made that any solution proposed is not foisted upon any community without prior consultation? I welcome the fact that Fingal County Council is due to submit a proposal for funding for a solution for Portrane and I urge the Minister of State to support and approve it.

We need to publish the climate action and low-carbon development Bill which is currently on the C list and due for publication at some stage this year. We need to recommit to a national climate change strategy and we should do so immediately. We need to plan for changing weather patterns and climate change before it is too late.

**Deputy Anne Ferris:** Every part of the country has been mentioned today during the flooding debate. I wish to speak on behalf of the people of Bray. As the Minister of State is aware, the long-awaited flood protection scheme in Bray was halted last year when the contractor, SIAC, went into examinership. There had already been significant delays to the project before then and although the scheme was supposed to be completed last autumn, it is only 35% complete now. In recent weeks householders and business operators in the low-lying parts of Bray could do nothing but hold their breath, wait, hope and pray to the eight patron saints of flooding that the River Dargle would not burst its banks and flood half the town. Like many other Deputies I have been receiving telephone calls from constituents all afternoon who are concerned about the strong winds and rain in County Wicklow.

The River Dargle has a major flood cycle of approximately 25 to 30 years and according to the laws of hydro-science we are now overdue a major flood in Bray. Few among those of us who were flooded out of our homes in 1986 during Hurricane Charley want to relive that experience.

I received a handwritten note from the Minister of State, Deputy Brian Hayes, during a previous debate on this issue. He promised in the note that he had ring-fenced in his budget the money needed to complete the €28 million Bray flood prevention scheme. I thank the Minister of State for his commitment to the people of Bray. Needless to say, this handwritten note is now one of my treasured possessions. It appears now that the scheme will not be completed until late 2015. In many cases insurers have refused cover to Bray residents and business owners during this period of delay.

Late last year I wrote to the Minister of State asking him to consider carrying out a hydraulic assessment of the flood relief works carried out to date on the River Dargle. The purpose of such a study would be to inform insurance companies of the scientific basis to the claims by Bray Town Council that the 35% of the project completed to date had indeed reduced the flood risk. The Minister of State replied on 4 February stating that such a study would involve detailed hydraulic modelling at a cost of between €35,000 and €40,000 and that the results would be obsolete as soon as further works were carried out. I appreciate that the budgets of the Minister of State are constrained by the plight of thousands of people throughout Ireland affected by the disastrous flooding this winter and I sincerely sympathise with those people. However, I believe the expenditure of a relatively small sum to secure flood insurance for a large number of people would indeed be value for money if a serious flood was to occur in Bray any time between now and 2015. Bearing in mind that the budgets are tight, I call on the Minister of State to consider this proposal. I understand that the design engineers for the flood relief works, Halcrow Barry, have already prepared a comprehensive model of the river and the future effects of the designed improvements. This model could be used - it has already been paid for out of the contract - to predict the effects of elements of the flood protection works already carried out. It could then be given to insurers to help reduce the flood risk in Bray for insurance purposes. I call on the Minister of State to strongly consider this proposal.

I thank the local authority staff in County Wicklow for all their efforts in protecting the people who have been affected by the adverse weather.

**Deputy Michael Conaghan:** I will refer to the flooding associated with the Liffey Camac basin in the west of the city in 2011, specifically in the Inchicore and Kilmainham districts, since parts of these districts suffered greatly in the torrential rain at that time. In this vicinity the River Camac burst its banks. River walls collapsed, houses nearby were flooded and considerable damage was done to houses, furnishings and bed linen. Some people had to escape through roof windows. It was a difficult period for the residents there.

I am pleased to report that situation has been resolved. The Minister of State, the OPW and the city council combined to rectify the situation and the peaceful living to which the residents had been accustomed has been restored. However, I wish to draw the attention of the Minister of State to the situation of a portion of Tyrconnell Street along the river in the Inchicore district. The River Camac burst its banks in 2011. The rears of houses were badly affected, extensions were demolished, gardens were destroyed and walls, furnishings etc. were damaged. Extensive damage was inflicted on the residents in that portion up to Tyrconnell Street. One of the key contributing factors was a culvert that the city council gave permission for some years ago. It blocked the debris and the trees and this pushed the water back into people's homes, gardens and outhouse extensions along a short stretch of the watercourse causing considerable destruction and damage to several properties.

Three years have passed and nothing has been done, despite letters to the city council and the OPW, motions in the city council and meetings on-site. There is no explanation of why nothing has been done. Residents have been left with considerable expense and damage to their properties. I appeal to the Minister of State to revisit the plight of these residents. Even at this late stage I call on the Minister of State to bring forward some measures, in conjunction with the city council and the OPW, to address this long-neglected issue for the small number of residents in the Tyrconnell Street, Inchicore area. They would be most grateful if someone in authority took pity on their plight.

12 February 2014

**Deputy Michael McNamara:** I have been surprised and disappointed by some, but not all, of the Opposition contributions to the debate. Clearly to some politics is simply a game. Talk of letting the cat out of the bag at a time of such unprecedented damage to large parts of Clare is, frankly, depressing. I say as much as someone who lives in and cares about Clare as well as being an elected representative. Politics is not simply a meaningless game; it is about choices, sometimes difficult choices, which affect people's lives. I regret that some Opposition politicians have chosen to try to obtain political advantage from the loss and destruction suffered since Christmas.

I welcome the fact that the Government chose to make €70 million available for the repair of storm damage throughout the country on top of the €25 million already made available for humanitarian relief. People in Kilbaha and throughout Clare are glad that those moneys have been made available. Some moneys have been specifically earmarked for repairs and essential works may start next week. Will Clare County Council receive the €35 million sought of the €70 million pledged? Clearly not. Choices will have to be made by democratically elected local representatives, but that is what they were elected to do.

People should be aware that choices were made from 1992 onwards. I am referring to choices to ignore the risk posed by coastal erosion. It was not as if that risk was not known about. That risk was identified in the Coastal Zone Management - A Case for Action report, published by Eolas on behalf of the County and City Engineers Association. The report has a list of areas depressingly similar to the list in respect of which works will have to be carried out which was submitted by Clare County Council. It includes exactly the same areas. The report refers to Bishop's Quarter, and the need to protect sand dunes there; Clohahinchy, and the need to build a sea wall and put in rock armour; Flaggy Shore and Kilbaha, where sea walls are required; and Kilcredan, where repair to the sea wall is necessary. All these works were listed but they were ignored at a time of unprecedented wealth in the State. Perhaps the most depressing aspect of this is that the sum of all the emergency works required in County Clare was IR£14,000, or €17,500.

**Deputy Michael Healy-Rae:** I thank Deputy Maureen O'Sullivan and the Technical Group for sharing time.

In light of what the previous speaker said, I will not blame the Government for the weather. However, I would like to raise a number of specific issues. Prior to being disbanded, the Land Commission was in charge of, for example, embankments and protection works to save property and land from the ravages of the sea. When it was abolished, no authority was set up to take its place. The OPW is saying it cannot do these works because it is the responsibility of the local authority. People can make applications to the OPW through their local authority for funds and then the works can be carried out.

The Minister of State, Deputy Hayes, visited Cork last week and I was disappointed at first when it was suggested he would not visit Kerry but I was glad that he changed his mind and made a brief detour to Kerry. We are welcoming when Ministers come to Kerry and we are glad to see them because there are so many concentrated around Dublin and we could do with a few more down our side of the country. Unfortunately, the Minister of State gave false hope to people

I refer to the case of Patie O'Sullivan, his partner Noreen and their young family. They built a new beautiful home, which was destroyed after Christmas by the storms. They had to leave

the house and they are living with relatives now. They cannot claim on the house insurance because if they do so and repair the house, they fear they will be flooded again. It will cost approximately €100,000 to keep the tide out of their home. Where will that money come from?

Does the Government have proposals to set up a body to do the work the Land Commission did to protect and maintain embankments, sluice gates, drains, pipes and strands? Nobody is responsible for this work now and that is wrong. It is not okay for me to say the Minister of State with responsibility for the OPW is wrong. Previous Governments should have set up a body to take charge of these pieces of infrastructure that used to be looked after by the Land Commission. This is similar to the case of water gushing over roads because the section men who used to clean the water off the sides of the roads are gone. That was another policy that went haywire and has resulted in all our roads becoming drains.

What is the young family I mentioned supposed to do? They cannot return to their home. I am speaking on behalf of my county because every other Member will speak on behalf of theirs. The coastal areas of the county I adore, Kerry, have been ravaged from Ballylongford to Cromane, Rossbeigh, Caherdaniel and Castlecove and this will continue. Where will the money come from? I asked the Taoiseach to access the EU Solidarity Fund. Nobody has given me a sensible explanation as to why we are not entitled to access that fund. It is there to deal with disasters. If the Minister of State has a chance, he should look at the news at 9 p.m. to see what happened in County Kerry earlier. Hotels had their roofs ripped off. The county is like a war zone because of what happened. I spoke to elderly people who live along the coast and they said they have never seen anything like this in their lives. I do not blame the Government parties for the weather. Will they access the EU Solidarity Fund? Will they ensure a body takes over the functions of the old Land Commission? Will they ensure that people such as Patie O'Sullivan and his partner, Noreen, will be able to return to their homes? I am citing them as an example. There are many other cases of people who have been driven out of their homes.

The Minister of State, Deputy Hayes, gave them false hope last week because he told them under the minor grants scheme, local authorities would get money from the OPW. However, when the OPW gets the money, it will be spent on large capital projects.

**Deputy Maureen O'Sullivan:** All the recent storm damage is reminding us of our own helplessness and vulnerability when it comes to the force of nature. Perhaps nature is trying to remind us about how much we have disregarded all the warnings about climate change. We are experiencing what has been experienced by countries in the developing world for many years. In many cases, warnings on climate change were not heeded. Another factor in what we are witnessing is bad planning and not giving enough consideration to the long-term effects of planning decisions. Going back several thousand years, there were various reasons town and villages were located where they are, including access to water, transport and security. However, urbanisation has taken place and our infrastructure cannot cope with the increasing demands on it.

In the past when flooding occurred, there was an immediate outcry and response and then it went off the agenda until the next storm happened. However, what we are experiencing now is unprecedented. As previous speakers said, nobody has witnessed this in their lifetime. It is very much time for action.

Dublin Central has experienced severe flooding in recent times. Fortunately, it has not happened this week and I am afraid I may be tempting fate given the weather outside. I live in East

12 February 2014

Wall and the last time the area was flooded, it was like living on a lake. People passed my house in canoes and small boats. We know what people in other parts of the country are experiencing at the moment.

The media coverage will mention the destruction in houses and people always talk about the smell that lingers. This has resulted in houses almost being rebuilt, which brings me to the issue of insurance. I have been in contact with various insurance companies, Insurance Ireland and the Minister of State, Deputy Brian Hayes, about this. In October 2012 I tabled a parliamentary question to him about his engagement with Insurance Ireland because no insurance was being provided for homes in which extensive flood repair work had been carried out or for homes that were not flooded but were located in areas that were flooded. His reply stated, "In areas where flood defence and alleviation works have been carried out, I cannot accept that any property protected by significant public capital investment would not be able to receive a quotation for insurance at a reasonable cost". That was positive and he also acknowledged that he had been involved in constructive engagement with the insurance industry about the scope and scale of works being carried out by the OPW or by local authorities with OPW funding. Much work was done on that.

I engaged in further correspondence with the Minister of State about insurance coverage last October and his reply was different. He said insurance companies make commercial decisions on the provision of insurance cover based on their assessment of the risks and they use their own flood risk survey and mapping information. He also said the OPW has no role or function in the oversight or regulation of the insurance industry or of insurance matters generally. I then received correspondence about what British insurance brokers were doing and about suggestions they had made to a parliamentary committee in England. I was in touch with the Minister for Finance and he replied: "The issue of provision of new flood cover or the renewal of existing flood cover is a commercial matter for insurance companies, which is based on a proper assessment of the risks that they are accepting".

Last Friday, the Dublin city manager met Deputies and Senators from the city. A series of works on rivers, boardwalks and canals was outlined, yet it does not seem to be getting through to insurance companies that these works have been done and they are not reacting at all. An incident room has also been set up in Dublin. I hope insurance companies will take the information to which I refer into account. They state that they are awaiting data but they already have it. The Minister for Finance also referred to discussions with Insurance Ireland on the exchange of information regarding OPW and local authority flood relief schemes and the fact that this can be taken into account in assessing flood risk cover for householders in areas where works have been completed.

