



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Céadaoin, 19 Feabhra 2014*

*Wednesday, 19 February 2014*

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

***Paidir.***

***Prayer.***

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## **Ceisteanna - Questions**

### **Priority Questions**

#### **Dublin-Monaghan Bombings**

1. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade the recent discussions he has had with the Northern Ireland Secretary of State or British Foreign Secretary in relation to the motions passed unanimously by Dáil Éireann requesting the British Government to release the papers and-or files pertaining to the Dublin-Monaghan bombings of 1974; and if he will make a statement on the matter. [8251/14]

**Deputy Brendan Smith:** The Dublin-Monaghan bombings of 17 May 1974 resulted in the death of 33 civilians and the wounding of almost 300 people, the highest number of casualties in any one day during the conflict known as the Troubles. The loyalist paramilitary group, the UVF, claimed responsibility for the bombings. There are various credible allegations that elements of British security forces colluded with the UVF in those bombings. The Oireachtas joint committee on justice called the attacks an act of international terrorism. In July 2008, the then Government Chief Whip, Pat Carey, moved a motion on this matter that had the unanimous support of all parties and individuals in this House and a similar motion was also passed in 2011. We are still awaiting a British response to those motions.

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The 17th of May this year will mark the 40th anniversary of the Dublin-Monaghan bombings. With 33 killed, that terrible day saw the highest number of casualties on any single day during the Troubles. A further 300 people were injured. Many families across this island suffered terrible losses during the Troubles, including the Dublin-Monaghan families. I think of them today and of their ongoing loss.

On 11 May 2011, shortly after this Government took office, I met with members of Justice for the Forgotten, the organisation which, as part of the Pat Finucane Centre, provides support for victims of the Troubles in this jurisdiction, including the Dublin and Monaghan bombing families. The Taoiseach met with them subsequently on 18 July 2013. Department of Foreign Affairs and Trade and Department of the Taoiseach officials have also met with Justice for the Forgotten, most recently on 28 January in Brussels as part of a wider meeting with victims groups and on 31 January in Dublin. The Taoiseach and I have reiterated our support for the all-party Dáil motions of July 2008 and May 2011 urging the British Government to hand over all original documents in its possession relating to the bombings.

In a recent publication *Lethal Allies*, supported by the Pat Finucane Centre, links are alleged between those who carried out the Dublin-Monaghan bombings and those involved in a total of 120 deaths during the Troubles. These are serious allegations and I have asked to meet with the author of the book, Anne Cadwallader, and with Margaret Urwin of Justice for the Forgotten next month to discuss them in further detail. I am aware that Justice for the Forgotten addressed the Joint Committee on the Implementation of the Good Friday Agreement on 16 January 2014. I welcome this and the continued all-party support for its campaign on behalf of the Dublin-Monaghan families.

I have raised the matter of access to information related to the bombings with my ministerial counterparts in the British Government and will continue to do so. The Taoiseach has done likewise. The Government will continue to pursue the issue at ministerial and official level.

**Deputy Brendan Smith:** I thank the Tánaiste for his reply. Would he agree that the motions put forward and unanimously endorsed by all in this House in 2008 and 2011 requesting the British Government to allow access by an independent international judicial figure to all original documentation held by the British Government relating to the atrocities that occurred in this jurisdiction, and which were inquired into by Mr. Justice Barron, for the purposes of assessing said documents with the aim of assisting in the resolution of these crimes were reasonable requests? Unfortunately, as outlined in Anne Cadwallader's book those requests from this House have, in terms of the British Government's lack of response, fallen on deaf ears.

The Tánaiste will be aware that I recently had the opportunity to meet with Secretary of State Villiers and the Labour Party spokesperson Ivan Lewis, with whom I raised the need for the British Government to respond positively to the requests of this House. Mr. Justice Barron outlined in the very good work done by him in this regard in 2003 the clear collusion that occurred with some State security forces in assisting the UVF in those terrible atrocities.

**Deputy Eamon Gilmore:** I fully support the resolution which was passed unanimously by this House. The Government will continue to pursue that motion with the British authorities, as it has done to date. I should also mention that the issue of the Dublin-Monaghan bombings also needs to be considered in the context of the discussion on how to deal in a comprehensive manner with the past, which was the subject of the Haass talks prior to Christmas and which continues to be the subject of talks between the parties in Northern Ireland.

The Deputy will be aware that the proposals now under consideration by the Northern Ireland parties envisage the establishment of a historical investigations unit to take over Troubles-related death cases currently within the remit of the PSNI's historical inquiries team and the police Ombudsman for Northern Ireland. It also proposes the establishment in Northern Ireland of an independent commission for information retrieval to enable families seek and receive

privately information about conflict related events. The commission could also, with the passing of some time, assess the presence of certain patterns or themes across conflict related cases. While these bodies would not have jurisdiction in the Irish State, there may be intended implications in what the Northern Ireland parties set in place for Ireland, which the Irish Government would have to consider carefully in due course. In this regard, I have already made known the Government's commitment to playing an active and constructive role in dealing with the past and encouraging agreement on a new architecture.

What is currently being discussed in Northern Ireland and the framework for the receipt of new information on Troubles-related cases clearly has implications for the Dublin-Monaghan bombings survivors.

**Deputy Brendan Smith:** I welcome the Tánaiste's comments. Would he agree that the Justice for the Forgotten, in particular Margaret Urwin and Anne Cadwallader, are doing excellent work in campaigning for truth and justice for the victims of the Dublin-Monaghan bombings and other atrocities, some of which occurred in my own constituency? It behoves all of us, coming up to the 40th anniversary of those atrocities, to try to ensure that the British Government responds positively to our requests. I know from all of the conversations I have had in meetings with the families of the victims that all they want is the truth. It is a very basic request for families who continue to suffer owing to the death of and serious injury caused to family members.

The Justice for the Forgotten group needs assistance to continue its work. I hope that the Department of Foreign Affairs and Trade will be able to provide some financial support to this group, the work of which is important to so many families in this jurisdiction and north of the Border, families who understandably continue to grieve for the loss of loved ones.

**Deputy Eamon Gilmore:** As I said earlier, I have read Anne Cadwallader's book. I have met with some of the families of those about whom the book is written and I intend to meet shortly with Anne Cadwallader and Margaret Urwin. I intend to continue to pursue the unanimous wish of this House for the provision of information with the British Government. I hope the arrangements that are now being discussed for dealing with the past will be helpful to us in that regard. I also intend to discuss with Ms Margaret Urwin the options open to her and her organisation to apply to my Department for funding.

## **Foreign Conflicts**

2. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the concerns surrounding the evacuation of Homs and the fact that the UN Human Rights Council has raised human rights concerns after some evacuees were detained; and if he has discussed this and the upcoming Geneva talks with his EU counterparts. [8272/14]

**Deputy Seán Crowe:** We have discussed the conflict in Syria on numerous occasions in this Chamber and at the Joint Committee on Foreign Affairs and Trade. We are all aware of the huge destruction and the large number of human casualties this war has caused. There have been terrible injuries, deaths and poverty, and there are approximately 9 million refugees in need of humanitarian assistance. While we know the Geneva talks will not solve the issue overnight, I have asked this question to ascertain what was discussed at the last Foreign Affairs

Council and the proposals, if any, arising from that.

**Deputy Eamon Gilmore:** I take seriously the concerns which have been raised about the well-being of detained evacuees from Homs. The tragedy of Homs, which is just one of a number of areas under siege in Syria, and the deprivation inflicted on its remaining population represent without doubt a crime under international humanitarian law.

Last week's cynical and cowardly attack against the Homs humanitarian relief convoy, which killed 11 civilians and almost killed the UN country representative and his colleagues, underlines the inhumane conduct of this conflict. It is important to acknowledge the dedication and courage of those same UN staff, who again risked their lives to enter Homs shortly afterwards.

The UN and the International Committee of the Red Cross have also voiced concerns, which we share, about possible torture and mistreatment, and the possible misuse by the regime for either military or intelligence-gathering purposes of the evacuation efforts by the UN and the Syrian Arab Red Crescent. UN staff have sought to remain with those detained for their protection. I understand more than 200 of the male evacuees originally detained have now been released but some 180 continue to be questioned and processed by Syrian state agencies. I call for the immediate release of all those being held and for no further obstacles to the safe evacuation of those who wish to leave Homs.

The ongoing crisis in Syria and the Geneva II negotiations were discussed by the Foreign Affairs Council last week which I attended. Issues raised included the chemical weapons destruction programme; the prospect of a humanitarian resolution at the UN Security Council, which I have consistently called for and which now has full EU support; the renewal of the Geneva II negotiations; and the humanitarian crisis in Syria and across the region. All member states expressed concerns about the appalling impact of this crisis and a shared determination to support the Geneva II process.

**Deputy Seán Crowe:** Thankfully more than 1,400 people have been able to leave the old city of Homs. Many people would regard this as the first positive development arising from the Geneva II talks. The attack on the convoy should be condemned utterly. There is potential for some movement but there are clearly elements that do not want to see the innocent civilians who are trapped in Homs released.

The fact that the regime arrested and detained many men and boys who were leaving raises serious questions about the potential for further evacuations not only from Homs but also from other areas. There have been some successful attempts in other areas. Is there anything the EU can do in this regard? I welcome that Ireland has stepped up to the plate in allocating additional funding. Can we outline our dismay over the arrest and detention of young men leaving the area? Is there any potential for raising the issue of detentions with the Syrian Government and others around the table at the Geneva II talks?

**Deputy Eamon Gilmore:** There are a number of issues here. First, we have the Geneva II talks. I regret that the talks have not made real progress towards the ending of the conflict. Opposition representatives have made constructive efforts to set out realistic principles for a roadmap to end the conflict and preserve the Syrian state.

From the statement issued by the Special Representative, Mr. Brahimi, it is clear that the regime, with the support of its international backers, has refused to engage on the formation of

a transitional governing body, one of the key elements of the Geneva communique. I urge the Syrian regime, led by President Assad, and its international supporters - particularly Russia and Iran - to change direction and to engage seriously to bring about a negotiated end to this horrific conflict.

The second issue is the siege at Homs, which I have already mentioned. Some 2,500 to 3,000 people were under siege in Homs, with approximately 250,000 people under siege across Syria, which is a major issue.

The third issue is humanitarian relief. On a *per capita* basis Ireland has been one of the biggest contributors to humanitarian aid and relief in Syria. The Minister of State, Deputy Costello, announced an additional allocation of €5 million this year, with approximately €26 million committed to the humanitarian effort in Syria to date. However, the problem is getting the humanitarian aid to those who need it. That is why we need a UN Security Council resolution, which we have been encouraging. Last week's Foreign Affairs Council collectively supported that. So there is a united European Union position to secure a UN Security Council resolution, which I hope can be progressed in order to provide better access for humanitarian aid to those who need it in Syria.

**Deputy Seán Crowe:** When we met the Iranian foreign affairs Minister and raised the issue of possible humanitarian corridors, he said there were discussions involving Iran, Turkey and some other countries in the region which would have credibility not only with the Syrian regime led by President Assad but also with the rebels. If we can get agreement from those countries in the surrounding area that have an interest in what is going on, perhaps we could build on that.

I welcome the funding the Government has given to humanitarian assistance, including the refugee issue in Syria and outside it. The EU has agreed to accept 30,000 Syrian refugees from Lebanon under the UNHCR refugee resettlement programme. However, the Government is only planning on accepting 90 of these refugees. While I understand the constraints under which we operate, which we see every day, is it possible for the Government to review this? Was the refugee crisis discussed at the Foreign Affairs Council meeting? While I welcome what we are doing in Syria and the neighbouring countries, is there more Ireland can do?

**Deputy Eamon Gilmore:** As the Deputy said, Ireland is taking some refugees. The issue of refugees is a matter for the Minister for Justice and Equality and I know he is keeping it under consideration. We need to recognise the scale of the problem here. Some 2 million people are in refugee camps in countries bordering Syria. It is on a scale at which the taking of refugees does not address the entire problem. We have been concentrating on getting assistance to the refugees and humanitarian assistance into Syria and using our good offices to encourage a resolution of the conflict. It is essential that we continue the efforts to get Geneva II moving. Ultimately, the conflict has to be resolved through that process. In the meantime, it is urgent that humanitarian aid get through to the people who need it. The UN agencies must be enabled to do their work on issues such as the evacuation of Homs.

## **Diplomatic Representation**

3. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade the reasons his Department did not consider reopening the embassy in Iran as part of the further openings announced; the criteria used to prioritise a country for a new embassy or re-

opening of an embassy previously closed; the costs, including expenses for having an honorary consul as opposed to a small embassy; and if he will make a statement on the matter. [8240/14]

**Deputy Maureen O'Sullivan:** My question relates to the criteria used for the reopening of embassies, the opening of new ones and the costs involved, with particular reference to an embassy in Iran.

**Deputy Eamon Gilmore:** Ireland's diplomatic and consular network is at the forefront of efforts to promote our political and economic interests and values and in providing important services for the people and business community. Ireland's diplomatic network comprises 56 embassies, seven multilateral missions and ten consulates general and other offices. This network will be further expanded as the new missions approved by the Government in January are set up this year. The configuration of the State's diplomatic and consular network is kept under ongoing review by the Government. A range of factors are taken into account in considering our diplomatic representation overseas, including national political, economic and trade priorities, as well as the availability of resources. This question is also being considered in the context of the review of Ireland's foreign policy and external relations being undertaken by my Department.

I can confirm that consideration was given to reopening the embassy in Tehran as part of the current expansion of our mission network. However, as I noted during my recent appearance before the Oireachtas Select Committee on Foreign Affairs and Trade to discuss my Department's revised Estimates for 2014, the current resource constraints do not allow us to have resident representation in all of the locations that might objectively justify it having regard to political, economic and trade factors. The Government is conscious of the political, economic and trade factors that might warrant the opening of resident diplomatic missions in Iran and several other countries. We are conscious also that the change of government in Iran and the subsequent interim agreement on the nuclear issue hold out some promise for a general improvement in Iran's international relations. The recent visit of a delegation to Tehran by the Oireachtas Joint Committee on Foreign Affairs and Trade, in which the Deputy took part, was a recognition and encouragement of that trend.

As the Deputy will probably be aware from her recent visit, my Department appointed an Honorary Consul of Ireland in Tehran in June 2012. Honorary consuls receive an honorarium of €1,125 per annum and are allowed to retain half of the consular fees they collect for the services they provide such as visa or passport applications and the authentication of documents. The costs of providing an honorary consular service are obviously considerably lower than operating a resident diplomatic mission. However, honorary consular representation is of a fundamentally different nature from diplomatic representation and I do not consider it to be a substitute for a resident diplomatic presence.

**Deputy Maureen O'Sullivan:** Would it not have been more logical to wait for the completion of the review of our foreign policy and then to decide which embassies would reopen and where new embassies would be established? I am delighted that the Vatican embassy will reopen, but the criterion in that regard was the fight against global hunger and poverty, which is wonderful. Is this part of the strategy for all embassies? As the Minister acknowledged, Deputies Seán Crowe, Eric Byrne and I visited Iran as part of a delegation recently. Many of us, in particular Government Deputies, were regretful about the closure of the embassy there. It was said that had been done for economic reasons and the impression was given that it would only be a matter of time before it was reopened. We were only back one week when the list of

embassy openings and reopenings was announced, with no mention of Iran. The timing was bad in this regard.

**Deputy Eamon Gilmore:** We have a small footprint compared to other countries in respect of our representation abroad. I have expressed the wish to have it expanded, but because we have a small footprint, we have to change it on a continuing basis, as our needs and demands change. The Deputy asked why we could not wait until after the review of foreign policy had been completed. A number of reviews are under way. For example, the review of trade, tourism and investment has been completed and makes it clear that we need to have a greater presence in South-East Asia where we are under represented, South America, Africa arising from our Africa strategy and the United States.

With regard to the timing of the announcement, rotation of diplomatic missions occurs in the summer and, therefore, decisions must be made early in the year. If we did not do so this year, nothing would be implemented until the early part of 2015. For a variety of reasons, including the trade imperative in a number of countries and the review of the millennium development goals which the Deputy mentioned, it is necessary to move on changing the missions now.

**Deputy Maureen O'Sullivan:** There are concerns among NGOs about the balance between human rights issues and promoting our trade and economic interests. The Minister referred to diplomatic representation being about upholding our values. We went on a trade mission to Iran and there was no difficulty in discussing human rights issues, whether it was the death penalty or conditions in prisons and for prisoners. Human rights must be part of the brief of any delegation that travels abroad, although not in an intrusive, lecturing or hectoring way. However, these issues must be on the agenda in order that we continue to fulfil our commitments on human rights.

**Deputy Eamon Gilmore:** This country has a strong record and reputation internationally for the promotion of human rights and we will maintain this. The promotion of human rights operates in tandem with our trade work. Trade agreements signed by the European Union have a human rights dimension; therefore, we give huge attention to the promotion of human rights in our work on the Human Rights Council.

Iran, the subject of the Deputy's question, is very much on our radar. The location of missions will be kept under review. We considered Iran as part of the latest review and it will be considered in future reviews.

### **Overseas Development Aid Provision**

4. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade his Department's strategy in achieving the 0.7% GNP target for overseas development aid by 2015 as outlined in the programme for Government 2011; and if he will make a statement on the matter. [8252/14]

**Deputy Brendan Smith:** The policy on international development, One World One Future, is a good strategy and, as the Minister of State, Deputy Joe Costello, stated at a meeting of the Select Committee on Foreign Affairs and Trade to discuss the Department's Estimates, builds on the 2006 White Paper on Irish Aid, rightly emphasising the importance of development co-operation as a central feature of our foreign policy and reputation abroad. One of the reasons

we are committed as a country to a substantial overseas development aid, ODA, programme is we believe a stable, fair and equal global community is in our interests as a nation. In some ways, overseas aid is the price we pay for a global system in which small countries such as Ireland can thrive. I hope the Minister of State can assure us about his commitment to reaching the target set.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello):** I can. The Government is strongly committed to Ireland's overseas aid programme and its place at the heart of Irish foreign policy. This commitment was made clear in the programme for Government and underscored last year in our new policy on international development, *One World One Future*. The policy sets out our vision for a sustainable and just world in which people are empowered to overcome poverty and hunger and fully realise their rights and potential. It focuses particularly on the poorest countries and communities in sub-Saharan Africa and sets out three goals: reduced hunger and stronger resilience; sustainable development and inclusive economic growth; and better governance, human rights and accountability. It provides a clear framework for the prioritisation of activities and the allocation of resources across six priority areas for action deriving from these goals.

Despite the severe economic and budgetary situation we have faced, the Government has clearly demonstrated its determination since coming into office to maintain and stabilise the budget for Irish ODA to the maximum extent. We provided overall budgets for development assistance of €657 million, €629 million and €622 million for the years 2011, 2012 and 2013, respectively. The Government has again managed to allocate almost €600 million in ODA in 2014. On current estimates, this should amount to 0.43% of GNP. Given all the circumstances, this represents a significant achievement, reflecting the commitment of the people to the fight to end extreme poverty and hunger. The Government remains committed to making further progress towards reaching the UN target for ODA of 0.7% of GNP. We will do so as soon as economic circumstances permit.

*10 o'clock*

**Deputy Brendan Smith:** Like Deputy Seán Crowe, I welcome the recent announcement of the further allocation of funding for Syria and the adjoining region. I take the opportunity to emphasise again the need for assistance for the region, although I fully understand there are many competing demands. Am I correct in thinking the Minister of State said the percentage of GNP spent this year on overseas development aid will be 0.43%? I gather that last year the figure was 0.47%. Is the Minister of State saying the commitment given in the programme for Government will not be honoured?

**Deputy Joe Costello:** The Deputy is correct, the projected figure for this year is 0.43%. The actual outturn last year was 0.46%, not 0.47%. There has been a 4% decrease this year and a slight percentage decrease each year. This has been in the context of the downturn in the economy, the bailout programme, the troika and the attempt to achieve national recovery. There was a commitment given in the programme for Government to try to reach the 0.7% target by 2015. The new policy document we have published states this target remains but that it will be reached when economic circumstances permit.

**Deputy Brendan Smith:** The measurement of our overseas development aid is dependent on national income. There are always competing demands, even in good times, for increased expenditure and we must manage expectations in other areas in which there is public expendi-

ture. I appeal to the Minister of State in this regard. Is the percentage based on national income? I would prefer if the Minister of State were more positive and clear in his commitment to the achievement of the programme for Government target of 0.7% by 2015. I fully appreciate that there are always competing demands and that we can have strategies, but we need targets for actual expenditure, as well as the lofty aspirations to which we all commit.

**Deputy Joe Costello:** Overseas development aid had been increasing quite rapidly before the crisis and the difficulties we experienced in 2008, at which stage there was a sharp decline, as the Deputy is aware, of almost one third in 2008 and 2009. What we have done during our three years in government has stabilised overseas development aid. There has been a slight percentage decrease each year in line with economic circumstances. Nevertheless, we have maintained it at a high level and are still well above the average in moving towards the 0.7% target. Certainly, we are keen, as we have stated in our policy document, to move towards improving the position. I emphasise that we have managed to maintain all projects and funding for non-governmental organisations and there has not been any serious undermining of any of the country programmes in place.

### **Drugs Smuggling**

5. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the significant rise in poppy cultivation in Afghanistan in view of the fact that this opiate often ends up in the EU; the proposals he and his EU counterparts have to tackle this growing threat; his views on whether this necessitates stronger co-operation with governments in the region, including Iran; and if he will make a statement on the matter. [8273/14]

**Deputy Seán Crowe:** As the Tánaiste may be aware, the United Nations Office on Drugs and Crime has reported that the level of poppy cultivation in Afghanistan rose to a new high of more than 200,000 ha in 2013, a 36% increase on the figure for last year. This is an area approximately 283 times the size of Phoenix Park. If I was to stand in the middle of a field, it would be as far as the eye could see and further. The 2013 figure represents the highest total ever in poppy cultivation in Afghanistan and the United Nations estimates that total production reached approximately 5,500 tonnes. Since much of this opiate reaches Ireland and elsewhere in Europe, what plans does the Government and the European Union have to stop this record crop from reaching and destroying our communities?

**Deputy Joe Costello:** I am aware of the report of the United Nations Office on Drugs and Crime, UNODC, to which the Deputy refers. The UNODC 2013 drugs report indicates a worrying increase, of up to 36%, in poppy cultivation in Afghanistan, some of which, as the Deputy suggested, will almost inevitably end up in the European Union and Ireland. We are all aware of the challenging transition Afghanistan is undergoing, a transition taking place in a volatile security and political environment. The European Union is devising a new partnership strategy for engagement in Afghanistan post-2014. This is part of an overall regional and international effort that aims to support Afghanistan in its transition to democracy - this effort has an emphasis on respect for human rights and the rule of law - and in its transition to a healthy economic model by moving away from dependence on the narco-economy. Regional co-operation in dealing with this issue is essential, as is the strengthening of border controls. Key partners such as Iran have an important role to play and the United Nations and the European Union continue

to provide funding and technical assistance to help transit countries and neighbouring states. The new European Union strategy will also aim to assist the Afghan Government to create new alternative livelihoods for Afghans currently engaged in poppy production. Saffron, for example, is a particularly high value alternative crop which may offer some potential in this regard.

The Deputy will be aware that poppy cultivation, while perhaps providing a lucrative livelihood for the few, also hurts the many engaged in its cultivation, production and distribution. It is estimated that approximately 1 million Afghans are addicted to heroin, a product derived from the poppy plant. Moreover, drug trafficking has established links with other forms of organised crime, corruption, terrorism and human exploitation, creating a vicious economic circle.

I imagine the Deputy will agree that the European demand for drugs is part of the problem that needs to be addressed, with the issue of supply. The European Union policy on reducing drug supply and demand is set out in the EU drugs strategy 2013-20. Our national drug strategy which is based on the same principles focuses on the five pillars of supply reduction, prevention, treatment, rehabilitation and research.

The issues to which the Deputy refers are the subject of ongoing discussions in the European Union and other international fora. At EU level, these issues are dealt with through the relevant European Union Council working parties such as the Asia Oceania working party, COASI, as well as the horizontal working party on drugs. At a broader multilateral level, the Paris pact initiative is an international partnership aimed at combatting Afghan opiates trafficking, consumption and related problems in countries along the Afghan opiates trafficking routes. The United Nations General Assembly special session on illicit drugs is scheduled to take place in New York in September 2016.

**Deputy Seán Crowe:** Fully 70% of the world's heroin comes from Afghanistan. Many Members are familiar with the effects of heroin and we have all stood at too many graves and attended too many funerals as a result of the effects of the drug. I am old enough to remember the cheap heroin on the streets of Dublin and I am concerned that this will happen again. The Minister of State has referred to ongoing discussions and said we are looking at a strategy and so on. However, I do not get any sense of urgency. In recent years the poppy cultivation problem has got bigger and bigger and many countries in the region are keen to work with the European Union. The Iranian Minister has said he is keen to work with it. A policy was in place in that regard, but it is not happening now. Will the Minister of State give the House some sense that there is urgency in addressing this matter? Will the Government reflect that urgency and start to do something concrete and constructive in respect of the potential problem coming down the track into this city?

**Deputy Joe Costello:** The situation is probably worse than the Deputy indicated. Up to 75% of the entire world's illicit opium production comes from the area in question. It reached a peak in 2012, surpassing the ten-year high recorded in 2007. It is expected to continue to grow.

The European Union, the United States, the World Bank and the UN's Food and Agriculture Organization are putting in place programmes to support the cultivation of alternative crops to poppy production. I referred earlier to the cultivation of saffron, as well as rose oil, a high-value export product, and grapes. The strategy is to provide for high-value alternatives to undermine the production of opium.

**An Ceann Comhairle:** Thank you, Minister.

**Deputy Joe Costello:** We supported, through funding, the United Nations Office on Drugs and Crime's illicit drugs trafficking programme for Iran as, geographically, it is a major transit country for opium. Unfortunately, Iran has made the death penalty the normal sanction for anyone convicted of drug-related offences. In that context, we have had little choice but to remove our support for that particular programme.

**Deputy Seán Crowe:** We all oppose the death penalty for those involved in drug trafficking. However, I imagine it might be popular not only in this city but in other parts of the State.

The Minister referred to the alternative crops strategy. Will we examine this problem with a new sense of urgency? As he stated, 75% of the world supply of heroin comes from the region in question. Will there be a strong voice from the EU on tackling this problem? That is the message of hope we want to send out as there is the potential for another wildfire spread of heroin addiction across the country.

**Deputy Joe Costello:** The European Union is cognisant of the problem that has been caused by illegal poppy cultivation and that three quarters of world opium production occurs in Afghanistan. We are also aware of the conflict there and the difficulties in dealing with poppy production in those circumstances. Substantial programmes are being put in place to deal with this issue with the European Union leading them, as well as the World Bank and the UN's Food and Agriculture Organization. The only way to deal effectively with the supply side is by providing alternative crops that will give an equal return. There are hundreds of thousands of small farmers producing poppy all over Afghanistan. We have a responsibility ourselves to deal with demand.

## **Other Questions**

### **Human Rights Issues**

6. **Deputy Patrick Nulty** asked the Tánaiste and Minister for Foreign Affairs and Trade the position regarding the human rights situation in Saudi Arabia; and if he will make a statement on the matter. [2309/14]

**Deputy Patrick Nulty:** We all want to promote Irish exports, trade and commerce. However, after the Government's recent trade mission to Saudi Arabia, many people felt considerable disquiet at what was seen as a reluctance on the Government's part to talk directly about the myriad of human rights abuses that take place there. I would like the Tánaiste and Ministers of State to join with me in publicly condemning the practice of the kafala system, whereby migrant workers are tied to sponsored employers who regularly withhold their wages and passports. Will the Tánaiste and Minister for Foreign Affairs and Trade raise this with the Saudi authorities?

**Deputy Eamon Gilmore:** The question down for me is about the human rights situation in Saudi Arabia. I will answer any other supplementary questions arising from it.

The nature of the Saudi state, as an absolute monarchy with a legal system based on Islamic Sharia, means it is wholly different from the rights-based culture and legal system of western countries. While the overall human rights situation in Saudi Arabia leaves a great deal to be desired, it can on one level be considered less oppressive than many other states in the region whose laws might, in theory, provide greater human rights protection.

Many of the human rights issues in the kingdom stem from the deep conservatism of Saudi society and the application of Sharia, rather than being attributable solely to its Government. King Abdullah, perceived by many externally as a reformist ruler and active advocate for women's rights, has been mindful of the fierce opposition to change from conservative religious and tribal leaders. Top down reforms have therefore been cautious, modest and gradual.

Despite some positive developments in recent years, such as the establishment of a human rights commission and the appointment of women to the kingdom's consultative council, human rights issues remain contentious. Some of the most important human rights problems reported include citizens' lack of the right to change their government; restrictions on the right to freedom of expression, assembly and religion; and a lack of equal rights for women, children and expatriate workers. Other human rights problems reported include use of the death penalty, abuses in detention and arbitrary interference with privacy. Capital punishment is imposed without adequate safeguards and sentences are often carried out in a cruel way and in public. Lack of government transparency and access unfortunately make it difficult to assess accurately the magnitude of many reported human rights problems.

Ireland remains committed to raising human rights concerns with Saudi Arabia through bilateral contacts, as well as through the European Union and the United Nations.

**Deputy Patrick Nulty:** The term "a lot to be desired" is somewhat of an understatement. Did the Government raise the exploitation of migrant workers, as well as the treatment of women and other minority communities in Saudi Arabia, on the recent trade mission there? If so, what was the response it received? Many people felt the Government was reluctant to talk directly about these issues. The death penalty is regularly used in Saudi Arabia. Did the Government raise this directly with the Saudi authorities? I accept trade is important but human rights have no borders.

**Deputy Eamon Gilmore:** Ireland has always been at the forefront internationally in raising human rights issues through bilateral contacts, the European Union and the United Nations. We have never shied away from addressing those issues.

Ireland made two recommendations to Saudi Arabia during the most recent human rights council universal periodic review process in October. These recommendations focused on the right to freedom of association and the improvement of women's rights through ending the male guardianship requirement which would allow women to conduct official business as Saudi Government officials. Ireland is an active member of the European Union human rights group in Riyadh which co-ordinates EU policy on human rights issues with the kingdom and progresses implementation of the EU's human rights country strategy for Saudi Arabia. It enables member states to share information on human rights issues and discuss how these can be most effectively progressed.

**An Ceann Comhairle:** Thank you, Tánaiste.

**Deputy Eamon Gilmore:** I have quite a number of examples of what Ireland is doing in this regard.

**An Ceann Comhairle:** Yes, but I am stuck because there is a one-minute limit on supplementary answers.

**Deputy Eamon Gilmore:** I was anxious to put on record what Ireland is doing on the human rights situation in Saudi Arabia. I will take another opportunity to do so.

**Deputy Patrick Nulty:** My question was did the Government raise the issues of guardianship, the exploitation of migrant workers and capital punishment specifically on its recent visit to Saudi Arabia. If so, what was the nature of the response it received from the Saudi authorities? I appreciate there are all sorts of diplomatic initiatives taking place at all levels but what specific action did the Irish Government take when the Taoiseach and other Ministers visited Saudi Arabia recently? Did he raise these issues? What response did he receive and what follow-up actions will be taken to put pressure on this despicable regime to respect human rights?

**Deputy Eamon Gilmore:** I am anxious to put on the record the actions the Government has taken on the human rights issue in Saudi Arabia. The European Union group, of which we are a party, received approval from the Saudi authorities to attend the trials of human rights activists. This is a significant and positive development that will enable the group to more closely monitor issues relating to access to justice and the rule of law. The group also regularly interacts with Saudi human rights activists and seeks out ways to develop co-operation with local human rights groups. It also actively progresses key human rights concerns with the Saudi authorities, the Saudi Arabian human rights commission and the National Society for Human Rights. The group has drafted local human rights reports on priority issues in order to feed into high level policy discussions within the EU on human rights issues in Saudi Arabia. Ireland also raises human rights issues directly with the Saudi Arabian government. For example, Ireland's ambassador to Saudi Arabia has been active in highlighting human rights cases raised by the Irish NGO, Front Line Defenders. Both Ireland and Saudi Arabia are members of the UN Human Rights Council. As part of that forum, the UN Human Rights Council carries out a periodic review of every member state and its human rights record. Ireland played a very active part in the review of the situation in Saudi Arabia. The two areas on which we focused in that review were the freedom of association and the rights of women. So far as Ireland's engagement with Saudi Arabia is concerned, we have a very active engagement with Saudi Arabia on human rights issues. What we have to be mindful of is doing that in a way that is effective but also in a way that co-ordinates with people on the ground in Saudi Arabia, particularly co-ordinating with human rights activists on the ground in Saudi Arabia. I have explained how we do that in co-operation with other member states.

## **Foreign Conflicts**

7. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade in view of the fact that the EU Foreign Ministers in May 2012 strongly criticised the marked acceleration of settlement construction and called for full application of existing EU legislation regarding products from settlements, the action he is prepared to take on these issues. [8049/14]

**Deputy Maureen O’Sullivan:** There is absolutely no doubt that the continued acceleration in settlement building is having a detrimental and negative effect on what is happening in the West Bank and is threatening all the talks about a two-state solution. It was criticised by the EU Foreign Ministers in May 2012 but it is still continuing. What are the direct negotiations or direct talks that are taking place with the Israeli authorities on the matter of the settlements and settlement goods?

**Deputy Eamon Gilmore:** The Foreign Affairs Council conclusions of May 2012, to which Ireland strongly contributed, were an important statement of EU policy on the Middle East conflict. They identified a range of critical and negative Israeli policies which needed to be changed. Many of these centred around the continuing expansion of settlements, which I have consistently identified as a central issue in the conflict.

The Council’s call for full application of existing EU legislation relating to products from settlements related primarily to the non-eligibility of settlement products for the lower tariffs applicable to goods from Israel. I would have been happy to see a stronger wording on this issue, and have worked since then to increase EU pressure on the issue of settlements.

Further discussion has centred on the issue of labelling of settlement goods, to prevent them being misleadingly labelled as coming from Israel. In February 2013 the EU High Representative committed to prepare EU guidelines on labelling of settlement products, an initiative which I had encouraged and strongly supported.

These guidelines are in preparation, involving both the External Action Service and the European Commission, but there is a tacit acceptance by the Council that it would not be opportune to move to finalise them at this moment, when direct negotiations between the parties are under way in the region. The objective of the negotiations is of course a comprehensive agreement which would resolve the issue of settlements, and of settlement products, in a much more definitive and satisfactory way. The EU also adopted guidelines in June 2013 making clear the non-eligibility of entities in settlements to benefit from EU research funding.

In my view the EU needs to be stronger in following up on the issues identified in the May 2012 Council Conclusions.

**Deputy Maureen O’Sullivan:** In the meantime the settlements continue to be built. Leaving the legal argument and the moral argument about settlements aside, there is also a massive environmental impact of all these settlements. It is only when one is there that one sees for oneself the extent of the land taken up and the open spaces that were left available, the massive pressure on water and the difficulties of Palestinian people moving from one area to another. There is also much disquiet and anger among ordinary Israeli people and Israeli NGOs about what is going on. They do want to see further settlement building. All the policy statements and all the calls are not having any effect. That is the whole crux of the matter. If it continues like this there will not be a state left for Palestine to be part of a two-state solution given the amount of encroachment.

**Deputy Eamon Gilmore:** There is no doubt that the settlements should not be continuing. The Deputy is correct that if the settlements do continue they will make the development of the two-state solution physically impossible. They will effectively sever the northern-southern part of the West Bank. They are having a huge impact around Jerusalem and Israel should stop settlement expansion, particularly in the context of the talks that are now under way. It is welcome

that discussions are under way. I compliment, in particular, Secretary of State, Mr. John Kerry, on the initiative he took in that regard. He discussed that issue with European Union Foreign Ministers and directly with me. We support the work that is being done on those talks. So far as the European Union position is concerned I am glad that in May 2012 a very strong position was adopted by the European Union, a stronger position than had been adopted previously. As the Deputy is aware it was very difficult to get agreement at European Union level on this issue. I would like to see it followed through more strongly and I am seeking to have that done at the European Union Foreign Affairs Council and we will continue to do that.

**Deputy Maureen O'Sullivan:** I wish to make to make two further points. While the Minister mentioned Jerusalem, the other area that needs to be mentioned is the Jordan Valley and what is happening there with particular ethnic groups and the way in which they are being physically removed from their land. When one is there and sees the particular areas, it is clear that Palestinian people are trying to hold on to a tiny piece of land while all this encroachment is taking place. It is very visible in Hebron. The issues occurring there mean that Palestinian people are prevented from earning a living because of the letting situation and because of where the borders are situated. Unfortunately, the policies are not working and are not having any effect.

**Deputy Eamon Gilmore:** This has been a long-standing issue. There has been a stand-off for a very long period. I am glad that discussions are under way and I want to see those succeed. I think the European Union has a role in supporting the talks. It has a role into the future in its relationship with Israel and with the Palestinian state. It needs to pursue more strongly the conclusions reached in May 2012. Reaching those conclusions in May 2012 was significant because for a long period there had been divided opinion and divided loyalties within and among European Union member states on the Israeli-Palestinian issue. Reaching an agreed position was significant but it needs to be followed through and the best way of doing that is in the context of the talks that are taking place.

**An Ceann Comhairle:** Members are indicating that they wish to ask supplementaries. The position is that a Deputy has 30 seconds to introduce the question and the Minister has two minutes to reply. Then there is a minute each for two supplementary questions and the two ministerial replies. Six minutes is the maximum time allowed per question. The whole idea is that we try to get through the agenda so that the questions of people who are sitting in the Chamber waiting for a reply are reached.

## **Human Rights Issues**

8. **Deputy Richard Boyd Barrett** asked the Tánaiste and Minister for Foreign Affairs and Trade if he plans to sign a statement of solidarity (details supplied) with the pro-democracy movement in Egypt; and if he will make a statement on the matter. [8115/14]

71. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the extent to which the situation in Egypt continues to be monitored by the EU and UN in the context of whatever intervention can be made to mitigate human rights violations; and if he will make a statement on the matter. [8587/14]

**Deputy Richard Boyd Barrett:** As part of my question I referred the Tánaiste to a statement that has been put together by activists in Egypt and internationally calling for an end to

the brutal repression that is now being undertaken by the Egyptian military regime against pro-democracy activists, students and journalists. Many of the people who led the democratic revolution in Egypt are now in prison, are being prosecuted or are being viciously repressed by the Egyptian military. Will the Tánaiste sign the statement and add the weight of the Government to the international solidarity movement's call for an end to the repression in Egypt?

**Deputy Eamon Gilmore:** I propose to take Questions Nos. 8 and 71 together.

I have made clear on a number of occasions my concerns about the current human rights situation in Egypt, particularly following the events of last July which resulted in the overthrow of the elected Morsi government. I have also addressed these concerns in private conversation with my Egyptian counterpart. Those concerns are widely shared by our EU partners, as should be clear from the firmly worded conclusions on Egypt adopted by the Foreign Affairs Council on 10 February. While welcoming the adoption of the new Egyptian constitution last month, the Council deplored the absence of a fully inclusive process leading up to the referendum and also the closing of political space for dissenting opinion before and during the referendum. The Council proceeded to express its concern over the deteriorating human rights situation and the use of selective justice against the political opposition as well as deplored the deteriorating climate for the press in Egypt.

The principles and demands made in the initiative referred to in the Deputy's question are very much in line with Irish and EU views on the current human rights situation. However, what is now critical is that Egypt must move to implement in full all of the protections of fundamental rights enshrined in its new constitution; that all legislation should comply with the constitution and be in line with Egypt's international obligations; and that the courts and government agencies, including the security services, should uphold the constitution and the law in a fair, transparent and accountable manner.

Reports from Egypt about abuses of human rights remain of concern. Egypt does face a real threat from extremist militants and we should not ignore such problems. However, political opposition and the promotion of an active civil society should not be conflated with the threat from real terrorist activity. The toleration of dissent and peaceful opposition is essential to the functioning of democracy in all countries.

**Deputy Richard Boyd Barrett:** Will the Tánaiste answer the question on whether he will sign the statement? We need action and not just words from the international community about what is going on. Democracy activists who were gathered in Tahrir Square to celebrate the third anniversary of the Egyptian revolution were targeted by snipers and 64 people were killed. That is what the el-Sisi military regime is doing to the very people who led the revolution against Mubarak. Many of them are now being imprisoned just for engaging in protest. An Irish citizen, Ibrahim Halawa, is still detained in Egypt. There is vicious repression. Whatever Egypt might say internationally about its commitment to democracy, in reality it is crushing the democratic revolution. The regime is hounding and persecuting journalists, students and human rights activists. Amnesty International and every human rights organisation say the situation is deteriorating to a terrible extent. Will the Tánaiste sign the statement and will Ireland and the international community add weight to the demands they put on the Egyptian regime to respect democracy and human rights?

**Deputy Eamon Gilmore:** I am sure the Deputy is aware that the State does not sign petitions. We make our own statements and we join with other member states of the European

Union in making a joint statement on behalf of the country, the European Union or the United Nations. I share the concerns outlined. We actively contributed to the negotiation of the recent European Union Foreign Affairs Council conclusions on Egypt, which well articulate our position and that of our EU partners.

We have raised our human rights concerns on multiple occasions at ministerial level as well as at official level and we will continue to do that consistent with our assessment of any change in the situation over time. EU missions to the UN in Geneva are currently engaged in discussions for the forthcoming session of the Human Rights Council and are preparing the agreed joint position of the European Union.

The Deputy mentioned the members of the Halawa family. I discussed the case of the family on a number of occasions with the Egyptian foreign Minister. I am pleased that the three sisters have been released. The continuing detention of Ibrahim Halawa is something our embassy in Cairo continues to pursue with the Egyptian authorities.

**Deputy Richard Boyd Barrett:** I accept that the Government is making some efforts in this regard and is saying the right things, but the problem is that these regimes are not responding. The Tánaiste rightly said in response to Deputy Nulty about Saudi Arabia that there are many regimes in the Middle East that on paper appear to be democratic but in reality are brutally repressive. The Tánaiste even suggested that some of them are more oppressive than Saudi Arabia, which would be pretty difficult. There is a strong element of truth in the Tánaiste's view. Other regimes are certainly as repressive in many cases. Under Mubarak, Egypt was one of the most repressive regimes, and it is reverting to type now under el-Sisi and engaging in absolutely vicious crushing of pro-democracy groups. A counter-revolution is taking place. There is no other word for what the regime is doing. It is crushing the democratic revolution in Egypt with the most vile and vicious means. The petition states that no country in Europe or the Western world with any influence should trade any goods, including weapons, with Egypt that could be used against the democracy movement. One could ask what we are doing to make that happen in terms of trade sanctions or whether any threat hangs over the Egyptian regime to the effect that if it does not listen then action will be taken. Otherwise, our words mean little.

**Deputy Eamon Gilmore:** As recently as last week, this country worked very closely with the other European Union member states to reach a set of conclusions in Brussels at the Foreign Affairs Council which were very robust on the situation in Egypt. It is very clear that the situation in Egypt has been deteriorating. Very serious human rights issues are evident there and serious issues arise in terms of any prospect of a transition to democracy. The European Union is pursuing a very strong united position on Egypt. This is the time for Deputy Boyd Barrett and other Members of the House to get behind the process and show support for the position that is being expressed on a unified basis by Europe, to which Ireland contributed strongly. We were very much involved in the framing of the position, which has wide political support. That is an effective way to address the issue.

**Deputy Richard Boyd Barrett:** Could we have sanctions to back it up?

### **Departmental Funding**

9. **Deputy Patrick O'Donovan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he is satisfied that those charitable and non-governmental organisations that are funded

by his Department, partially or otherwise, operate salary systems in keeping with that in the public sector; if he is satisfied that staff in those organisations are not in receipt of top-ups; and if he will make a statement on the matter. [8002/14]

**Deputy Patrick O'Donovan:** This question relates to the expenditure of Irish Aid moneys and the allocation of such moneys to non-governmental organisations working overseas, specifically in light of the recent controversy about top-ups and excessive salaries being paid to executives in receipt of moneys from the HSE and other agencies of the State. I seek assurances that the salaries within those organisations are in compliance with the guidelines for the public sector.

**(Deputy Joe Costello):** The Government's international aid programme, Irish Aid, which is managed by my Department, is recognised internationally for its effectiveness in delivering results for the poorest and most vulnerable communities. Approximately one quarter of Ireland's overseas development assistance is channelled through non-governmental organisations, NGOs. This reflects the strong contribution Irish NGOs make in the fight against world poverty and hunger, and the broad support they continue to receive from the Irish public. Given the level of Government funding for the NGO sector their internal governance arrangements are a matter of legitimate public interest. NGOs are independent organisations and the salary levels of their employees are determined by their boards.

All NGO applications for funding are required to include information on the formal decision-making structure in the organisation which has legal responsibility for the administration and use of Irish Aid funds. The Department applies a series of rigorous appraisal criteria to all NGO funding applications. In particular it assesses the cost efficiency and effectiveness of programmes on the basis of NGO expenditure decisions. Grants are only dispersed once a framework of realistic and measurable results is agreed. Financing agreements between Irish Aid and NGO partners include clear parameters and administration costs for major funding partnerships. A limit of 6% of funding provided can be allocated to administration costs with remuneration levels for senior executives being reviewed in the context of the overall administration costs.

Irish Aid ensures funding is used for its intended purposes. The review of annual and financial reports is set against agreed objectives and budgets. These desk reviews are also supplemented by field monitoring visits, evaluations, audits and ongoing reviews of compliance. In 2012 Irish Aid entered into agreements for a new series of programme grants with the larger Irish development NGOs for their long-term development work over a four-year period. These NGOs must adhere to standards above and beyond those mandated currently in Irish law including, notably, best practice for financial reporting based on the statement of recommended practice in place in the UK. NGOs receiving programme grants are required to set out in their published audited accounts the number of staff in receipt of salaries above €70,000. Contracts signed between Irish Aid and NGO partners stipulate that annual audited accounts must be submitted as part of the annual reporting process. Irish Aid also requires partners to publish their audited accounts on their websites.

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

My Department also provides funding to the Ireland-United States Commission for Educational Exchange (the Fulbright Commission), which has charitable tax-exempt status with the Irish Revenue Commissioners, on an annual basis. The Commission is also funded by the Unit-

ed States Government. The commission was established by the Educational Exchange (Ireland and the United States of America) Act, 1991 to facilitate the administration of educational and cultural exchanges between Ireland and the United States of America. The members of the commission are nominated by the Minister for Foreign Affairs and Trade and by the US ambassador to Ireland. While terms and conditions, including staff salary levels, are set by the commission itself, details of the staff salary levels are made available to my Department. I understand that these salary levels are comparable to those offered for similar-level administrative posts in the public sector. Members of the commission do not receive remuneration.

Through the Reconciliation and Anti-Sectarianism Funds, which support cross-community outreach in Northern Ireland and the Border counties, cross-Border co-operation and sensitive commemorative and cultural events, my Department paid grants to a total of 155 organisations in 2013. The funds receive applications from a range of non-governmental organisations, community groups, and voluntary organisations. Funding is awarded for project costs only and it has been a long-standing policy that salary costs are generally ineligible for support from the funds.

Applicants are closely scrutinised before funding is awarded and there are robust mechanisms in place for annual reporting and accounting by recipient organisations. Organisations in receipt of grants of €10,000 and above are required to submit a tax clearance certificate from the Revenue Commissioners and those in receipt of grants of €12,500 and above are required to submit independently audited accounts.

The Emigrant Support Programme provides funding to non-profit organisations and projects to support Irish communities overseas and to facilitate the development of more strategic links between Ireland and the global Irish. Applicant organisations to the Emigrant Support Programme should be established as registered charities, charitable bodies or voluntary or not for profit organisations. Applicants must apply for funding yearly and organisations receiving grants under the Programme are required to submit a financial report for each programme funded, together with certified or audited accounts.

The vast majority of funding under the Emigrant Support Programme is provided to organisations overseas, with approximately 18% allocated to Irish-based organisations in 2013. Given the geographic breadth of the organisations supported by the Emigrant Support Programme, it would not be appropriate to benchmark any salaries against Irish public service scales. However, the programme has been engaged in audits of specific organisations from year to year to ensure value for money.

**Deputy Patrick O'Donovan:** In 2012 the overall budget was €629 million and NGOs received approximately €159 million. Given the scale of the money involved it is essential we do not leave any scope for an information vacuum to develop and NGOs need to be encouraged to publish as much information as possible. I welcome the Minister of State's reply in this context. As a percentage of our overall gross national income we give more than France, Germany and Austria, none of which is a bailout country. Given the economic collapse and meltdown which happened we need to be accountable for every cent that goes out of here. I do not dispute the good work done by Irish Aid or NGOs but given what we have seen in the charities sector in recent months we must ensure every stone is turned over to ensure there are no top-ups or CEO payments in excess of the salaries of the Ministers of State or the Tánaiste. There needs to be absolute clarity on this and the sooner the NGOs can provide it, the better.

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**Deputy Joe Costello:** I agree entirely with the Deputy. We have very stringent measures in place. Any NGO to which we provide funding can use a maximum of 6% for administration purposes. Any NGO with revenue of more than €100,000 must be audited externally and independently. Any large NGO must declare salaries over €70,000. Dóchas, the umbrella organisation for NGOs, has put in place guidelines for best practice for NGOs and it also monitors them. Our new policy document clearly places huge emphasis on accountability, transparency, ensuring internal and external auditing takes place and ensuring the audited accounts of the various NGOs are put up on websites.

**Deputy Patrick O'Donovan:** Will the Minister of State examine encouraging NGOs funded through Irish Aid to level with the people they stop on the side of the street to ask if they would sign a direct debit and tell them exactly what percentage of the money goes to the charitable purpose, how much goes to the collector and how much goes to the organisation for administration? On any street in urban Ireland one is bound to meet a representation of an organisation funded by Irish Aid through the Department with a clipboard and a very good tale of the work they do, which no one disputes, but one must almost drag out of them what percentage of the money winds up sinking a bore hole in Uganda. The Minister of State should encourage them to spell out from the start, similar the terms and conditions of a telephone contract, the percentage the collector gets, the percentage the NGO gets for administration and the percentage from which the person in the developing country benefits.

**Deputy Joe Costello:** Dóchas has been to the forefront in developing codes of good practice on governance and financial management. The organisations which come under its umbrella form the vast majority of organisations we deal with. Of course donations come from various sources, such as the public, bequests and donor funding, and it is extremely important all NGOs are transparent and accountable on the allocation of the money they receive.

*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 Regina Doherty - that the single person child carer credit takes cognisance of those parents or families with two primary carers; (2) Deputy Terence Flanagan - the need for electronic accessibility ramps to be provided on DART trains; (3) Deputy Mattie McGrath - the need for the Minister for Health and the HSE to immediately clarify the situation regarding emergency ambulance cover in County Tipperary; (4) Deputy Brian Walsh - the merits of including the new meningitis B vaccine in the childhood immunisation schedule; (5) Deputy Dominic Hannigan - the need for funding for the school book rental scheme; (6) Deputy Billy Kelleher - the need for the Minister for Health to clarify the Government's intentions with regard to charges for GP care for children aged under six years; (7) Deputy Pat Breen - the future regarding a community owned and run radio station in County Clare; (8) Deputy Brian Stanley - the proposed changed to the local community development programmes; (9) Deputy Andrew Doyle - the effect the closure of the Kepak sheep processing facility in Hacketstown, County

Carlow, will have on the farming community in Carlow and surrounding area, the job losses and the subsequent effect on the local economy; (10) Deputy Lucinda Creighton - the accuracy of the data collected from hospitals on their mortality rates and the implications for patient safety; (11) Deputy Pat Deering - the closure of the Kepak sheep processing facility in Hacketstown, County Carlow; (12) Deputy Marcella Corcoran Kennedy - the need to make it easier for members of the public to engage in the public consultation process; (13) Deputy Michael Colreavy - to discuss the reported consideration by the west and north-west hospitals group to remove maternity services from Sligo Regional Hospital; (14) Deputy Timmy Dooley - the need for the Government to discuss the delay in the issuing of driver licences; (15) Deputy Mick Wallace - to discuss Australia's position on asylum seekers, which has been criticised by the United Nations, against the backdrop of one death and injuries to almost 100 people in detention centre riots; (16) Deputy Denis Naughten - the need for the Minister for Health to provide clarity on future maternity services and maternity units in the west and north-west hospitals group; and (17) Deputy Luke 'Ming' Flanagan - the closure of the psychiatric ward at St. Brigid's Hospital in Ballinasloe, County Galway.

The matters raised by Deputies Regina Doherty, Dominic Hannigan, Terence Flanagan and Timmy Dooley have been selected for discussion.

### **Fines (Payment and Recovery) Bill 2013: Order for Report Stage**

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Paschal Donohoe):** I move: "That Report Stage be taken now."

Question put and agreed to.

### **Fines (Payment and Recovery) Bill 2013: Report Stage**

**An Leas-Cheann Comhairle:** Amendment No. 1 in the name of Deputy Mac Lochlainn arises from Committee proceedings. Amendments Nos. 1 to 3, inclusive, are related and may be discussed together.

**Deputy Pádraig Mac Lochlainn:** I move amendment No. 1:

In page 9, lines 30 and 31, to delete "12 months" and substitute "24 months".

To clarify, do I speak on all three amendments now?

**An Leas-Cheann Comhairle:** Yes. Amendments Nos. 1 to 3, inclusive, will be discussed together.

**Deputy Pádraig Mac Lochlainn:** Amendment No. 1 is fairly self-explanatory. As the Minister of State is aware, my party supports the objective of this long-overdue Bill. One must ensure, in so far as possible, that people are not being sent to prison for non-payment of fines. However, one must also try to ensure the fines are actually collected in a realistic fashion. Sinn

Féin considers that people who will come before the courts for non-payment of fines should be given a period of 24 months. In this respect, Sinn Féin is supported by other groups such as the Free Legal Advice Centres, as well as non-governmental organisations that work in this area. I ask the Government to consider extending the timeframe for the payment of a fine in these instalments from 12 to 24 months.

As for amendment No. 2, an administrative charge comprising 10% of the fine is proposed in the Bill. My point is that a maximum value should be placed on that charge. The amendment proposes that the administrative charge should not be in excess of €50. It should be €50 regardless, in that even if the fine is higher than €500, €50 should be the maximum amount for the administrative charge. Amendment No. 3 pertains to the amount that cannot be subject to instalments. The Government has provided that any amount less than €100 must be paid up-front and cannot be subject to instalments. This amendment proposes the reduction of that threshold to €50. Again, the objective of all these amendments is to make the legislation work and to ensure that the maximum number of people possible actually pay the fine and are not obliged to go to jail or engage in community service unnecessarily.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Paschal Donohoe):** I thank the Deputy for his suggested amendments and for his support with regard to the overall thrust of the Bill. I propose to respond to each amendment in turn and to offer the Minister's perspective thereon. On amendment No. 1, which proposes to change the period of time from 12 to 24 months, it is the view of the Minister that the 12-month instalment period set out in the Bill is appropriate in all the circumstances. It must be remembered that section 5 of the Bill requires the court to take a person's financial circumstances, where they are known, into account in determining the amount of a fine. Allowing 24 months would prolong the entire process, particularly where a person defaults and the other provisions are engaged. While the 2010 Act did allow for an extension of the 12 months to up to 24 months, it must be remembered there was no automatic entitlement to pay by instalments in the 2010 Act and even if instalments were allowed, the court could set any period up to 12 months initially. This Bill simplifies the process by removing the requirement to apply to the court to be allowed to pay by instalments and by allowing everyone 12 months to pay the fine, regardless as to his or her means or the size of the fine, provided it is greater than €100. In the Minister's view, this is the correct balance and it is not in the interests of the administration of justice that the collection of fines should drag on indefinitely. Therefore the Government cannot accept this amendment.

Amendment No. 2 seeks to set an upper limit on the amount of the administration fee. The first point is that this administration fee is intended to defray the cost of the instalment system as a whole. Some of these costs are fixed and are not related to the size of the fine. However, the cost to the Exchequer of receiving the fine over 12 months rather than immediately is directly related to the size of the fine. The bigger the fine, the more it costs the State. Second, the Deputy's main concern appears to be that the administration fee may represent too big a burden on the fined person at certain levels. However, I point out to the Deputy that 90% of all fines are less than €500. Consequently, up to €500, there is no difference between the administration fee paid under the Deputy's amendment and the provisions in the Bill. As for what will happen at higher levels, a €750 fine, assuming the administration fee is 10%, will cost €825, as against €800 under the Deputy's proposal. Under the Bill, a person who is fined €800 must pay monthly instalments of €68.75, whereas under the Deputy's proposal, they would be obliged to pay €66.67, that is, €2 less per month or 50 cent less per week. At €1,000, the difference is €4 per month or €1 per week. I therefore do not believe these differences are material in the over-

all scheme of things, and for this and the other reasons mentioned earlier, the Minister cannot accept this amendment.

Amendment No. 3 seeks to reduce the level of fine that qualifies to be paid by instalments from the €100 provided for in the Bill to €50. The view of the Minister is that €100 is the correct threshold. Paid by instalments, it is the equivalent of €8 per month or €2 per week. I do not believe this is too onerous and must again be seen in the context of the fine itself being set having regard to the person's financial circumstances. I will therefore not be accepting this amendment.

I acknowledge the Deputy's earlier remarks on his agreement with the thrust of the Bill in respect of trying to make far greater use of fines and other sanctions rather than custodial sentences. I conclude by making two points, the first of which is to emphasise the acknowledgement the Bill already gives to a person's financial circumstances.

*11 o'clock*

Some of the amendments to which the Deputy refers when implemented would not make a significant difference in the payment of the fine by the person on a monthly or an annual basis. I thank the Deputy for the amendments and the way they were introduced.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

**Deputy Pádraig Mac Lochlainn:** I move amendment No. 2:

In page 9, line 36, after "fine" to insert "or not in excess of €50 for a fine over €500".

**An Leas-Cheann Comhairle:** Is the Deputy pressing the amendment?

**Deputy Pádraig Mac Lochlainn:** I always get confused on Report Stage. The previous amendment was put to the Minister, but it was my amendment.

**An Leas-Cheann Comhairle:** The question was: "That the words proposed to be deleted stand."

**Deputy Pádraig Mac Lochlainn:** Is the Leas-Cheann Comhairle asking me if I am in favour of the amendment?

**An Leas-Cheann Comhairle:** Yes, amendment No. 2.

**Deputy Pádraig Mac Lochlainn:** I am in favour, tá.

Amendment put and declared lost.

**Deputy Pádraig Mac Lochlainn:** On the first amendment, was the Leas-Cheann Comhairle asking if I was in favour of it? He put the question to the Minister and he said "Tá", while I said "Níl".

**An Leas-Cheann Comhairle:** I was asking whether the Deputy was pressing the amendment. The question is turned around to declare that the words proposed to be deleted stand. That is the difference.

19 February 2014

**Deputy Pádraig Mac Lochlainn:** I move amendment No. 3:

In page 9, line 39, to delete “€100” and substitute “€50”.

Question, “That the figure proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

**An Leas-Cheann Comhairle:** Amendments Nos. 4 and 12 to 16, inclusive, are related and will be discussed together.

**Deputy Mick Wallace:** I move amendment No. 4:

In page 10, to delete lines 16 to 21 and substitute the following:

“(a) make a community service order if section 4 of the Act of 1983 has been complied with, or

(b) make an attachment order if it is satisfied that it would not be appropriate to make a community service order in respect of the person.”.

I am disappointed that the Minister for Justice and Equality, Deputy Alan Shatter, is not here. It is the first time in my experience that he has not turned up for such a debate. He must be under terrible pressure. I do not doubt for one second that he is a very hard-working Minister, but I find it strange that he is not here. I have tabled 12 amendments, six of which have been deemed to be in conflict with the principle of the Bill, which I find odd. The others have been grouped together. I will give most of my thoughts in one fell swoop.

In terms of the average number of prisoners per head of population, Ireland fares quite well internationally, but we seem to be reaching a plateau. According to the world prison population list, we have climbed down from a high of 100 prisoners per 100,000 of population in May 2011 to 88 in September last year. This is still a higher rate than for Germany, the Netherlands, Sweden, Norway, Denmark and Finland but only one eighth of the number of prisoners per head of population in the United States. We are average among European countries but with the caveat that we had the highest percentage imprisonment rate increase of all euro zone countries in the past 12 years.

The number of committals for non-payment of fines is astronomically high. According to the Irish Penal Reform Trust, there were 8,304 committals for non-payment of court ordered fines in 2012, including 242 for failing to pay fines imposed for not having a TV licence. One can imagine the people who were imprisoned for not paying their TV licence fee. At €160 per licence, the cost of the unpaid licence fees for the 242 people concerned comes to just over €38,000, less than half the money John Waters and the Iona Institute received recently. Also, 85% of fine defaulters are back in custody within four years.

It is clear from statements issued by the Minister that his objective while in government is to bring down these numbers, if possible, especially the number who receive sentences of three months or less. In May last year the Minister stated his concern with the high levels of turnover in the prison system when he said:

It is disappointing to note Ireland’s committal rate (imprisonment of offenders) in 2011 was 380 per 100,000 people compared to a European average of 233. Our release rate was

376 per 100,000 – more than double the average of 165. These figures alone show that we are out of kilter with Europe and other parts of the world in this regard. They confirm that too many individuals are being sentenced to very short terms of imprisonment instead of alternative mechanisms being utilised.