I am being contacted by people, particularly the elderly, when heavy rain occurs. This is because they are terrified of what is going to happen. That should not be the case. I accept that money has been allocated but I am of the view that a great deal more is going to be required.

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** As we speak, over 280,000 homes throughout the country are without electricity. Many thousands of people are living in fear. I compliment the members of the emergency services and local authority, ESB and the staff of other organisations who are working to assist people. I particularly wish to compliment the voluntary bodies which have provided assistance in recent weeks. I commend those in the Civil Defence - for which I, as Minister of State at the Department of Defence, have responsibility - on the work they have done.

I live in a county, Wexford, that has been severely affected by the bad weather experienced in recent weeks. The county's coastline measures over 200 km, some 110 km of which is in the form of beaches, and it has been completely battered during the past six to eight weeks. I am glad that some of the Members opposite decided not to blame the Government for the bad weather and placed that fact on the record of the House. We tend to get the blame for everything else. The Government is going to be obliged to provide funding in order to ensure that flood defences will be put in place along our coastline. I am conscious of the fact that Wexford is only one county and when one considers what has happened in other places such as Cork, Kerry, Clare and Galway, one realises that the people in one's constituency could be much worse off.

On the Monday before last when they were opening up for the day, business owners in New Ross suddenly found their premises inundated by up to 1 m of water in the space of 30 minutes to an hour. I refer here to businesses such as Sidney Car Sales, Sid's Diner and Hennessy's garage, which are located along the quay side out towards Marshmeadows. I was informed by those who witnessed what happened that it was similar to the impact of a tsunami. Millions of euro worth of damage was done in under an hour. I was delighted when the Minister for the Environment, Community and Local Government, Deputy Hogan, visited New Ross on Saturday morning last in order to see the damage that had been done.

Deputy Maureen O'Sullivan referred to the fact that businesses cannot obtain flood insurance. What has happened in recent months is going to have a severe impact on a huge number of businesses, particularly as they will not be able to obtain such insurance. Even though I sit at the Cabinet table, I appeal to the Government and the Minister for Finance, Deputy Noonan, to give consideration to this extremely serious issue. I request that the Minister raise it with the insurance industry because this is not simply a commercial matter for businesses. We should consider what happens in the UK, the US and elsewhere if businesses are unable to obtain flood insurance. I am sure Ireland is not the only country in the world where businesses are unable to take out this type of insurance. I am of the view that businesses must be catered for in this regard. A large number of businesses in New Ross have been informed by their insurance companies that they will be unable to avail of flood insurance going forward.

Deputy Browne, who is sitting opposite, lives in Enniscorthy, which was very lucky on this occasion that it did not experience the type of severe flooding which occurred elsewhere. I hope the money that has been ring-fenced by the OPW for the flood relief programme in Enniscorthy will be used to ensure that the relevant plans, which are at a very advanced stage, will be proceeded with and that construction work will commence at some point. Millions of euro are due to be invested in the flood relief scheme for the town. I spoke to many people who own businesses along the banks of the River Slaney - such as the Riverside Park Hotel - and in Enniscorthy town and they informed me that they are depending on the proposed flood relief scheme proceeding. I would like the scheme to be given the go-ahead.

As already stated, I live in a coastal county. There are many fishing villages there - including Kilmore and Kilmore Quay - and the fishermen who live in them have almost been put out of business because the bad weather is preventing them from doing what they do best. I refer in particular to those who own small vessels and to fishing families. These people have had not had any income coming in since early December. A huge number of those to whom I refer are lobster fishermen. In conjunction with Deputy Harrington, who lives in west Cork, I raised this issue with the Minister for Agriculture, Food and the Marine, Deputy Coveney, and he looked favourably upon the request we made of him. Thousands of euro worth of damage has been done to lobster pots in Wexford and west Cork. The fishing families to which I refer cannot

12 February 2014

invest in their businesses because of a lack of income in the past two to three months. I hope the Minister for Agriculture, Food and the Marine will put in place some form of a scheme of compensation for lobster fishermen.

On Monday last, Wexford County Council gave permission for the reconstruction of an embankment in New Ross close to some of the business premises to which I referred earlier that were flooded. This was a major job because the embankment runs almost all the way into New Ross town. Those who were carrying out the work were visited by representatives from either the National Parks and Wildlife Service or some environmental organisation who tried to prevent them from proceeding. This is a very serious matter and either we try to prevent business premises from being flooded or we try to protect the birds and the bees. There is a need for people to get real, particularly in the aftermath of what has happened in recent weeks. Millions of euro worth of damage was done along a mile or two of land in New Ross and local people tried to rebuild the embankment by the river. As stated, representatives from some organisation tried to stop them from completing their work. People must understand that work of this nature must be done and that there will be further investment in the area of New Ross to which I refer. Environmental organisations must get real and allow those engaged in the construction of temporary flood defences to do their work.

I understand that we have not seen the end of the bad weather and that more is expected. I visited Tacumshin Lake near Kilmore on Monday last. Thousands of euro were expended on building a sluice gate to drain parts of the lake. This is to prevent other land adjoining the lake from flooding. The sluice has been completely blocked up by a sand bank which was washed in. Officials from the Department of Arts, Heritage and the Gaeltacht visited the site on Tuesday morning. It will not cost significant money but it will cost in time for diggers to move the sand. Over 800 acres of land can be drained once the sluice is unblocked and allowed to do its work.

I hope the OPW and the Minister for Social Protection, Deputy Burton and the Minister for the Environment, Community and Local Government, Deputy Hogan, will be in a position to compensate the real victims in Cork, Kerry and Galway. My heart goes out to these families whose homes have been destroyed. Climate change is a huge issue which has to be taken seriously.

**Deputy Thomas P. Broughan:** I join with the Minister in expressing solidarity with the nearly 300,000 people who are without electricity tonight and also with the emergency services who are desperately trying to reach them and to restore power. The thoughts of all Irish citizens go out to the embattled households who have struggled against flooding over the past month in particular and especially in Cork city and in the Cork coastal districts, in Limerick and the Shannon basin, in the coastal areas of Connemara, Mayo, Clare and the Minister's area in south-east Leinster. The flooding of recent weeks highlights the need for major national funding for flood protection and prevention works over the medium and long term. We should be thinking in terms of the period 2030 to 2050 with regard to coastal protection and the management of flood river basins.

Citizens also deserve full, open and transparent information about flood plains and the hydrology of homes and districts in which they may choose to live. The developer-led construction in the 1990s and 2000s meant that issues about hydrology were the last things on people's minds. My area of Dublin Bay North in the northern fringe saw proposals for huge high density development in an area very close to a very sensitive hydrological area and the high density was

unjustified in hydrological terms.

I welcome the reported €95 million total funding to be allocated through the Department of the Environment, Community and Local Government to repair damage caused by the recent bad weather. However, I am concerned that this may not be enough. The Minister of State, Deputy Paul Kehoe, thanked everyone on this side of the House because we were not blaming the Government for the bad weather but we can blame the Government because it has cut the OPW budget flood risk management by 11% between 2012 and 2013 and it has been marginally cut once again last year. This Government knew the situation when it came into office. In 2009, Cork city was nearly drowned and there was flooding in Dublin city in 2010 and 2011, yet that key budget was cut again. While the funding is welcome, the Minister, Deputy Hogan and the Minister of State, Deputy Brian Hayes, have serious questions to answer in this regard, knowing that flood defences and flood risk management must be a key issue. I welcome the comments by the OPW to the local authorities about the necessary additional funding for repair of the damage but efforts must be focused on managing future significant flooding, including in my constituency of Dublin Bay North.

Professor John Sweeney of NUI Maynooth has explained cogently the confluence of high winds, rising sea levels, low pressure and heavy rain which are set to become more frequent with a consequent increasing number of significant flooding events of the kind we have experienced in recent weeks. Professor Sweeney has called for efforts to reduce greenhouse gas emissions. It is astonishing that the climate change Bill has not been enacted even though the Minister has been in power for three years. That important contribution to this issue has not been put on a statutory basis.

Engineers Ireland represents 24,000 engineers. In its recently published report, *The State of Ireland 2014: A Review of Infrastructure in Ireland*, it listed a series of deficiencies in flood prediction and prevention and downgraded the Government's response to a D grade from a C grade last year. The association issued a list of important recommendations which should be implemented.

In the area of Baldoyle in my constituency of Dublin Bay North, we have seen the impact of good funding on flooding. Much of Baldoyle parish is a polder. In my first years in this House, Baldoyle had annual flooding disasters and on one occasion a young teenager was killed. The Abbey Park and district residents and the Baldoyle Community Association ran a campaign for flood protection and remedial measures. To be fair to the Government, at the time we secured that funding and since then the situation in Baldoyle has been greatly alleviated and the annual flooding of the Moyne river and the Grange stream no longer occurs. It is an example that if a Government is committed and is prepared to spend the money, success can be achieved.

I wish to refer specifically to the River Naniken flood relief project in my newly expanded constituency of Dublin Bay North. Urgent financial support for a hydrological analysis and remedial works is critically necessary. The River Naniken runs from Santry for just over 6 km until it discharges into Dublin bay behind North Bull Island through St. Anne's Park. The river is piped except for a small section which runs through St. Anne's Park, Raheny. The new Dublin City Manager, Owen Keegan, recently provided me with an up-to-date report on the project, including maintenance and construction work that has been completed by Dublin City Council to date. He noted in his report that since 2008, there have been three major flood events in Dublin with a number of smaller incidents and to which a previous speaker referred. Mr. Keegan listed a large area including Ardlea Road; Ardmore Drive; Ardmore Park; Brookwood Avenue;

12 February 2014

Brookwood Rise; Hazelwood Park; James Larkin Road; Kilmore Road; Maryfield Avenue; and Maryfield Crescent. This area in Artane has suffered greatly from the flooding of the River Naniken. Regular maintenance work is carried out by Dublin City Council but it needs support for a full hydrological survey which will cost €40,000 and many multiples of €40,000 to carry out the necessary works. Mr. Keegan has put that case to the OPW and to the Minister, Deputy Hogan and the Minister of State, Deputy Brian Hayes. I hope that Government Deputies for Dublin Bay North will ensure that this funding comes through for the River Naniken which, if not dealt with, could cause serious flooding of a large part of Dublin Bay North.

A related and critically needed project is taking place in Clontarf. Since February 2013, a joint working group of Dublin City Council, the Clontarf Business Association and the Clontarf Residents' Association, has met on nine occasions to agree on a strategy for the development of Clontarf promenade, including flood alleviation measures and to ensure that the major flood that happened three years ago will not recur and affect the historic and beautiful Clontarf district. At this point, according to a recent update provided to Dublin City Council, the joint working group has agreed that some form of flood defence is required at Clontarf but that the visual impact on the promenade of another such defence should be minimised. It has been suggested that a dual defence comprising the existing sea wall and a secondary defence as close as possible to Clontarf Road should be advanced as this would minimise the potential visual impact of introducing further flood defences. The recent report provided to councillors also cautioned that other options to protect certain higher risk areas of the promenade from flooding require a full flood scheme to be developed and agreed and a funding stream secured. This is another project in Dublin Bay North for which it is hoped this Government, through the Minister and Minister of State - who may not be much longer in their Departments if they secure some of their ambitions - will provide the funding.

*7 o'clock*

I commend the Clontarf Residents' Association, the Clontarf Business Association and Dublin City Council for engaging with the joint working group and advancing the project. I noted this morning and on other days that waves are being swept over the wall at the Clontarf linear park walkway. Dublin City Council and local residents must be commended on the large sandbag defence measures in place since Christmas. Agreed key works necessary to ensure safe flood defences at Clontarf must go ahead as soon as possible.

In Dublin Bay North, there is also an ongoing flood alleviation scheme on the Wad River, the Clanmoyle scheme, near Clontarf Golf Club. I understand from a recent report that a number of meetings have been held with relevant stakeholders and that various legal and financial obstacles are still being overcome but a sufficient number of these have been resolved to continue the site works. This is a third project in my constituency which will need strong support from Government.

The thoughts of all citizens this evening are with fellow citizens in the areas which are stricken by this incredible weather. I notice the leader in the neighbouring jurisdiction said that whatever funding is required will be provided to remediate and repair the damage caused by flooding in the UK. Perhaps that is the kind of template we need in this country that whatever funding is required will be provided for these households and that we will have a vision and a system of financial support for the 2020s, 2030s and beyond to alleviate this horrendous problem for so many households.

**Deputy Noel Harrington:** I am very pleased to be able to speak on this very serious issue. There is no better day than today to speak about flooding and the threat of flooding. I welcome the funds allocated this week to alleviate much of the damage done before the new year and since then. Much of that money was requested and all of it has been granted to local authorities and other agencies to deal with the issues.