The Minister also stated his support for increased implementation of community service orders. On the payment of fines, he suggested the top priority was to drastically reduce the number of persons committed to prison for non-payment, highlighting community service as one of the preferable alternatives to a prison sentence. He said:

It is disappointing to note that 2,569 community service orders were made in 2012 compared to 2,738 orders in 2011. I want to ensure that greater use of community service orders is made. Under the Criminal Justice (Community Service) (Amendment) Act in 2011, judges are required to consider the appropriateness of a community service order in circumstances where an alternative sentence of imprisonment of up to 12 months would be considered. I am concerned that too many people are still being sent to prison unnecessarily at a time when the Probation Service does not have the capacity to take on more offenders.

The Minister also said:

I am strongly of the view that we need to keep the numbers of people committed to prison for the non-payment of fines to the absolute minimum. We have already legislated to require judges to take a person's financial circumstances into account when setting a fine. Work is now well under way on further major reforms to the fine payment and recovery system in Ireland. The Fines (Amendment) Bill, which I expect to publish this term, will, when enacted, make it easier for people to pay a fine and where they fail to do so, there will be sufficient options available to the courts in the form of, for example, attachment of earnings, community service or recovery orders to all but eliminate the need to commit anyone to prison for the non-payment of fines.

While I agree with the Minister in his viewpoint on this matter and welcome the general aims of the proposed Bill, my contention with the particulars of the Bill and the general purpose of my proposed amendments surround two issues. First, the Bill appears to prioritise some measures over others. If this is the case, there should be a reshuffling to place community service as the top priority option as an alternative to prison sentencing for the non-payment of fines. The order seems to be as follows: recovery orders; attachment orders; community service; and prison. Second, not only would I like to see community service as the principal alternative, I would also like to remove the option of recovery orders entirely in order that the order of actions in terms of preference would read as follows: community service; attachment orders; and prison.

The justification for these changes to the Bill rests on two arguments. First, community service has many benefits, including for the community, the offender, the prison system and the Exchequer. Second, recovery orders are counter-productive, especially owing to the potential violence that has been known to occur in their implementation and the fact that those on the receiving end will almost certainly be among the most vulnerable in society. There are numerous studies of the comparative advantages and disadvantages of the use of community service as an alternative to imprisonment and the overall consensus seems to be that from a quantitative point of view, community service can, without doubt, be regarded as one of the most successful late modern punishments. Introduced in the 1970s, it became widely established throughout Europe

by the 1990s. Of particular note is the fact that in nearly all countries where it was adopted it expanded dramatically as an alternative to a prison sentence. It is widely seen as a more humane alternative to prison and a more effective means to achieve the dual goals of rehabilitation and reparation. Whether rehabilitation is interpreted as a change in the offender's attitudes and views or as the achievement of reduced reoffending, there is evidence to support the claim that in both cases community service has a positive effect.

The work of Professor Gill McIvor of the Scottish Centre for Crime and Justice Research, in particular, attests to this claim. Community service orders should be encouraged as they have numerous productive offshoots, such as the regeneration of shared public spaces in a time of drastic public spending cutbacks, thereby facilitating work that would otherwise not get done. They provide an opportunity for people to learn new skills, enable reparation for crimes to the community, facilitate the integration of the offender in the community, and function as a cost-effective penal alternative to imprisonment.

An additional consideration is the terrible reality of prison overcrowding, with some facilities taking up to 40% more than recommended capacity at any one time. For instance, according to the Inspector of Prisons and Places of Detention, on 8 March 2011 Mountjoy Prison held 710 prisoners in a facility that should have had no more than 517. According to the Irish Penal Reform Trust, more than 70% of prisoners are unemployed on committal and a similar percentage self-report as not having any particular trade or occupation. Gillian Smith of Trinity College Dublin recently commented on the numbers of disadvantaged people who find themselves going through the prison system. In an online article on the IPRT's website she stated:

The poor and disadvantaged are greatly over-represented in our prisons. Paul O'Mahony's oft-cited 1997 study of prisoners in Mountjoy revealed that four out of five had left school before the age of 15, one in three grew up in a household where no parent was in employment, and 37% had lost a parent by the time they were 15 years old. Prisoners in Ireland are 25 times more likely to come from and return to areas of serious deprivation, and the majority are unemployed upon committal to prison. Some criminologists maintain that prison is in itself criminogenic, such are the barriers to reintegration following time in custody.

Indeed, criminal psychiatrist James Gilligan has observed that "the most effective way to turn a non-violent person into a violent one is to send him to prison".

Taking these points into consideration, it is clear that the main impetus behind the proposed Bill is welcome, although overdue. What is not clear is why recovery orders are proposed as the first alternative to imprisonment for non-payment of fines. It is evident that the vast majority of people who are committed to prison each year are there as a result of the failings of the socio-economic system. It is fair to presume that many of those imprisoned for non-payment of fines are in that position because they could not afford to pay them. Indeed, 60% of people serving sentences of six months or less already suffer poverty and may well be homeless. The sheriffs who will be appointed as receivers by the court under the recovery order system will be breaking and entering these people's homes, if they have one, only to find that after they get their cut of the loot, there is not enough to cover the sum of the original fines. On the whole, those who can afford to pay their fines do pay. What we have is a two-tier justice system wherein the rich are rewarded for their ability to pay and the poor are punished for their inability to do so.

Under the new reliance on recovery orders and gangs of men breaking into houses, the punishment is doubled, people are embarrassed and abused, resentment in the community is

reinforced, and nothing is improved in any way, shape or form. The costs of the sheriff alone are unlikely to be collected, not to mention the fines being sought. Too often in recent years I have heard terrible stories of bullying tactics by sheriffs, who sometimes bring a few thugs along with them as reinforcements. In England, in 2009, a bailiff was responsible for a pensioner dying of a heart attack. The bailiff told the pensioner he had to pay the £340 he owed on a speeding ticket or the bailiff and his colleagues would enter the pensioner's house and take his goods. CCTV footage showed how this man collapsed and died in the street after the bailiff drove him to a cash point in the town centre.

In general the media do not publish this kind of story, but the self-publishing vehicle that is YouTube shows us a seedy and grim reality. One video shows a sheriff breaking and entering a home followed by six men who proceed to empty it of its contents. The owner arrives home and, upon his discovery of the break-in, has a heart attack. He is found by paramedics convulsing on the empty sitting room floor. These are surely not isolated incidents. The very nature of the work done by sheriffs makes conflict, violence and the suffering of those on the receiving end par for the course. As so often with the media, however, we only hear about the poor when they get in the way of the powerful.

The Minister has indicted his concern regarding the recidivism rate in Irish prisons. In order to stem its increase, he has stated, we must tackle the social conditions that underlie criminality. Speaking at the Irish Penal Reform Trust annual lecture in 2011, he said, "Sending offenders to prison without tackling the underlying social conditions of their criminality – the lack of skills, education, and employment – while they are in prison only serves to reinforce the cycle of criminality." Does the Minister not agree that taking what little people have from them when they are stuck in that cycle of criminality will only make the situation worse? Does he not agree that this approach will lead such people to view the institutions that govern our lives as not deserving of the respect they demand for themselves, by force if necessary?

When the Minister says that we need to tackle the underlying social conditions of criminality, it denotes an acute awareness of the problems facing our society, the prison and legal system included. I mentioned that Finland, Norway, Sweden, Denmark, Germany and the Netherlands all have lower numbers of prisoners per head of population than Ireland. What all these countries have in common is that they also have lower levels of inequality than Ireland. According to a report by TASC, of the eurozone countries, Ireland ranked first in terms of earning inequality in 2006. A recent European Anti Poverty Network document on wealth distribution calculated that in Ireland, 1% of the population holds 20% of the wealth, 2% controls 30% and the top 5% disposes of 40% of private assets. A recent Oxfam report indicated that inequality in Ireland will soon be four times the OECD average. That is a frightening figure.

In their acclaimed book *The Spirit Level*, Richard Wilkinson and Kate Pickett show that greater inequality reinforces the most undesirable elements of any penal system and speaks to endemic problems connected to the failings of how a particular society is organised. They write:

Imprisonment rates are not determined by crime rates so much as by differences in official attitudes towards punishment versus rehabilitation and reform. In societies with greater inequality, where the social distances between people are greater, where attitudes of "us and them" are more entrenched and where lack of trust and fear of crime are rife, public and policy makers alike are more willing to imprison people and adopt punitive attitudes towards the "criminal elements" of society. More unequal societies are harsher, tougher places. And

as prison is not particularly effective for either deterrence or rehabilitation, then a society must only be willing to maintain a high rate (and high cost) of imprisonment for reasons unrelated to effectiveness. Societies that imprison more people also spend less of their wealth on welfare for their citizens. This is true of US states and also of OECD countries.

The emphasis on the use of recovery orders and attachment orders as proposed in this Bill gives the lie to the idea that the Government is interested in rehabilitation and reform. While the reforms proposed may keep many more people out of prison, the choice of preferred substitutes betrays a genuine lack of understanding and a severity of attitude towards the most vulnerable among us. As such, the proposals fail to do what could be done to tackle the social conditions of criminality. If the Government is serious about reducing prisoner numbers, it must start to tackle inequality at its roots. This will mean more public investment, not less, which sadly has been the order of the day in recent years. The powers that be in Europe have chosen the path of austerity and the Irish Government has been compliant in that. Austerity may have been good for the financial markets and big business - just what the neoliberal doctors ordered - but it has proved a bitter pill for most and for the marginalised in particular, who make up the majority of our prison population. I urge the Minister to consider making greater use of community service. The order of actions in the Bill must assign community service as the preferred option.

**Deputy Clare Daly:** Deputy Wallace has made several very important points which go to the heart of certain ethical and practical issues relating to these proposals. With no disrespect to the Minister of State, Deputy Paschal Donohoe, it is a disgrace that the Minister, Deputy Alan Shatter, is not in the Chamber for this debate. In fact, it is unprecedented for the lead Minister not to be present for the introduction of a Bill. The Minister has lauded his actions in bringing forward this legislation and posed as very much a reforming Minister, yet he could not be bothered to be here this morning. That is extremely regrettable. All sides of the House have welcomed the fact that we are talking about moving to a situation in which people would not go to prison to serve short sentences. That is a good thing but it should not lull us into blindly accepting this legislation as a step in the right direction. For all the reasons highlighted by Deputy Wallace, it is not a step in the right direction. It is a step from one failed policy to what will be another failed policy.

I know that the real Minister, or the big Minister, or whatever one wants to call him, moves in circles of people with deep pockets but subliminally this Bill tells people that if they have the ability to pay, they have a licence to do whatever they like, they will never face the ignominy of going to prison or the possibility of having to do community service to atone for what they have done. They can pay their way out of anything. That is the wrong message to give in any society. It is particularly offensive in respect of certain crimes. Unfortunately, the court system is adopting this approach more often. A report published after Christmas about the amount of money collected by the courts showed that a quarter of all the money collected in court fines was collected in County Kerry. The Judiciary there obviously has a tactic of not sending people to prison but of fining them instead. That has led in part to many of the local and community groups relying on the money from the court system and the word going out that one can pay one's way out of anything. Earlier this year a District Court judge in Dublin gave a 21-year-old medical student, who had pleaded guilty to assaulting his girlfriend, no record. He was allowed to walk free from the court on condition that he paid €5,000 to Women's Aid and the Simon Community. That raises a couple of problems, it sends out the signal that one can pay one's way out of sexual assault and get away with it yet people from a disadvantaged background, who do not have the ability to pay, get a record for a much lesser offence. That cannot be. There are

problems about organisations such as Women's Aid, which do important work, having to rely on such donations. That is somewhat contradictory. It is not in any way appropriate that people who would be guilty of such crimes would be allowed to pay fines in that way.

One of the worst aspects of this is the information given by Deputy Wallace on the number of people in prison through crimes of poverty. A financial penalty will not work for those people. Last week we visited Margaretta D'Arcy and another elderly citizen in Limerick Prison, both serving short prison sentences. They told us about the types of people in prison with them. Their stories are no different from those in any other prisons. The majority are young people from disadvantaged backgrounds. In the women's prison the same group of young women come in cycles of short sentences. Invariably, they have children at home and their family life is disrupted. Many of those are in for crimes of poverty, crimes linked to drugs and so on. How would they pay a fine? If one is in for shoplifting does one have to shoplift even more to pay the fine? It does not make any sense. If we were to spend a fraction of the money we spend on prisons, on giving people an education and a decent standard of living we would be much better off.

It is good not to send people to prison to serve short sentences. That is a ridiculous thing to do. We are way out of kilter with other countries but we must be very careful about the message we send out. It is twofold: if one is rich one can pay one's way out of anything and do whatever one likes, but if one is disadvantaged that situation will not change. Unless we learn the lesson from that and start to deal with inequality in our society we will not be any closer to the reformed and equitable type of society to which I would aspire.

**Deputy Paschal Donohoe:** Regardless of the political views that colleagues may have of the Minister for Justice and Equality, Deputy Shatter, people would acknowledge that he takes his legislative duties and his role within this Chamber and on committees very seriously. That is why I am standing in to take this Bill and address points on it. I have to reach the conclusion that in using this opportunity, which Deputies Wallace and Daly are entitled to do, to articulate their world view, as is their right, they do so by either deliberately misunderstanding what is in the Bill or deliberately ignoring its thrust. Both Deputies have said we should not send people to prison to serve custodial sentences but we need to propose alternatives. I agree with much of Deputy Wallace's analysis of the number of people in prison and why they are there, and the different ways in which we should and could handle that. That, however, is what this Bill sets out to do. The thrust of this Bill is to give the courts the ability, and to put tools at their disposal, not to have to impose custodial sentences on people but to make different options available to them. The point the Deputies made about the need to take account of the financial circumstances of the person is put in place under section 5 of this Bill. The Deputies want a system which enables the courts not to put people in prison and gives them different options and tools to put other sanctions in place, but that is what this Bill seeks to do. That is the role of this Bill. That is why the Minister is introducing it. In response to the overall point about moving from one failed policy to another, how is that? Deputy Daly should substantiate her point. The thrust of this Bill is to give our legal system different options which, as I understand it, is exactly what the Deputies are looking for. If my analysis is wrong I welcome the opportunity to be corrected. Section 5 puts in place different options for our legal system, of which it can take advantage, which is what the Minister wants to do.

I will address each amendment in turn. Taking the amendment to section 7 first, the Deputy wants the court first to consider the making of a community service order where a person defaults on paying a fine and only to consider making an attachment order where it is not possible to make a community service order. This inversion of the provisions of the Bill would make

little sense. There is a basic principle that must be understood here, that where the court decides that the appropriate action is to impose a fine on conviction, the person is required to pay the fine. If the person does not pay the fine, then, under this Bill, the State will make every effort to recover it. When a court decides that the appropriate course of action is a fine, taking into account the circumstances of the case and the person before it, the Bill gives it the ability to pursue the payment of this fine, only if the court decides that a fine is the appropriate action in the first place. If the person is in employment, then the first recourse will be to the person's earnings. This is logical and flows from the imposition of an appropriately set fine in the first instance.

We owe it to the vast majority of people who pay their bills or fines when asked or required to do so to ensure that those who have the ability to pay debts or fines, do so. I put it to the Deputy that the amendment would do the opposite. What we are looking to do is to put in place a legal system that will make more options available to the legal system and the courts which is what I understand Deputy Mick Wallace wants to see happen.

Amendment No. 12 is partly consequential on amendment No. 7. As I am not accepting that amendment, I cannot accept amendment No. 12. The other part of amendment No. 12, as well as amendments Nos. 13 to 16, inclusive, are consequential on amendments Nos. 5 to 10, inclusive, which were ruled out of order. These amendments, if accepted, would leave a gap in the Bill, where recovery orders were made, as there would be no follow-through where the receiver had failed to recover the fine. I am sure the Deputy will agree with me that without deleting Part 3, as he had intended, the references to recovery orders in sections 19 and 20 must remain. I am, therefore, not accepting amendments Nos. 12 to 16, inclusive.

I have visited prisons as a Deputy and seen the conditions people must face, as each Deputy has acknowledged. The Minister is committed to doing all he can to deal with the issue and reverse it, but an essential thrust is to make other options available to the courts which is exactly what the Bill seeks to do.

**An Leas-Cheann Comhairle:** I remind the House that all Members can speak twice on each amendment or group of amendments, but the second contribution shall not exceed two minutes. The Member who moves an amendment retains the right of reply.

**Deputy Mick Wallace:** The point of my amendment is to give greater prominence to community service because the State, after the Bill is passed, will still not make enough use of community service. I have outlined many of the merits of community service, but with regard to people who can afford to pay fines of any size, the State should consider making community service compulsory to drag them kicking and screaming into the real world. Many people who make a good deal of money and have no problem with paying fines have never dirtied their hands in the real world and it would not do them any harm to do so.

Second, recovery orders should not be included in the Bill. That is a destructive way of operating. More often than not, the people who cannot pay their fines are the ones who cannot afford to pay them. Going to their houses and removing belongings from them is counter-productive and the Minister is making them poorer. If I cannot pay a fine because I do not have enough money, I would rather go to prison than have the sheriff come and empty my house. That is a choice I would take if I had it. I reiterate that I would like to see greater use of community service. We are way behind the European average in its use and will remain so if the Bill is passed in this manner. Also, I would like to see recovery orders removed from the Bill.

**Deputy Clare Daly:** It is appropriate that we raise ethical and ideological arguments around this issue and this is an appropriate forum in which to do so. To substantiate the point, there would be widespread acceptance of the idea that sending people to prison for a short time is a failed policy. My point about fines being a replacement is precisely the one being made. If people have an ability to pay, it is an easy option for them. It is a licence to pay their fine and not a hardship. If people do not have an ability to pay, what is the point in fining them?

The Minister of State makes the point that the Bill is seeking to do what we want, but it is not because one only needs to read the Title. If it was entitled the non-custodial short-term sentence Bill, it might address that issue, but it is entitled the Fines (Payment and Recovery) Bill; therefore, the Minister is not giving judges options *per se*, rather he is prioritising fines as an alternative to, for example, the better alternative put forward by Deputy Mick Wallace, namely, community service. The reasons for this are clear. Why should someone who is rich and has the money to buy his or her way out of anything be allowed to do this? It is appropriate that he or she do some community service. That would be a greater hardship for somebody who has money than the payment of a fine. If one does not have money, it is a much better option than a short-term custodial sentence. It is about having a more reforming attitude to the way in which judgments are given, but we are saying that for various reasons, community service should be the way, rather than fines. The Minister is giving judges a licence to prioritise fines, which is wrong on a number of counts.

**Deputy Paschal Donohoe:** I did not dispute the Deputy's right to express her ideological view on this issue. What I did was engage in a debate on it. I disagree with her and her assessment of the Bill. I will respond to each of the points she has made. First, on the ability of a person to pay, section 5(2) states "Where a person of full age is convicted of an offence, the court shall, in determining the amount of the fine (if any) to impose in respect of the offence, take into account the person's financial circumstances". The Bill, therefore, recognises the fact that in respect of the person before the court - I accept the point the Deputy is making about his or her background and economic circumstances - it will be able to give recognition to these in the assessment it makes.

On the point made by Deputy Mick Wallace, I challenge the logic of what he is saying because if he is accepting that fines play an appropriate role in this regard and if the person does not pay a fine, should the legal system not have the ability to have recourse to the payment of that fine, if that is what it deems to be the appropriate course to take? I emphasise that all of this is in the context of trying to ensure we put in place different legal sanctions, as opposed to a custodial sanction only, which I agree with the Deputy was inappropriate in many cases in the past.

**Deputy Mick Wallace:** My point remains the same. Those who cannot afford to pay fines should not be victims of recovery orders. They should have no choice other than to do community service. In terms of the punishment to be imposed, if we do not have a facility to create the opportunity for enough people to do community service, this is something we should examine with a view to creating a better facility. Other countries make far greater use of this option and we should make more use of it. I argue that the Bill is not prioritising the use of community service. I understand we are both entitled to look at the matter in the way we see fit.

**Deputy Paschal Donohoe:** Absolutely.

**Deputy Kathleen Lynch:** Through a different prism.

**Deputy Mick Wallace:** If we were to agree on everything, it would be a very boring world.

**Deputy Paschal Donohoe:** May I respond?

**An Leas-Cheann Comhairle:** No. I am sorry, but it is not provided for in the order of the House.

Question put: "That the words proposed to be deleted stand."

| <i>The Dáil divided: Tá, 85; Níl, 28.</i> |                                |
|-------------------------------------------|--------------------------------|
| <i>Tá</i>                                 | <i>Níl</i>                     |
| <i>Barry, Tom.</i>                        | <i>Boyd Barrett, Richard.</i>  |
| <i>Breen, Pat.</i>                        | <i>Broughan, Thomas P.</i>     |
| <i>Bruton, Richard.</i>                   | <i>Collins, Joan.</i>          |
| <i>Burton, Joan.</i>                      | <i>Colreavy, Michael.</i>      |
| <i>Butler, Ray.</i>                       | <i>Crowe, Seán.</i>            |
| <i>Buttimer, Jerry.</i>                   | <i>Daly, Clare.</i>            |
| <i>Byrne, Catherine.</i>                  | <i>Doherty, Pearse.</i>        |
| <i>Byrne, Eric.</i>                       | <i>Ellis, Dessie.</i>          |
| <i>Carey, Joe.</i>                        | <i>Ferris, Martin.</i>         |
| <i>Collins, Áine.</i>                     | <i>Halligan, John.</i>         |
| <i>Collins, Niall.</i>                    | <i>Healy, Seamus.</i>          |
| <i>Conaghan, Michael.</i>                 | <i>Healy-Rae, Michael.</i>     |
| <i>Conlan, Seán.</i>                      | <i>Lowry, Michael.</i>         |
| <i>Connaughton, Paul J.</i>               | <i>Mac Lochlainn, Pádraig.</i> |
| <i>Conway, Ciara.</i>                     | <i>McGrath, Finian.</i>        |
| <i>Coonan, Noel.</i>                      | <i>McGrath, Mattie.</i>        |
| <i>Corcoran Kennedy, Marcella.</i>        | <i>McLellan, Sandra.</i>       |
| <i>Costello, Joe.</i>                     | <i>Murphy, Catherine.</i>      |
| <i>Coveney, Simon.</i>                    | <i>Nulty, Patrick.</i>         |
| <i>Cowen, Barry.</i>                      | <i>Ó Caoláin, Caoimhghín.</i>  |
| <i>Creed, Michael.</i>                    | <i>Ó Snodaigh, Aengus.</i>     |
| <i>Creighton, Lucinda.</i>                | <i>O'Brien, Jonathan.</i>      |
| <i>Daly, Jim.</i>                         | <i>O'Sullivan, Maureen.</i>    |
| <i>Deenihan, Jimmy.</i>                   | <i>Pringle, Thomas.</i>        |
| <i>Donohoe, Paschal.</i>                  | <i>Ross, Shane.</i>            |
| <i>Dooley, Timmy.</i>                     | <i>Stanley, Brian.</i>         |
| <i>Dowds, Robert.</i>                     | <i>Tóibín, Peadar.</i>         |
| <i>Doyle, Andrew.</i>                     | <i>Wallace, Mick.</i>          |
| <i>Durkan, Bernard J.</i>                 |                                |
| <i>English, Damien.</i>                   |                                |
| <i>Farrell, Alan.</i>                     |                                |
| <i>Feighan, Frank.</i>                    |                                |
| <i>Ferris, Anne.</i>                      |                                |
| <i>Fitzpatrick, Peter.</i>                |                                |

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| <i>Flanagan, Charles.</i>  |  |
| <i>Grealish, Noel.</i>     |  |
| <i>Griffin, Brendan.</i>   |  |
| <i>Hannigan, Dominic.</i>  |  |
| <i>Harrington, Noel.</i>   |  |
| <i>Harris, Simon.</i>      |  |
| <i>Hayes, Brian.</i>       |  |
| <i>Heydon, Martin.</i>     |  |
| <i>Hogan, Phil.</i>        |  |
| <i>Howlin, Brendan.</i>    |  |
| <i>Humphreys, Heather.</i> |  |
| <i>Humphreys, Kevin.</i>   |  |
| <i>Keaveney, Colm.</i>     |  |
| <i>Kehoe, Paul.</i>        |  |
| <i>Kyne, Seán.</i>         |  |
| <i>Lynch, Ciarán.</i>      |  |
| <i>Lynch, Kathleen.</i>    |  |
| <i>McCarthy, Michael.</i>  |  |
| <i>McEntee, Helen.</i>     |  |
| <i>McGrath, Michael.</i>   |  |
| <i>McLoughlin, Tony.</i>   |  |
| <i>McNamara, Michael.</i>  |  |
| <i>Maloney, Eamonn.</i>    |  |
| <i>Moynihan, Michael.</i>  |  |
| <i>Mulherin, Michelle.</i> |  |
| <i>Murphy, Dara.</i>       |  |
| <i>Murphy, Eoghan.</i>     |  |
| <i>Naughten, Denis.</i>    |  |
| <i>Neville, Dan.</i>       |  |
| <i>Ó Fearghaíl, Seán.</i>  |  |
| <i>O'Dea, Willie.</i>      |  |
| <i>O'Donnell, Kieran.</i>  |  |
| <i>O'Donovan, Patrick.</i> |  |
| <i>O'Dowd, Fergus.</i>     |  |
| <i>O'Mahony, John.</i>     |  |
| <i>O'Reilly, Joe.</i>      |  |
| <i>O'Sullivan, Jan.</i>    |  |
| <i>Penrose, Willie.</i>    |  |
| <i>Phelan, Ann.</i>        |  |
| <i>Phelan, John Paul.</i>  |  |
| <i>Reilly, James.</i>      |  |
| <i>Ring, Michael.</i>      |  |
| <i>Ryan, Brendan.</i>      |  |

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| <i>Smith, Brendan.</i> |  |
| <i>Spring, Arthur.</i> |  |
| <i>Stagg, Emmet.</i>   |  |
| <i>Stanton, David.</i> |  |
| <i>Troy, Robert.</i>   |  |
| <i>Tuffy, Joanna.</i>  |  |
| <i>Twomey, Liam.</i>   |  |
| <i>Walsh, Brian.</i>   |  |

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Clare Daly and Mick Wallace.

Question declared carried.

Amendment declared lost.

**An Leas-Cheann Comhairle:** Amendments Nos. 5 to 10, inclusive, in the name of Deputy Wallace, are out of order.

Amendments Nos. 5 to 10, inclusive, not moved.

**Deputy Pádraig Mac Lochlainn:** I move amendment No. 11:

In page 18, between lines 9 and 10, to insert the following:

“(1) The existence of an attachment order shall—

(a) not be grounds for dismissal,

(b) prohibit discrimination in employment, including at the recruitment stage.”.

This amendment deals with concerns that have been brought to the committee’s attention by the Irish Congress of Trade Unions. Their concern is that an attachment order could potentially be grounds for dismissal by an employer or could prejudice an employee if he or she is applying for jobs in future. What we are trying to build into the legislation with this amendment is to ensure that this will not be the case.

When I raised this matter with the Minister, Deputy Shatter, at Committee Stage, he stated that it was not something he had thought about but he would consider it and consider amendments on Report Stage. He has not done that.

This is an important issue that the Irish Congress of Trade Unions has raised. There is no harm in adding this. It gives an in-built security for the person involved. I ask the Minister of State to consider it.

**Deputy Paschal Donohoe:** I thank Deputy Mac Lochlainn for raising this issue. I note he

raised it on Committee Stage also. I will give him a full explanation and response to the point he made but I will begin by making two overall points.

The first overall point is that if such an issue needed to be dealt with, this is the wrong body of law within which to raise it. My advice is that to deal with the issue the Deputy raises, the relevant body of law that would need to be amended is equality law and law on the workplace and dismissal within it. The specific point the Deputy raises would need to be dealt with elsewhere than in this Bill because this legislation is not germane to the issue.

Second, as I understand it, the concern Deputy Mac Lochlainn raises is that if a fine was raised against somebody and he or she was not in a position to or did not want to pay, it could be used as grounds for dismissal or could be raised in the workplace. On foot of the Deputy's comment to the Minister on Committee Stage, the Department checked whether this had been raised as an issue in the recent past, and to date we do not have evidence that payment or non-payment of a fine has been used in a workplace or in employment law in the way the Deputy mentioned.

Overall, the two points I make are, first, that the issue the Deputy raises needs to be dealt with elsewhere in equality and workplace law, which would be the responsibility of the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, and second, on the Deputy's point, we do not have evidence to date that this has occurred in a workplace and, therefore, do not currently believe it to be the issue that Deputy Mac Lochlainn does. At this stage we do not propose and are not able to accept his amendment.

**An Leas-Cheann Comhairle:** I ask the Minister of State to move that the debate be adjourned.

**Deputy Paschal Donohoe:** I so move.

**Deputy Pádraig Mac Lochlainn:** When will the debate reconvene?

**An Leas-Cheann Comhairle:** It looks as though it will reconvene after the sos.

**Deputy Pádraig Mac Lochlainn:** At what time will that be?

**An Leas-Cheann Comhairle:** At 2.40 p.m.

Debate adjourned.

*12 o'clock*

### **Leaders' Questions**

**Deputy Micheál Martin:** Last week, I read elements of the transcript of a conversation between the Garda confidential recipient, Mr. Oliver Connolly, and a Garda whistleblower, Mr. Maurice McCabe, such as how, if the Minister for Justice and Equality, Deputy Alan Shatter, felt the whistleblower was going to screw him, he would be finished. In addition, it was said that if complaints were exposed to the print media, it would make him an angry man and so on. The elements of the conversation were quite shocking in terms of their import. The confidential recipient also spoke about his close proximity to "Alan" and how he communicated with him

on the allegations the whistleblower had put before him. I have since listened to the audiotape of that conversation and can confirm its existence. Every single syllable I articulated last week is on it and, obviously, more. It reveals the frustration of the whistleblower and also the desire of the confidential recipient that at all costs this must not get into the print media, that it must be kept out of the media.

I subsequently met the whistleblower, Mr. Maurice McCabe, and must say he is a credible man. He has some story to tell, but the Minister for Justice and Equality, essentially, has not allowed him to tell it. I have met others, people who have been in authority, who equally believe in this man's credibility. He did everything by the book, the whole way, as a whistleblower. He went to line management and was rebuffed. He went to the confidential recipient and got nowhere. He wrote repeatedly to the Taoiseach for over 12 months and gave his office a dossier with all of his allegations backed up by evidence. He went to the Department of Justice and Equality, but he got no response of any consequence. He initially went to the Department of Transport which sent it to the Department of Justice and Equality. He also went to the Road Safety Authority where he got a good response. The Taoiseach should speak to the Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, who did stand his ground. Maybe people should listen to him more in the Cabinet than to the Minister for Justice and Equality.

The bottom line is that when the inquiry into the penalty points saga was initiated, it was extraordinary that Assistant Garda Commissioner O'Mahony and the inquiry team did not actually interview Mr. Maurice McCabe, the man who had made the original accusations. Incredibly, the Minister, Deputy Alan Shatter, told the Dáil last October that the whistleblower had not co-operated with the inquiry. That was a blatant untruth. The person who chaired the inquiry has since confirmed that he did not interview the whistleblower.

The Road Safety Authority wrote to the Minister after the Cabinet had referred the O'Mahony report to it, highlighting that major failing in the O'Mahony investigation. The Minister, Deputy Leo Varadkar, knows that I am telling the truth because he stood his ground. The Road Safety Authority will equally confirm what I am saying. However, the Department of Justice and Equality and the Minister, Deputy Alan Shatter, did not. A lot of negative innuendo was spread about this man. It was spread to people who had inquired to put them off the trail. What happened was fundamentally wrong. What Garda whistleblower in his or her right mind would ever go near the system again, given the treatment that has been meted out to this man?

**A Deputy:** They have no confidence.

**Deputy Micheál Martin:** What has occurred is absolutely scandalous. It is not just about penalty points, it is also about other serious issues that would make one's hair stand on end. They are shocking revelations of incompetence which ultimately led to people being murdered as a result of a failure to act. It is very serious stuff which the Department of Justice and Equality has had for quite a long time but not acted on.

Does the Taoiseach think the position of the confidential recipient is tenable, given the existence of this transcript and the treatment of Mr. Maurice McCabe? Will he insist on the Minister for Justice and Equality coming into the House to apologise to Mr. McCabe? The Minister should withdraw the remarks he made on the floor of the House that Mr. McCabe had not co-operated. That was wrong and the Minister should correct the record in the interests of fair play.

**An Ceann Comhairle:** We are way over time. The Deputy should co-operate.

**Deputy Micheál Martin:** I know the Garda Inspectorate produced a report on the O'Mahony investigation. Will the Taoiseach confirm that that report is now with the Minister for Justice and Equality? Will it be published unvarnished?

**The Taoiseach:** This is a very serious matter that was raised following publication of elements of the transcript in a Sunday newspaper some two weeks ago. Following my response in the Dáil, I said I had sought a report on the matter and would see to it that that report was followed through on. I did receive a report from the Secretary General of the Department of Justice and Equality who in the past two weeks has made a number of contacts with the confidential recipient in regard to the veracity or otherwise of the transcript published in newspapers. There were a number of contacts with the confidential recipient. This is a very serious matter. Following publication of the full elements of what is alleged to have happened, I did not have the opportunity to listen to an audiotape personally. However, having read all of the statements made and having been in contact with the Minister for Justice and Equality who is very concerned about this matter-----

**A Deputy:** That is new.

**The Taoiseach:** -----he has this morning relieved Mr. Connolly of his duties.

**Deputy Micheál Martin:** I thank the Taoiseach for his reply. I think the decision was the inevitable outcome of the conversation that had taken place between the confidential recipient and Mr. McCabe. I take no pleasure in saying this in respect of the individual concerned, but that is not the end of the matter by a long shot. The Minister for Justice and Equality, Deputy Alan Shatter, must come into the House to answer serious questions about how he dealt with this whistleblower.

**Deputy Mattie McGrath:** He should be gone.

**Deputy Micheál Martin:** We are talking about the equivalent of the Neary case in the health sector. It was the whistleblower who sorted out that issue and revealed all. This is how Garda whistleblowers are being treated by the system, yet the Minister stands over it. He has stood over it the whole way through. That is the problem.

When Mr. McCabe sent the Taoiseach a dossier, he wrote to his office saying he had not been interviewed by Assistant Garda Commissioner O'Mahony, even though he had made all of the allegations. The Taoiseach wrote to the Department of Justice and Equality and the Minister for Justice and Equality told him that whether Mr. McCabe would be interviewed was an operational matter for the head of the inquiry team.

**An Ceann Comhairle:** Put the question, please.

**Deputy Micheál Martin:** It was an extraordinary reply, yet, having sent that letter to the Taoiseach, the Minister, Deputy Alan Shatter, went into the House to say the Garda whistleblower had not co-operated with the inquiry. That was a blatant untruth. That is the critical point. In the interests of fair play, the Minister needs to correct the record, if he has any sense of decency towards the individual concerned.

I know that the Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, met Mr. Maurice McCabe. The Minister then went on *Morning Ireland* to say, "I believe this man to be credible," much to the anger of the Minister for Justice and Equality, Deputy Alan Shatter.

I know that, too.

**An Ceann Comhairle:** I am sorry, but we are not here to discuss that issue.

**Deputy Micheál Martin:** There is something rotten in the state of Denmark in regard to this issue.

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

**Deputy Micheál Martin:** It has now gone beyond most of the institutions that have dealt with it.

**Deputy Mattie McGrath:** Long gone.

**Deputy Micheál Martin:** When talking to people who know a lot about it in other institutions, the first thing they ask is whether I mind if we meet in my office as they are afraid their telephones could be bugged. That is out there in the ether and the Taoiseach needs to do something about it.

**Deputy John Paul Phelan:** Who would bother to bug Deputy Martin's phone?

**Deputy Micheál Martin:** I will communicate with the Taoiseach following his invitation yesterday. Material that has come into my possession concerns a more serious matter. I sincerely hope the Taoiseach will not leave it with the Department of Justice and Equality. The Taoiseach should not tell me he is waiting for a report from that Department because he will wait and wait. The matter must be taken out of the Department of Justice and Equality to get to the truth of this. I say that in good faith.

**The Taoiseach:** I thank the Deputy for his comments and I invite him to hand me personally the information of national importance. I would be happy to receive it and act on it. In the House I said that I had requested a report from the Department of Justice and Equality. I received a report from the Secretary General of the Department of Justice and Equality outlining the number of contacts the Department made with the confidential recipient about the veracity or otherwise of the allegations and comments printed in the national media. Following discussions arising from the report with the Minister for Justice and Equality and following the publication of a more expansive version of a conversation that took place, the Minister has advised the official confidential recipient that if he has any knowledge of any illegal activities he should bring it to the attention of the Garda Síochána and has, this morning, relieved him of his duties.

**Deputy Micheál Martin:** We have all this.

**The Taoiseach:** The system has been around for a number of years. The Minister for Justice and Equality, Deputy Shatter, has said on a number of occasions that he is not happy with the operation of the confidential recipient in this structure.

**Deputy Mattie McGrath:** He is the problem.

**Deputy Dara Calleary:** Is the Taoiseach happy with him?

**The Taoiseach:** I agree with Deputy Martin's point about why anyone with a whistleblowing issue would deliver it if there is no faith or trust in the system. That is why the Minister has been very clear that he wants to bring changes to legislation into the House to be fully debated.

**Deputy Finian McGrath:** The Taoiseach should haul him in.

**The Taoiseach:** Nor is it acceptable to the Minister that members of the Garda Síochána are a liaison between GSOC and the Garda Síochána. He is not happy-----

**Deputy John Halligan:** Let the Minister say that in here.

**The Taoiseach:** -----about the confidential recipient situation and he will bring in changes. I said yesterday that the Oireachtas Joint Committee on Justice, Defence and Equality is mandated to review the Garda Síochána Act in so far as this is concerned, to make recommendations and to hold public hearings from people who have expressed views about the inefficiency or ineffectiveness of the Act. The Minister for Justice and Equality will deal with it in the changes that will be brought to the House. Having considered all of this and having looked at the report and the contacts made by the Department of Justice and Equality with the confidential recipient, the Minister has formally relieved him of his duties.

**Deputy Micheál Martin:** Will he correct the record of the House?

**Deputy Mary Lou McDonald:** When the two whistleblowers on the penalty points scandal stepped forward into the public light, having been frustrated in their efforts to bring the matter to a conclusion within the Garda Síochána, the instinct of the Minister for Justice and Equality was to rubbish these two men. He did so publicly. He did, of course, allege that they refused to co-operate with internal Garda procedures, which was patently false. The same Minister and members of the Government tried to prevent the whistleblower, Sergeant Maurice McCabe, from appearing before the Committee of Public Accounts. Members of the Government backbenches seek to frustrate the whistleblower from receiving a transcript of the evidence he gave to the committee.

**Deputy Simon Harris:** This is disingenuous nonsense.

**Deputy Mary Lou McDonald:** Damage has been done to the Garda Síochána, to accountability and to whistleblowing within that organisation. The chief author of the damage is none other than the Minister for Justice and Equality, Deputy Alan Shatter. The mystery is that the Taoiseach stands by him regardless, as do all members of Fine Gael and Labour. This causes much public bewilderment. The same Minister is now charged with drawing up the terms of reference for the review into what happened in GSOC, the bugging of the offices of those that police the police. Yesterday evening, the Minister came to the House to tell us there is no evidence of any surveillance on those offices. It harks back to his initial Dáil statement when he sought to bury the story yet the Taoiseach entrusts him to draw up the terms of reference for this half baked review. Who is the Taoiseach trying to fool? It is so far wide of the mark and so clearly deficient as to be laughable. It would be comedy if the issues at hand were not so serious. Deputy Shatter has relieved his friend and former political contributor, Mr. Connolly, of his duties. Very interesting.

**An Ceann Comhairle:** The Deputy should stay away from these sort of allegations.

**Deputy Timmy Dooley:** No, it is a matter of record.

**Deputy Mary Lou McDonald:** I suggest that the Taoiseach relieves Deputy Shatter of his duties. With regard to the most serious allegation, that of bugging of the GSOC offices, I suggest the Taoiseach does the right thing at this point and uses the legislation available to him to

establish, as a matter of urgency, a fully independent and functioning committee of investigation.

**The Taoiseach:** I dealt with this yesterday. The Government made a decision that it was appropriate that a High Court judge should look into the question of the chronology and sequence of events that took place in this matter, which led to the public interest investigation pertaining to safety concerns commenced by GSOC. The Government also mandated the Minister for Justice and Equality, in conjunction with me as Taoiseach, the Tánaiste and the Attorney General-----

**Deputy Dara Calleary:** His babysitters.

**The Taoiseach:** -----to work on the terms of reference. It is not just a question of the Minister for Justice and Equality happening to be the Minister with responsibility for personally producing terms of reference for the High Court judge. These are advised by the Attorney General. The terms of reference will be published today and the Minister is appearing before the committee today. I expect members may want to discuss this point with him. The opportunity in the terms of reference will be to review and to assess the evidence, if any, of the security breach within the GSOC office, to establish any facts in respect of that and to make recommendations regarding measures to be taken to improve the existing security arrangements at the GSOC offices for the purposes of addressing risks to the data and communication systems in place. All of this will be in public and will be discussed and the judge to be named will report back within eight weeks. I am sure Members accept the involvement of a High Court judge is completely objective and completely independent-----

**Deputy John Halligan:** No.

**The Taoiseach:** -----and he will have unfettered access to the technological report produced by the British company and the peer review produced for the Minister in respect of technology and communications. That will be published in the report of a High Court judge and debated in the House. We are trying to ensure the putting in place of more effective systems for GSOC. That will allow those who wish to make complaints to GSOC do so in the knowledge that their complaints will be heard and, if appropriate, acted upon. It should be an effective system and much more effective than what currently applies. That is the reason we involve the Oireachtas committee, members of the public with an interest in this, State servants of one sort or another-----

**Deputy Mattie McGrath:** Maybe Angela Merkel.

**The Taoiseach:** They should be involved with the High Court judge to review, analyse, comment on and question all of the documentation, reports, statements and technology so we can get a system that works and in which the GSOC entity and An Garda Síochána have credibility. The judge will report inside eight weeks.

**Deputy Mary Lou McDonald:** All the evidence to date indicates very clearly that the Government has no interest in effective systems of oversight or governance. The Taoiseach has established that very plainly in public view. It is astonishing that the Labour Party and Fine Gael are to be allowed to be complicit in Alan Shatter's activities, which are aimed at undermining whistleblowers within An Garda Síochána and burying any controversy arising in respect of malpractice by An Garda Síochána. In this particular instance, it is a most serious allegation of potential bugging of the oversight offices. Alan Shatter is the lead Minister in this but the

Taoiseach is his boss and those who sit around the Cabinet table are his colleagues. They are responsible for the actions he undertakes.

**An Ceann Comhairle:** Could we have a question please?

**Deputy Mary Lou McDonald:** I believe I speak for a great many people when I say I cannot for the life of me understand why Alan Shatter has been allowed to bully, ballyrag and bad-mouth Garda whistleblowers. For the life of me I cannot understand why the Taoiseach would be complicit in his actions, which are clearly aimed-----

**An Ceann Comhairle:** Will the Deputy put a question?

**Deputy Mary Lou McDonald:** -----at playing down, setting aside or even whitewashing issues in respect of GSOC.

**Deputy Finian McGrath:** A cover-up.

**Deputy Mary Lou McDonald:** That is how serious this is. If the Taoiseach cares about public confidence, he has no option but to establish a fully independent inquiry with this High Court judge which arms him with all the powers to call and compel witnesses and papers and come to findings of fact. That is the single act that will put this matter to rest. The Taoiseach knows this and I cannot understand why he has not communicated that to Alan Shatter. It is not too late; the Taoiseach still has an opportunity. I ask him to take that opportunity and not dig a deeper hole, not just for Alan Shatter but for the Garda and the oversight body. It is effectively what has been done up to now.

**Deputy Simon Harris:** Those opposite would know about digging holes.

**An Ceann Comhairle:** I ask that when Members address the House they apply the normal procedure of addressing people as the Minister or the Deputy rather than calling them by Christian and surnames.

**Deputy Timmy Dooley:** That is good oversight.

**The Taoiseach:** It is a bit ironic to have the deputy leader of the Sinn Féin Party talking about expertise in communications and surveillance.

**Deputy Mary Lou McDonald:** Is that the best the Taoiseach can do?

**The Taoiseach:** It is not.

**Deputy Simon Harris:** Is that the Deputy's best effort?

**The Taoiseach:** I reject Deputy McDonald's assertion that I have no interest in the matter.

**Deputy Aengus Ó Snodaigh:** What about Fine Gael's history?

**Deputy Timmy Dooley:** We know where those opposite stand on the basis of the Blueshirts so.

**The Taoiseach:** As the Deputy is well aware, the vast majority of personnel involved are State servants. Will any of those people refuse to speak to a retired High Court judge about the facts, chronology and sequence of events, comments, reports and statements? Will any of them refuse to do that in the interests of safety, integrity and credibility? I do not think so. If my

recollection is correct, when the chairman of the GSOC spoke he indicated that seven people had access to sensitive material and that somebody leaked that information. I do not know who that was.

**Deputy Timmy Dooley:** What is the relevance of this?

**Deputy Sean Fleming:** We are talking about bugging.

**The Taoiseach:** That would be interesting to people in a very sensitive position if there is a concern about security, integrity and credibility. Perhaps somebody might step forward and say “I made this available,” or whatever.

**Deputy Timmy Dooley:** Is the Taoiseach undermining GSOC again?

**The Taoiseach:** In any event the Minister for Justice and Equality has stated he is not happy with the structure of this legislation and the confidential recipient structure as it currently exists.

**Deputy Mary Lou McDonald:** I asked about an independent inquiry.

**The Taoiseach:** The Deputy wants a public inquiry.

**Deputy Pádraig Mac Lochlainn:** An independent inquiry.

**The Taoiseach:** Of course that is what she wants, as she always wants public inquiries.

**Deputy Mary Lou McDonald:** Independent.

**Deputy Mattie McGrath:** What is being hidden?

**The Taoiseach:** The Government made a very clear decision to ask an eminent retired High Court judge to go through all this-----

**Deputy Mattie McGrath:** On what terms?

**The Taoiseach:** -----and report publicly within eight weeks. That report will be published and debated here and it can be debated within committees. The Oireachtas committee dealing with justice matters will have its own reflections in public session about the structure of the Act.

**Deputy Finian McGrath:** It will be over cups of coffee.

**The Taoiseach:** Deputy McDonald has no faith.

**Deputy Mary Lou McDonald:** In Alan Shatter? No.

**The Taoiseach:** She has no faith in the former High Court judge being able to produce an objective and independent report on this.

**Deputy Pearse Doherty:** She did not say that. The Taoiseach is digging.

**Deputy Aengus Ó Snodaigh:** There is no faith in the Minister.

**The Taoiseach:** Deputy McDonald has no faith in the legal system. All she wants are endless commissions of inquiry.

**Deputy John Halligan:** Who is writing the terms of reference for the judge? That is the

question.

**Deputy Timmy Dooley:** The Taoiseach is clearly annoyed about the Labour Party.

**The Taoiseach:** I heard some of the comments of Sinn Féin Members last night and they make very interesting reading. In this case the Government has made a clear decision and a High Court judge will get all the assistance he needs so he can report within eight weeks. This is about having a structure that works and which has integrity and credibility, both for the GSOC and the Garda Síochána. These are two fundamental aspects of our society. The Minister has already said this is not working-----

**Deputy Timmy Dooley:** Maybe he is the problem.

**Deputy Mattie McGrath:** He has no credibility.

**Deputy John Halligan:** Who determines the terms of reference for the judge?

**The Taoiseach:** We need everybody involved to make that happen. Perhaps, for once, Deputy McDonald might have a little faith in the integrity and objectivity of an independent High Court judge.

**Deputy Aengus Ó Snodaigh:** What about the Minister?

**Deputy Pearse Doherty:** Shameful.

**Deputy Stephen S. Donnelly:** Last week, I raised the issue of Irish Nationwide mortgage holders. In approximately two weeks the special liquidator will sell 13,000 mortgages for Irish families to the highest bidder at a discount. That discount could go to the families but instead it will go to foreign hedge funds. Several foreign funds are interested in buying the mortgages and have come to Ireland with the sole objective of squeezing as much money as possible out of these families. I have been told that the funds are looking for discounts of up to 30% on the performing loans and far more on the non-performing loans, and we know that some loans have already been sold at a 70% discount.

Last week I asked the Taoiseach to step in but he refused to do so. I asked him to allow the families to bid for their own mortgages, but he also refused that. He cited a report written by PricewaterhouseCoopers and given to the special liquidator, KPMG. He indicated that based on this report, the families would not be allowed to bid for their mortgages. I submitted a parliamentary question to the Minister for Finance, Deputy Noonan, asking for him to publish the report. I got a reply at 7 p.m. last evening and he has refused to publish the report. The reply states:

The sale of the residential mortgage portfolio has been developed following professional advice. Neither I nor my officials had any role in the development of the sales process. The special liquidator will not be publishing the independent advice received as it is commercially sensitive information.

This is an outrageous position for the Government and the Minister, Deputy Noonan, to take. This is worse than secret government, as it is outsourced secret government. I do not recall anybody electing PricewaterhouseCoopers or KPMG to make these kinds of decision on behalf of Irish families.

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

**Deputy Peter Mathews:** Hear, hear.

**Deputy Stephen S. Donnelly:** I recall the Taoiseach's party promising to deal with the mortgage crisis and help families in negative equity. I recall the Taoiseach's party promising more open and transparent governance. In light of the Cabinet's refusal to act on the issue, the finance committee is to act by calling witnesses, who will appear next week. In that context, will the Taoiseach instruct the special liquidator to release the PricewaterhouseCoopers report to the finance committee and the Oireachtas? Will he instruct the special liquidator to pause the sales process that is due to be completed in two weeks so the finance committee can complete its investigation and report to the Oireachtas?

**Deputy Finian McGrath:** That is a question.

**Deputy Peter Mathews:** Hear, hear.

**The Taoiseach:** We dealt with this yesterday. The sale date is fixed. The Deputy seems to have jumped the gun again in that he assumes this portfolio will be bought by an outside entity. I have already made an observation on the sale of two previous packages of loan portfolios. In the first case, the extra code of conduct requirements and conditions set out by the Central Bank were accepted. In the second case, the purchasing entity voluntarily adheres to the codes of conduct beyond the normal contractual arrangements set in place when the mortgages were agreed in the first instance. It is not true, therefore, for the Deputy to say that the portfolios are going to outside hedge funds because he does not know whether the valuation set out will be achieved or not. If it is not, the loans are to go to NAMA, which is already regulated in the sense of adhering to both the contractual obligations and extra code of conduct requirements set out by the Central Bank.

The Minister for Finance has made it perfectly clear he is concerned about this. He has written to the Central Bank. It is a fact of life that a court will not allow reposessions or allow this to happen unless there is a commitment to adherence to the codes of conduct. It is also a fact that there is no restriction within those portfolios on people continuing to pay their mortgages; many of them do.

**Deputy Stephen S. Donnelly:** I do not believe the Taoiseach understands what is going on. The fund managers are in Dublin meeting the special liquidator and they have put bids together. The only thing the Taoiseach seems to be saying is that NAMA may buy the portfolios instead. The Government is selling 13,000 families down the river based on a secret report from one group of consultants to another. Only two reasons from the secret report are being cited by the Government. One is that selling to the fund managers is more efficient and the second is that it will raise more money. How much more efficient is it? How much more money will be raised? What is the total value to the State of the various options? Was the impact on families analysed in the report? What effort is being made to figure out how the loans could be sold to the families? We do not have the answers to any of these questions because of secrecy. If the Taoiseach needs to redact parts of the report to protect commercial sensitivity, that is fine, but he must publish it. Some 13,000 Irish families have the right to know why they are being abandoned by their own Government.

**The Taoiseach:** Again, the Deputy assumes that the loans will be purchased by an outsider. What evidence has he for that?

**Deputy Billy Kelleher:** What evidence has the Taoiseach that they will not?

**Deputy Stephen S. Donnelly:** They are bidding for them.

**The Taoiseach:** Of course the bidders are here. One does not expect them not to bid if there is a package on offer.

**Deputy Stephen S. Donnelly:** Why not let the families bid?

**The Taoiseach:** Deputy Donnelly cannot say what the outcome will be until the special liquidator assesses this by the closing date of 14 March.

*(Interruptions).*

**Deputy Billy Kelleher:** Can the Taoiseach say?

**An Ceann Comhairle:** Nobody will be able to hear anybody if Deputies do not stop shouting.

**The Taoiseach:** I have already pointed out to the Deputy that in two previous cases, the codes of conduct set out by the Central Bank were adhered to in addition to the contractual arrangements in respect of each mortgage. However, the Deputy does not want to listen.

**Deputy Stephen S. Donnelly:** I am not talking about the codes of conduct.

**The Taoiseach:** It is not true to say 13,000 families are being sold down the Swanee, as the Deputy puts it. It is unjust of him to say that.

**Deputy Stephen S. Donnelly:** Will the Taoiseach let the finance committee do its job?

**The Taoiseach:** One should allow the process to be engaged in. The special liquidator has a requirement in respect of all the creditors here. For those people who continue to pay their loans back on par, there is no restriction. They are included as part of the portfolio, as the Deputy is aware. While the Minister has already written to the Central Bank, he is concerned about this. Obviously, if the bid is by an outsider, there will be a court observation stipulating that unless the bidder adheres to the codes of conduct in respect of mortgages, the bid will not be allowed.

**Deputy Stephen S. Donnelly:** Will the Government publish the PwC report?

**The Taoiseach:** I said that yesterday in answer to two questions during Taoiseach's questions. The Deputy's comments are not true.

**Deputy Stephen S. Donnelly:** They are.

### **Order of Business**

**The Taoiseach:** It is proposed to take No. 20, Fines (Payment and Recovery) Bill 2013 – Report and Final Stages (resumed); No. 21, Health Service Executive (Financial Matters) Bill 2013 – Second Stage (resumed), to adjourn at 5 p.m. and not to resume thereafter today; and

No. 22, statements on the recent flooding (resumed). It is proposed, notwithstanding anything in Standing Orders, that No. 22 shall be taken not later than 5 p.m. today and shall, if not previously concluded, be brought to a conclusion at 7.30 p.m. tonight. Private Members' business shall be No. 137 – motion regarding the Garda Síochána Ombudsman Commission (resumed), to conclude at 9 p.m., if not previously concluded. Tomorrow's business after Oral Questions shall be No. 19, Protected Disclosures Bill 2013 [Seanad] – Second Stage (resumed); and No. 23, Roads Bill 2014 – Second Stage (resumed).

**An Ceann Comhairle:** There is one proposal to be put to the House. Is the proposal for dealing with No. 22 agreed to? Agreed.

**Deputy Micheál Martin:** I am sure the Taoiseach will join me in saying that deaths following the decision of the Ukrainian Government to crush peaceful opposition protests brutally are an outrage that all democratic countries should condemn and oppose resolutely. Will the Taoiseach, and the Tánaiste and Minister for Foreign Affairs and Trade in particular, support immediately the move by a number of EU governments to prepare sanctions targeted against those responsible for rejecting negotiations and unleashing this state-led violence? Could the Taoiseach provide Government time for a debate on the Ukrainian circumstances and the range of sanctions that can be deployed, particularly given our membership of the European Union? A very strong voice should emanate from this Parliament on what is now occurring in Ukraine, including the unacceptable number of deaths and injuries being visited upon the protesters. As the Taoiseach knows, these people have long articulated their desire to have closer relationships with and be embraced by the European Union and the democratic values it espouses.

**The Taoiseach:** This is a very serious matter. The European Council was very favourably disposed towards doing business with Ukraine, and it has discussed this on a number of occasions. Clearly, the Ukrainian authorities made a different decision in respect of their arrangements with Russia. The people are very clear about their aspiration to have much closer contact with the European Union. It is a matter in respect of which we can all share in expressing unreserved condemnation. If it is not possible to have a full debate in the House, perhaps the Oireachtas Joint Committee on Foreign Affairs and Trade might meet to discuss the matter with the Tánaiste and decide on the best way to have an opportunity to reflect on this.

**Deputy Mary Lou McDonald:** I raised with the Taoiseach yesterday the outstanding commitments made by the Government to the surviving women of the Magdalen laundries. As the Taoiseach knows, a full year has passed since the Taoiseach apologised on behalf of the State to the women, yet, since the apology only one sixth of those eligible for payment under the redress scheme have received any. Pensions, health care and other provisions recommended by the Quirke report and signed off on by the Government have yet to be delivered on. In case the Taoiseach does not already know, I contend he needs to know the failure to deliver on these commitments is causing further hurt and distress among the women. When will the restorative justice Bill be introduced? I ask the Taoiseach not to tell me that it is on the A list because that kind of response offers no clarity or comfort to the women concerned. I ask him to be more precise on the date. Could he confirm that the legislation will be comprehensive and provide for pensions and medical services, and that these services will be provided to women living outside the State in addition to those living within the jurisdiction? Will the legislation result in the implementation of all the remaining recommendations in the Quirke report?

**The Taoiseach:** I will not take any comment from the Deputy on what I should or should not say from this chair. Whether the Deputy likes it or not, the legislation on restorative justice

is on the A list and it will be published this session.

**Deputy Peter Mathews:** On the Order of Business last Tuesday I raised the fact that the German constitutional court had reached a majority decision which will, in effect, paralyse the outright monetary transactions, OMT, programme-----

**An Ceann Comhairle:** Rephrase that, Deputy. You tried to raise it.

**Deputy Peter Mathews:** Thank you, a Cheann Comhairle. I tried to raise it.

**An Ceann Comhairle:** It was not in order and the Deputy knows that.

**Deputy Peter Mathews:** I like to try to do things. The country needs approximately €53 billion-----

**An Ceann Comhairle:** I suggest the Deputy tries some other way, such as Topical Issues.

**Deputy Micheál Martin:** He is seeking Government time.

**Deputy Peter Mathews:** I ask the Taoiseach to set up a high level banking and finance working party to deal with the implications of these things. I will draw an analogy. Just because our normal choreography of business here deals with matters in specific forthcoming legislation or what is in the processing phase, if an item is obviously so important for the country and the inter-relationships which arose during Leaders' Questions - for example, the operation of the 13,000 mortgages in one bank which has been paralysed-----

**An Ceann Comhairle:** The Deputy knows he cannot-----

**Deputy Peter Mathews:** -----while there are 100,000 in the two so-called pillar banks-----

**An Ceann Comhairle:** Please, Deputy, I ask for your co-operation.

**Deputy Peter Mathews:** There are grandparents supporting other loans that are not yet non-performing-----

**An Ceann Comhairle:** The Deputy is not in order

**Deputy Peter Mathews:** -----but which need support.

**An Ceann Comhairle:** If the Deputy submits a Topical Issue, I will endeavour to consider it favourably.

**Deputy Peter Mathews:** With respect, a Cheann Comhairle, that is entering a lottery. Imagine if an aeroplane with a nuclear bomb was circulating Dublin and you said we should submit it as a Topical Issue.

*(Interruptions).*

**Deputy Peter Mathews:** The Deputies may laugh. I have obviously hit the point, which is why they are laughing.

**An Ceann Comhairle:** The Deputy must respect the Chair.

**Deputy Micheál Martin:** It would be submitted to the justice committee.

**Deputy Seán Ó Fearghail:** The Deputy hit the nail with his head again.

**Deputy Peter Mathews:** The decision of the German court is, in effect, paralysing the OMT. I do not like to cause this turmoil, but will somebody listen?

**An Ceann Comhairle:** You are causing disturbance.

**Deputy Paul Kehoe:** Keep your hand off the time bomb, Deputy.

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

**Deputy Peter Mathews:** I will, a Cheann Comhairle, because I respect you. However, the rest of it is a nonsense.

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

**Deputy Lucinda Creighton:** In light of the Government's announcement yesterday regarding a judicial inquiry into the surveillance of GSOC, will the Taoiseach commit to laying the terms of reference before the Dáil and Seanad, given that GSOC is accountable to the Oireachtas, and allow amendments to those terms of reference so we can have full confidence in that process and ensure the best possible outcome in terms of transparency, accountability and fact finding on behalf of the Irish people?

**The Taoiseach:** I am glad to see that Deputy Creighton has renewed her membership of the Fine Gael Party. The Minister will appear before the committee-----

**Deputy Lucinda Creighton:** I have not.

**The Taoiseach:** I understand she has.

**Deputy Lucinda Creighton:** The Taoiseach is misinformed, not that it is at all relevant to the point I raised.

**The Taoiseach:** The Minister will appear before the committee today. The terms of reference will be published by then and he is happy to engage with the committee. I have already outlined to the House the general structure of the terms of reference. The Minister is concerned that there be a full and comprehensive engagement. He will appear before the committee for a long period today.

**Deputy Denis Naughten:** With regard to No. 98, the licensing of healthcare facilities Bill, I raised the issue of St. Brigid's Hospital with the Taoiseach yesterday. We are told that the new €3.1 million facility in Ballinasloe, when it is decommissioned as an acute psychiatric unit, will in future be used for psychiatry of later life. In light of its future use, why were the beds taken out last night?