It is very important to realise that it is a disaster for communities which experience flooding regularly and for those who are directly affected. It is also a disaster for homeowners and business owners and, at its most serious, it is potentially fatal in that people lose their lives during flooding events. Thankfully, that has not happened this time but it is something which needs to be avoided and dealt with when we prioritise flooding schemes and measures.

When a community or a town experiences a flooding event, it sucks the life, confidence, hope and prospects out of it. The hit to potential investment is huge. The confidence of people is shattered and a sense of despair sets in. Unfortunately, we have seen that far too often in towns in my constituency, including Skibbereen, Bandon, Clonakilty and Bantry, and in some villages.

It is in that context that I am grateful the Minister of State, Deputy Hayes, took time to reaffirm that schemes to deal with Skibbereen and Clonakilty will go ahead and that Bandon will be dealt with next year by the OPW. I pay a particular compliment to the staff of the OPW whose expertise is invaluable. They have built up huge knowledge over the past number of years which we have seen in the flood mapping that has been issued to local authorities. I suppose many people would have looked at those maps with some cynicism but many local authorities have been presented with them so that they can be considered as part of their development plan process. Local authorities can be in no doubt as to the value of considering those flood risk maps when developing their land use policies in the future. This does not mean there is a blanket ban on development within those areas; it means that if one is considering developing or doing anything where there is a risk of flooding, one must take appropriate measures to deal with it. That is a welcome step which we should acknowledge.

I pay tribute to emergency personnel who are out this evening. They have played a huge role in helping to save lives. Unfortunately, there has been a very regrettable incident in my constituency. One fatality has been recovered but another man is still missing. Our thoughts are with their families and communities.

Met Éireann is excellent at issuing forecasts. Where I live, we will listen to sea area forecasts intently every day. Met Éireann will issue a small craft warning if there is any risk to the safety of mariners but I would like the mainstream forecasting alert system to include people who take part in other activities, such as hill walking, mountain climbing or activities on or near the coast. Regrettably, the vast majority of fatalities or casualties which occur in a maritime environment happen to those on land because they get lost. Almost fortnightly, we hear of people getting lost, whether rock fishing, hill walking or cliff walking. I would like Met Éireann to issue more mainstream alerts for those kinds of activities and to warn people there are dangers in inclement weather and during flooding events.

It is worth noting that more than 250,000 houses are without power this evening. Personnel from the ESB are out in inclement weather trying to restore power to homes. People will rightly be annoyed that they are without power but we must take time to reflect on some of the work the utilities are doing to rectify that situation.

12 February 2014

I particularly welcome the announcement by the Minister for Agriculture, Food and the Marine, Deputy Coveney, to which the Minister of State, Deputy Kehoe, referred, of a basic but welcome scheme for inshore fishermen who have, in many cases, lost their livelihoods as a result of the recent inclement weather and coastal flooding. Many of them did the right thing by storing their gear, pots etc., on piers and quays around our coastline but they have been lost. It is a small but welcome initiative which, hopefully, will alleviate difficulties for some of these fisherman and incentivise them to get back on their feet and to reinvest and provide a living for their families and communities.

Every flooding event is different. A coastal event is brought on, by and large, by a sequence of south-east winds, typically high tides or spring tides and heavy rainfall but there is also river flooding which is mainly brought on by heavy rainfall. We must start to think about some serious arterial drainage works. Rivers in every county have been neglected for far too long. Drainage or dredging works have not taken place and they have not been cleaned. They need to be reassessed. I urge the bodies which have authority over rivers to look beyond the single mandate they have, address the issue in the public good and consider, in a different way, how minor drainage works could help alleviate the problems for communities and landowners throughout the length and breadth of this country, which is very important.

I refer to one initiative which could be replicated throughout the country. In Skibbereen, a local flood committee, which has been very active, decided it would work with the local authority, town council staff and Civil Defence and establish protocols. It is involved in examining and looking after some of the storm and flood drains, the watercourses and the pumping equipment. It has access to other equipment that is useful in the event of a flood. It distributes sandbags and helps home owners to access their own flood defences. It has worked extremely well in Skibbereen on many occasions. I pay tribute to the volunteers who have stepped up to the mark, helped to save their own communities and restored the confidence of householders and businesses. They have taken their endeavours a step further by organising flood forum conferences on the national stage. They have shown initiative by accessing national and international expertise and looking at how other communities, towns and areas around Ireland could benefit from it without a substantial financial investment being required. Ultimately, serious capital investment from the State will be needed in all of these areas and towns. A figure between €1.5 billion and €2 billion for the entire country has been suggested in this regard. If such investment is necessary, it should be done over a certain timeframe to give confidence and security to those whose properties are at risk of flooding.

We also need to deal with the insurance issue. I have no problem saying that the insurance companies could be much better at stepping up to the mark. They are denying flood insurance to the owners of properties and lands that have never flooded by virtue of their vicinity to areas that have flooded. This serious problem ties the owners in question into their lands and properties forever. It completely maroons people in one spot. It is a very difficult issue to deal with. I am conscious this evening that my area has been experiencing hurricane-force winds. We are thankful that there has not been greater loss of life or more injuries. As I mentioned earlier, one person is missing and another person's body has been found in west Cork. That loss of life is foremost in our thoughts.

**Deputy John Browne:** I welcome the opportunity to say a few words on the floods, storms and surging tides that have caused havoc across the country in recent weeks. Massive damage has been done to homes, commercial property and infrastructure. We are all aware of home owners, business people and farmers who are counting the costs of the recent storms and high

tides. As a representative of Wexford, which has 90 miles of coastline and has experienced substantial flooding problems over the years, it is only natural that I would say a few words on this issue.

I join the previous speaker in thanking all the gardaí, ESB workers, firemen, Civil Defence members and others who have worked long hours in recent weeks, often through the night, to try to protect people's homes and properties and ensure the damage inflicted was kept to a minimum. I come from Enniscorthy, which has had regular flooding for many years, so I am aware of the damage flooding can inflict and the trauma it can cause for families and households. Three or four years ago, some €40 million was ring-fenced for flood defence works in Enniscorthy. It has not yet been spent because of difficulties with politicians and councillors who did not like the types of walls and flood defences that were proposed by the OPW. I suggest it is time they spent the €40 million and got on with the work. I ask the Minister to confirm that the funds in question are still ring-fenced for the Enniscorthy flood relief scheme. While the town avoided the flowing of water over the edges of the river in recent weeks, it came very close on many occasions. People were living in fear and in dread. It is not right that the money has been provided but not spent. I emphasise that this is not the fault of the Government or the Minister. The reason the money has not been spent to date lies at local level.

The Minister of State, Deputy Kehoe, spoke about New Ross with particular reference to the Marshmeadows area of the town. The Minister, Deputy Hogan, breezed into the town last Saturday morning with an entourage of Ministers, councillors and local election candidates. He must have ran out of diesel because he did not travel any further than New Ross. He did not pay a visit to the rest of County Wexford. There have been major problems in Courtown, Cahore, Kilmore Quay and other parts of the county. While I welcome the Minister's visit to New Ross, I suggest that his failure to visit people in other parts of County Wexford who are also suffering as a result of this serious situation was a slight on the rest of the county. Approximately 500 people are employed by the 16 companies that operate in the Marshmeadows area of New Ross, which has flooded on many occasions. I hope some of the moneys that have been announced by the Minister today will be used to protect businesses and jobs in New Ross. It is obvious that a flood protection barrier needs to be installed at the fringes of New Ross beyond the Marshmeadows business area to protect that area in future. It has flooded on a regular basis in recent times. I cannot understand why a ship was allowed up the harbour into New Ross at the height of the flooding problems that were being endured by business people in the Marshmeadows area. I do not know what the harbour master was doing, but the decision to allow the ship to travel up the river caused a tsunami of water to be released into an area that was already flooded. In future, arrangements should be made to ensure ships are held outside the harbour until the floods have subsided. The decision to allow this ship to travel through New Ross certainly added to the problems that were being encountered in the Marshmeadows area of New Ross.

Last week, I raised on Topical Issues the problems being faced by fishermen. The fishermen in Courtown are unable to get in or out of the harbour at present because of silting and the damage to the local pier. The fishermen in Kilmore Quay have not fished for weeks because of the damage to their equipment. Those with smaller boats are particularly affected. I welcome the Minister's announcement today that he intends to make some moneys available to the pot fishermen, as this is an important industry in Kilmore Quay and throughout the south east. These fishermen have told me they have no money at all. While I welcome the 40% allocation for replacement gear that has been announced by the Minister, I am concerned that it is inadequate in the case of fishermen who have not fished since before Christmas and are currently seeking

12 February 2014

social welfare and other payments to keep going. They are certainly not going to be in a position to come up with the 60% funding that will be required for the replacement of pots. I think the Minister should look at this again. He has come part of the way, but he needs to go further to ensure these people are able to replace the pots that were lost, repair the damage that was done to small boats and replace the other equipment that was lost from their boats during the recent storms. I ask the Minister, Deputy Coveney, to give serious consideration to increasing the allocation that has been made available.

I have seen a Wexford County Council report which estimates that the cost of repairing harbours and piers and doing coastal protection works will be €7 million. That estimate was drawn up before today's storm and a further storm is promised for tomorrow. Given that this figure relates to just one county, it is clear that a great sum will be sought from all local authorities to deal with this issue. I question again the Government's failure to make the case for funding at EU level. In 2009 the Government was allocated approximately €13 million to address the problems of flooding. Surely now given that the damage is on a larger scale, we should be able to seek funding from the European Union Solidarity Fund as that is why it was set up. As a member of the European Union it is appropriate that we would seek such funding. I recently read that the fund had contributed to 56 disasters covering a range of different events, including storm damage, since it was established in 2002. This is an ideal opportunity for the Minister for the Environment, Community and Local Government and the Minister of State, Deputy Brian Hayes, who has travelled the country, to go to Brussels and ensure we get funding from Europe to top up the funding the Government is making available.

Coastal protection is an area that seems to have been forgotten in recent years. There always used to be an allocation of money for coastal protection with large rocks installed to protect the beach line. However, this has not happened in recent years. The Leas-Cheann Comhairle had an uncle based for many years in Castletown just south of Arklow. From there right down to Bannow Bay, County Wexford has a coastline of 70 to 90 miles where huge tracts of lands have been washed into the sea in recent weeks. I know EU officials will argue that it is cheaper to let it fall into the sea than to protect it. However, Castletown, Courtown, Morriscastle, Curracloe and Rosslare are all tourism areas with hoteliers and business people who depend on tourism for a living. It is very important that these areas be protected. The Minister of State, Deputy Brian Hayes, should seek funding from the EU for coastal protection to protect areas of high importance for tourism.

While we welcome the money that the Government has allocated, I do not believe it is enough to meet the needs and the demands of local authorities this week and next week. If we could get money from Europe to top it up, it would then go some way towards meeting the needs.

**Minister for Social Protection (Deputy Joan Burton):** As we speak, communities across the country are being battered by storm conditions and Met Éireann has put in place a "status red" warning - the highest category of warning for some areas. I implore people to follow Met Éireann's advice and that of the authorities, and follow all the necessary steps to protect themselves and their families. I know the emergency services, local authorities and utility providers are working hard to deal with the ongoing fall-out from the storm and that this work will continue in the coming days.

Department of Social Protection staff around the country remain on alert and are ready to respond to people who require humanitarian assistance. I am well aware of the devastation such

severe weather can cause, having visited Limerick last Saturday to meet some of those worst affected by the flooding there. As with other parts of the country, various Department, agency and local authority staff are working in tandem to help people affected by the flooding there.

I was highly impressed by the community spirit in Limerick, particularly in St. Mary's and on the island. Neighbours were helping neighbours in time of need and the local community centre was critical in helping people. I commend the people of Limerick on what they have done in rallying around and coming together. That same community spirit will be vital all around the country in the coming days in dealing with the aftermath of the current storm. The Department will be on hand to assist in whatever way it can. I thank the Department's staff who were out and about talking to people and seeking to assist them from the moment the storm became of emergency status in Limerick.

I wish to outline the Department's role in responding to such severe weather events, and how our supports work. As Deputies are aware, the Department of the Environment, Community and Local Government is the lead Department for severe weather emergencies and the Office of Public Works has responsibility for capital flood-relief activities. However, the Department of Social Protection has a key role to play in assisting households in the immediate aftermath of emergency events such as the recent severe weather conditions under the supplementary welfare allowance, SWA, scheme.