**An Ceann Comhairle:** The Deputy must table a parliamentary question to get a reply to that. The Deputy knows that.

**Deputy Denis Naughten:** How can we believe the HSE when it is removing the beds-----

**An Ceann Comhairle:** The Deputy must resume his seat.

**Deputy Denis Naughten:** -----that are supposed to be used for services there in the future? What is happening?

**The Taoiseach:** I understand they have been put back. If they were not going to be used for particular patients, the beds should not have been taken out in the first place. I also understand that a number of people are meeting the Minister of State at the Department of Health, Deputy Kathleen Lynch, about this matter tomorrow.

**Deputy Arthur Spring:** One of the mortgage providers has decided it is appropriate to give 100% mortgages again. In light of the fact that there is a quagmire of mortgage distress in the country at present and people are still suffering from its effects, when will the banking inquiry take place and when will the terms and conditions be discussed in the House?

**The Taoiseach:** The Government triggered the opportunity to hold a banking inquiry. The Standing Orders had to be changed to allow that to happen. It is now a matter for the Committee on Procedure and Privileges to accept proposals from committees to conduct such an inquiry. That work is very well advanced and it is a matter for the Committee on Procedure and Privileges to make its decision on what it considers the best thing to do in this regard. However, work is well advanced on it. We can advise Deputy Spring of the progress made.

**Deputy Michael Healy-Rae:** The protection of the future of the post office network in Ireland is important not just for rural communities but also for urban communities. Will the Taoiseach ensure that the Minister for Social Protection will not close down our post office network by urging people to use the banks?

**An Ceann Comhairle:** That is not in order.

**Deputy Michael Healy-Rae:** I am asking the question in respect of the consumer protection and competition Bill-----

**An Ceann Comhairle:** The Deputy can ask it under whatever he likes, but it is not in order. He knows that because I have to tell him every day.

**Deputy Michael Healy-Rae:** It is, because of consumer protection.

**Deputy Micheál Martin:** It is in the programme for Government.

**Deputy Michael Healy-Rae:** People deserve to have their post offices retained.

**The Taoiseach:** The Bill will be produced very shortly.

**Deputy Bernard J. Durkan:** What is the progress with the National Treasury Management Agency (amendment) (No. 1) and (No. 2) Bills? When are they expected to be passed by both Houses of the Oireachtas? Similarly, with regard to an evergreen issue for me, the bail Bill, it might be no harm to give it a little nudge again and ask when it might finally be brought before the House.

**The Taoiseach:** The heads of the bail Bill are quite advanced in the Department. They will be brought to the Government and circulated to the committee, but I cannot give the Deputy a date for that. The National Treasury Management Agency (amendment) (No. 1) Bill is due for publication very shortly while the National Treasury Management Agency (amendment) (No. 2) Bill will be published later in this session.

**Deputy Robert Troy:** I wish to raise two issues. The international spotlight is back on Ireland and, indeed, some notable thinkers in our community this week raised the issue of the

60,000 Irish people who went through forced adoptions and are seeking to find their original identities. This can only be described as a fundamental right. The Minister for Children and Youth Affairs, Deputy Frances Fitzgerald, has promised for three years to introduce the adoption (tracing and information) Bill. When can we expect the Bill to come before the House?

Second, in light of the decision by the Minister of State with responsibility for planning, Deputy Jan O'Sullivan, to invoke section 31 of the Planning and Development Act and reject the proposal of the democratically elected members of Westmeath County Council in respect of wind energy policy on the grounds that it is contrary to the national guidelines, when will we find out what the national guidelines are so we can formulate a plan in that regard? There is great anxiety, worry and fear among the community in Westmeath about this issue. People are hearing one thing from the Government parties in the House and something totally different from members of the same parties on the council in Westmeath.

**The Taoiseach:** They are due to be produced around now. There have been some discussions in the Oireachtas committee this week, along with a number of presentations about wind energy. I will advise Deputy Troy on the current position regarding the publication of the guidelines.

I had a briefing yesterday from the Minister for Children and Youth Affairs, Deputy Fitzgerald, about the problems associated with the adoption issue. I have asked the Minister to circulate an up-to-date information note on this to all Members of the House. It is not as clear or as simple as one might think. There are complex legal and constitutional issues involved. The Minister is attempting to do the best she can on the matter.

**Deputy Robert Troy:** When will we receive the report?

**The Taoiseach:** It will be either today or tomorrow.

**Deputy Mattie McGrath:** There is a serious emerging situation in respect of the road transport Bill and the Irish Road Haulage Association. Could the Taoiseach intervene with the British and Northern Ireland authorities and ask them to refrain from implementing the levy of €10 per truck over 12 tonnes? It is a serious issue for road hauliers. The Government gave them a fuel rebate last year and they appreciate that.

Also, with regard to the consumer protection Bill, can anything be done about the plight of the 13,000 families who are under threat from IBRC and the former Irish Nationwide Building Society? It is a perilous situation and something should be done under some legislative measure.

**The Taoiseach:** The consumer (protection) Bill is due shortly. The road transport Bill is due next year.

**Deputy Terence Flanagan:** I wish to ask the Taoiseach for an update on the criminal justice (cyber crime) Bill. Attacks against their information technology systems are costing companies millions every year in addition to reputational damage.

**The Taoiseach:** The heads of the Bill were cleared in 2012 but I do not have a date for its publication.

**Deputy Thomas P. Broughan:** I wish to inquire about the foreshore Bill. The Minister for Communications, Energy and Natural Resources recently published the offshore renewable

energy development plan, which is a framework for sustainable development of offshore wind. Will we get a chance to discuss the plan, or will the Taoiseach arrange a debate in the coming months before the legislation is introduced because it is very controversial for the Dublin constituencies?

**The Taoiseach:** I expect the Bill like all others is being drafted in-house in the Department of the Environment, Community and Local Government and there will be an opportunity for open discussion at the appropriate committee. I will advise the Deputy on the exact state of preparation of this important Bill.

**Deputy Peter Fitzpatrick:** The health information Bill is to provide a legislative framework for the better governance of health information and initiatives include data matching and health information resources for use in the health services. When can we expect its publication?

**The Taoiseach:** I do not have an exact date for publication of the health information Bill. I will advise the Deputy on its state of preparation.

**Deputy Michelle Mulherin:** When will legislation be published to provide a statutory replacement for the discontinued mobility allowance and motorised transport grant schemes? The matter is of great concern to people around the country with mobility issues, their families and representative organisations. There is an urgency to the matter at this stage.

**The Taoiseach:** The matter will be addressed under the health transport Bill which is due for publication later this year.

**Deputy Robert Troy:** The Bill was promised last year.

**Deputy Willie O'Dea:** A commitment in the programme for Government is as follows: "We will deal with the problem of legislation being shunted through at high speed and will ensure that Dáil Standing Orders provide a minimum of two weeks between each Stage of a Bill." When can we expect the change to be introduced?

**The Taoiseach:** There are 41 Bills on the A list for this session. We introduced a change in January that heads of a Bill go to committees for discussion to help the process of having a more comprehensive analysis of legislation.

**Deputy Robert Troy:** It bamboozled the Chief Whip.

**The Taoiseach:** Generally, when things are shunted through they move slowly. It is the wrong phrase.

**Deputy Willie O'Dea:** Seriously, I would like a response to the question. I refer to a specific commitment in the programme for Government to change the Standing Orders to ensure there are at least two weeks between each Stage of a Bill. When can we expect to see the change? The programme for Government was produced more than three years ago.

**The Taoiseach:** Does Deputy O'Dea have examples of Bills that did not proceed along that basis?

**Deputy Willie O'Dea:** All the social welfare Bills, the property tax Bill and all other major pieces of legislation.

**The Taoiseach:** We have not had the whingeing and screeching about guillotines since we

came back.

**Deputy Willie O'Dea:** When will the Government introduce the change?

**The Taoiseach:** We have not had any guillotines since we came back.

**Deputy Robert Troy:** No Bills have been introduced.

**Deputy Willie O'Dea:** There is a commitment in the programme for Government in that respect.

**The Taoiseach:** Sometimes the Opposition does not turn up when it is expected to do so.

**Deputy Willie O'Dea:** There is a commitment in the programme for Government to change Standing Orders to provide for that. For the third time, when is the change going to occur?

**The Taoiseach:** We will have a discussion on the progress report on the programme for Government in the week after next. The examples can be given then.

**Deputy Willie O'Dea:** The Taoiseach is to have a discussion.

**The Taoiseach:** We will have a progress report on it.

**Deputy Barry Cowen:** There will not be much progress to be reported on that section.

**Deputy Bernard J. Durkan:** There will be a lot more progress to be reported than for the five previous years.

**The Taoiseach:** It is shunting along.

**Deputy Brendan Griffin:** I congratulate the Taoiseach on the great victory at the weekend over Dr. Crokes. I wish the team the very best on St. Patrick's Day.

I wish to ask the Taoiseach whether he would consider broadening the remit of the Order of Business. We can ask about promised legislation and the ordering of business in the House.

**An Ceann Comhairle:** The matter can be discussed with the Whips.

**Deputy Brendan Griffin:** We did not use ten minutes of the time allocated for the Order of Business today. The time would be well spent if Deputies could raise issues of regional or local importance in the time allowed. Will the Taoiseach consider that? It works well in other parliaments.

**Deputy Lucinda Creighton:** Hear, hear.

**Deputy Robert Troy:** Does Deputy Griffin have a parliamentary party?

**An Ceann Comhairle:** I will now move on to the Private Members' Bill.

**Deputy Brendan Griffin:** It is something that could be introduced in the House.

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

**Deputy Brendan Griffin:** My question is about the ordering of business in the House.

**An Ceann Comhairle:** The Deputy cannot use the Order of Business for a chat.

**Deputy Brendan Griffin:** It is a fair question.

**An Ceann Comhairle:** It is not a fair question. Deputy Griffin can ask the Chief Whip.

**Deputy Robert Troy:** Deputy Griffin can ask it at the parliamentary party.

**Deputy Barry Cowen:** It will be a busy meeting tonight. Deputy Griffin could wait until next week.

**Deputy Brendan Griffin:** It is about how we do business in the House and I would please like a response.

**An Ceann Comhairle:** For Deputy Griffin's information, we are allowed up to 30 minutes. It does not say that we have to use all the time. Up to 20 minutes is provided for on a Thursday. Let us get on to serious business – a Private Member's Bill, the Protection of Residential Mortgage Account Holders Bill 2014.

**Deputy Brendan Griffin:** A Cheann Comhairle, I know that but the point I make is that issues of local and regional importance and-----

**An Ceann Comhairle:** Deputy Griffin should resume his seat or he will be taking a walk.

**Deputy Brendan Griffin:** It is not fair to ignore questions.

**An Ceann Comhairle:** I call on Deputy Michael McGrath to introduce the Bill.

**Deputy Brendan Griffin:** It is not right to ignore questions from the floor.

**An Ceann Comhairle:** Deputy Griffin should resume his seat. I have already dealt with his request.

**Deputy Brendan Griffin:** It is not fair to ignore questions from the floor in such a manner.

**An Ceann Comhairle:** I said that Deputy Griffin should resume his seat.

**Deputy Brendan Griffin:** I think that is not fair.

**An Ceann Comhairle:** If Deputy Griffin wants to take a walk, he will take one. Either he resumes his seat voluntarily or I will order him out of the Dáil.

**Deputy Peter Mathews:** Obedience.

**Deputy Brendan Griffin:** Why was my question not allowed?

**An Ceann Comhairle:** What question? It was not in order on the Order of Business.

**Deputy Brendan Griffin:** My question was about how we do business.

**An Ceann Comhairle:** The Deputy should raise the matter in another forum, not on the Order of Business.

**Deputy Brendan Griffin:** This is the main forum. This is the Dáil Chamber.

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**An Ceann Comhairle:** I warn Deputy Griffin that if he does not resume his seat I will order him out of the House.

**Deputy Brendan Griffin:** Could you tell me why my question was not allowed?

**An Ceann Comhairle:** The Deputy will leave the House.

**Deputy Brendan Griffin:** Why was the question not allowed?

**An Ceann Comhairle:** Deputy Griffin will leave the House or I will name him.

**Deputy Brendan Griffin:** Could you tell me, a Cheann Comhairle, why my question was not allowed?

**An Ceann Comhairle:** The Deputy must leave the House.

**Deputy Brendan Griffin:** Why will you not allow the question?

**An Ceann Comhairle:** Did Deputy Griffin hear me?

**Deputy Brendan Griffin:** I asked a question and it was not allowed.

**An Ceann Comhairle:** I ask Deputy Griffin to leave the House.

**Deputy Brendan Griffin:** Why was my question not allowed?

**An Ceann Comhairle:** I ask the Taoiseach to name Deputy Griffin.

**The Taoiseach:** Deputy Griffin.

**Deputy Brendan Griffin:** Why was my question not allowed?

**Deputy Robert Troy:** How could the Taoiseach do that after the Deputy had congratulated him on his win?

**The Taoiseach:** It was a good match. It is a great pitch in Portlaoise.

**Deputy Brendan Griffin:** It is a very simple question, a Cheann Comhairle, about how we do business in the House.

**An Ceann Comhairle:** Will Deputy Griffin leave the House please or I will ask the Captain of the Guard to remove him?

**Deputy Brendan Griffin:** I will go. I will not put the Captain to the trouble. I will leave under protest.

**An Ceann Comhairle:** I thank Deputy Griffin very much. That is very kind of him. It is very considerate. I have heard it all now.

**Suspension of Member: Motion**

**An Ceann Comhairle:** I move: “That Deputy Griffin be suspended from the service of the Dáil.”

Question put and declared carried.

*Deputy Brendan Griffin withdrew from the Chamber.*

**Protection of Residential Mortgage Account Holders Bill 2014: First Stage**

**Deputy Michael McGrath:** I move:

That leave be granted to introduce a Bill entitled an Act to protect residential mortgage account holders whose mortgage loans are owned by financial institutions or entities supervised by the Central Bank of Ireland by providing that it would be a precondition to the sale or transfer of residential mortgage loans to persons or entities not supervised by the Central Bank of Ireland that the persons or entities that acquire the personal mortgage loans agree to be bound by codes of practice issued by the Central Bank of Ireland.

I am delighted to move the Protection of Residential Mortgage Account Holders Bill 2014. The Bill, if enacted, would ensure that the same vital statutory protections that mortgage holders in Ireland currently enjoy would continue to apply if their financial institution sells their mortgage to an entity that is not regulated in Ireland. The same issue was raised on Leaders’ Questions by Deputy Donnelly today.

Every mortgage holder in the country should be concerned about the issue, not just the IBRC mortgage holders whose mortgages are currently being sold by the special liquidator. The reality is that if the Government is prepared to pull the rug from under the IBRC mortgage holders there is no reason for it not to do it to every other mortgage holder in the country if their bank decides to sell the mortgage book.

If AIB, Bank of Ireland, Permanent TSB or Ulster Bank decide tomorrow that they would sell off their mortgage book to an overseas investor with the result that the mortgage holders would lose essential protections, would the Government stand back and allow it to happen? On the basis of how the IBRC issue is being approached by Government, I am afraid the answer is “Yes”. What is being done to the IBRC mortgage holders is utterly disgraceful and indefensible. It simply cannot be allowed to happen.

Let us look at what a mortgage holder will lose if his or her mortgage is sold to a so-called vulture fund outside of Ireland. That is a very distinct possibility. First, the code of conduct on mortgage arrears will not apply. Even though the Government diluted the code it still provides vital protections for borrowers, especially if one gets into any difficulty whatsoever in repaying one’s mortgage. The code, for example, requires the bank to undertake a series of steps to work with the mortgage holder to come up with a solution to their mortgage distress. If the worst comes to the worst, it ultimately delays significantly any effort to repossess the family home. In the absence of the code, mortgage holders are vulnerable, exposed and isolated. If they get into difficulty they will deal with an unregulated, unsympathetic foreign fund out for a quick buck.

That is the simple and harsh reality. The truth is the fund can move on mortgage holders pretty much immediately if they get into any level of difficulty with their mortgage.

*1 o'clock*

A borrower whose mortgage is sold to a vulture fund will lose access to the Financial Services Ombudsman, a crucial channel for resolving disputes between banks and mortgage holders. In addition, an unregulated fund facing no competitive pressures whatsoever in Ireland and immune to any reputational fallout in this country is far more likely to jack up variable interest rates as it suits it.

The Government response so far to the plight facing IBRC mortgage holders has been nothing short of miserable. The subtext from the Government is if we force an unregulated entity to provide the same protections to consumers they will pay the special liquidator less for the mortgage book. My answer to this is very simple. If they are prepared to pay more to be allowed to ignore these vital statutory protections, this is exactly what they intend to do, with inevitable consequences for the mortgage holders.

The Government also states that the two other mortgage books to which the Taoiseach referred earlier were sold to unregulated entities that have decided voluntarily to comply with the code of conduct. This cuts no ice with me because they may comply with the code for as long as it suits them, but when they decide not to comply with it any longer there is sweet damn all any mortgage holder can do about it. That is the truth. There is the notion that somebody taken to court by a non-regulated entity will be able to prevent a repossession order because the code has not been complied with. Are we really suggesting this is the fate we want people to be left with - that the unregulated entity can take one as far as court, where one hopes the judge will not grant a repossession order because it did not comply with the code? This simply is not good enough.

The Government's argument that there is no problem here has been dismantled by its intention to introduce legislation to deal with the issue. The sale of loan books to unregulated third parties Bill, which is number 93 in section C, is in the legislative programme but it is not intended to introduce it until 2015. The Government acknowledges there is a problem. We have published this Bill, which will resolve the problem, in good faith. We also know the Central Bank, as regulator and in its consumer protection role, is not happy with what the Government is doing and has written to the Department of Finance asking that the same protections continue to apply to mortgage holders in this situation.

The sale of the IBRC mortgage book is due to be completed in March, so there is no time to waste. The 13,000 mortgage holders deserve the exact same rights and protections as everybody else, no more and no less. I hope the Bill can be debated and enacted as quickly as possible.

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

**The Taoiseach:** I thank Deputy McGrath for his comments. The Bill is not opposed.

Question put and agreed to.

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

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

Question put and agreed to.

### **Garda Síochána (Amendment) Bill 2014: First Stage**

**Deputy Niall Collins:** I move:

That leave be granted to introduce a Bill entitled an Act to amend the Garda Síochána Act 2005 in order to make the Garda Commissioner responsible to the Garda Ombudsman Commission, to allow the Garda Ombudsman Commission investigate complaints concerning any conduct of a member of the Garda Síochána made by another member of An Garda Síochána, to remove the requirement of consent in order for the Garda Ombudsman Commission to reach informal resolution of complaints, to grant the Garda Ombudsman Commission access to the Garda PULSE computer system and to permit the Garda Ombudsman Commission to examine any practice, policy or procedure of an Garda Síochána in order to prevent complaints arising.

I thank the Ceann Comhairle for this opportunity. We all appreciate that the Bill is timely given the controversy which has been raging in recent days and the quite apparent divergences between the Garda Síochána and the Garda Síochána Ombudsman Commission, GSOC, in recent months.

There is something very disturbing about the fact that while we discussed GSOC and the independent inquiry again this morning during Leaders’ Questions, the Minister for Justice and Equality was touring with a group of constituents around the environs of the Dáil and Leinster House 2000. He should have been here in the Chamber listening to what the Taoiseach, my party and other Deputies had to say rather than giving a bunch of visitors to the House a guided tour of the premises. It speaks volumes about the Minister’s cavalier approach to this.

The Bill seeks to close the gap which exists between An Garda Síochána and the Garda Síochána Ombudsman Commission. We have had unsightly scenes whereby members of the Garda Síochána Ombudsman Commission had to take to the public airwaves to air their concerns about the shortcomings of the legislation which enables them to carry out their functions. The Bill, which was published yesterday, seeks to address a number of issues, including by ensuring that Garda Commissioner, as chief of police, will become subject to oversight by the Garda Síochána Ombudsman Commission. We have been seeking this for a long period. Commentators from outside the world of politics have contributed to the debate, including Nuala O’Loan and Conor Brady, who is a former member of the Garda Síochána Ombudsman Commission. It is not logical or consistent to think that the chief of a body such as the Garda Síochána, which is subject to oversight, is not subject to the same degree of oversight. There is a disconnect and this gap needs to be closed.

There is also the issue of providing GSOC with access to PULSE. This is a no-brainer. There is much common ground among Deputies on providing GSOC with unfettered access to the Garda PULSE system to allow them do their job. At present they have access to PULSE only under the supervision of a seconded Garda superintendent, which is hardly good enough.

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The legislation would allow serving members of An Garda Síochána to refer internal complaints to GSOC. This issue has crystallised with regard to the whistleblower controversy discussed in the Chamber this morning, the Maurice McCabe transcripts and his dealings with the confidential recipient. The Taoiseach informed us that he had been removed or had resigned - we do not know which. I wish to put the Taoiseach on notice that we will table a special notice question on this, because there are many unanswered questions on the appointment of the confidential recipient, the operation, how the person took to the role and what he said to the whistleblower, Maurice McCabe, which was totally unsatisfactory.

The final piece of the Bill would empower and enable GSOC to inquire into the policies, procedures and practices adopted by An Garda Síochána and allow it to review and comment on them and recommend changes to improve the policies and procedures and try to prevent complaints from arising in the first instance.

This is the intent of the Bill, which we think is very timely. There is much agreement throughout the House and outside it on the provisions set out in the Bill. We should process the Bill as quickly as possible to be seen to support GSOC. Part of the public concern since the controversy arose more than ten days ago is the perception that GSOC is not supported. The Government stated that it intends to do some work on this and give it to the Oireachtas Joint Committee on Justice, Defence and Equality, but the four main provisions I have outlined in the Bill are absolutely agreed among all the players. The Government should take this legislation and run with it.

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

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

Question put and agreed to.

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

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

Question put and agreed to.

## **Topical Issue Debate**

### **Tax Credits**

**Deputy Regina Doherty:** I thank the Minister of State, Deputy Brian Hayes, for taking this Topical Issue. The single person child carer credit has been raised with me by a number of fathers since the budget in October. We were waiting to see how it would work out because neither the Department of Finance nor the Revenue Commissioners was exactly sure how it would do so. Since their January wage slips have been processed it is quite obvious to the gentlemen who approached me how it will work out.

Everybody who contacted me completely agrees and understands why the credit needed to be reorganised. In some instances we were paying on the double or triple. Consequently, I completely concur that the merit behind the credit is to recognise that families which split up have twice the expenses of a normal family that is still living under the same roof. However, the issue of how the credit is being distributed, or rather not being distributed, is a cause of major concern and, in some cases, serious angst on the part of some fathers. The manner in which it has worked out is that the credit of €1,650 is only attributable to the primary carer and the Revenue Commissioners are determining the primary carer is the parent who is receiving children's allowance. In the vast majority of cases, that parent happens to be the mother. With respect - I acknowledge this is a delicate matter - in a great number of such cases, the relationships are not good because, obviously, things did not end well and they ended badly for a reason. The relationship and communications between parents on this credit are not as easy or straightforward as the Revenue Commissioners appear to think. In their view, the mother gets the credit, the mother and the father should be able to speak to each other and work something out with regard to maintenance and thereafter, it is Bob's your uncle. The reality is completely and entirely different. I believe it had been thought the €1,650 could be shared by the Revenue Commissioners on the basis of the proportion of time a parent had the child. I will provide a particular instance in which a gentleman has his children for 40% of the time, while the mother has them for 60% of the time. However, the father must still maintain the three-bedroom house, with heating and so on. Any reduction in these circumstances from the father's perspective would curtail completely and reduce his access to his children, which is obviously not a runner from his perspective. Moreover, it definitely is not a runner from a State policy perspective. Therefore, I ask the Minister to give serious consideration to allowing the Revenue Commissioners to redistribute and share the allowance because this is not possible at present. It either must go to the primary carer or the primary carer who, in most cases, will be the mother must give up the allowance and allow the father to have it. In practice, that is not happening.

This will have two effects. First, it can reduce the father's income and, therefore, have a genuine impact on his access to his children. He may not be able to afford the travel expenses to and from his children or be able to maintain the accommodation he needs to have access to the children. Second, given that mothers, in many cases, do not earn the €16,000 needed to avail of the entire €1,650 credit, they will suffer because the father will be obliged to incur expenses to bring the case back to the court to have the maintenance reduced to reflect his reduced salary and, in such a case, the mother will experience a reduction in maintenance payments from the father. Therefore, I ask for greater thought and consideration to be given to the distribution of this credit. In particular, I ask this given that families will incur almost equal costs when they attempt to maintain two homes to be able to maintain access to the children from the perspective of both the mother and the father.

I merely seek fairness and equality, not to make a moot point; the letters and correspondence I have received have been extremely emotional. A number of fathers who have spoken to me believe the Government is discriminating against them completely. In essence, based on the manner in which the credit is being distributed, I would be obliged to agree with them. I sincerely ask the Government to give further thought to this issue and allow distribution of the credit.

**Minister of State at the Department of Finance (Deputy Brian Hayes):** I thank the Deputy for raising this important matter. I was involved in the Committee Stage debate on the last Finance Bill and recall this was an issue of considerable discussion both for the select com-

mittee and during the plenary session of the House. At the time the Minister for Finance gave a commitment to the House that he would consider the operation of the new credit to make sure it was operating in the fairest way possible. As the Deputy will be aware, the new single person child care credit is of the same value, that is, €1,650, as the previous one parent family credit. It also carries the same entitlement to the extended standard rate tax band of €36,800 per annum. The new credit is targeted such that it is available only to the claimant who is the principal carer of the child, that is, the individual with whom the child resides and who looks after the child for the year or the greater part of the year. A maximum of one credit is available per single carer claimant, regardless of whether he or she cares for more than one child.

Given the difficult fiscal environment, it is essential that all tax reliefs, credits and incentives are kept under review in order to ensure they are properly targeted and, if necessary, re-focused in order that they can achieve the objectives all Members seek. The one parent family credit was in certain cases being claimed by multiple individuals in respect of a single child. I recognise this point was raised by the Deputy in the initial part of her contribution. A system that allows multiple claims in respect of the same child is unsustainable in current budgetary circumstances. It is important to point out that the new credit has been designed to work as an activation measure and is to be an in-work benefit to support the primary carer to take up, maintain or remain in employment. It will assist single parents or carers with the cost of child care.

In addition, it should be noted that this new policy has been agreed to by the Government based on a recommendation brought forward by the Commission on Taxation that the credit should be retained but that it should be confined to the principal carer only. The Government is satisfied that the restructuring of the credit will achieve such an outcome. In the first instance, it is the responsibility of the parents to look after a child, including financially. Tax credits should not be considered a supplementary source of income or an alternative to the financial support of a parent. It is worth pointing out that where a principal carer is married, in a civil partnership or cohabiting, he or she will not be entitled to the new credit or indeed the former one. In such circumstances, the principal carer cannot relinquish the credit to a secondary carer. In addition, a secondary claimant who is married, in a civil partnership or cohabiting will not be entitled to the new credit or indeed the former one, regardless of the marital status of the primary carer.

The single person child carer credit initially is granted to the principal carer. This usually is the parent who receives child benefit in respect of the child from the Department of Social Protection. In these circumstances, the Government believes the approach it has taken, difficult as it is, attempts to restructure this tax credit in such a way as to help people to get back to work and, equally, to help people who need that support. As the Deputy noted, the Government is conscious and aware of the fact that many such relationships which break up on an acrimonious basis must be handled sensitively. The Minister for Finance did give a commitment to the House which I will reiterate today, namely, that the Government will consider the operation of the credit this year to ascertain whether it can be improved and establish whether it can be tapered in such a way as to maximise the benefit for those concerned. The matter is under active review, as are all such credits. This was the intention with the original objective, as set out in the Bill.

**Deputy Regina Doherty:** That response was very comforting because, without being rude, I had expected the Minister of State to tell me it was a done deal and would not be reviewed. Consequently, I am greatly comforted that it is under active review. What is the expected time during which the concerns raised with me and, equally, the Review Commissioners will be taken into consideration? When would changes or modifications made to the credit come into

effect? Would it be necessary to wait until the passage of the finance Bill at the end of this year or does the Minister of State think mid-term amendments would be made to it? Such amendments in the first instance would allow for cases in which there was no agreement between the two parents as to who should have the credit before forcing fathers to go back to the High Court or the District Court to get changes in maintenance payments, thereby incurring all of the additional expense, which, obviously, is something no one desires. The second instance is where the mother is not earning €16,000 to enable her to take advantage of the entire €1,650 credit with the result that neither parent is winning. While I am greatly comforted to hear this matter is under active review, the Minister of State should indicate when he expects changes, if any, to be made. Would this happen sooner rather than later?

**Deputy Brian Hayes:** As the Deputy will be aware, any change, obviously, will occur in the finance Bill which is published directly after the annual budgetary process in October and November. The Government must ascertain in discussions with Revenue how this measure has progressed this year. My understanding is that somewhere between 13,000 and 15,000 people have been affected by this change. It is also worth pointing out that one amendment introduced by the Minister for Finance, Deputy Michael Noonan, in the course of Committee Stage of the Finance Bill reduced that number by approximately 2,000, whereby secondary claimants could claim the credit if the primary claimant was unable or did not wish to avail of it. The Minister has already shown some flexibility in this regard in the original amendment. We will look at it again and, in discussion with Revenue, see how many people have been affected by this. From the information I have I understand that approximately 76,000 individuals availed of the one-parent family tax credit. That includes everybody, but not everybody can claim the maximum because of their income level. Of the 76,000, 24,000 were single males, a significant cohort of people, as the Deputy rightly brings to the attention of the House, so we will have to examine it this year in discussions with Revenue. If a committee of the House were also to investigate the issue this year we would re-examine it given the circumstances in which many men find themselves.

**Deputy Regina Doherty:** I thank the Minister.

### **School Textbooks Rental Scheme**

**Deputy Dominic Hannigan:** I thank the Ceann Comhairle for picking this Topical Issue. I am a little disappointed that the Minister for Education and Skills, Deputy Quinn could not be here himself but I see from the monitor that he is addressing the other House. I want to talk about the school book rental scheme and the funding available to schools to establish and maintain them. The recent budget announcement of €15 million over the next three years for new schemes is a very positive measure, equivalent to approximately €100 for every pupil who participates.

We all know how expensive buying school books can be and it is particularly expensive if one has two or three children going to school at the same time. It can cost up to €100 per year per child to get books for the school year, not including the cost of uniforms, shoes, sports equipment and the other things a school pupil needs daily. A school book rental scheme can help parents because it reduces the costs. In addition to the money the school book rental scheme gets from the Government, parents pay on average €40 per child per year to participate in a scheme so on average a family will save approximately €60 per year per child for taking

part in this scheme. It is very good news for hard-pressed families.