In dealing with events of this nature, the Department generally adopts a three-stage approach as follows. Stage 1 is to provide emergency income support payments for food, clothing, personal items and temporary accommodation in conjunction with local authorities in the immediate aftermath of the event. A relatively small amount of financial assistance is generally provided initially but this will increase as the extent of the problem and what needs to be done become clearer. Up to this week, the response on the ground to the current flooding was primarily at this stage. It is for this reason that only a small proportion of the overall funding available for humanitarian assistance has been required to date.

Stage 2 generally involves the replacement of white goods, basic furniture items and other essential household items. It is very important to note that the full extent of damage to homes does not become known until the floodwater abates and houses dry out. The Department is now starting to receive applications in the Limerick area that would generally be processed under stage 2 to cover items such as white goods - fridges, cookers and so on. These payments are being expedited.

Stage 3 is to identify what longer-term financial support or works are required. It could take several months before this stage of response commences and this involves a cross-departmental and cross-agency response. Work carried out can include plastering, dry-lining, relaying of floors, electrical re-wiring and painting. Again the local authority is very much involved as is the OPW, where there is very severe damage to houses. In previous times it has occasionally been necessary to relocate families to houses outside flood-risk areas and the OPW has the expertise in this regard. It is, therefore, to be expected that the most significant payments will be made in the second and third stages of the process.

In response to flooding in recent years typical payments ranged from less than €100 to €28,000 where very substantial home refurbishment was required. Typically the smaller payments are made at the beginning, for the reasons I outlined.

12 February 2014

The Department is making exceptional needs payments to help meet essential, once-off expenditure. Urgent needs payments can be made to persons who would not normally be entitled to supplementary welfare allowance. There is also assistance under the humanitarian assistance scheme.

For example, a family consisting of a couple and two children with a gross household income of €70,000 or less will receive 100% of the amount deemed to be allowable and appropriate. For every €1,000 of household income above €70,000, the couple will be required to make a personal contribution of 1% toward the amount allowable.

In Limerick at this stage we have dealt with more than 300 families. We also have an individual community welfare officer, who along with a social worker from Limerick council, is going door to door to the homes of elderly people and people who may be infirm or otherwise unable to get out. We have made about 80 home visits so far. We have also made a special allocation of €500,000 to both the Red Cross and the Society of St. Vincent de Paul because people may come to their attention who would not normally be inclined to visit a community welfare office or our offices.

### **Message from Select Committee**

**An Leas-Cheann Comhairle:** The Select Committee on Justice, Defence and Equality has completed its consideration of the Legal Services Regulation Bill 2011 and has made amendments thereto.

### **Early Childhood Care and Education: Motion (Resumed) [Private Members]**

The following motion was moved by Deputy Robert Troy on Tuesday, 11 February 2014:

That Dáil Éireann:

notes that:

— child care provision in Ireland encompasses a mixed model of provision with services delivered through the community, private and public sector; there are approximately 4,300 child care centres in Ireland; and the number of staff employed in the child care sector in Ireland is around 21,000;

— there are 405,000 households in Ireland with children under 10 years of age, of which 266,000 households have children under five;

— the birth rate in Ireland is the highest in the EU and projections suggest growth in the number of children under five in the period to 2016;

— a wide diversity of child care arrangements are used in Ireland and 77% of preschool children are cared for by parents or relatives;

— non-parental child care is very important for families with working parents and 68% of couples with preschool children where both are working full-time use such child care; and

— the annual cost of full-time child care for two children is €16,500 per year;

further notes that:

— current child care funding policy is absent of any supports for working families who do not avail of the community child care subvention scheme;

— the early childhood service infrastructure is under-utilised due to inconsistent access to child care funding schemes and non-regulation of the paid childminding sector;

— subsidised child care places are not equally accessible in all areas of the country; and

— the number of children of less than five years old will increase between 2011 and 2016 by around 4%;

agrees that:

— the link between child care and unemployment can be seen by noting that couples with a child dependant are less likely to exit the live register and are more likely to become long-term unemployed than other groups;

— support for child care for working families is likely to increase labour market participation;

— targeted child care support incentives linked with employment and focused on lower income families offer significant economic benefits by incentivising those on the margin of employment;

— the current community child care subvention scheme reinforces the segregation of children from low income families in community child care services and undermines the principle of inclusion; and

— there is a lack of incentive for paid childminders to become tax compliant and register with the Child and Family Agency, CFA, due to the inaccessibility of child care funding schemes for home-based child care service providers;

accepts that:

— the cost of child care in Ireland suggests that average weekly expenditure on child care is a significant burden for families;

— the cost of child care in Ireland is the second most costly in the OECD in net terms as a percentage of wages;

— for sole parents the average cost of child care is estimated to be 45% of average wages; and

— the barriers to employment as a result of child care costs are particularly severe among lower income groups;

and calls on the Government to:

12 February 2014

— introduce a new child care incentive to target specific groups where child care costs are a barrier to labour market participation;

— provide a direct payment to families related to the cost of child care, through the family income supplement scheme, FIS;

— widen the range of child care options available to low income working families supported under the FIS to include privately managed child care services including registered childminders;

— introduce a tax break for working families with children whose income is marginally above the FIS limits; and

— ensure that only expenditure on tax compliant child care providers registered with the CFA are eligible for any initiatives introduced.

Debate resumed on amendment No. 1:

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

“recognises the importance of:

— quality early years interventions in supporting the emergence of best outcomes for young children, including in relation to school-readiness and cognitive and behavioural development; and

— affordable and accessible child care to support low and middle income working families and to incentivise labour market activation;

notes:

— that an estimated €260 million will be expended in 2014 by the Department of Children and Youth Affairs on early years programmes;

— the provision of substantial child income supports for 600,000 families through child benefit and for a further 42,000 low-paid working families through family income supplement, totalling €2.2 billion per annum;

— the importance of Government support for the universal preschool year in maintaining the early years sector in the face of the greatest economic collapse in the country’s history;

— that the annual cost of child care to parents is reduced by over €2,370 when a child is participating in the free preschool year;

— the increased investment by Government to preserve the universality of the free preschool year despite increased costs arising from increased demand;

— the findings from the “Growing Up in Ireland” study indicating that “one in four parents who availed of the free pre-school year said they would not have been able to send their child to pre-school had it not been for the scheme” and that “this rose to more than one in three among more disadvantaged families”;

— the burden which child care costs can place on low and middle income working

families;

agrees:

— on the ongoing need to support the achievement of high quality standards in early years services;

— that the Government's focus on jobs and growth as the best means of recovering living standards will in turn further contribute to take-up of childcare;

— on the need to implement such quality improvements as a critical precursor to any future expansion in universal child care provision, including the possible introduction of a second free preschool year if resources allow; and

— that child income supports play a key role in sharing the costs of child rearing with families, including child care costs;

welcomes the implementation of the preschool quality agenda including:

— the publication of preschool inspection reports, with 2,530 reports now available online;

— the ongoing recruitment by the Child and Family Agency of early years inspectors to fill current vacancies;

— the allocation of €0.5 million in 2014 to allow the recruitment of further early years inspectors and to strengthen the national inspection services;

— the allocation of €2.5 million in 2014 to support the establishment of a new national quality support service;

— the enactment, through the Child and Family Agency Act 2013, of amendments to the Child Care Act 1991 allowing for the introduction of statutory registration of early years services, the introduction of pre-prosecution enforcement functions for early years inspectors and the increase in penalties on foot of convictions at District Court level;

— the introduction of a new system of statutory registration of early years services commencing in 2014;

— the announced increase in qualification requirements for early years staff from September 2014; and

— the allocation of additional funding in 2013, 2014 and 2015 to support the training and upskilling of early years staff; and supports:

— the development in 2014 of an early years strategy which will set out an overall approach to the improvement of quality in the early years sector;

— the carrying out during 2014 of a review of the aims of the targeted child care schemes with a view to considering how any future expansion of the schemes, as resources allow, should be targeted to align with Government policy;

— the continued provision of in-work supports for low-income working families and assistance for unemployed parents to access employment, training or education pro-

grammes; and

— continued co-operation between the Departments of Social Protection and Children and Youth Affairs in relation to childcare and family income supports.”

-(Minister for Children and Youth Affairs)

**Deputy Luke ‘Ming’ Flanagan:** This is a debate about child care. One part of the child care debate that needs to be aired is the fact that there was a time in this country when one could stay at home and rear one’s children. I do not mean that was done by a woman or a man but it was done by one of the parents or perhaps shared between them. When I was growing up my father, as a carpenter and as a man who brought home turf, could manage to pay the mortgage and get us food. The role my mother chose was to make the best use of that money and we got by quite well. Every evening when I came home I was in a very lucky position in that one of parents was there and in my case it was my mother.

I accept that some people might not be satisfied at home and may not consider that role to be fulfilling. Some people hold that view and I can understand why, and in that case they need child care. However, what really drives the need for child care is the fact that a monster must be fed and that is the monster of the massive mortgage that everyone has today. During the past 20 years and probably still today banks will give one as much money as they consider one is capable of paying back. Two people were encouraged to go out to work but that did not make people any richer. What it did was put up the price of housing. Now if one parent decides that he or she wants to stay at home or both parents want to share the duties, they can no longer do that. I return to the point that while some people need child care now, the reality is that people are left with no choice but to have child care. There was the idea that if child care was provided, people would be able to go out to work, but what the hell are people doing when they are at home minding their children? It is the most important job of all and there is lots of work in it. Why is there the idea that people have to get out to do work? Child care is the most important job of all as far as I am concerned.

There is a rush now to turn life into a factory. One does not have time to look after one’s children or to look after one’s mother. One puts one children in one institution - a child care facility - and one’s parents in another institution - an old people’s home . Why are we doing that? Are we doing that because we want to do it? When my father gets older, I would like someone in my family to be able to take care of him because he took care of me and I think we should return the favour. That debate needs to be had. It might not be very popular with some people that I would say that perhaps too much work is being done. The reality is that today parents have to do 100 hours work outside the home in order to get by when in the past they could get by with doing 40 and 50 hours work outside the home. We have to question the motivation behind this new way of life. To me, it seems the motivation comes from multinationals which ultimately would like one to work 24-7 and sleep on a bale of hay beside the machine on which one works for them, but we should not let them decide what society is like. We should decide what society is like and we should structure society in such a way that if one wants to look after one’s children, one will be able to do so, and if one wants to look after one’s parents, one will be able to do so because that is a natural enough thing to do. That is no doubting that I cannot see how anyone would care more than I would for my children and my father, and obviously the same goes for family. They have a natural vested interest in it.

When there was a controversy over problems in crèches, we heard that people may not have

the proper qualifications, but what qualifications does one need to have a love for children? One either likes them or one does not. One either has a problem with cleaning a snotty nose or one does not. Paperwork is not going to make one like it. Now we are being told that to get better quality child care, we will have to pay these people even more, and I understand why because they are paid a pittance now. However, there is no logic to that. If we pay them what they should be paid, then the person who has to employ them will have to get even more money and have to work even longer. It is a vicious circle. Can we not sit down and think about this? Maybe there is a better way. There has to be a better way than turning life into something that happens in a factory and it being more efficient to do it a certain way. Families, love and all of that have nothing to do with efficiency. They have got to do with something a lot more important than that.

There needs to be investment in child care facilities where people want it but we also need to try to create a social structure whereby people are not forced into going down this road.

**An Leas-Cheann Comhairle:** Deputy Catherine Byrne is sharing her time with Deputy Connaughton and others.

**Deputy Catherine Byrne:** I welcome the debate on child care as it is an issue which affects most of us at some time in our lives. I was very lucky when I had my children in that I was able to stay at home and spend time with them and see them grow up, flourish and do all their activities. I spent many a time running around bringing groups of children from one end of the street to the other. Today things are very different for many young parents who do not have the choice I had to stay at home and rear my family. They have huge mortgages and other huge commitments that sometimes cannot be met unless both partners are working. Many are caught in the bubble of negative equity, as has been said, and need to go out to work to keep the roof over their head. It is all about choice. There are many young couples who do not have the choice I had and they have to return to work.

Total annual Government funding allocated to the child care support programmes is in the region of €260 million. Low income families can avail of the community child care subvention programme, which is provided through community not-for-profit child care services, and 25,000 children benefit from this programme each year. The Government also funds the child-care, education and training support programme to support parents who are in SOLAS courses or studying in VEC colleges. Some €145 is provided each week for full-day child care places, and more than 8,000 children currently benefit from this programme.

The free preschool year is another excellent programme funded by Government. It is open to all parents, and goes some way towards easing the burden of child care. At present, approximately 68,000 children benefit from this programme. I understand that extending this programme into a second year would have serious implications for the Minister's budget. However, I strongly feel this would help many parents and families who are finding it very difficult to juggle work and home life. I urge the Minister to continue to pursue this matter, even though it may take some time to implement. I believe it is very important.

Regrettably, child care can be very expensive as most child care services are provided privately. It is a business, but many of these businesses provide a wonderful service and employ many people. Without that service, we would have more difficulties in finding places for child care. Recent analysis shows that the average weekly expenditure on paid child care for one preschool child rose from €118 per week in 2007 to €133 per week in 2013. The full-time cost

of child care for a young child is between €730 and €1,100 per month, and these figures depend on the child's age and its need to be in a different part of a crèche at different times. For many parents, this has become another mortgage payment.

Most working mothers, when planning their return to work after their six months maternity leave, which is not necessarily paid, are confronted with the difficult decision as to who will mind their baby. By the time a baby reaches nine months, almost 40% are in regular child care that does not involve a parent. The most common type of childminder is a relative, most often a grandparent. In fact, 42% of nine-month-olds in non-parental child care are looked after by relatives. This is followed by the 31% minded by non-relatives, usually childminders, with the other 27% in centre-based care.

Emotionally, this is a very challenging time for new parents, and new mothers in particular. For many, it is not an easy decision to entrust a new baby to a stranger, which is what it is, and not see the baby from early morning until late in the evening. The emotional stress that comes with this can be very difficult for young mothers. Many mothers find themselves struggling with their work-life balance, trying to do their best for their child or children while also pursuing a career. For many who work long hours to pay for expensive child care, something has to give. This is why high quality, affordable child care is so important for those parents who want to continue to work, and it would also promote women's continuity in employment, which is a key issue in terms of the gender wage gap.

The issue of maternity and paternity leave also needs to be addressed. New mothers can avail of 26 weeks maternity leave from their job, but fathers do not have any statutory entitlement to paternity leave in Ireland. I believe this needs to change in line with other countries. In the UK, for example, fathers get up to two weeks paid paternity leave and can avail of up to 26 weeks paid additional paternity leave if the mother returns to work. It can sometimes be more economic and beneficial for the mother to return to work and the father to stay at home. Other countries also allow parents to share parental leave, which makes sense as every family situation is different. In Italy, for example, fathers receive 13 weeks paternity leave, fathers in Norway get 12 weeks, and fathers in Sweden can avail of 16 months, shared with the mother.

While I seem to be speaking mostly about mothers, I know and have myself witnessed the shared responsibility of fathers today in caring, loving and managing the home for their children. I believe shared maternity leave is not only good for the child, but it is also very good for parents. I urge the Minister to look at this into the future because I believe it is the way to go with regard to child care in this country.

**Deputy Paul J. Connaughton:** I am grateful for the opportunity to speak on the motion. Currently, the Government is spending in the region of €260 million annually to support child care programmes, and that money is providing very valuable assistance to parents throughout the country in accessing affordable child care. In particular, the early childhood care and education, ECCE, programme and the community child care subvention programmes are particularly valuable to parents of young children, providing care in both private and community settings. Services offering the ECCE programmes receive capitation fees of up to €75 per week per qualifying child, depending on staff qualifications.

The issue of qualifications for people working with preschool children is a crucial question. Caring for small children is a very difficult job and it is only right and proper that such an important role should be restricted to those who have the interest and have taken the time to

educate themselves in the area. I note that work on a preschool quality agenda is progressing and part of this involves increasing the qualification requirement for all staff caring for children in a preschool setting to a minimum of FETAC level 5 by September 2015. I believe this is very welcome but I want to stress that an enhanced regulatory and oversight regime is necessary to ensure the additional learning is reflected in work practices. A robust inspection regime will help allay the fears of parents that children are being maltreated in the manner seen on the “Prime Time” programme.

One worrying aspect about the inspection regime is the suggestion that increased costs will be reflected in increased annual fees for child care services. Rising costs for the child care sector would result in the reduction in the number of child care services and could also result in increased cost for parents, which would be counterproductive for the sector in the long run. Already, 77% of preschool children are cared for by parents or relatives. If significant inspection costs are passed on to child care providers, this figure could rise.

One difficulty I regularly encounter in terms of parents with children attending community child care facilities is that a delay in processing medical cards is placing great stress on families intending to have children cared for in a community child care setting. The review of discretionary medical cards that took place last July created great difficulty for parents considering placing children in child care in September. The subvention of €95 per week was the defining criteria as to whether child care was affordable.

I welcome the fact parents who get work during the school year continue to receive this subvention until the end of the school year, and have a further year of reduced support afterwards. Going back to work can be an expensive time for a family, and these are the sort of common sense measures that can be taken to ease that process. I do not believe that direct payments to parents via the family income supplement, FIS, is the way forward because that would simply swamp the FIS system and would require means assessment of the vast majority of the country’s parents. However, tax breaks for child care and increased tax credits are incentives that could be put in place with much less effort. These, rather than any new child care subvention, are the measures that would be more beneficial to working parents.

**Deputy Anthony Lawlor:** I welcome this debate because it gives us an opportunity to speak once again about the opportunistic approach Fianna Fáil takes to everything. I will read a quote from October 2007, when the community child care programme was introduced. It was said to be “seriously flawed” and that it “will force low income parents to stop working as they won’t be able to afford to pay for crèche places if their income exceeds the new limits”. That was a point made by one of Fianna Fáil’s then Deputies, Mr. Chris Andrews, about the flawed nature of the programme that was introduced. While we were at the height of the Celtic tiger, there were opportunities to produce not just a good quality child care programme, but also to give incentives for people going back to work. The problem at the time was that where both parents were working-----

**Deputy Robert Troy:** I would like to call a quorum given Deputy Lawlor has such a positive contribution to make to the House.

**An Leas-Cheann Comhairle:** A quorum cannot be called during Private Members’ business.

**Deputy Robert Troy:** That is a pity.

12 February 2014

**Deputy Anthony Lawlor:** If the Deputy read the Standing Orders, he might understand what is going on. The point I was making was that when Fianna Fáil was in power, its child care policies were quite simple - they were non-existent. It was a real crisis at the time because, if both parents were working, nothing could be given to them even if they were paying excessively for child care. There were neither tax credits nor tax breaks for parents where both are working.

Since we came to power, we have with difficulty maintained the existing standard. We have continued to provide the free education programme for those under five years of age, which I have welcomed. However, there are certain child care facilities in Dublin which will not take children under one year of age because the regulations are so strict and it requires such a high ratio of childminders to children. This is an issue we have to look at as it does not allow parents to go back to work.

I hope the Minister might raise the following point at the Cabinet table. When we have stabilised our finances and lowered the deficit even further, we may look at giving some sort of tax break to working parents with children in child care. We must remember that even though children are attending school, they finish at 3 p.m. or 2.30 p.m. and need after-school care. We should find some way of helping them in that respect.

In our policies, we must take into consideration the fact that approximately 42% of childminders are relatives of the child. I am delighted to be able to speak here and highlight the mistakes the previous Fianna Fáil Administration made with regard to child care.

**Deputy Áine Collins:** I welcome the opportunity to speak on this motion. I cannot disagree with the tone of the Fianna Fáil motion. Every Member of this House is concerned with child welfare. We all wish that in an ideal world, a first-class and very affordable child care system would be generally available. Ideally, this should be based on the Nordic model but a huge investment is required to get to that stage. We saw a situation develop over the Celtic tiger years where child care could cost as much as a mortgage. The Celtic tiger has now vanished and people who bought houses during those years are now struggling with mortgages and huge child care costs. It is understandable that Fianna Fáil would like to rectify this situation in which parents find themselves, particularly as it happened on its watch, which it seems to have forgotten. Mind you, it abolished the early childcare supplement, which was worth €1,100 per year to parents of children under five. It is hypocritical of Fianna Fáil now to advocate increases in expenditure without telling us how it would find the money to implement all these changes. Would it be by increasing taxes or cutting expenditure in other areas, which we know are challenged? Let us hear the answers to some of these questions.

On the other hand, we can examine this Government's approach to child welfare to date. For the first time, we set up a dedicated Department for Children and Youth Affairs with a Cabinet Minister to ensure that children's welfare would be kept in its rightful place at the heart of Government. Good progress has been made so far. The Government prioritised and delivered a referendum on children's rights. A total of €260 million will be spent in 2014 on the early years programme. One in four parents would not have been able to send their children to preschool had it not been for the free preschool year.

**Deputy Robert Troy:** When was that introduced?

**Deputy Áine Collins:** The Government set up the new Child and Family Agency to focus

on early intervention and family support.

**Deputy Robert Troy:** Twelve months later.

**Deputy Áine Collins:** The community childcare subvention scheme assists in providing quality child care at reduced rates to disadvantaged and low-income working parents. There are three fantastic community child care facilities in my area in Ballydesmond, Banteer and Bothar Bui. However, they are hugely challenged in terms of maintaining these services and struggle even more with rates bills, which they must pay and which are a real challenge. It is pity some of this was not looked at when we had more funds in Government. However, we must deal with this.

Preschool quality standards and staff qualifications are other challenges. The implementation of an eight-point preschool quality agenda has been prioritised and significant progress has been made in this area. All the research shows that the early years of child care are so important and impact greatly on education at a later stage. It is all about early intervention and the right start. We know how introducing a second free preschool year would greatly benefit children's education and development outcomes. I know this is one of the Minister's real objectives. However, it is a challenge in current economic circumstances.

It was interesting to hear Deputy Ó Cuív's comments last night about working mothers who must weigh up the cost of child care against the cost of returning to work. This is a huge issue but it is one of culture. There is a tendency to see the cost of child care as a mother's issue rather than an issue for the entire family unit. We need to change the discussion of this and change the culture. A total of 55% of our graduates are women. If the workforce is losing well-educated women who want to work, child care is also an issue for society as a whole. I am glad we have a Minister who is so passionate about children's issues. I commend the Government amendment to the House.

**Deputy Tom Barry:** I welcome the opportunity to speak on this topic. From an Opposition point of view, it must be hard to criticise when one considers the fabulous work the Minister has done in her new role in a dedicated Department for children. It is quite a revelation and a major change. My wife and I were lucky enough to use the services of child care while trying to keep many jobs going at the same time. We were very fortunate to come across a crèche called Serendipity in Mallow which I must compliment as it is doing fabulous work like many others across the country.

The discussion is about low-income families but this is a blinkered focus because there are many middle-income people who find themselves very pressed for money due to legacy debt and other issues. In the famous words of the Minister for Finance, "what have you against these children?" because there are families who on outward appearances seem as if money is flathúileach but, unfortunately, it is not. I welcome the review of the existing targeted child care system scheme. The amount of money the Government is putting into the early years programme is significant. The challenges for families today are huge. We have all done it. Any delay or problem means that someone has to sacrifice getting to work on time. Perhaps we should be looking at allowing people in the public service to take leave of absence in the early years and come back because people are afraid that if they step out, they may not get their job back. We need to look at ways of accommodating parents who would like some time off, particularly in the early years, to provide care at home.

12 February 2014

This is a very important issue that affects every family. I do not think people realise the importance of it until they are in that situation juggling time and kids. It is such a hard thing to do. When one gets through it, one wonders how one did it but people struggle through. I welcome the debate and thank the Minister for her work to date on this matter.

**Deputy Michael Creed:** In the brief amount of time available to me, I will focus on access to the early childhood care and education, ECCE, year for children with disabilities. I thank Deputy Troy and his colleagues for tabling the motion. The motion deals with many shortcomings but it is unrealistic in the current climate. The amendment strikes me as something of a roll of honour of what has been achieved but it raises points pertinent to access for children with disabilities. It calls on the House to note the importance of Government support for the universal preschool year and goes on to call on the House to note the increased investment by Government to preserve the universality of the free preschool year.

I refer to a response I received from the HSE in reply to representations I made about access for a child with autism to the ECCE year. The relevant section of the letter stated that on querying supports for children with special needs attending mainstream preschools under the scheme, the HSE was advised that there is no obligation for a service under the ECCE grant to take a child with special needs if it cannot provide supports. The letter stated that the preschool should have a meeting with the parent and child before enrolment to identify whether or not it will be able to meet the needs of the individual child. I regret to say that I have tried to pursue this issue with the Department which says that it is not its responsibility. I have tried to pursue it with the HSE to be told that it is not its responsibility and that it is the responsibility of the contract holder to provide the service. I have tried to pursue it with the Department of Education and Skills which tells me it deals with children with disabilities, universal access for children to primary school and providing special needs assistant supports but that this is not its baby, to pardon the pun. In response to a parliamentary question on this issue, the Minister for Health said that “while the Health Service Executive has no statutory obligation to provide supports for children with special needs wishing to avail of the free pre-school year, it works at local level”, blah, blah, blah, ad hocery.