If a school has no scheme it can apply for funding to help establish one. That is all really good news and we all welcome that. The problem is that funding is not available for schools that have already set up a scheme. A school could have a scheme that operates for only half the classes in the school or is running on a shoestring budget, but it cannot get extra funding. I will give some examples. Gaelscoil na Mí in Ashbourne established a scheme in 2011 through parents' donations. Now it cannot get access to this new funding. The people in that school are extremely worried that they may have to stop the scheme or take funding from another part of the school budget, which is under pressure.

St. Patrick's national school in Stamullen established a scheme last year and because it had limited funds, raised from parents, it established it only for children from junior infants up to fourth class with no scheme in operation for children in fifth or sixth class. When they heard the announcement they wrote to me, as follows:

It was great to hear that additional funding has been allocated to establish a school book rental scheme in budget 2014 but now I learn that Stamullen is not acceptable as this. As a result I now feel that I have actually hurt the school by putting in so much work last year and making the school ineligible to apply for additional funding even though we have only a partial scheme set up covering the years junior infants to fourth year. We would have all been better off now if we had done nothing at all last year.

That is the feeling out there. People are thinking they went out, tried to better their communities and their children's education and as a result they get no reward at all for it. What can we do to help schools such as those in Ashbourne and Stamullen which have half schemes or which are running schemes on very tight budgets? Can the Department consider the possibility of extra funding being put into schemes such as these?

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I thank Deputy Hannigan for raising this issue and I welcome the opportunity to clarify the position. The Minister, Deputy Quinn, and I are very conscious that the cost of textbooks is a considerable burden on families. We believe that participation in book rental schemes offers the best opportunity to reduce that burden. Schools which already have rental schemes can save parents up to 80% of the cost of buying new books. Since his appointment, the Minister, Deputy Quinn, has attempted to take steps to increase participation across the country in book rental schemes.

In January 2013, the Minister launched the Guidelines for Developing Textbook Rental Schemes in Schools. These guidelines provide practical advice to primary and post-primary schools on how rental schemes can be established and operated. The aim of the guidelines is to help as many schools as possible to start book rental programmes. The publication of the guidelines followed a survey of schools by the Department in 2011. This had a 99% response rate at primary level, and showed that 76% of primary schools already operate a book rental scheme. These results show that we have a good foundation to build on across the country, especially at primary level. We can achieve a position where every primary school has a book rental scheme in operation in the 2014-2015 school year.

Budget 2014, as Deputy Hannigan indicated, provided additional funding which will involve an investment of €15 million to support the establishment of book rental schemes in

primary schools that do not currently operate them. The Department will provide €5 million in seed capital per annum over a three-year period to such schools. The Department will continue to provide a book grant as usual to all primary schools. This grant can be utilised for the purposes of updating or expanding a school's existing book rental scheme. I commend the schools that have used the book grant to help build up book rental schemes over the years. Their efforts mean the high costs of books is being significantly reduced for parents.

At the Minister, Deputy Quinn's request the National Parents' Council surveyed the views of its members about currently operating book rental schemes. Parents have reported that where book rental schemes operate, they are open to all parents in 95% of cases and that the cost per child is under €40 per year in a considerable majority of schools. Perhaps most tellingly the survey has found that 93% of parents believe that book rental schemes help with the costs of educating a child. Ensuring that book rental schemes are available not just to some parents but to all parents must therefore clearly be our aim. I understand that it feels unfair to those schools that have invested time, energy and money to establish such schemes, that they now cannot benefit from the additional funding which was secured as part of the budget. It is unfair, but equally, the *status quo* was deeply unfair on many parents.

**Deputy Dominic Hannigan:** Did the Minister of State say it is unfair?

**Deputy Ciarán Cannon:** Yes, it is unfair, absolutely, but equally, the *status quo* was deeply unfair on the many parents who had no access whatsoever to book rental schemes and who needed support to establish them. That is what this measure sets out to do.

**Deputy Dominic Hannigan:** I thank the Minister of State for his honesty and his response. I agree with him that this is a very good scheme but I also agree that the way it is applied is unfair. I am very disappointed with the tenet of the response. We are all in politics because we believe it to be in the interests of people to work on their behalf. Politics is the art of the possible and if the Department says its own scheme is unfair I cannot believe we cannot look again and try to make it fair. I realise this has probably landed on the Minister of State's desk very recently and he may not have been aware of it in the past but, bearing in mind that he agrees with me that the current situation is unfair on schools such as the ones I named, St. Patrick's national school in Stamullen and Gaelscoil na Mí in Ashbourne, I ask him to re-examine this.

**Deputy Ciarán Cannon:** Perhaps unusually I am very aware of this issue because I have discussed it at length with the Minister, Deputy Quinn. Recently in the Dáil the Minister and I answered several questions on the operation of the scheme and we both pointed out that it was unfair but, in the context of the resources available to us, it is the most that can be done now. If more resources were available to us within Government or the Department we would have extended this support beyond those schools which did not have a scheme in place already. To a certain extent, with the limited resources available to us, we are trying to level the playing field, to bring in all the final schools that have no scheme whatsoever in operation and to support them in establishing that scheme.

We hope that in the future, when we will hopefully have more resources available to us, we will be able to go back and support those schools which took the initiative and made the commitment and effort to put in place some kind of scheme. For the moment, we have an unfair decision, but the best possible decision in light of the resources available to us. It was perhaps even more unfair to parents who had no access whatsoever to any book rental scheme and it was those, at this point in time, we sought to support but we hope to support all the others in the

future when resources become available.

### **Railway Stations Upgrade**

**Deputy Terence Flanagan:** I thank the Ceann Comhairle for the opportunity to raise this very important issue, that is, the need for accessibility ramps to be provided on all DART trains. The current position in respect of wheelchair accessibility on trains is that a portable wheelchair ramp is located at each station. The problem with these ramps is that a member of staff must be present to ensure the ramp is safely deployed. Therefore, the customer is required to provide advance notice of at least 24 hours that he or she intends to travel.

The current policy is completely outdated and action needs to be taken to ensure the DART is more accessible to those customers who have mobility problems. I am concerned that people of reduced mobility have to give 24 hours notice at any time they wish to use the DART. I do not think this is fair and it means many people have to plan their journeys ahead and cannot jump on the DART at a minute's notice if their plans have changed. It is a form of discrimination.

As a developed country it is shocking that this outdated system is still in use. The Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, has assured me that Irish Rail is currently investigating the feasibility of retrofitting electronic ramps on the DART fleet. I am aware of the budget constraints in Irish Rail at this time but it is my opinion that there should be at least one wheelchair accessible carriage with an electronic ramp provided on each DART service. The accessible carriage could be located at the back of each train so customers in need know the ramp is available. I am happy that the Minister is aware of the current problems in this area. It is important that Irish Rail examines the matter thoroughly to ascertain what action can be taken to make it easier for people to access existing trains if funding is not available for new trains to be purchased with built-in electronic ramps. The possibility of retrofitting electronic ramps to existing trains needs to be seriously considered and, if feasible, put in place as soon as possible.

I take this opportunity to ask the Minister of State for an update on Irish Rail's efforts to resolve the problem of overcrowded DART trains at peak times. A number of constituents have reported to me that they remain unsatisfied with the service being provided, especially given the increased prices for DART services currently and cuts to carriage size and no improvements made in terms of the frequency of the trains provided. Action needs to be taken in this area. I would appreciate if the Minister of State could give an update on developments in this area and also what action Irish Rail is taking to improve communication with its customers in regard to delays. Recently a constituent of mine who was travelling to work experienced a delay due to a signal failure on the southside. The train left Connolly Station and proceeded to the bridge at the back of Store Street where it stood for more than ten minutes. Quite rightly, customers were upset. Such delays cause much unnecessary anxiety, particularly when there is a lack of communication as to what is happening with the train. Perhaps the Minister of State would respond to that issue and provide information as to whether he is in regular contact with Irish Rail on these issues.

I am delighted the Minister has considered the whole issue of reduced fares for off-peak travel times and that he has been in consultation on the issue. I acknowledge that the National Transport Authority is considering the issue currently.

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry):** I thank the Deputy for the opportunity to address this issue in the House on behalf of my colleague the Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, who is abroad on Government business.

The Department of Transport, Tourism and Sport is funding an ongoing programme of accessibility improvement grants to upgrade existing public transport infrastructure and facilities. This includes funding for the upgrading of Iarnród Éireann stations to ensure they are accessible to people with mobility, sensory and cognitive impairments. Funding in the region of €48 million has been provided to the company for this purpose since 2006. This programme is being administered on behalf of the Department of Transport, Tourism and Sport by the National Transport Authority.

I understand that Iarnród Éireann's current policy is to have a portable wheelchair ramp at all stations and they are also located on board inter city trains. A member of staff is made available to deploy the ramp safely for use once advance notice is provided, which is the point the Deputy raised.

On the matter of electric ramps the company advises that due to the variability of the interfaces between trains and platforms, including curved platforms, and platforms of different heights, the only possible option for electric ramps is for them to be permanently fitted on board trains. In this regard, Iarnród Éireann undertook a feasibility study into the installation of automatic wheelchair ramps. The study concluded that retrofitting the existing fleet is very challenging from a technical viewpoint and would involve considerable structural alteration to the train design. The best approach would be to incorporate ramps into the train at the design stage of new rolling stock. In effect, due to their complexity this would require that they are built into the train when it is first constructed. The company is committed to such a requirement when ordering new rolling stock in the future. Accordingly it has amended the technical specification for future procurement of new trains to include costed options to incorporate an automatic wheelchair ramp. However, there is currently no requirement for additional rolling stock and no funding is available under the current capital plan to purchase new rolling stock.

The question of retrofitting the existing rolling stock to incorporate electric ramps would also require significant funding and there is no funding available at present for this work.

Iarnród Éireann is currently undertaking an audit of all rail stations on behalf of the National Transport Authority which is close to completion and the outcome of this will inform future proposals for improving access at railway stations.

I understand that Iarnród Éireann holds regular meetings with accessibility user groups and has produced an information leaflet to assist those with disabilities using its services.

In addition, Iarnród Éireann is also in discussions with the Central Remedial Clinic regarding the use of Killester station by wheelchair users and has put an agreed protocol in place to assist wheelchair users when travelling on DART services at Killester station. This has ensured that there is generally a member of staff available to assist wheelchair users at Killester station. If a member of staff is not available, Iarnród Éireann is committed to redeploying a staff member to ensure assistance is available at Killester station. It has also invited representatives from the Central Remedial Clinic to future meetings of its accessibility user groups.

The issue raised by the Deputy is dependent on funding availability. Iarnród Éireann is in

consultation with its station and is making every effort to engage with the groups who would require a ramp. A huge attempt was made to deal with the issue at Killester station.

**Deputy Terence Flanagan:** I thank the Minister of State for taking this matter on behalf of the Minister for Transport, Tourism and Sport. We are dealing with a real issue here. It is unsatisfactory that disabled persons are not in a position to board a train at a moment's notice. That is a major issue and a matter of concern for many people. In his response, I understand the Minister of State to say that there is no funding available to retrofit the existing rolling stock. However, not every carriage needs an electronic ramp installed. What I am seeking, at a minimum, is that one carriage in every four or five has an accessibility point incorporating the electronic ramp. I would appreciate if the Minister of State would convey that request to the Minister for Transport, Tourism and Sport.

I welcome the developments at Killester station and the fact that Irish Rail is seeking to make progress in consultation with the Central Remedial Clinic. If the service can be rolled out to all DART stations there is no reason a dedicated member of staff cannot be available to assist with the ramp and to make the DART more accessible for those who are disabled rather than discriminating against them. No Member of this House would like to see discrimination continue against people because they use wheelchairs. That is very wrong. I thank the Minister of State and I would like him to raise this issue directly with the Minister for Transport, Tourism and Sport, Deputy Varadkar.

**Deputy John Perry:** The Deputy's point is very valid, and I will raise it with the Minister for Transport, Tourism and Sport, Deputy Varadkar. I fully understand the Deputy's very clear point. Iarnród Éireann does its utmost to facilitate all passengers. On the Sligo line a ramp is available. Many of the station personnel, when they are on the platform, can make this ramp available very quickly on the Sligo-Dublin line. The cost of adjusting the rolling stock would be prohibitive. I believe the Minister is in consultation with Iarnród Éireann, which is co-operating to facilitate this in times of great financial constraint. I will raise the issue with the Minister.

**Deputy Terence Flanagan:** The problem with Iarnród Éireann is the 24 hours' notice that the wheelchair user must provide.

**Deputy John Perry:** That is the maximum requirement but according to my information 24 hours is not an exact stipulation. If somebody arrives at the station an hour or half an hour before his or her departure and makes this known to personnel the ramp will be made available. A lot of common sense is used.

**Deputy Terence Flanagan:** If it is being used.

**Deputy John Perry:** I am quite certain that 24 hours is the maximum stipulation, but managers have discretion and the person can arrive half an hour before departure.

### **Driver Licence Applications**

**Deputy Timmy Dooley:** I recognise that the Minister of State is standing in for the Minister for Transport, Tourism and Sport.

We have reached a crisis point in the issuing of driver licences. Last October responsibility

transferred from local authorities to the National Driver Licensing Service, NDLS, under the auspices of the Road Safety Authority, RSA. At that stage it was clear that significant delays had built up at the start of the process of issuing replacement or new driver licenses. At the time I refrained from public comment because I felt that a new agency would inevitably have teething problems and should be given an appropriate length of time to resolve whatever teething problems might exist. The situation has, however, gone from bad to worse. Over the past couple of months the waiting time has gradually lengthened and people are very frustrated.

Many of our young citizens have unfortunately had to travel outside the country to find work. They are in Australia, the Middle East, the United States and many other countries. Most of them require driver licences in those countries. Some come home expecting to have their driver licenses renewed or replaced within a normal holiday period. That is not happening. The waiting time is now close to eight weeks. It is really frustrating for the people concerned. They have to leave an application form here and do not have a licence when they return to the country where they work. People going on holidays who need their driver licences renewed cannot hire a car. This is having a real impact on the lives of many citizens at home and abroad. I am not sure why it is happening. I hope the Minister of State can give some indication today of the reasons for the delay, but, more important, I want to hear from the Minister of State, on behalf of the Government, what solution it proposes to ensure these delays are brought to an end at the earliest possible opportunity.

I am not jumping on a bandwagon, and never have done so in respect of this issue. I accepted the need to allow a bedding-in process for the new service provider to get its act together, get its systems in place and operational, and then resolve any outstanding glitches in the system. We are well past that stage now. From October 2013 to almost the end of February 2014 is far beyond the timeframe one would expect for a resolution of the problem.

I appeal to the Minister of State to communicate the concerns of this House to the Minister for Transport, Tourism and Sport and to put an action plan in place if the Government does not already have one. People are extremely frustrated. They are contacting Deputies' offices throughout the country in the expectation that we can somehow involve ourselves in the process. That is not the right thing to do. It would be wrong for us to try to help people jump the queue. There are acute circumstances in which calls will be made to the NDLS, but that is not good enough. The system needs to deliver better than that. The expectation was that there would be a more uniform approach, a better system for our citizens. That does not seem to be the case. Unless the Government can resolve the issue without delay, people will suffer further annoyance and discomfort.

**Deputy John Perry:** On behalf of the Minister for Transport, Tourism and Sport, Deputy Varadkar, I thank Deputy Dooley for raising this issue.

Following a Government decision in May 2011, the RSA was given responsibility for the operation of a centralised driver licensing service. In preparation for the introduction of the new plastic card licences, the RSA became the sole licensing authority for the country with effect from January 2013. The RSA operates the service through the NDLS, which comprises a central unit in the RSA and three outsourced contractors: a card producer for the plastic card licence, a front office to engage with the public, and a back office to process applications. This service came into operation from 29 October 2013.

There have been problems with the speed of processing applications in the NDLS since the

system came on stream. The Minister has had regular discussions with the acting CEO of the RSA regarding the difficulties people have experienced and how the RSA proposed to address them. The RSA acknowledged that there were teething problems when the service opened. Some were technical and systems issues, while others related to new staff becoming familiar with the rules and processes around driving licences and permits. However, the system is improving.

The RSA responded by increasing resources in NDLS centres experiencing delays, as well as in the licence processing centre, and providing further training to staff. There are no major technical difficulties now affecting the service. A booking system to allow for customers to make appointments has been operating in a pilot phase, which was successful. This system is currently in use in Dublin, Cork and Tullamore, and is being extended on a phased basis to all NDLS offices.

In number terms, of the 150,804 applications received since 29 October, 124,688 licences have been issued. Dealing with what the NDLS regards as problem applications is taking longer. These are cases in which the application is incomplete or further information or documentation is needed to process the application. This involves contacting the customer, and finalisation of these applications is taking several weeks.

The NDLS is on track to have a ten day turnaround by the end of February and a five to eight day turnaround by the end of March, which would be a major resolution of the problem. There is, as the RSA acknowledges, a backlog within the system, including problem applications, which must now be prioritised to ensure that customers get speedy contact from the NDLS to advise that there is an issue requiring resolution.

It is evident that there are significant numbers of customers who attend at NDLS centres without getting their application processed because they have incomplete or incorrect documentation. Some of this arises because there is a tighter ID regime in place than before the NDLS, in line with the SAFE 2 standard. The RSA is carrying out an on-the-spot survey over the next two weeks at several large NDLS centres to determine the exact nature of the problem. This may reveal that the information provided to customers on the application form or supporting documentation is not clear or complete or is unnecessarily complex or contradictory. The RSA will act quickly on the outcome of that survey if it suggests that changes need to be introduced. The Minister has asked me to convey to the House that he is continuing to monitor progress, but that overall he is satisfied that the RSA has taken appropriate actions to address the problems that have arisen.

**Deputy Timmy Dooley:** I recognise the bona fides of the Minister, Deputy Leo Varadkar, in this regard. I have no doubt that he has been in contact with the Road Safety Authority, that he is concerned and that he is receiving information similar to this from his constituents and people around the country, but I disagree vehemently with his acceptance that, in general terms, as the Minister of State put it, he is satisfied that the RSA has taken the appropriate actions to address the problem. I am not critical of the RSA. It does a fine job, particularly in regard to road safety, but it has been caught on the hop to some extent on this issue. It did not expect the number of problems that have arisen. Clearly, it is training staff on the go, but that process should have been up and running in some parallel way for some time to ensure the staff would build the competencies needed and that we would not see a backlog developing.

I am not happy that the RSA has done enough to solve this problem which was identified in

early November. We are coming towards the end of February and still do not have the level of turnaround needed. If we are down to a ten day turnaround by the end of this month, that will be a phenomenal improvement and, by and large, acceptable. If it can be brought down to a five to eight day turnaround by the end of March, it will be a good result, but from what I am hearing from people generally, that is not the experience. I hope the matter can be addressed, but we need much faster action from the RSA; a two week pilot study is not enough. The process is not moving quickly enough when we consider the negative impact the lack of a replacement licence is having on the lives of so many. I thank the Minister of State for coming to the House and addressing the issue in the way that he has done.

**Deputy John Perry:** This is a major transformation of the service. Of 150,000 applications, almost 125,000 licences have been issued. In respect of incomplete applications, regardless of how good the office is, if an application is incomplete, the licence cannot be issued. There is a responsibility on the applicant to correct his or her application. The National Driver Licence Service, NDLS, is on track to have a ten day turnaround by the end of February, which represents a complete transformation of the service. That is a major achievement in moving from a unified system. I respect the issue the Deputy has raised which the Minister will take on board and is monitoring closely. I compliment the staff who are working tirelessly to get this system up and running in the most efficient way possible. No matter how efficient an office is, where there are incomplete applications - I deal with incomplete applications in my office - they cannot be dealt with. That message should also go out.

**Deputy Timmy Dooley:** I understand the difficulty associated with incomplete applications, but that is not the issue I raise. I have great sympathy for any group of people who have to deal with the public on a daily basis because there will always be a number of cases in which documentation will be incomplete. I am talking about applications that are complete and where it still takes seven to eight weeks to turn them around. That is the problem.

**Deputy John Perry:** Have faith; it is coming. It is on track.

**Deputy Timmy Dooley:** I have great faith in the Minister of State, but I am deeply concerned about the impact this is having on the lives of so many.

**Deputy John Perry:** The Minister is very concerned also.

**Deputy Timmy Dooley:** I have no doubt about that, but we need more than concern; we need action. If it is an issue of resources or a requirement for the RSA to be provided with more funding from the State, that should happen in the short term. When this issue came before the transport committee, there was a discussion about the fact that the service would be self-financing. It should not, therefore, be a resource issue. I hope the problem can be solved and that people can receive their licences in a timely manner to allow them to go about their daily business.

*Sitting suspended at 1.55 p.m. and resumed at 2.55 p.m.*

**Fines (Payment and Recovery) Bill 2013: Report Stage (Resumed) and Final Stage**

Debate resumed on amendment No. 11:

In page 18, between lines 9 and 10, to insert the following:

“(1) The existence of an attachment order shall—

(a) not be grounds for dismissal,

(b) prohibit discrimination in employment, including at the recruitment stage.”.

- (Deputy Pádraig Mac Lochlainn)

**Deputy Pádraig Mac Lochlainn:** The Minister of State at the Department of Foreign Affairs and Trade, Deputy Donohoe, suggested that what I am seeking to do with this amendment might be better achieved by amending other legislation. This issue was raised previously on Committee Stage. Does the Government believe this is not a legal issue or does it think it may be an issue that requires amendments to other legislation? If it is the latter, why did the Government not widen the scope of this Bill and change its Long Title to include “miscellaneous issues” in order to amend all the relevant legislation as a tidying up exercise? Either the Government does not think the law needs to be changed in this respect or it believes it may be an issue requiring amendments to other legislation.

**Minister of State at the Department of Health (Deputy Alex White):** It is not proposed to accept Deputy Mac Lochlainn’s amendment. In so far as the Deputy believes the law should be changed in the direction he proposes, it would not be appropriate to make such changes in the context of this Bill. It would, however, be appropriate for him to consider introducing amendments to, for example, the Unfair Dismissals Acts, which are the responsibility for the Minister for Jobs, Enterprise and Innovation. Discrimination in the workplace is covered by the equality Acts, and the Employment Equality Acts in particular. The Deputy’s proposals are not regarded as justifying or requiring an amendment to the law but if the Deputy wishes to pursue the matter further I respectfully suggest he should consider the aforementioned Acts as more appropriate vehicles. The Minister for Justice and Equality is not proposing changes in that regard.

**Deputy Pádraig Mac Lochlainn:** May I make a final point of clarification?

*3 o’clock*

**An Leas-Cheann Comhairle:** Yes.

**Deputy Pádraig Mac Lochlainn:** The Irish Congress of Trade Unions has raised this as an issue. I do not have the legal expertise to adjudicate on whether it is. I am merely asking if it is the advice of the Department of Justice and Equality and the Minister of State’s opinion that the issues raised by the Irish Congress of Trade Unions are not ones that will require legal change. I do not have the expertise to make that call. Does the Minister of State believe it is not necessary to change anything?

**Deputy Alex White:** Like me, I am sure the Minister would always be interested in what the Irish Congress of Trade Unions had to state about any matter, but he is not persuaded that the particular alteration to the law set out in the Deputy’s amendment ought to be accepted

by him or the House. That is not to criticise anybody, ICTU or otherwise. If there is an issue congress wishes to discuss or raise with the Minister at any point, I am sure it will have an opportunity to do so, but it is not proposed to accept the amendment.

Amendment put and declared lost.

**An Leas-Cheann Comhairle:** The next amendment is in the name of Deputy Mick Wallace. There are quite a number of amendments in his name. As he is not present to discuss amendments No. 12 to 16, inclusive, I have to move on.

Amendments Nos. 12 to 16, inclusive, not moved.

Bill received for final consideration and passed.

### **Health Service Executive (Financial Matters) Bill 2013: Second Stage (Resumed)**

Question again proposed: “That the Bill be now read a Second Time.”

**Deputy Thomas Pringle:** I am happy to contribute to the debate on the Health Service Executive (Financial Matters) Bill 2013 which, as outlined to the House by the Minister, has been designed to disestablish the HSE Vote and take it back into the Department of Health as part of his planned reforms leading to the abolition of the HSE and the introduction of universal health insurance in his overall grand design for the health service. There have been questions raised that the legislation may reduce the democratic accountability of the HSE in financial planning because under the current system, it is the subject of a separate Vote which means that its expenditure has to be provided for separately in the Estimates and which will now be subsumed into the Department of Health. I can see that this change has the potential to create obscurity about what happens within the HSE and the finances of the health service in general. That needs to be identified by the Minister as something that will not occur. He needs to outline how we will see financial accountability to the Houses and how the Estimates process will work in the future because that is a real concern.

There is another concern. The Minister outlined on Second Stage that much work needed to be done within the Department of Health to ensure it could strengthen its financial control and planning capacity. The questions arising are whether this will be done and when will it take place. There is a real risk that we will pass this legislation and disestablish the Vote and the Department will not be capable of providing for the financial oversight that the Minister stated needs to happen. He needs to clarify whether that financial planning process is in place and what steps are being taken to ensure it is in place because the hallmark of the HSE has been that its financial management has been abysmal. One of the big criticisms of it is that it has not been able to plan and stay within budget, although there is another reason for this.

The HSE commissioned a report on its financial planning and financial services from PA Consulting which was critical of how finances were operated within it. Probably, it dates back to its establishment when its administration was maintained along old health board lines. One of the big criticisms made in the report was that financial planning and control of expenditure was engaged in across the board in the HSE, with local offices being instructed to achieve a reduction of, say, 5% or 10% across the board, rather than targeting areas where there might be

wastage and over-expenditure. I do not know how the Bill will change this. Mr. Tony O'Brien of the HSE stated the executive was attempting to put in place structures to allow that planning to happen, but it has not yet happened. In a couple of years time will we still be wondering when we will get to the stage where there is proper financial control and financial planning?

The Bill provides for the carryover of deficits from one year to the next and that the first call in the budget for one year will be to meet the deficit in the previous year. In one sense, this is prudent, but in terms of the cuts from which the health service has suffered in the past few years, it will create significant difficulties and we will continue to see emergency Supplementary Estimates to bridge the gap.

That leads me to have a little sympathy for the Minister in the sense that one cannot take any more out of the health service. I do not believe the Government can continue to reduce the budget for it year on year and continue to roll out the mantra of more for less. What we will see this year is less for less. We cannot continue on this road. We have to accept that if we want to have a functioning health service and a health service that will provide for an ageing population who will need more expensive treatment to help people to recover, we have to invest in it. We cannot continue along the road of constantly cutting expenditure. From that point of view, I have a little sympathy for the Minister, but in other ways I have no sympathy for him because he is the one who laid out this plan and stated there were inefficiencies and that so much more could be done for less. We just cannot do this. We need to have that debate.

It was interesting to read the reports in the media over the weekend on the letter from the Minister for Public Expenditure and Reform to the Minister for Health complaining about the projected cost of universal health insurance which could end up costing the Exchequer an extra €5 billion. We should probably be looking at spending an extra €5 billion to ensure we have a health service that can treat patients in a timely fashion and in which patients can access the services and treatment that they need and to eliminate waiting lists in a timely fashion. If it costs an extra €5 billion, we should provide for such expenditure and be looking at increasing taxation to provide for it. We must have a debate that is about more than cutting costs and ensuring the HSE sticks within its assigned budget. We must have a debate on the type of health service we want and the treatment we want to provide for citizens.

It was interesting to read the Minister for Health's opinion piece in one of the newspapers after the weekend on his plans for universal health insurance. I sat down to read it wondering just how often the Dutch model would be mentioned. Lo and behold, there it was in the middle, saying that the Dutch model is the one the Minister wants to pursue. I wonder, however, why the Minister continues to trumpet the Dutch model as being a panacea for the health services in Ireland.

I have friends living in Holland who are familiar with the Dutch model, and they do not believe it works. The individual cost of health cover in the Netherlands has almost doubled since the model was introduced. Although the Netherlands, with a population of almost 20 million, is four or five times the size of the Irish market, the number of insurance companies operating there has decreased. There is therefore less competition in health insurance in the Dutch market. Is that the road we want to take? I can foresee a situation, if universal health insurance is introduced here, in which we will go from having three health insurance companies to having only two - that is, the VHI and one other company. People will not have a choice and we will see premiums increasing. In addition, we will not get the effect we want from universal health insurance.

Will we be capable of putting in place a system whereby oversight bodies for the health insurance market will be able to determine what level of treatment people can get? I do not think so. We will hand over control of the health market to insurance companies and will thus lose political accountability and control. In addition, citizens will lose the right to access treatment in a timely fashion.

We need to debate the whole concept of universal health insurance in the context of what type of health services we want to provide for our people in future. That is the discussion we should be having. Each one of these Bills is incrementally bringing us down the road to universal health insurance without having such a debate. When we wake up and have a discussion about it, it will be too late because all the various pieces will have been put in place. It will then only be a matter of introducing universal health insurance into the system.

It took more than 20 years of development to implement the Dutch model, yet the Minister wants to do so in five or six years, or in the next term of office if the current parties are lucky enough to get back into government. There are serious implications from this, so we should be having a serious discussion about the type of health service we want. We should examine the possibility of providing more funding for health services based on increases in taxation, because that is the only way we can do it.

It is difficult for people to access private health insurance due to significant cost increases, but it is also interesting to note the numbers cancelling their private health cover. One aspect that is never discussed here, however, is that costs are increasing because the State is reducing its subsidies to private health insurance. The State has provided tax breaks for those who buy health insurance, while hospitals have not been charging the economic cost of private beds. Private companies are now complaining when they are charged the economic cost. When we go to universal health insurance the economic cost for everything will be charged by the hospitals to the insurers, which will put costs through the roof. We must stop subsidising private health services.

**Deputy Luke ‘Ming’ Flanagan:** There are definitely parts of the health service which could not be cut back any more and which need extra money. However, when it comes to capital spending, it seems the worst possible thing that could happen to a hospital or health facility is for the Government to upgrade it. In the 1970s the government upgraded the maternity unit in Roscommon Hospital, and guess what? They closed it before the 1970s were over. In the noughties they upgraded the accident and emergency unit in Roscommon and - guess what? - it was closed.

In County Galway, €3 million has been spent in Ballinasloe on a high-class unit with unbreakable windows and toilets and a ligature-free environment for geriatrics. We certainly are short of money, but there are two reasons for that. One is that we have socialists such as Senator Lorraine Higgins who have a problem deciding whether we should tax more or cut services. The other reason is that money is being wasted.

Like everyone in the Dáil, I have attended many meetings over the years. The meeting I attended last Friday night, however, was probably the most emotional one I have ever attended in my life. We heard of a situation in the psychiatric unit in Galway, which is where the Minister is planning to shoehorn people in from Ballinasloe when he rips the beds out and closes it. We heard a tale from a clinician there that 31 people were expected to share three showers. It was not that bad, we were told, because they also had one bath, but guess what? The bath does not

work. All that comes out of the bath taps is scalding hot water. We heard stories of how patients shiver in corridors waiting for a shower. I have seen the film “One Flew Over the Cuckoo’s Nest” on quite a few occasions and the only hope I got from Friday’s meeting was that at least it is not like that any more. At that meeting we heard many such stories, but apparently we are just NIMBYs for saying this. Dr. Barton, who was at that meeting, is anything but a NIMBY. I can criticise him for one thing though - he ran for Fine Gael at one stage, but no one is perfect.

At Friday’s meeting we heard from a clinician with no political axe to grind who only cares about patients. On two separate occasions, when he was explaining why he was so distressed by the closure of the unit in Ballinasloe, he broke down and had to wipe tears from his eyes. This was obviously a NIMBY at work, according to the Minister of State, Deputy Kathleen Lynch, who is a latter-day Margaret Thatcher. She did say she hoped she would never sound like Margaret Thatcher, but now she does.

We can talk about finances all day long, but a good unit is being closed down although it is working perfectly well. In addition, people are being shoehorned into a place that has a duck pond on the roof because so much water is building up on it. The water is being held up by rolled steel joists, so people are waking up in wet beds. We are told that this happens everywhere because it is raining all over the country and everyone’s house is leaking. I am sorry, but I do not live in a dump and my house fortunately does not leak. I would love to know where these HSE officials live if they think that is normal. I imagine they are saying these things to shut us up. I hate saying this because it discourages people from using that unit. As someone who had mental health problems in the past - and coming from a family that suffered from the black dog visiting their door regularly - I do not like saying this. I went to the hospital the morning after that meeting to try to see the unit. I was wary of going because the last thing one wants to do is impose on people. However, when we arrived there we were not allowed to see the unit due to patient confidentiality. That would be a legitimate excuse if there was anyone in there, but we were not allowed in. We were told that five showers were working in this glorified “One Flew Over the Cuckoo’s Nest” institution, but we were not allowed to see inside. It is like dealing with a child who hides something behind its back but refuses to show it when asked. One becomes suspicious that perhaps it does have something behind its back. What were they hiding at that unit? If they are sure it is that good, why would they not let us in? Anyone who says we have a cheek to go there should remember that a year ago we were being asked to go to this unit to see how wonderful it was. Now, when we want to see it, we are not allowed to see it. What the hell is the Government hiding? We have a system working perfectly in Ballinasloe and the Government is closing it down. Last night, an extraordinary event took place. I was on my way to Castlerea to visit my family and I discovered a protest taking place outside the gates of St. Brigid’s Hospital. Fair dues to the people who had gathered in numbers to physically stop the removal of beds from the unit. The HSE saw fit to call the Garda Síochána. We can hardly call this respect for the issue of mental health. For those calling these people NIMBYs, they were parents and relatives of service users, along with staff, to defend what rightfully should have been defended.

We met Deputy Kathleen Lynch a couple of months ago and I was fooled by her for a while. She sounds like she empathises and I believed her for a while but I stopped believing this latter-day self-described Maggie Thatcher. She told us the reason they spent so much money on the unit was that patients could not hang themselves, throw themselves through windows or smashed toilet bowls. She said that it was for elderly people. I asked why she spent so much money on an inappropriate unit and I was told with a straight face that the elderly deserve the

best. If the elderly deserve the best, we could have saved money there and had more services instead of spending it all on capital funding and then not using the unit. We also have an empty unit in Galway because we cannot afford to staff it. Every time someone commits suicide, we read it in the newspaper and people are rightfully saddened and shocked but at this point we say conclusively that the tears being cried by the Government are crocodile tears and nothing else. If the Government cared about this, it would keep what works and get rid of what does not work.

What is the Government planning for the future? It is planning to move everyone to Galway city. Apparently, it will build a new 50-bed unit. I do not believe that. Even if it was done, it places another facility in a place where there is no room. I and my family had to go through the anguish of queuing to get into a car park, wondering whether my mother would be dead by the time we got a parking space. I am not exaggerating, this happens on a regular basis. Now, the master plan for people with mental illness is to bring them into a crowded area and a stress-inducing built-up area. If people are not stressed or do not have mental health problems going in, they will have one coming out. It is hell to get there. If we lived in Hong Kong or some Chinese city where there is no room, it would be fine to build on that site but we live in the least congested area in the whole of Europe and the best way to get someone better is to put them into an environment where they can breathe in the air and not the diesel fumes, where they can roam around the wild countryside, which they can do in Ballinasloe. It is not to put them into a place that will destroy their mental health. I say this not as a politician or a NIMBY but as someone who cares about these people. I have lost hope in the assertion that the Government cares. At this stage, it is not politics and war must be declared on the Government for what it has done to these people.

**Deputy Joan Collins:** The Bill is part of the plan of the Minister for Health, Deputy Reilly, to introduce universal health insurance. This is based on a Dutch model, which from my reading is not one I would examine. I would have thought that a Government with a significant number of Labour members should be looking for a service based on the national health service in Britain. This initially came from the needs of people in the communities and their need for proper maternity hospitals and hospitals for sick people. To provide those services, society can then decide that if it wants to provide these services for the elderly, the young and the general population, it must find the money. That comes down to taxing people who can well afford to pay more or setting aside some part of tax, as PRSI was supposed to be, to provide health services. That is the progressive way to provide services under a progressive taxation model. This must include people who work on the front line, Ministers, the people who use the service and the needs of the community.

I am sure all Members receive a report by the private nursing home sector, which is not an area I support. It gives figures and facts to the effect that, by 2021, the needs of the elderly, those over 65, will not be met on the basis of what we have and the amount of money the public service will put into providing long-term nursing home beds. Between 2009 and 2012, approximately 339 new nursing home beds were introduced, compared to an annual increase of 1,000 beds in the years prior to that. By 2021, we will need 221 nursing homes built to provide for our elderly, particularly those over 85 years.

This must be planned for. If society says we must look after the elderly in this fashion, we must see how we can fund it and we must have the debate. That is what politics is about. As a group of people or a party, we can set out that we will tax here or there to provide the service, increase tax or box off a certain amount of tax to provide it. The universal health insurance

model will not work. As the previous Deputy said, it will service private companies.

The HSE has fallen apart. It is one of the worst models ever set up to service people's health needs. We hear horrific stories of people trying to get into the system. Once people are in the system, they feel they are getting a good service and that they are being looked after. This only occurs because of the will and the fact that we have well-trained nurses who give far beyond their time and energy in respect of what they get paid for. People in my family work in Wexford General Hospital and stay after they have finished their hours to assist people who are ill. They are under ferocious pressure. A member of my family in her early 60s feels she must leave because she does not have the will or the energy to face going into hospital every day and the pressure on her. She is an excellent nurse, one of the best one could ever meet. We are losing good people because they cannot take the daily pressure in hospitals and the extra work they must do. Work is falling on fewer shoulders every month and new people are not coming in because of the moratorium.

I do not support the context of the Bill because it is part and parcel of the universal health insurance model, which I do not support.

The chief executives at Tallaght and other hospitals have stated that any more cuts will bring us to a point at which hospitals cannot deliver the necessary care, as they have been cut to the bone. We have seen this first-hand at Tallaght, as there have been no spinal surgeons at the hospital for the past eight months. It has cost the HSE €350,000 to provide the required care at the Mater Private Hospital. I would be the first to argue that these patients should be seen in a timely manner but the HSE model should have provided the necessary surgeons in the first place. The information I have - it is not a definite fact - is that the surgeons left their posts because of the pressure in the hospital. The hospital engaged another surgeon, who also left quite quickly because of the pressure. If that is what happens in hospitals in one area, it is happening elsewhere in the health service.

This does not take into account the issues of maternity hospitals, the mental health needs of the population or other issues. We need to get a breakdown of the needs of our population into the future, matching that with funds and having a debate with people. We must have a discussion of what the cost will be and how to cut the fat so we can put more money into front-line services. That would procure the goodwill of the people, as they know that if that is what is required, it should come about. That would lead us to a good health service with a standard that our families need. There must be 221 nursing homes built over the next six or seven years to provide a service for people over 85, based on the figures that have been coming through.

Pharmacies do not seem to have passed on the reductions for generic pricing of pharmaceuticals. I do not know if the Minister of State knows that a report was published the other day detailing the costs of pharmacies throughout the country, and people are not seeing the effects of cuts.

**Deputy Alex White:** There has been much progress in that respect, although we need more.

**Deputy Joan Collins:** That is certainly not suggested by the figures given out the other day in the media. The information was broken down by area, including details of tablets and generic substitutions. The difference was only approximately 3%, which is not much considering we are meant to have seen a big reduction in the area.

There is much to be done, although I know this complex issue will not be solved in the next

month or three months. There should be a change of mind and policy from the Government if we are to provide the health service we need. I will need it because I do not have private health insurance, as I never bought into the idea of it. We must have that political conversation but it must cut across the pantomime politics we have seen so many times. Do we want a national health service and how can we plan for it? We must also consider how to help provide finance for it.

**An Leas-Cheann Comhairle:** The next slot is to be shared by Deputies Breen, Kyne, Fitzpatrick and John Paul Phelan.

**Deputy Pat Breen:** I thank my colleagues for allowing me to speak now, as unfortunately I have official business and must get back to it. I welcome the opportunity to speak on the debate this afternoon. While the Bill is somewhat technical in nature, it provides for the disestablishment of the Vote of the Health Service Executive and the funding of the executive through the Vote of the office of the Minister for Health.

The Minister for Health has embarked on one of the most radical overhauls of our health service in the history of the State and is driven by his determination to ensure equality of access for all patients based on needs rather than the size of their wallets. I commend the Minister on his work in the area. Previous attempts to reform the health system failed because the way health care was delivered was fragmented. During the period of greatest economic growth in this country, the disparity between those with private insurance and public patients grew, and as public representatives we have dealt with all cases and seen the unfairness of the two-tier health system. Real health care reforms require restructuring of health services and how they are organised. The restructuring is well under way and the various hospital groups have been established. The Health Service Executive (Governance) Bill 2012 provided for the new directorate structure and today's Bill provides for the financial structures. I also understand the White Paper on universal health insurance is due to be published shortly and I look forward to that and the following debate.

The changes have already had an impact. For example, a new governance structure has been introduced in the University of Limerick hospitals group, which comprises University Hospital Limerick, Mid-Western Regional Hospital Ennis, St. John's Hospital in Limerick, Nenagh Hospital and Croom orthopaedic hospital, and they are bedding down well. Under the new structure, 7,472 more inpatients and 11,094 more outpatients were seen in the system with a smaller budget. There are challenges, particularly in the accident and emergency department in Limerick, and, as I stated in this House, I am anxious to see that fast-tracked as soon as possible. Nevertheless, the new hospital structure is ensuring a better future for hospitals such as that in Ennis and will allow the University Hospital Limerick to focus on the areas in which it can deliver and transfer services to Ennis.

It was always envisaged that Ennis hospital would become the left arm of the regional hospital in Limerick, but until the Minister for Health assumed office, development was very much restricted. The opening of the new wing and the provision of a full range of services, as well as accreditation as a centre of colorectal screening, is allowing the hospital to expand the level of services. More can be done within the framework, such as maximising the use of the acute medical assessment unit by opening it seven days a week and expanding the range of day surgical procedures that can also be carried out. We cannot just patch up health services; we must transform the way they deliver.

Recently at a meeting in Limerick with HSE personnel, the absence of a model three hospital in the region was noted. There is one in Tralee and Clonmel but there is none in the mid-west regional hospital group. Limerick is a model four hospital and Ennis, Nenagh and St. John's hospitals are model two. The absence of a model three hospital in the region is putting pressure on University Hospital Limerick and I call on the HSE to consider Ennis hospital as a model three hospital. Much investment has gone into the hospital recently and the rooms have been upgraded and are state-of-the-art. Some further investment may be required but it would be a very small amount, and the only element that is really needed is a roster of consultants. I suggest that it would be well worth considering Ennis hospital as a model three hospital to alleviate the pressure in the system, particularly in that area. I will focus on that in future with the HSE.

We have an aging population so we must move away from treating people in hospitals to treating them in the community. I very much welcome the Minister's support for day care centres and the voluntary community initiatives which facilitate people in living longer in their homes. Priority is also being given to primary care and provision of preventative care. This health system offers the best way forward for the most important player in our health system, which is the patient. I support the Minister's efforts to drive reform. It is essential that functional structures are in place to support the new health care model, and today's legislation is another important step in this regard. I commend the Bill to the House.

**Deputy Seán Kyne:** I am happy to speak to this Bill, as it is an important part of measures being implemented to return overall responsibility for the health service to the Minister for Health and his Department. The Bill is somewhat technical in nature and contains the necessary provisions to bring financial governance of the HSE back within the framework of the Department of Health. I can understand and appreciate the merits of creating the single health service, which merits presumably underpinned the creation of the HSE. A single authority replacing the various health boards made sense for a country of our size. While there were many missed opportunities in the past decade, with unworkable, ill thought-out policies such as co-location, the creation of the centres of excellence for cancer care against a backdrop of intense opposition has proven to be a correct policy with positive results for the people. However, time has also demonstrated that the creation of the HSE aided and abetted an evasion of responsibility. It became possible to blame a bureaucratic, unwieldy organisation for the ills that befell the health service. Charges of this nature were made regularly by various national and local public representatives.

The Minister for Health is introducing legislation and other measures that indicate clear points of responsibility and explicitly state objectives and how they are to be achieved. Most important, the Minister is taking responsibility directly for the reform of the health service. The establishment of hospital groups, a policy piloted in the west, is the most fundamental reform on the health services in decades and will ensure that hospitals in the regions work together to deliver care of the highest level and broadest range.

Despite the constant stream of negativity concerning health care, it is undeniable that tens of thousands of people across the country receive high quality health care from hospitals and primary care settings, provided by conscientious and dedicated health care staff. There have been tangible positive developments in the health service over the past three years, including a reduction by one third in the number of patients waiting on trolleys. There has been a reduction of over 90% in the number of people waiting more than a year for outpatient appointments. There has been a reduction of 99% in the number on the inpatient and day care waiting lists for eight months or more. There has been a reduction of 50% in the number of MRSA infections

in hospitals, with 20 hospitals reporting no cases. Some €200 million was provided for the new children's hospital, with construction to commence next year and to be completed by 2018. The facility will provide world-class health care for generations of children.

These are developments that are drowned out, overlooked or ignored. These achievements are ones of which the many men and women working in the health care system, in every role, can and should be proud. However, to ensure that such provision of care continues, we need to implement reforms. A crucial reform is the abolition of the HSE. Another is the introduction of a universal health insurance system. Such a system, which will see all citizens having health insurance, will be rooted in the money-follows-the-patient model. No longer will block grants of public money be handed over with few, if any, conditions pertaining to standards or patient outcome. As the Minister stated earlier this week, care will be on the basis of need rather than one's income, a comment that should be the mission statement of every health system.

Another important measure about to be introduced is free general practitioner care for children under six. This is being viewed as a precursor to the introduction of such care for all citizens. Unfortunately, there are currently difficulties between the Irish Medical Organisation and HSE in negotiating this. We need to remember that all groups involved have the one aim, namely, the protection and promotion of the health of the people. There are certainly varying views on how we can achieve this but I appeal to the parties involved to commence meaningful and constructive talks and negotiations.

General practitioners have faced considerable challenges, as have most other professions and sections in society since the economic collapse. That said, I acknowledge that general practitioners, as with every other citizen, want to ensure that this measure is rolled out fully. I am confident that it will be.

There are a number of positive factors, particularly the children's hospital, which has been talked about for many years. I am delighted to see that work will commence on it next year and that it will be completed by 2018. The pilot scheme for reorganisation commenced in the west and it has been a success. More meetings have been held in public across the region, resulting in accountability. Oireachtas Members are fully briefed on issues of importance and we are fully aware and conscious of the decisions being made. We have powers to consult and engage with the officials; this is an important role. I commend the Minister of State, Deputy Alex White, and the other Ministers on the team on their work.

**Deputy Peter Fitzpatrick:** The Health Service Executive (Financial Matters) Bill 2013 fulfils a commitment made in the programme for Government on future health. The Bill is designed to disestablish the HSE Vote, have HSE funding come under the Department of Health's Vote and establish a statutory financial governance framework for the HSE.

The health reform agenda set out in the programme for Government includes a commitment to dissolve the HSE and transfer its functions to other bodies as part of a wider move towards the establishment of universal health insurance.

The Bill provides for the disestablishment of the Vote of the HSE and the funding of the HSE through the Vote of the office of the Minister for Health from 1 January 2015. It also establishes a new financial governance structure for the HSE. It gives the Minister power to set a net budget for the HSE and approve as part of the service plan the executive's gross income and expenditure plan. It also reintroduces the first-charge principle whereby if the HSE exceeds its

budget in one year, it must discharge the liabilities arising as a first charge the following year. It imposes certain legal obligations on the director general of the HSE to ensure the executive operates within the financial limits imposed by the Minister. It provides for a new procedure for the approval of capital plans. This provision will come into effect on 1 January 2015.

The HSE was established in January 2005 under the Health Act 2004, and it was given statutory responsibility for the management and delivery of health and personal social services. The Act emerged from the long-standing perception that the then system of health boards was problematic from a governance perspective. The HSE replaced ten regional health boards, the Eastern Regional Health Authority and a number of other agencies and bodies. It was the first body in the history of the State to manage the health services as a unified body. In a sense, the establishment of the HSE marked the culmination of an inevitable revolutionary process of rationalisation over several decades that resulted in the number of administrative units being reduced from over 90 to one, a national agency.

A key intention behind the legislation was that the executive's establishment would mark a clear division between responsibility for policy, which would rest with the Department of Health, and the responsibility for management of services, which would rest with the HSE. An additional outcome was that power was effectively removed from local elected representatives, although the Act did provide for regional health forums comprising elected representatives. These forums have representative rather than executive functions.

Since its establishment, the HSE has been subject to controversy and criticism of a high level. There was not a decline in personnel numbers on its creation. There was a continuation of separate financial and other structures from the health board era within the HSE. There was insufficient openness and transparency and a general lack of integration and coherence across the organisation.

There have also been criticisms of the specifics of the relationship with the Department of Health. The programme for Government committed to a health reform programme to achieve a universal, single-tier health service based on universal health insurance. As part of the reform process, the programme stated the HSE would cease to exist over time, and that its functions would return to the Minister for Health or be taken over by the universal health insurance system. The Minister for Health and his Department will be responsible for policy and expenditure. The HSE will cease to exist as its functions are given to other bodies during the process of reform.

The HSE hospital purchasing arm will merge with the National Treatment Purchase Fund to become a new purchaser of public patient care during the period of transition. HSE hospitals will become autonomous providers of care. With universal health insurance, public hospitals will no longer be managed by the HSE. They will be independent, not-for-profit trusts with managers accountable to their boards. The Patient Safety Authority will introduce a national licensing system for hospitals and will oversee the transition of hospitals from the HSE to independent local control.

**Deputy John Paul Phelan:** I support the Health Service Executive (Financial Matters) Bill 2013. It is an awkwardly named Bill in the sense that it is really another step in the reform of the health service that will ultimately see the dismantling of the HSE. We are sometimes in the habit of naming legislation in a way that does not reflect its intent. I acknowledge there may be reasons for doing so. Without going over the ground covered by previous speakers, the

system of health service provision has been greatly transformed in the past 50 years. It moved from a system of county provision in which there were county and city health committees to a regionalised structure under the old health boards to the decision in 2004 of a previous Government to introduce the HSE and now to the decision last year by the Government and Ministers in the Department of Health to consider the provision of acute services based on the hospital network system mentioned by Deputy Fitzpatrick. It probably marks a return of acute services to a regionally based system.

The creation of the HSE by the then Minister and current Leader of the Opposition, Deputy Micheál Martin, promised much in terms of reform and the savings that could be made with regard to services that might have been duplicated under the old regional health board system. However, the system has not worked. The two parties in government prior to the general election and in the programme for Government committed to a complete overhaul of the way health services were delivered. Last year's announcement on the hospital networks was part of that and this legislation which will see the Vote for the HSE being replaced by a Vote for the Department of Health is another significant step in the desperately needed reform of the health service.

One of the difficulties that emerged when the HSE was established was that it created a system that was so centralised that local decisions which had previously been and should be made on a regional basis could no longer be made at that level. I have always been a believer in empowering local democracy on different levels and believe that while the old health board system had many flaws and required reform, the fact that there was somebody in each region who was directly responsible and accountable for his or her region in terms of the service provided offered a level of accountability which the HSE never achieved. From its initiation, it was bound up in a level of bureaucracy that had gone mad. For that reason, this legislation which provides for the health service to be funded directly from the Vote for the Department of Health from January 2015 is a welcome initiative. The HSE has never properly functioned as an organisation. That is not to say there are not many incredibly excellent public servants working in it, be they on the front line or in administration. In many instances, the administrators had their hands tied under the system operated by the HSE and were unable to make the decisions they should have been empowered to make.

This legislation is another step in reforming the way the health service is delivered and, ultimately, in moving towards a universal health insurance system, an important development in which hospitals and acute services will be funded on the basis of the number of patients they treat rather than through the historical construction of budgets, as the system largely has been heretofore. For that reason, I welcome the legislation.

**Deputy Finian McGrath:** I welcome the Bill and the opportunity to speak about it. We must move forward with the reform agenda, by which I mean meaningful reform and change, transparency, accountability and, above all, a health service that works for its patients and service users in general. We must also be conscious of staff issues and the staff's role in creating a valuable health service that works for and in the interests of people, particularly patients. This debate and reform should be about trying to get the best practice for patients and service users and encouraging and developing best practice and professionalism among the staff who work in the health service. One regularly hears complaints about the health service, but many good quality people work in it, both on the front line and in administration sections. Yes, they have many problems and there are huge demands, but we must accept that many of them are working against the odds. We should accept that in this debate and within the legislation.

The Health Service Executive (Financial Matters) Bill has been designed to disestablish the HSE Vote, with funding for the service to come from the Vote for the Department of Health, and to establish a statutory financial governance framework for the HSE. It is also part of a series of legislative measures designed to provide for the dissolution of the HSE and reform of the health system. Again, the emphasis must be on reform. Before the last general election, candidates who called to people's doors were told that they had to reform and change the system. The big issues, of course, were jobs, the economy and banking but third or fourth on the list of concerns were the health service and the education sector. People want us to do something about these issues and the Bill is part of that process. I have concerns about aspects of it, but, in good faith, I consider the broader thrust to be positive. We must stop shilly-shallying and talking about reform and get on with the job.

With providing for the disestablishment of the HSE Vote, the Bill establishes a new financial governance structure for that body, which I welcome. It gives the Minister the power to set a net budget for the HSE and approve, as part of the service plan, the executive's gross income and expenditure plan. It also reintroduces the first charge principle, whereby if the HSE exceeds its budget in a year, it must discharge the liabilities arising as a first charge in the following year.

Also, the Bill imposes certain legal obligations on the director general of the HSE to ensure the executive operates within the financial limits imposed by the Minister. One must be concerned about this provision. We must emphasise that when dealing with the health service, one is dealing with a service for sick people, people with a disability and people in need. It is not necessarily a private company. That is very important. Sometimes one hears people say a business person could run the health service in such and such a way. The focus of health and education services is on providing a health service for patients and an education service for pupils, respectively. That is a key difference from a private business. For that reason, I strongly support some of the reforms being made by the Government. It might surprise the Minister, but if I, as an Independent Deputy, see sensible proposals from any quarter, I will always support them.

Those are the core issues in the legislation. When discussing patients, we must focus on best practice. One hears much talk about accident and emergency departments, waiting lists and patients on trolleys. There are still major problems in that regard. The Minister of State, Deputy Alex White, and the Minister, Deputy James Reilly, regularly produce figures to show that this or that has been reduced, but the bottom line is that if one goes to Beaumont hospital in my constituency tomorrow morning, one will see patients on trolleys. That is also the case in Galway hospital. I was in that hospital recently to visit a relation and saw the chaos there. That is the reality, with which we must deal also. Irrespective of what the situation we face is, be it an influenza epidemic or a bad weather event, we must have a proper plan.

It always fascinates me that countries with fewer resources than this country can have a top quality health service. A couple of years ago I visited Cuba when I visited the hospitals in Havana and the centres for people with disabilities. This is a country that has been hammered by the bullies in the USA through embargoes and blockades, yet it has quality front-line services.

*4 o'clock*

I met young and student doctors who, as part of their training, went up into the mountains during the summer holidays to work with families and on maternity-related issues. If a country has a good health service, we should not be afraid to consider it. We should not run away from it and be bowled over by the politically correct right-wing view in this country about all of the

negative things in certain countries. The reality is that Cuba has an excellent health service, against the odds given its resources. We must be brave enough to examine its system. I would love to see the Minister of State and the Minister go there to see examples of best practice.

I was fascinated to note the policy in Cuba on children with disabilities, in particular intellectual disabilities, from the cradle to the grave. The day a child is born in Havana or any part of Cuba he or she has a service until the day he or she dies. That is the vision and leadership I would like to see. It might not be politically correct to say it, but if something works, we should not be afraid to consider it. The same is true of other countries in the European Union that have examples of good practice. We should not run away from them, rather we should look closely at them.

I mentioned services for people with disabilities which are an important part of my election platform. We have a Minister of State with responsibility for people with disabilities, but I would love to see the appointment of a senior Minister with dedicated responsibility for disabilities inclusion. I would also like to see the prioritisation of the funding for disability services in line with the pre-election commitments given by the Government. In addition, I would like to see implementation of agreed measures, targets and timelines. That is the sensible approach I wish to promote. We need something fresh and new. Let us not run away from issues; let us get on with addressing them. For those who say it is a minority issue, I remind the Minister that there are 595,335 people with disabilities in Ireland, representing 13% of the population. They deserve a senior Ministry. That is something which should be considered when changes are made next year or whenever they are made.

We must consider front-line services which have seen a massive cut in recent years. Funding has been reduced by €159.1 million, which represents a 9.4% reduction in spending at a time when the need for services is increasing. Meanwhile, people in receipt of disability allowance have endured cuts of almost 8%, resulting in the loss of more than €847 in their annual income. There have been substantial changes to essential services and supports such as adjustments to medical card eligibility; a €60 million loss under the housing adaptation grant scheme since 2010; and a 90% or €325 cut to the respite care grant in 2013. The fivefold increase in prescription charges since 2011 has had a significant impact on the everyday lives of people with disabilities.

I raise these issues because they require discussion, in particular in the context of reform. In the context of health service reform, accountability and change, I wish to ensure people with physical and intellectual disabilities are part of the reform agenda, which is most important. I again emphasise the importance of the 595,335 people with disabilities, representing 13% of the population. These figures are based on a census carried out in 2011 and they do not include many other family members and friends who are also affected by a person's disability. I refer to carers, family members and others who are involved in looking after people with disabilities. It is important to refer to such matters openly.

The Bill gives the Minister the power to set a net budget for the HSE and approve as part of the service plan the executive's gross income and expenditure plan. Under the new Vote arrangements, the HSE will mainly be funded by means of grants made from the Vote for the office of the Minister for Health. That is the standard method of the State to fund statutory bodies. It also reintroduces the first charge principle whereby if the HSE exceeds its budget in one year, it must discharge liabilities arising as a first charge in the following year.

The Bill imposes certain legal obligations on the director general to ensure the HSE operates within the financial limits imposed by the Minister. It provides for a new procedure for the approval of capital plans which are very important. In the context of disability services, it is important that we keep up the work that was started when I raised the issues some years ago of people with cystic fibrosis. The unit is now open in St. Vincent's University Hospital, but we must keep our eyes focused. There are other needs in Beaumont hospital, as well as in Cork and Limerick. We must ensure the families of those with cystic fibrosis are given the maximum support. They must be part of the service plans and sensible solutions. I urge that such an approach be taken.

Recent scandals emerged in various services in terms of governance and the problems caused. It is important to note that the Bill does not directly address the top-up payments scandal recently reported, for example, in the Central Remedial Clinic, CRC. I was one of those who was very critical of the carry-on at board level in the CRC. It is equally important to state parents and staff on the front line should not be included in the criticism. I received an invitation during the week from the parents of those who use the CRC to attend an event next Friday night. One of the points made in the invitation concerns how shocked and upset they were by the revelations on the governance of the CRC. They were very concerned about the effect it might have on the wonderful professional care the children had always received from the CRC. They were also very concerned about the impact it had on fund-raising. The clean-up has begun. Management levels are being reformed and new people are being appointed to boards. I urge people not to turn their backs on the CRC and other organisations that have stepped up the mark and are doing their best. Bad practice should not be tolerated in the health and disability sector. Equally, we cannot blame everyone for the problem.

To return to the broader thrust of the legislation and the reform agenda, we have all listened in recent years to the criticism of the HSE. Issues raised include the fact that personnel numbers did not reduce on the creation of the HSE, the continuation of separate financial and other structures from the health boards within the HSE, insufficient openness and transparency, a general lack of integration and coherence across the organisation and also criticism about the specifics of the relationship between the HSE and the Department of Health. That is an important issue. Deputy Bernard Durkan likes to remind me of a time when I supported a previous Government.

**Deputy Bernard J. Durkan:** The Deputy was a signatory.

**Deputy Finian McGrath:** I raised the issue of the need for a cystic fibrosis unit. I remember the shenanigans and blazing rows we used to have behind the scenes between the HSE and the Department of Health and all we wanted was to have the unit built. I remember the many long meetings and fighting in pushing the agenda. I learned a lesson that such a situation could not be allowed to carry on. I hope this legislation deals with such issues. It is welcome that the unit was eventually built and I commend all those involved, but by God, it was a case of sitting on a plan for four to five years before we got it up and running. Issues arose between the Department of Health and the HSE and I was in the middle trying to keep the project on target.

Free GP cards are due to come on-stream for young children and I welcome the broad thrust of the initiative. When one is involved in reform, one must try to bring others along. People must be involved in the negotiations and one should not start a row over nothing or contribute to something that is negative. It is also important to consider the pitfalls. If people have concerns, it is important to take a sensible approach. In this context, I hope the Minister will listen in the coming weeks to the views of GPs. If they state they may have issues with queues in their GP

services let us see what we can do about it rather than getting into the blame game syndrome. The IMO has expressed concerns recently. One issue it raised is that efforts by the Department of Health to rush through the fundamental changes to the GP GMS contract without negotiation will lead to a service which cannot deliver what has been promised to patients. The IMO has warned the change proposed would fundamentally alter the way GP services operate in Ireland and lead to long delays for GP appointments, a massive increase in administration, costs for GPs and ultimately a shortage of GPs. The Department of Health is refusing to negotiate these matters for the first time in the history of the GMS. I ask the Minister of State to bring the message back to the Government there should not be a row and these issues should be dealt with through negotiations at which a deal is hammered out. I know this well from my own past.