*8 o'clock*

He went on to discuss the need for a co-ordinated system.

If we are to achieve anything in this debate, I implore the Minister for Children and Youth Affairs to take a hold of the issue. Thousands of children and parents throughout the country are locked out of the early childhood care and education, ECCE, year. If we want a universal system, it must take account of such children and their needs. Like the Department of Education and Skills, the Minister should hold a little in reserve. We may not necessarily have the additional resources necessary, but she should hold a little in reserve and pay a higher capitation level to the individual contract holders under the ECCE scheme who will take on these children. They deserve the early childhood year as much as any other child. It is an indictment of us all that we could table a motion and an amendment and discuss universality while locking the door on these children. It is also an indictment of the HSE to claim that there is no obligation.

I congratulate the Minister. This is my first opportunity to discuss these issues since she became Minister. She has achieved much in a short time. I also acknowledge what has been achieved by others, but this is a glaring deficit. There is no universality if we lock the door on children with disabilities. I implore the Minister to take this issue on board.

**Deputy Joe McHugh:** In the short time available to me, it is important to acknowledge the new departure in recognising the youth sector and establishing a Department for youth affairs. I also acknowledge the Minister's passion and compassion for what is an important sector. These are reflected in the infrastructural spending of recent years, but we are playing catch-up. When I was a youth worker 15 years ago, I used to discuss the Swedish or Scandinavian model of early school intervention for children. While it is important that we acknowledge the work done to date, let us be honest - we have a long way to go. The Minister would be the first to say that it is a challenge she is willing to address head on.

This motion refers to access and costs. Leaving those challenges aside for a moment, it is important that we acknowledge the advocates, the people involved on a voluntary basis, the child care committees and the practitioners who are working hard at the coalface. Parents using preschool facilities are entrusting their three and four year olds to service providers in the knowledge that they are being looked after. We must reciprocate, in that we cannot take that resource for granted. We should do whatever we can to ensure a support network is in place for the personnel who are providing such an outstanding service and to provide them with retraining, reskilling and upskilling. Some networks are already enshrined, for example, primary and secondary school networks. There have been negative stories about preschool care recently, but it is also important to focus on the positive.

I will mention an issue with Ballaghderg. Deputy Creed referred to special needs in general, but there has been a great deal of conversation about mainstreaming children with severe disabilities at preschool level. We must consider whether pushing that agenda is reasonable and consult widely with the parents of children with severe disabilities in facilities such as the one at Ballaghderg.

I acknowledge the role played by the Minister and the outstanding intervention in the form of infrastructural investment. The challenges are obvious and we have a long way to go, but it is a different world than the one when I started school in the early 1970s. Preschool was my first day in national school and mainstream education. I do not remember it. Maybe it had an impact, and maybe going into mainstream education as a four year old did a lot of damage.

**Deputy Robert Troy:** The Deputy has done all right all the same.

**Deputy Joe McHugh:** There is delight in the eyes of the three and four year olds who attend preschool. They are not just learning maths tables or how to write. They are also learning to play. This must be acknowledged.

**Deputy Eamonn Maloney:** As many points have been made, there is no point in recycling them. I welcome this debate. Both last night and tonight, it has been a good one. Despite the discussion in the past two years or so of the great pensions issue facing this generation, this is an even greater issue. To use that awful phrase, it will not go away. We have the largest young population and the highest birth rate of all EU countries. We cannot hide from this fact and must deal with it.

Progress and improvements have been made in the past ten years. People like the Minister and I can continue progressing it during the next decade. Deputy McHugh referred to the 1970s when child care was non-existent. We can advance the essential elements. For example, reference was made to the early years strategy. That can be developed. It is good that the sector will be reviewed, as we can learn from what has happened in the past ten years in particular. We can

12 February 2014

use other models. We are coming from quite a bit behind. Friends or relations living in northern Europe will explain that those countries have been doing this sort of work since the end of the Second World War. The sector is so advanced there. We are not completely out of the picture and have made improvements, but all sides recognise that we still have a distance to go.

Deputy Troy made a point about the high birth rate. Whatever happens in the future, I agree that there should be no barriers. If child care is to be available to everyone, it must also be available to those on the average wage. Many of us know families in those circumstances. If one or both parents are lucky enough to have jobs, it can still be quite a burden, which several Deputies pointed out last night and tonight. This factor must form part of our focus. Child care should be available for people with little disposable income, not just those with the wherewithal to pay any amount for child care. We should not miss this opportunity, as there is a barrier. How costly child care is must be acknowledged. There are different reasons for that, but I will not go into them now.

I will finish before the Ceann Comhairle asks me to.

**An Ceann Comhairle:** No, the Deputy is fine.

**Deputy Eamonn Maloney:** The review is for all of us. One positive factor that I have acknowledged previously and that is a main focus of the Minister is the level of qualification of people working in child care. The Minister keeps referring to the FETAC level 5 award. It is important that those working in child care are adequately qualified and have a stake in the review.

**An Ceann Comhairle:** Deputy Kitt is next and has five minutes. He is sharing his time with Deputies Ó Feargháil, Calleary and Moynihan.

**Deputy Michael P. Kitt:** I will start by commending Deputy Troy on tabling this motion. I concur with the Deputies who referred to the many fine Ministers that we have had since 2000 when the equal opportunities programme was introduced, up to and including the current Minister and her commitment. However, there is always a “but”. Something that has always been said to us as public representatives is that major challenges lie ahead and that there is a low rate of child care provision.

I meet a group regularly. I am sure that many Deputies and Senators meet it every time there is a budget. I am referring to Early Childhood Ireland, which represents more than 80% of preschools and crèches. The group has often raised the issue of the cost of child care, including prior to the last budget.

Deputy Troy proposed a direct payment to families related to the cost of child care, through the family income supplement scheme. I understand that 32,000 families currently receive this payment. It is important to widen the range of child care options that are available, particularly for low income working families, and to include the privately managed child care services, including registered child minders. Early Childhood Ireland refers to tax credits and some form of subsidy. If these issues are not addressed, the organisation states that we will see a greater number of children being cared for under private arrangements, where there are no regulations or inspections, or where there are no appropriately qualified staff, which perhaps is even more concerning.

We believe that the provision of child care and employment are interdependent, and there

should be policies which act as an incentive for working parents to remain in or return to employment. This is also related to tackling the issue of child poverty. I commend the work done by Indecon consultants for Donegal County Childcare Committee, which examined the provision and affordability of child care in Ireland, in the context of labour market participation. The report stated that a quarter of Irish parents have been prevented from returning to employment or training due to prohibitive child care costs. The report also refers to the fact that parents in lower income groups are particularly badly hit by the recession; 56% of parents have been prevented from looking for a job due to child care costs. The figures show that child care costs are found to account for about 29% of net income for a couple, and almost 50% of net income for lone parents. The comparable figures in the EU are 9.8% and 9% respectively for couples and lone parents. Looking at those figures and the OECD figures, Ireland is the second most costly country for child care in net terms, as a percentage of wages. Child care costs can exceed mortgage payments as the largest monthly bill for families with young children. The financial pressure involved in child care means that thousands of working parents, particularly mothers, face a stark choice of quitting work due to the high cost of child care, or continuing their careers while losing money. We all know that many households have less money at this time.

There have been many positive developments in early childhood care and education, especially since 2000, when extra capacity was provided. I recall that €1 million was the standard provision for each child care centre. Between 2000 and 2007, some 40,000 child care places were provided under the equal opportunities child care programme. However, we are less advanced than our European counterparts in respect of investment and policy implementation for children under the statutory school age. For that reason, it is important to have increasing investment based on GDP over the next few years. The issue of relating funding to GDP has been very much a feature of other Departments. For example, the overseas aid budget at the Department of Foreign Affairs is related to GDP.

It is also important to have a policy on the inclusion of children with special educational needs in early childhood services. It is disappointing that there is a varying level of services across counties and regions. That should not be the case, because we got rid of the regional health boards and the HSE should have a national policy rather than discretion in local areas. I support what Deputy Troy has proposed here tonight.

**Deputy Seán Ó Feargháil:** I thank Deputy Kitt for sharing his time, and I compliment Deputy Troy on having tabled the motion. It is a very positive motion. The Deputy went out of his way to be positive in constructing it. I feel a little disappointed that the House could be dividing this evening on something that is important to all of us, because we united in going to the people in 2012 to convince them to support the children's rights referendum. It would be nice if we had been able to come here this evening, put aside our political differences and agree a motion that would give effect to the provision of resources and services that would enhance the lives of children all over the country.

Deputy Lawlor is a good friend of mine for many years, but I was disappointed to hear him make party political comments. I think he is wide of the mark. As someone who entered the Oireachtas in 2000, I am particularly proud that between 2000 and 2011, Fianna Fáil was in many respects pioneering in its approach to child care provision. In that period we had the various capital programmes and in excess of €400 million was invested in the provision of approximately 65,000 places. It did not satisfy everybody and it did not meet all the demands that existed, but it started a process that has borne real fruits and that has brought major benefits to many households and individuals throughout the country.

12 February 2014

I have repeatedly said to my good friend, the former Deputy Barry Andrews, that introducing the free early childhood education scheme meant that he did something that was on a par with what had been done many decades ago by the late Donogh O'Malley, when he introduced free second level education. There is no doubt that at the core of the challenge which faces us all in the body politic is to build a better community and society and the earlier we intervene in support of young children, the better. In particular, the earlier we intervene in circumstances of disability and disadvantage, the better for all of us.

In the past week I attended two public meetings in my constituency. The first was with a group of parents of children on the autistic spectrum. I allude here to some extent to the points made by Deputy Creed. Listening to the stories of the parents involved, the child care they wanted was specialist care that would meet the needs of their children. They wanted the various therapies, such as speech and language therapy, but there was no consistency in availability. We are proud in Fianna Fáil that we appointed the first Minister of State with responsibility for child care. Fair play to this Government that we now have a full Minister at Cabinet, but there is much work to be done in ensuring that those children who are significantly disadvantaged can avail of uniform care across the country, as can their parents, who have to contend with the trials and tribulations of raising a child. One woman at that meeting had three children on the autistic spectrum, and I can only shudder to think at the challenges and responsibilities that she has every day. In order to get support from the system, she must battle every day, but it should not be like that. As Minister for Children and Youth Affairs, the Minister can do something about it.

A little later in the same week, I had the interesting experience, along with my party colleagues and Deputies Heydon and Deputy Wall, of meeting the Athy Travellers Club. They are a wonderful group of people who provide a community child care facility for the local Traveller community. The local Traveller community children are joined in the service by other marginalised groups in the local community in Athy. It appears the capitation grant provided to the child care facility in question has been cut by the Department as part of a process administered by Pobal. The moneys available to the facility have declined from €70,000 in 2013 to €38,000 in 2014. If the Department proceeds with this cut, this Traveller child care facility will have to close down. I challenge the Minister to find in any community young people of similar age who are more marginalised than the children of members of the travelling community. If it comes to pass that this level of cut must be borne by the organisation in question, it will be utterly disgraceful. I ask the Minister to review the matter.

I do not know if this is an isolated case because I have in my possession a copy of a letter written to the Minister on 3 February by Early Childhood Ireland, an organisation representing 3,400 child care providers. The letter, which expresses serious concern about developments in child care provision, notes the following:

The sector has adapted and stepped up to meet each new legislative and policy requirement, but is now palpably frustrated due to the continuation of unresolved issues, some of which are set out below:

- Repeated delays and shortfall in payments (CCS), with significant discrepancies in expected levels of income
- Appeals for ECCE not being dealt with and members waiting for resolution of cases from last year

- Lack of timely notification of changes to schemes - changes are made to schemes without consultation or prior notice and new stipulations are continually added to contracts

- Higher capitation unresolved - people have recruited staff at Level 8 and are paying them higher salaries but no confirmation of higher capitation to services have been received.

Early childhood care providers are coming under severe pressure. While I am aware that the Department and child and family services are also under serious pressure, as are all Departments, we must prioritise. If we cannot prioritise children, in particular marginalised children, and choose instead to engage in rhetoric about the importance of breaking the cycle, the cost to society in terms of the lost potential of the children in question and the communities they will form will be much greater than the cost of investing in breaking the cycle. The Minister must address these issues.

There is not a Member of the House who does not wish the Minister well and hope that she, more than most other Ministers, succeeds admirably in her Department. There must be fair play, however, for those who are disadvantaged and marginalised. If they do not experience early intervention, as appears to be the case in some areas, the Minister will have failed the challenge facing her. That is an accusation I do not wish to level when her term in office concludes.

**Deputy Dara Calleary:** I thank Deputy Robert Troy for allowing the House to discuss child care issues in Private Members' business. Given that we share common aims, it is regrettable that the Government is seeking to divide the House on the motion before us and chose not to engage with us to try to agree a wording that could have brought all sides in the House together.

I welcome the Minister's appointment. It was an historic departure, and she has performed well in the past three years. She was, however, preceded in office by a number of strong individuals. I have in mind our late colleague, Mr. Brian Lenihan, Deputy Brendan Smith, Ms Mary Hanafin and Mr. Barry Andrews, all of whom struggled, as junior Ministers, with very difficult challenges in the children's brief. For example, they had to deal with legacy issues such as the abuse of children and all the issues associated with that aspect of our past. They also established capital infrastructure and a nationwide network of community child care facilities and introduced the standards under which public and private child care providers must operate. All of this was achieved by previous Ministers with the support of previous Governments. It is regrettable, therefore, that some Government Deputies sought to make a political football of this issue. Major achievements were secured before the current Minister had the fortune to be appointed to Cabinet.

The challenge the Minister faces is that other Departments now believe they no longer have responsibility for children. Children are the responsibility of all Departments and, given the consequences actions in this area can have, this responsibility cannot be delegated solely to the Department of Children and Youth Affairs. Every Minister must play a role and every Government decision must be child-proofed.

Deputy Troy, in this motion and a number of policy documents, proposes a number of responses to critical issues facing many people. As we progress towards some semblance of economic recovery, the biggest issue we face is the creation of employment. We must review every potential employment trap, including in the area of child care. For many families, the cost of private child care, particularly in Dublin, is higher than their mortgage payments. Providing basic care for their children puts many parents to the pin of their collar. They are not seeking

services with bells and whistles on or, to borrow a phrase from the Minister for Finance, gold-plated child care provision. The cost of basic child care services is such that both parents must work to pay for it. This leaves many parents facing the decision not to work because they cannot afford child care. The financial consequences of paying for child care has resulted in many parents choosing not to work. This issue must be addressed.

It is fine for the Taoiseach and spokespersons of IBEC to parade around speaking of tax cuts. They should first address the anomaly in the system that means many parents are better off staying at home than choosing to return to work. Deputy Troy's proposal to introduce a tax break for working families, specifically for those whose income is marginally above the family income supplement threshold, should be considered before tax cuts are introduced. The level of support proposed - 40% of child care costs - is targeted and would benefit approximately 5,200 children. It would give people an opportunity, if they so wished, to participate in the economic recovery and use their skills. People should not be forced to stay at home because of the costs of child care.

Research carried out by Indecon in a rural and an urban area shows that the costs of child care are escalating. Indecon also carried out a cost-benefit analysis of the targeted tax incentive proposed by Deputy Troy. It found that the measure would have a positive economic benefit, with society securing economic gains of €1.17 for every €1 cost incurred. While not everything should be viewed from a purely economic perspective, it is important to show the incentive would have an economic return. Having people involved in a working environment would also deliver a social return. In that sense, everyone is a winner.

As Deputy Ó Fearghaíl noted, early child care services are failing children with special needs. Deputy Colm Keaveney discovered last week through a parliamentary question that we do not have early intervention teams. As the cases highlighted by Deputy Ó Fearghaíl demonstrated, securing services for children with special needs is a nightmare and a daily struggle for parents. All Deputies are fighting to get medical cards for children with Down's syndrome and basic disabilities. The Minister should fight for this type of basic service for children. Regardless of which party is in government, the system opposes this type of early intervention. The system is so determined to fight parents who have a child with special needs that it forgets its purpose is to serve them. In terms of child care, we need to focus on the reason in 2014 we continue to make children with special needs fight for everything they get. It is beyond me. If at the end of her term in office the Minister has managed to put manners on that part of the system which sees its job as fighting children that will be one hell of an achievement. Given that her term will, possibly, expire in 2016 she could be the one Minister who has lived up to the terms of the Proclamation. Surely, that is not too much to ask for. We have put in place a massive infrastructure countrywide and a huge legislative infrastructure behind it. We have also put in place all sorts of standards and regulations yet the same system that trumpets and enforces these standards is determined to fight parents. This must stop if we are to believe in everything we are putting in place.

There are many heroes in the child care sector. There are communities countrywide which have come together to meet needs in rural areas. While there were grants available, grants are no good without people willing to take on the job that goes with administering them. Our county child care committees are a fantastic example of how local government can work well with local community interests in providing services. Many of the private operators who got into this area did so when it was very much white territory and there were no standards or provisions around it. Some 90% of them provide a great service to this day. All of them have been

let down by the revelations in recent years. That, too, must stop. Until we reach the stage of being a country where every child is treated equally and where every Department and not only one ministry has responsibility for children the notion of having a Minister with responsibility for children will be eroded, as will the achievements of the current Minister, Deputy Fitzgerald, in that role.

The children's referendum, which arose in the context of our poor and appalling history of child care in this country, was almost defeated. We appear still to be pushing against a considerable body of opposition to progressing children's law. We must work on those issues in respect of which we can be of assistance. What Deputy Troy has proposed in the motion in terms of tax breaks, direct payments and a range of issues around parental leave brings this to the next level and puts meat onto the ministry. I hope that at the end of the term of office of this first Minister for Children - hopefully there will be more to follow - it will be possible to point to all that has been achieved and to say that we have made a difference to the lives of children. Building on the achievements of her predecessors, this is the chance for the Minister, Deputy Fitzgerald, to leave her mark. Deputy Troy has put forward some very good suggestions. I regret the Government proposes to divide the House on this first occasion in three years when child care matters have been raised during Private Members' business. It is unfortunate given the spirit of the motion and the support therein for the Minister's office and the Minister.

**Deputy Michael Moynihan:** I welcome the opportunity to contribute to this debate and compliment Deputy Troy on bringing before the House this worthy motion on child care issues. Colleagues on both sides of the House have spoken about special needs and early intervention provision. Access to speech and language therapy, early intervention and other services are major issues for people. This will affect children in the long term. The withdrawal of these services is also shortsightedness on the part of the State in that it will result in a greater cost to the State in the longer term.

We should in the context of this debate be seeking to honour the Constitution and, in particular, children with special needs. Colleagues have spoken about the contributions of various Ministers over the past 14 years in relation to children. Much good work has been and is being done throughout the country, particularly by the community not-for-profit child care facilities constructed under the aegis of the Department of Justice and Equality but which come within the remit of the Department of Children and Youth Affairs. The voluntary bodies which put in place these facilities countrywide should be applauded.

I would like to draw a particular concern I have to the Minister's attention. The community not-for-profit organisations are providing a service on behalf of the State. Given the manner in which many of the community projects were established, almost all of them attract charitable status. However, owing to a glitch in the Valuation Act some of them are exempted from rates and others are not. This issue needs to be addressed. Two community projects of which I am aware are being hounded by the county councils and threatened with court cases and so on in respect of €25,000 or €30,000 in rates that have accumulated on their premises. As I stated earlier, these are not-for-profit organisations that are providing community services for hard pressed parents and are facilitating the State's free preschool year. This matter needs to be addressed in a pragmatic way, with perhaps an amendment in this regard being made to the Valuation Act to ensure these facilities are exempted from rates. The attitude of the courts and local authorities in pursuing these bodies leaves a lot to be desired. The fundamental issue is that despite these organisations being granted charitable status by the Revenue Commissioners and regulatory authorities based on the memorandum of understandings under which they were

established, they are being pursued for rates. This issue needs to be addressed.

The two issues of concern for me are the rates issue, which is a major issue for communities and must be addressed, and the provision of early intervention for children with special needs. Some of the children who were part of the early intervention programme established in Cork in 1998-99 through the CABAS project went on to mainstream primary and second level schools and completed their leaving certificates. This would not have been possible but for the CABAS project and the valuable contributions of former Ministers, the late Brian Lenihan, Mary Hanafin, Barry Andrews and Brendan Smith. A whole raft of issues were dealt with by them including child care costs and so on, following which the county child care committees were established.

It is important the Valuation Act is amended to provide for an exemption from rates for the community not-for-profit child care facilities. We must also ensure that children who need early intervention can access it at the earliest possible time and that they do not have to be corresponding with public representatives or the ombudsman in respect of their entitlements.

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):**

I thank everybody who contributed to this debate over the past couple of hours. The quality of the contributions leaves us in no doubt as to how deeply this issue resonates within all of us. There appears to be general consensus as to the kind of quality child care services we want to see in place. We all know the destination we want to reach. Where we differ is the journey we must embark upon to reach it. Deputy Calleary remarked that this is the first time we have debated this issue in the House since the formation of the new Government. Equally, it is the first time that any Member has had the opportunity to address the issue to a Cabinet member. The Minister for Children and Youth Affairs has been appointed to the role to work tirelessly and vigorously to further this particular agenda in Government. In her opening remarks, the Minister, Deputy Fitzgerald, detailed the many actions that the Government has taken in respect of early childhood care and education. Despite the difficult economic situation the Government faced on coming into office, the universal preschool year has been maintained and the child care schemes targeted at low income parents have been expanded. This has been a significant achievement and one of which we are rightly proud.

More important, budget 2014 included funding for several quality measures to further support the early years sector. The focus of this motion and of some of the contributions of speakers has been on parents and costs. However, it is essential to remember that the primary focus of early childhood provision should be the children. All the available evidence indicates that it is the quality of the child care provision which is the key to good outcomes for children, whether it is delivered by service providers or parents. For far too long the focus of child care policy was on bricks and mortar and the physical environment in which children are cared for. Members will be aware that up to the start of the last decade, Ireland's early years sector was almost non-existent. The Celtic tiger years saw a scramble to put services in place in response to the ever-increasing rate of female participation in the labour market and a corresponding demand for child care service provision. Unfortunately, this resulted in a wholly inadequate approach to quality and sustainability. In response to the issue, the Minister, Deputy Fitzgerald, announced a quality agenda for early years services which sets out several key reforms with the objective of improving the quality of early childhood care and education services.

Legislative amendments to Part VII of the Child Care Act 1991 have been passed by the Oireachtas as part of the Child and Family Agency Act 2013, and this will underpin broader

reforms. The objectives are to strengthen the current inspection regime, provide a statutory basis for registration of early years services and provide for the setting of minimum qualification standards for staff working directly with children in these services. To provide for the implementation of the changes to the Act, it will be necessary to amend or make additions to the current regulations in several areas, and this is being considered.

The new regulations will be accompanied by new national quality standards, and together they will form the basis against which services will be inspected by the early years inspectorate of the Child and Family Agency. The standards will set out the outcomes for quality as well as supporting criteria against which the compliance level of a service will be measured. Inspection under the new regulations and standards will commence as early as practicable following the development of new inspection tools and guidelines. In advance of the introduction of the new regulations, a communications exercise will be undertaken to ensure early years service providers fully understand the impact of the changes to the way they will be inspected.

A new system of registration has been introduced, and anyone proposing to open a new child care service must first be registered with the early years inspectorate before they begin to operate. The registration and inspection system will allow inspectors to specify improvement conditions with which a service must comply. This system will provide for the first time for timely and effective regulation and enforcement of standards in early years services. Information relating to the inspection and registration system is available on the Child and Family Agency website, *www.tusla.ie*.

International evidence shows a clear connection between the qualifications of staff working with children and the quality of their care and educational provision. Up to now there has been a cultural view in Ireland that looking after children does not require any particular skill set. We must move away from this idea and understand that, as with older children, young children need to have trained and qualified staff working with them.

For this reason the Minister, Deputy Fitzgerald, has indicated her intention to introduce a new requirement that all staff caring for children in an early years service hold a minimum qualification at Further Education and Training Awards Council level 5. In addition, the minimum requirement of FETAC level 5 currently in place for preschool leaders delivering the preschool year programme will be increased to level 6. The new requirements will apply from September 2014 for new services and from September 2015 for existing services. To support existing staff to obtain the necessary qualifications, the Minister, Deputy Fitzgerald, has said she expects to announce shortly the details of a new subsidised training programme, and funding of €3 million is being allocated to support this initiative.

As the Minister, Deputy Fitzgerald, has announced-----

**An Ceann Comhairle:** I apologise to the Minister of State but he is over time, we have 15 minutes to go, and I am obliged to call the next speaker, who is Deputy Charlie McConalogue.

**Deputy Charlie McConalogue:** I join my colleagues and many Deputies, including the Minister, in commending Deputy Troy, our party spokesperson on children and youth affairs, on tabling this motion before the House in a non-confrontational way. He has put together a motion that deals with the issue and that puts forward proposals such that we can come together from all sides of the House to debate rationally the issue in a context that is not politically charged, as is so often the case during Private Members' business. This is simply giving the

appropriate due regard to an important sector, the early childhood sector, and an important issue, that is, how we support parents, especially working parents, to care for their children while continuing their careers.

Deputy Troy put forward many worthy proposals in the document which underpins the Private Members' motion. He offered suggestions, including tax breaks and direct payments to assist working parents. His proposals could operate either through the family income supplement or other direct payments and could subsidise the cost of child care. He also offered sensible and worthy suggestions in respect of parental leave and how to progress the associated entitlements of parents in the coming years over a particular timescale.

We have come a long way in childhood care in past ten or 15 years but there is a significant road to travel and we have only partially got to grips with many of the issues that arise. Deputy Calleary outlined the work of several Fianna Fáil Ministers of State who took responsibility for children's affairs and who paved the way in terms of grappling with many of the key issues which, unfortunately, were ignored for too many years. Our late colleague, Brian Lenihan, was the first Minister for children to be elevated to sit at the Cabinet table, albeit as a Minister of State. The appointment and elevation of the Minister, Deputy Frances Fitzgerald, to a full Cabinet post is a welcome development of that progression.

We should acknowledge, however, that having a Minister is not the key thing, rather it is what is happening and how we are developing and progressing. In this regard I believe we need to see far more initiative, especially in respect of the topic which Deputy Troy is trying to address in his suggestions, that is, how to support working parents. The Minister recently launched a research policy document by Indecon which was initiated with the Donegal County Childcare Committee. The document provided much valuable base research in terms of where the difficulties many parents face arise. The document indicated that the current cost of child care is, on average, €915 per month. Over a ten month period that amounts to €9,150 and for two children the total is €16,470. That alone is enough to indicate the barriers and difficulties of having young children, whether as part of a two parent family in which both parents are working or more so for a one parent family. The figures show a lone parent would have to give up 45% of her annual wage to cover the cost of child care for one child. It is little wonder there are many who find it difficult to enter the workforce. We do not have any real way of supporting them or of making it a real prospect for them to get back into or to continue in the workforce, especially those on average or low wages.

I wish to touch briefly on the issue of special needs and the need for clear guidelines and a clear inclusion policy at preschool level to accommodate special needs. Our early childhood sector and the free preschool year, for example, are not much older than many of the children who are currently participating in them. The sector is developing and trying to find its feet. However, an area we have not placed much focus on to date is special needs. Over the next two years, I ask the Minister to ensure supports are provided in this area.

**Deputy Robert Troy:** I thank colleagues from all parties and none for contributing to this important debate on an issue facing many families across the country. Thankfully, the majority of Members embraced the motion in the spirit in which it was intended - a non-partisan, Private Members' motion. It was framed in a constructive manner with suggestions I hoped the Government would consider to help struggling families with exorbitant child care costs. Had I been contacted by the Minister, I would have happily amended the motion to ensure unanimous support in the House.

However, she sought the opportunity to portray herself as the most reforming Minister who had to deal with a legacy of total and utter neglect. The truth is that almost a decade ago this sector was in its infancy. Changes in work patterns and people's attitudes resulted in the sector expanding rapidly. As I outlined last night, there was significant investment in physical infrastructure but there were also many positive policy developments such as *Síolta*, *Aistear* and the workforce development plan, which the Government continues to implement and to which the Minister alluded in her contribution. Previous Governments used the introduction of free preschool year as a mechanism to introduce minimum qualification standards. Regulation 5 was introduced to ensure that when preschools were inspected, it was not only about physical and environmental issues examined but also the welfare of educational outcomes of the child.

The motion is constructive and in no way antagonistic or condemning of Government policy. For all the Government's talk of prioritising early childhood care and education, this is the first substantive debate on the issue in the House during its tenure. *Fianna Fáil* had to use its Private Members' time to ensure this happened.

I agree that, despite the advances and improvements made in the previous decade in a rapidly evolving sector, more needs to be done. Nothing stands still; we continually need to make improvements to ensure not only that we have a fully functional early child care sector, but also that we can aspire to have the best because our children who are future entrepreneurs, business people and professionals deserve it. I willingly acknowledge the Government continues to make reforms and changes, which, when implemented, will improve this sector. The Minister did not acknowledge last night, however, that these reforms received the full support of the Opposition. Despite support from the Opposition and a new fully staffed and dedicated Department, these reforms have been immensely slow.

Last year during Question Time, I highlighted to the Minister the need to address quality issues prior to the introduction of a second free preschool year and I said that the success of a free preschool year could not be measured on participation rates alone. It was not until the "Prime Time" exposé, "A Breach of Trust", that the Minister's attention turned towards quality and she then published the eight-point plan. Responsibility for early childhood care and education remains spread across many Departments and agencies and the Minister plans to introduce another agency in form of a national quality service under Pobal. This will lead to further fragmentation, to which Deputy Creed alluded earlier. Existing local and regional structures with a proven track record in delivering national programmes on behalf of the Department are being overlooked. The "Prime Time" exposé last April identified a number of geographical areas in which there was no inspector. Only last night the Minister confirmed that every region still does not have a full-time inspector. Despite unanimous support in the child care sector for new inspectors to hold specific professional early years education qualifications, the Minister continues to hire public health nurses. Almost 50,000 children are looked after by 19,000 paid child minders in the unregulated child care sector. It is regrettable that the Minister did not make amendments to the child care protection legislation in 2012 to address this aspect.

With regard to upskilling and professionalisation, the Minister has reduced capitation grants to service providers and increased the adult to child ratio, which has resulted in making the sector less attractive. I acknowledge that she introduced a training fund last year through which €900,000 was provided in 2013 and €1.5 million is available this year. However, the fund is restrictive and it does not take an holistic approach to the needs of service providers. Does the Minister think this is good value for money when one person working on the free preschool year must hold a FETAC level 6 qualification? There is no qualification requirement for under

threes or for any other Government funded programme.

Last night, the Minister said we would witness publication of the first national early years strategy this year. I hope so because this was promised in 2012 and 2013. While I welcome the wide ranging and comprehensive recommendations, it has not gone unnoticed that a number of key areas are missing from the report of the expert advisory group on early years, not least strategic policy on children with special needs and on addressing the cost of child care in Ireland. This cost is the second highest in the OECD at €16,500 for a family with two children. Last night, the Minister referred to the Government maintaining direct payments to families. However, it cut child benefit, a direct payment, in two successive budgets. This payment is key to helping people with child care costs. In the most recent budget, the Government reduced maternity benefit, one week after publishing a report it commissioned, which recommended increasing this benefit from six to 12 months. The Minister said at the time she was in favour of this proposal. Despite the promise made by the Minister for Social Protection in the House in April 2012 not to cut payments to lone parents when their children reached seven years of age until affordable, accessible child care was in place, this has not happened.

I brought forward evidence-based proposals which are the subject of an international Indecon report in the hope that, at a minimum, the Minister would make a commitment to explore in detail how the Government and the Dáil could collectively pursue policies that would positively help families with their child care costs. I did so in a constructive, non-partisan manner and it is regrettable that on an issue that has such priority among the Government parties, the Minister was the only contributor to the debate from that side last night. Normally, during Private Members' business, significant numbers of Government Members offer to speak on important motions

I believe that through its effectiveness in prevention and early intervention, quality early childhood care and education has the potential to transform children's life chances and reduce future social expenditure by the State. Recent revelations about standards in child care lead us to ask not whether we can afford to invest in early childhood care and education, but rather if we can afford not to.

Amendment put:

<i>The Dáil divided: Tá, 81; Níl, 45.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bannon, James.</i>	<i>Boyd Barrett, Richard.</i>
<i>Barry, Tom.</i>	<i>Broughan, Thomas P.</i>
<i>Breen, Pat.</i>	<i>Browne, John.</i>
<i>Burton, Joan.</i>	<i>Calleary, Dara.</i>
<i>Butler, Ray.</i>	<i>Collins, Joan.</i>
<i>Buttimer, Jerry.</i>	<i>Collins, Niall.</i>
<i>Byrne, Catherine.</i>	<i>Colreavy, Michael.</i>
<i>Byrne, Eric.</i>	<i>Cowen, Barry.</i>
<i>Carey, Joe.</i>	<i>Crowe, Seán.</i>
<i>Coffey, Paudie.</i>	<i>Daly, Clare.</i>
<i>Collins, Áine.</i>	<i>Doherty, Pearse.</i>
<i>Conaghan, Michael.</i>	<i>Ellis, Dessie.</i>

<i>Conlan, Seán.</i>	<i>Ferris, Martin.</i>
<i>Connaughton, Paul J.</i>	<i>Flanagan, Luke 'Ming'.</i>
<i>Conway, Ciara.</i>	<i>Fleming, Sean.</i>
<i>Coonan, Noel.</i>	<i>Fleming, Tom.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Halligan, John.</i>
<i>Coveney, Simon.</i>	<i>Healy-Rae, Michael.</i>
<i>Creed, Michael.</i>	<i>Kelleher, Billy.</i>
<i>Daly, Jim.</i>	<i>Kitt, Michael P.</i>
<i>Deenihan, Jimmy.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Deering, Pat.</i>	<i>McConalogue, Charlie.</i>
<i>Donohoe, Paschal.</i>	<i>McDonald, Mary Lou.</i>
<i>Dowds, Robert.</i>	<i>McGrath, Mattie.</i>
<i>Doyle, Andrew.</i>	<i>McGrath, Michael.</i>
<i>Durkan, Bernard J.</i>	<i>McGuinness, John.</i>
<i>English, Damien.</i>	<i>McLellan, Sandra.</i>
<i>Feighan, Frank.</i>	<i>Martin, Micheál.</i>
<i>Ferris, Anne.</i>	<i>Mathews, Peter.</i>
<i>Fitzgerald, Frances.</i>	<i>Moynihan, Michael.</i>
<i>Fitzpatrick, Peter.</i>	<i>Murphy, Catherine.</i>
<i>Flanagan, Charles.</i>	<i>Nulty, Patrick.</i>
<i>Griffin, Brendan.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Hannigan, Dominic.</i>	<i>Ó Cuív, Éamon.</i>
<i>Harrington, Noel.</i>	<i>Ó Fearghail, Seán.</i>
<i>Harris, Simon.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Hayes, Brian.</i>	<i>O'Sullivan, Maureen.</i>
<i>Hayes, Tom.</i>	<i>Pringle, Thomas.</i>
<i>Heydon, Martin.</i>	<i>Ross, Shane.</i>
<i>Hogan, Phil.</i>	<i>Shortall, Róisín.</i>
<i>Humphreys, Kevin.</i>	<i>Smith, Brendan.</i>
<i>Keating, Derek.</i>	<i>Stanley, Brian.</i>
<i>Kehoe, Paul.</i>	<i>Tóibín, Peadar.</i>
<i>Kelly, Alan.</i>	<i>Troy, Robert.</i>
<i>Kenny, Seán.</i>	<i>Wallace, Mick.</i>
<i>Kyne, Seán.</i>	
<i>Lawlor, Anthony.</i>	
<i>Lynch, Ciarán.</i>	
<i>Lynch, Kathleen.</i>	
<i>Lyons, John.</i>	
<i>McCarthy, Michael.</i>	
<i>McGinley, Dinny.</i>	
<i>McHugh, Joe.</i>	
<i>McLoughlin, Tony.</i>	
<i>McNamara, Michael.</i>	

12 February 2014

<i>Maloney, Eamonn.</i>	
<i>Mitchell, Olivia.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Dara.</i>	
<i>Murphy, Eoghan.</i>	
<i>Nash, Gerald.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>Noonan, Michael.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Dowd, Fergus.</i>	
<i>O'Mahony, John.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Perry, John.</i>	
<i>Phelan, Ann.</i>	
<i>Phelan, John Paul.</i>	
<i>Reilly, James.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Stagg, Emmet.</i>	
<i>Stanton, David.</i>	
<i>Twomey, Liam.</i>	
<i>Walsh, Brian.</i>	
<i>White, Alex.</i>	

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

Amendment declared carried.

*9 o'clock*

Motion, as amended, put and declared carried.

The Dáil adjourned at 9.15 p.m. until 9.30 a.m. on Thursday, 13 February 2014.