Every year an estimated 24 million clinical consultations are done by GPs in the country. General practice is the most accessible, effective and trusted part of the health service. It can do much more to help patients in the community and alleviate pressures and costs in other parts of the health service. The IMO states it is committed to a GP service free at the point of access to all patients in Ireland, but the proposals announced by the Government are not capable of delivering this. We should examine the issues. We need planning, resources and negotiations so all patients have a quality health service. I have outlined some ideas which have come onstream. The Opposition is often criticised for not putting forward new ideas. The Minister of State and the Government should examine these issues, get on with it and stop the fudge.

It is important that we state the Health Services Executive (Financial Matters) Bill is a huge opportunity. We have had problems in the past and we are now having a big clean out following the disastrous banking crisis. Now is a good time for reform. There is much in the legislation which is good and I welcome these aspects. It is not only about legislation; it is also about the quality and efficiency of staff and we must examine this in the health service, education and throughout the public service. If somebody is paid to do a particular job and does this job well it leads to efficiency and productivity. Where people opt out of doing their jobs well it begins to break down. It is not all about legislation, the Dáil, Deputies, the HSE or the Minister. If everybody went to work and did their best at their job many of these issues would not arise. In the health sector one must give 100% and it is not acceptable to fall below certain standards because we are speaking about people's lives, quality of life and public safety. It is important to emphasise this.

I welcome the broad debate on the legislation. I strongly support the reform agenda because we need reform in our health services. As part of the reform agenda patients should be put first. People with an intellectual or physical disability should be prioritised. The money must go to the right places. This was a criticism in the past and we have seen the recent scandals. We must ensure the money and limited resources in a time of economic crisis go to the most needy. I welcome the legislation and look forward to hearing the views of other Deputies.

**Deputy Bernard J. Durkan:** I am delighted to have this opportunity to speak, particularly after the speech by the renowned Member opposite. I am glad he mentioned the much discussed piece of paper to which he signed up years ago-----

**Deputy Finian McGrath:** I have the evidence.

**Deputy Bernard J. Durkan:** -----which was selective in the sense that those whom it accommodated were a particular group which excluded the rest of us. I am so sorry to have to advert to it now but I remember being here during the course of it. Those were the halcyon

times, which I am sure the Deputy will recall.

The House lacks the ability to address in legislation the issues which arise from time to time which need to be dealt with. We seem to react to them in off the cuff debates, emergency measures or short statements. The legislation required to deal with a structure as important as the health service is something we must all welcome.

It is not so long ago when the health boards were in operation. People who would normally be resident on the other side of the House are momentarily absent. When they were in control the cost of the health services increased fivefold in a very short space of time. One of the causes for this was they began to tinker with the system. When one begins to play around with a system adding balances, swings, roundabouts, weights and measures one ends up with something which does not work, and this is what happened. To resolve the problem what did they do at the time? I saw the same debate taking place then as is taking place now. They decided to abolish the health boards because they tried everything else and they all failed. The structure did not fail, but the boards failed because of the failure of the Government at the time to interact with the structures which existed, recognise what needed to be done and make changes. The health boards had one distinct advantage over anything else which superseded them; they had representation on the boards which consisted of GPs, nurses, the disability sector, consultants, management and every facet of the health service. Over a number of years people got lazy and did not really address the issues they were intended to address in the first place. They became distant and flitted over the issues in a way which did not really engage with the developing demand, to which I will refer later.

I am amazed at commentators who do not seem to realise what happens in these situations. The criticism at the time was one group was superimposed on another. The HSE was superimposed on the health boards and many of the same people were kept in place. How else would it have happened? How else could it have happened? Those with expertise who were involved in the delivery of services at the particular time were familiar with the services. Of course it cost more. All changes of this nature cost more. The question was whether they delivered the service. I remember posing the question of the first chief executive of the HSE as to whether he thought the structure of the HSE was the appropriate mechanism to deliver the health services throughout the length and breadth of the country. He stated he did not know. He learned subsequently.

In the debate which took place prior to the establishment of the HSE comparisons were made by well-placed economists between the population of this country and that of the greater Manchester area, with approximately 4.5 million people, and they argued it should be possible to deliver health services in the same way with the same cost effectiveness as was done there. This is rubbish because they were not comparing like with like. There is a hell of a difference between them, because one can walk across the greater Manchester area in half a day but there is a much greater distance between Kenmare, Carlingford, the tiptop of Donegal and Wexford. Like was not compared with like. It was then suggested the HSE would do the job cheaper. It did not because it could not be done.

As I stated, the groups of people involved in the old health board structures included GPs, the nursing profession, specialists and psychiatric representatives. In addition, one had the politicians of all groups represented in the local authorities and the Oireachtas. The amazing thing about it was there was local representation and regardless of whether one likes it, that representation, elected by the people and selected by the professions, was there. Consequently,

they were all together at meetings and were not obliged to consult anyone else or to consult consultants or to read reports. They were all present together in the course of the meeting and regardless of whether that meeting took place in the Western Health Board, the Eastern Health Board, the Southern Health Board, the Midland Health Board or wherever, all that was required to make a decision was to hand and they had the requisite information. In any event, this was dispensed with in favour of the structure that hopefully now is being disassembled once again. I believe eventually the point will come whereby there is direct local input in respect of the delivery of health services, which one must remember are demand-driven. One cannot predict them one or two years in advance or whatever the case may be. There will be glitches and blips from time to time when there will be demand surges to which there must be a response. It will be interesting to learn whether it will be a cost-effective move, whether the delivery of the services Members envisage will revert to being done in a way that it used to be done, whether the requirements of the people will be met and whether there will be a democratic structure that is accountable to the people.

I have heard many lectures from Members from the opposite side of the Chamber, which I reiterate is empty, in recent years as to accountability, the need for it and how there was accountability in the old days. I can assure the Acting Chairman there was none. When sitting on the other side of the House, I raised issues relevant to the health services numerous times and the only reply I received was the subject raised was a matter for the Health Service Executive. The reply would state it was a matter more relevant to the HSE and the Minister had no responsibility to the House. Yet, I hear Members sitting on the opposite side of the House mention repeatedly that the quality of service they get now is not up to what it used to be, is not what they expected or what they had. Such people are talking rubbish as the service given with regard to answers and accountability in this House is as good as anything that prevailed during the time after the abolition of the health boards and the establishment of the HSE. That is a fact and I will engage in chapter and verse with anyone who wishes to debate the subject at any time.

I had an interesting analogy to draw in the past couple of weeks based on another subject, namely, Irish Water. There were howls of derision and indignation from that absent side of the Chamber, because there were costs associated. It was cried there were costs associated with the setting up of Irish Water but what did they expect? From where in heaven's name were they coming? Did they really think there would be no costs associated with it? Did they think the people who already were involved in the provision of those services nationwide would be made redundant? That of course is what they were suggesting but they were putting a nice turn on it. That is what they wished for, to enable them to state it could be done for less. Nothing could be further from the truth. I will finish with this deviation by noting that amazingly, when Eircom was sold - there was no sharing of responsibility at all - it cost £55 million to handle the sale alone at the time. Consequently, I ask those who now give lectures to Government Members about value for money, the need to conserve and the need for openness, accountability and responsibility, to please give them a rest and not to go there any more. We have heard it all before and it does not get any better with repetition and the passage of time. We have seen it all before.

The invisible Opposition may not accept what I am about to say about waiting lists. Incidentally, that is an amazing feat. There once used to be a programme on television in which a guy became invisible when he switched a button or something like that. They must have done that all together. I presume they are there but one simply cannot see them. The entire question of waiting lists has been addressed in extremely difficult circumstances in which there has been a massive reduction in the funds and staff available. When Members on the opposite side of

the House are pretending that there should be none of that, they should think back over the past couple of years. They should reflect on where this country went when there was a genuine lack of accountability and transparency and when the country went down the drain. Moreover, no one said a thing about it as they were too concerned about the frivolities of playing around with the luxuries that existed at the time of the peak of the boom. Nothing was said about it and the waiting lists were massive at a time when there were more resources available and less demand.

As the Acting Chairman is aware, I am a regular critic of services of all shades and natures and continue to be such. However, I must compliment the Minister for Health and his colleagues on doing the job they have done under appallingly difficult circumstances at an extremely challenging time. Moreover, they have done it with fewer staff and less money than it has ever been done with before. In the same breath, I compliment those health service operatives involved in the delivery of health services on the front line, at management level and in the hospitals, including nurses, doctors and consultants. I compliment them on doing the job they have been obliged to do in these challenging times. Moreover, one should be in no doubt but that it was a challenge. If one asked anyone in any branch of the public service in this country four years ago as to the direction in which the State was heading, they would have shrugged their shoulders. Consequently, I compliment those involved and recognise the job they have done in those circumstances. Members do this on a regular basis by interacting with the relevant people in local hospitals and the health services in general.

The issue of trolleys is an emotive subject. Good management and good operational procedures will eliminate the trolleys and this is being done to a much greater extent than was the case. Again, I accept that more must be done and that these are challenges. However, by making that additional effort, I believe a service will be delivered to which the public will respond. Moreover, Members must recognise the front-line staff are in the position of being inundated and challenged on a regular basis. When I hear admonitions coming from the opposite side of the House - where the invisible people are - I note they state "the Government promised". While such Members anticipated that someone made a promise, three years ago, the only thing that could be promised on this side of the House by either party in government is simply what the Government did, namely, to try to maintain as best it could the front-line services, notwithstanding the serious economic difficulties with which the country was faced. When I hear people asserting the Government has not done this or has not spent money on that, my response is we are lucky to be here at all. We are lucky to have survived what has been endured over the past three to five years. This country had gone down the tubes and as Ministers have acknowledged, the country was bankrupt and no one wished to recognise that. Moreover, from time to time one hears clever people coming forward to state there is some money out there the Government still can get. If there is, get it. That is the simple answer. Where is it? Ireland was on its knees but I am glad to state that under good, careful management, it is crawling back. That is due in large part to good leadership and largely is due to the willingness of people to take responsibility, recognise what had to be done and stick with it. They have done so and they also are to be complimented on their efforts over the past three to four years.

As for projections, over the years I have tabled numerous parliamentary questions to determine where overruns took place. Needless to say, when a member of a health board, I used to do the same thing. It is a simple matter to work it out because all that is required is to divide it by 365. One adds in the blips and glitches that will take place, one recognises the increased demand, which obviously is the situation in which we find ourselves, and one then comes up with what should be sufficient to run the service. Thereafter, one must include for contingency

purposes a sum to cover those unforeseen circumstances that will arise from time to time. It is difficult to do that and to come out at the end of the year with a clean slate. It has been particularly challenging in the health services but, amazingly, what comes from that side of the House is criticism of the Minister and the Government for their alleged failure to deliver services with a decreased budget and a reduced number of staff, while they failed to do it with all the staff and all the resources. If anybody wants to make the comparison they can do so, but it is there for all to see. We must recognise these matters in the debates in this House. When I see this posturing from the invisible multitudes over there about the idea that there is something wrong here, that the Opposition has not got to the bottom of it yet but that if they keep going they will, I know we are on a doubtful path.

**Deputy Mattie McGrath:** Like the Minister for Justice and Equality, Deputy Shatter.

**Deputy Bernard J. Durkan:** I see Deputy Mattie McGrath has entered the House and I welcome him because he, also, was part of that during the halcyon days. It might grate on his teeth and his nerves might get slightly raw at the prospect of this but he was concerned about only one thing: he wanted to spend more money on everything. His exit even from Fianna Fáil was on the basis of his failure to accept that there had to be curtailments and, my God in heaven, he did not want to hear about that.

**Deputy Mattie McGrath:** If I remember right it was the poor stag Deputy Durkan was after.

**Deputy Bernard J. Durkan:** Responsibility was not at the races.

**Deputy Mattie McGrath:** Vincent Browne is looking for Deputy Durkan.

**Deputy Bernard J. Durkan:** The unfortunate horse, Responsibility, was left standing in the stalls while the whips were out and everybody said, “Go for the line”. Unfortunately, poor old Deputy Mattie McGrath was not able to measure up to it at the time and they threw him overboard.

**Deputy Mattie McGrath:** Vincent Browne is waiting for Deputy Durkan to go back.

**Deputy Bernard J. Durkan:** Since then he has found his voice again, licking and sucking up to his former leaders, looking lovingly with doe-like eyes at them, hoping for that day when he might be brought within the fold once again, buried in the bosom of his former party.

**Deputy Mattie McGrath:** Vincent Browne is waiting for Deputy Durkan.

**Deputy Bernard J. Durkan:** I would hate to be around when that happens because then this country will surely be going back to where it came out of in the last few years, back down the tubes once again. The sooner the people of this country recognise that, the better.

**Deputy Mattie McGrath:** They are waiting for Deputy Durkan in the long grass.

**Deputy Bernard J. Durkan:** People like that are still around shooting the breeze in the same old way as they did before, behaving as if there was nothing wrong, looking around and saying what they would do. It is called sticking-plaster politics. You add a little bit here, a little water here, a bit of steam, a little bit of hot air over here now and again and all of a sudden everything is rosy in the garden again. This is about a serious issue, the delivery of health services, the most fundamental issue the people of the country expect. They expect to be able

to rely on a reliable health service in every aspect and area throughout the country where delivery is required on a 24-7 basis. They will do it provided the structure is right. It can be done. While we prevaricate, hang around and make political capital out of every opportunity, as in the past, it will not happen.

I hope this legislation will do the job for the people of this country and recognise, in so doing, the importance of a reliable, cost-effective, efficient and readily available health service, which is a basic thing. When I was a young lad, which was neither today nor yesterday, in the 1950s, the late Dr. Noel Brown was pursuing his health campaign on tuberculosis. I remember how the people looked with hope to what was going to happen, and it did happen. It took a long time to change people's thinking and habits and to address the issue, but the issue was addressed and the services were put in place to deal with it, thankfully. All that was needed at the time was a concentration on the requirement, not the rhetoric, and it was done.

**Deputy Terence Flanagan:** Like previous speakers across the House I very much welcome this Bill. Any move by the Minister to reform the health system is welcome, particularly the inclusion in this Bill of the establishment of a new financial governance system for the HSE. The HSE has had some bad press since it was established but particularly over the last number of years. Politicians and the public have been crying out for more accountability and transparency to be included in its remit. I am glad this Bill will ensure that and that the Minister will ultimately be responsible and accountable for its actions.

Under the terms of this Bill spending will be determined by the Minister with, I hope, more input from elected representatives regarding areas where the money is needed. I trust that the Minister will take on board problems that constituents have highlighted with their elected representatives when finalising the health budget in future. The HSE is a separate entity and it is sometimes difficult to communicate with it and put one's points across, including so many negative experiences people have had with it. I welcome that the Minister will have more responsibility for finalising the health budget and a more hands-on approach to health service matters in general.

The Bill is an interim measure towards the dissolution of the HSE, the transfer of its functions to other bodies and the provision of universal health insurance for all citizens. It is hoped the HSE will cease to exist over time. Perhaps the Minister might comment as to whether a date is set for the HSE to cease to exist and for the functions to transfer to the Minister for Health or to the universal health insurance system. The most important point to note with this Bill is that it ultimately seeks to ensure that there is more value for money for the taxpayer from our health service. Like others I was shocked to see that the estimate for pension lump sum payments for HSE administration staff this year is €72 million. That is a lot of money. Could the Minister comment on the situation underpinning that amount of money?

The HSE was established in 2005 under the Health Act 2004. It was hoped that the new service would clearly differentiate between the responsibilities of the Department of Health and the HSE, with the Department of Health responsible for the management of services. The goal at the time was that the new HSE service would put patients first and get clear value and results for the money spent. There has been much overlap between both areas and duplication as well as issues falling between the HSE and the Department of Health not accepting full responsibility for various issues I and other Members have raised over that period. Parliamentary questions are answered when they are put to the Minister for Health but if they are put to the HSE it is a much longer process, sometimes taking up to 15 working days, over three weeks,

to get answers, if one is lucky enough to get answers. No doubt that will change with this Bill.

There have been problems and it is important that the goal of putting patients first is fully realised. It is a mantra the Minister has used in the past and the idea is that, ultimately, the money will follow the patient and the patient will get the best service possible. We know that, sadly, that has not always been the case. One of the main aims of the HSE was to ensure that patients were put first in the design and management of health services. The patient is often not put first in the HSE and it is vitally important that we move towards more patient-centred care. The taxpayer pays a substantial level of tax, much of which is allocated to the HSE to fund the health service, but they often do not receive a satisfactory level of service.

I welcome the Minister to the House and thank him for his presence. Various constituents of mine have raised a number of issues regarding the health service, particularly the accident and emergency department in Beaumont Hospital and the inefficiencies in the primary care reimbursement service, PCRS, medical card application system. We all seek to help our constituents in obtaining medical cards when they fit the criteria. Recently, a case was brought to my attention by a constituent who was dealing with the PCRS in Finglas who was told on three occasions that the application was not received. It was only when the application was sent by registered post that it acknowledged that the information had been received and the constituent was issued with a full medical card within a week. That was a turnaround in the end. This case shows there are substantial problems with the system in place to deal with medical card applications. There appears to be a lack of communication between departments to notify the system when an application is received. In this case the application had been received and signed for but, for some reason, had not been added to the computer system. Obviously, a better-quality integrated system is necessary in this case. That an inadequate infrastructure was in place undermines the whole process and the public's confidence in the health system, particularly the processing of medical card applications. Once received in the various departments, documents should be scanned and the information added to constituent's files within the system in order that it can be easily retrieved at a future date.

The accident and emergency unit at Beaumont Hospital is under extreme pressure, as Deputy Seán Kenny is aware. One in three patients has been admitted since the start of 2014, in comparison with one in five prior to that time. I am glad to hear that six additional nurses have been appointed to Beaumont Hospital to improve processing and help patients, but I want to hear what further plans the Minister has to improve the accident and emergency unit. I appreciate that the special delivery unit is doing good work. However, there appears to be some ongoing niggling issues in regard to the accident and emergency unit and the length of time people have to wait to get an adequate service. One of the criticisms is that the level of service is not the same as it used to be and, obviously, there is greater pressure on the Minister, given the reduced budget, to deal with some of these problems.

Following an operation and discharge from hospital, less support is available to patients. An element of extra help could be provided to patients to help them rehabilitate. One of the recent scandals was that of top-up payments at the Central Remedial Clinic. Why was that issue not considered in the Bill to ensure that individual agencies were not allowed to pay salaries above and beyond the health sector pay policy? When the HSE is dissolved and changes have been made, we hope this type of scandal will never recur. Hospitals must become more transparent in respect of the salaries paid to their staff. I would welcome a comment from the Minister on that issue. The heartbreaking aspect of the top-up payments at the Central Remedial Clinic is that it is the patients and those at the receiving end of its services who are suffering. The CRC's

image and reputation have been damaged and people are no longer donating as much as they did previously. That was obvious in the CRC Santa Bear appeal. Fund-raisers and donators feel cheated by the scandal and it is important that confidence is restored to the sector. I call on any directors who received moneys to examine their conscience and return that money so as to improve the image of the CRC and restore confidence to the organisation.

**Deputy Mattie McGrath:** I am pleased to speak on the Bill. I thank Deputy Terence Flanagan and others for sharing time.

At the beginning of his contribution on the Bill last Thursday, the Minister took time to give a list of all the great things that he and his Department are doing, such as publishing reports on the establishment of hospital groups and on the future of smaller hospitals. He has appointed chairpersons for each of the seven groups and is currently in the process of appointing the chief executive officers. In March 2013, he published Healthy Ireland, a strategy for empowering people in Ireland to get healthier. However, if I took the time to list all the deficits in the HSE and in the Department I would need more than the ten minutes available to me. In the limited time at my disposal, I note the Minister is now speaking about 2019 for the full implementation of universal health insurance, as envisaged and espoused by him on many occasions. The problem is that it is not clear what the Minister has in mind given that we are still waiting for the publication of the White Paper on universal health insurance. We heard the rumblings from the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, at the weekend, while on Monday morning I heard the Minister of State at the Department of Health, Deputy Alex White, on "Morning Ireland" speaking about a little charge. I do not have a fundamental issue with a small charge on medical cards as applied to prescriptions, for reasons the Minister will be aware of, being a doctor himself. However, let us be honest with the people if nothing else.

The Irish Medical Organisation, IMO, and other groups representing general practitioners are deeply unhappy with both the content of the draft contract drawn up by the Government and the proposed new service, and the insistence of the Department of Health that it will enter only into consultations and not negotiations on the issues. The Minister appears to have forgotten his past. He was on the other side negotiating on behalf of a certain group and he expected, demanded and got negotiating rights and, I might add, negotiated a very good deal for his own group at the time. It was a group that negotiated well and got plenty from people who were willing to give plenty at the time. We all thought we had plenty but we had not. Faraway cows have long horns.

Last week, the IMO warned that it would consider seeking an injunction to prevent the Government from introducing changes to the contracts of its members without agreement. That is what the Minister would have espoused when he was on that side, but he should not forget everything. I hope the Minister and the Department will be open to more constructive forms of dialogue on this matter and listen to the experience of general practitioners on the ground. My experience is that the vast majority, 99.9%, give a tremendous service. Their clinics are over-run because the hospitals cannot cope and people go to them when, on many occasions, they should be in hospital. Some people who visit the GP discover they do not have medical cards. At this stage the GP has to be a counsellor and deal with traumatic situations and has to engage and listen to people. Medical cards have been systematically removed from old and vulnerable people who have not been notified. They only learn this when they visit their GP.

I wish to challenge the Minister on one issue. I have seen in print that a person's medical card cannot be removed for a period of three months from the date of a letter from his or her

doctor. Perhaps the Minister would respond to that issue and put the lie to that if it is untrue. Many old people are traumatised because of the situation. I have a regular flow of e-mails on the issue, including two yesterday from GPs in my constituency who said that GP visit cards had been removed without notice even though they were not due to expire until 2017. Such action is faceless, cold, bureaucratic and shows no sensitivity. The way the system deals with it is outrageous.

I have been in regular contact with local GPs who are deeply concerned about the proposed changes to the system, especially the proposal for free GP care under-fives. This will be a banana-skin issue because the Minister will slip on it and will fall and will need medical treatment. I do not wish the Minister any ill, but that could happen. This is a real sickener for hundreds of people. At least 20 people per day contact my office about the removal of medical cards and the Minister is talking about giving them to under-fives who, thankfully, normally are quite healthy. He will flood GP clinics with people who thought they were healthy until last weekend when the Minister for Public Expenditure and Reform, Deputy Howlin, put his oar in. Thankfully someone can talk sense to the Minister for Health who is not a good listener and say they will not provide the money for the Minister. That is the only way to deal with him, turn off the tap. Then he will not be able to go ahead with his crazy plan to give it to the under-fives and take it away from cancer patients and patients in all kinds of situation. This has to be visible to the Minister unless he lives in a bunker. This is happening up and down the country. Sick people are traumatised and devastated. A man rang me today who has been waiting months for his medical card. He is a cancer patient who is unemployed and receiving social welfare. The hospital demanded €75 from him. He rang me from the hospital to know what is the situation regarding his card. That is a sad, desperate situation. The Minister talks poppycock about introducing free GP care for under-fives or under-sixes as a first step on a ladder that is going nowhere. It is a ladder that will fall as soon as it is erected because it is standing on ice and will fall through the cracks when the Ministers for Public Expenditure and Reform and Finance pull away the funding.

We were disappointed when we heard that our hospital was being disenfranchised from the South East region which we had been part of for years but vested interests in Kilkenny and elsewhere wanted to link up with Dublin and left us high and dry. Thankfully, our hospital is now aligned with Cork University Hospital. That is all that has happened. The Minister has appointed chief executive officers for those regions but nothing else. We are in Limbo.

There are many good outcomes in my local hospital. Front-line staff, from those at the front door all the way up to the consultants do an enormous job in terrible circumstances. The Minister has only once visited that hospital, to launch a learning programme with Limerick University. He did a quick tour of the hospital. He ran out of it quicker than Cromwell fled from Clonmel. He was to meet us Oireachtas Members-----

**Deputy James Reilly:** The Deputy has a great imagination. I will say that for him.

**Deputy Mattie McGrath:** I was there. I saw him.

**Deputy James Reilly:** The Deputy was there for a very short time.

**Deputy Mattie McGrath:** Deputy Tom Hayes, Deputy Healy and I waited for hours to meet the Minister but he left us standing in the yard and never met us. He has not met the Oireachtas Members from south Tipperary once since he took office. That is a shame on him.

Under the last Government, which I supported, we had regular meetings with the then Minister for Health, Deputy Harney, at least every six months, sometimes quarterly. The present Minister has not met us once. When he has met us in the corridor he has said he will meet us or do this or that but he has never brought us into his office, or sat down to meet us in any office. The same happens with senior management in south Tipperary. It does not engage with me as it used to do quarterly under the last Government, with the local Members and the then Minister of State, Deputy Mansergh.

We are in a vacuum. I have received calls telling me that yesterday there were 19 people on trolleys and 15 today. On other days there have been 28. That is the second highest number in the country compared with Beaumont Hospital or Cork University Hospital, which have four times as many beds. It is not because the front-line staff are not doing their job. They work very hard. It is a crisis in Clonmel, South Tipperary. Front-line staff cannot cope. The Minister just rubs his hands and makes glib remarks and does not even have the interest to meet the Members or engage with senior management. I do not know whether the Minister has instructed the senior management not to engage with us. People call me with harrowing stories about people on trolleys for two or three days. A few nights ago there was a woman there whose oxygen container was empty. That is third world standard. There is no room. I will be forced to call in the Health Information Quality Authority, HIQA, and the Health and Safety Authority, HSA. Worst of all I was asked last Sunday night to call in the fire officer because it is dangerous, unsafe and unwise for patients, families, staff and everybody else to be there.

The Minister can sit and smile all he likes but this is a Third World, primitive situation. The Minister should hang his head in shame at leaving it as it is. Then he talks about free GP care for under-fives. He is in a world of delusion and illusion. I challenge him to give me a date, as soon as possible, when he will visit the hospital, and an earlier date when he will meet the Members elected from south Tipperary, or indeed all of Tipperary and part of west Waterford as well. I challenge the Minister to do that, across the floor of the House because it is no good writing to him or asking him because he will only laugh and talk about it. What is happening is an outrage. I heard a Deputy from Roscommon ask this morning what happened about the Bills last night. The Government is robbing Peter to pay Paul. I salute the front-line staff for the work they do under appalling pressure. I acknowledge that the Minister allowed the recruitment of some nurses recently. The pressure is on sick people – and most people do not go into hospital unless they are very sick. Some go in at weekends as a result of drinking but they should be segregated and put somewhere else because they are annoying and frightening and the security staff have to keep them away from everybody else, from the ordinary sick people, especially those who are old. It is an indictment of the Minister, who is a qualified medical person and has taken the hippocratic oath, that he would allow such conditions to continue in any hospital but above all in our hospital in south Tipperary. I challenge the Minister to meet the Tipperary Members to discuss it at first hand. I further challenge him to come back and not run away as fast as Cromwell ran out of Clonmel. We hunted him. The Minister was welcome to stay but he will not be welcome again if he does not have some respect for the elected representatives and the people of south Tipperary.

**Deputy Seán Kenny:** Under the Health Act 2004, the Health Service Executive had its own Vote. In other words it was funded through a separate process from the Department of Health. The programme for Government contains wide-ranging commitments regarding the reform of the health services and the dissolution of the HSE is a necessary step in the process of implementing these reforms. The Health Act 2004 provided that the Minister for Health had

no legal role in setting the HSE budget. The intention then was to give the HSE greater operational autonomy from what was characterised as a very politicised decision-making system. It is clear, however, that in the years since this was done the health service has been weakened because the accountability of the HSE to the Minister and the Department of Health was lacking. The Bill seeks to rectify that situation by restoring the Vote of the HSE to the office of the Minister for Health and thus re-establishing appropriate and proper accountability for the HSE to Government. It is another step on the way to necessary reforms, including the dissolution of the HSE, the establishment of a health commissioning agency, new community care structures, and hospital trusts.

The Bill provides for the disestablishment of the Vote of the Health Service Executive from January 2015 and from that date the funding of the executive will be mainly through the Vote of the Minister for Health by way of grants paid to the executive. The executive will continue to collect the income it generates through statutory charges, superannuation contributions and other miscellaneous income. The director general of the HSE will become an accountable person rather than an Accounting Officer. The Bill sets out an alternative statutory framework to govern the funding of the HSE and to ensure that the director general exercises proper controls on expenditure. The Bill also makes consequential changes to the service plan process to align it with the new budgetary arrangements. I look forward to speaking on the service plan when it comes before the House soon.

The central aim of the health reform programme is to improve equity and access to services. This Bill is an essential part of that goal. Transparency and accountability around service delivery are fundamental to the health service reform programme. This Bill, together with the other changes being made, will help ensure more accountability during the time the HSE continues in existence. I welcome this Bill which will, I hope, bring stronger control to the overly-bureaucratic HSE that has removed accountability from the provision of health services and has taken accountability away from the political authority and through that from the people.

Before I was elected to this House I was a local authority member of the Dublin North East Regional Health Forum, which replaced the health board. It was purely consultative in nature and had no real decision-making powers or functions. I seriously question its effectiveness.

I pay tribute to the individual staff members of the HSE who work very hard. The HSE model has not worked, as the last decade has shown clearly. It is too large and unwieldy to function in a cohesive and consistent manner. It is time to move on and take a new approach. I support the Bill.

**Deputy Áine Collins:** When the Health Service Executive was established in January 2005 it replaced the existing ten health boards. At the time the health boards were regarded as problematic from a governance perspective. To a certain extent this view was correct. Ten different systems without any co-ordination were obviously going to be ineffective.

*5 o'clock*

Also, as technology developed, systems had to develop. The exchange of information and shared services would become central to the management and running of any organisation, particularly a complex and evolving organisation such as the health service.

I believe there were political motivations at the time in putting the health service at arm's length from the then Minister. The establishment of the Health Service Executive gave the

impression that there would be a division of responsibility for policy and management. Responsibility for policy remained with the Minister and the Department, while responsibility for its implementation and management transferred to the HSE. The changes meant that the then Minister was no longer directly responsible to the House for the day to day running of the health service. There is no doubt that despite the apparent affluence of the economy in 2005, the health service was in crisis. Unfortunately, the establishment of the HSE was ill-conceived and it was badly set up. That led to a deepening of the health crisis which became more acute as the financial crisis worsened.

As part of the programme for Government, the Minister committed to a health reform programme. The goal is to have a universal, single-tier health service based on universal health insurance. As part of this process, the HSE is to be abolished and its functions will return to the Minister for Health where they rightly belong. The Minister and the Government should be accountable to the House for the functioning of the health service. This legislation is part of that reform. It provides for the funding of the HSE and its successor through the Vote for the office of the Minister for Health from the start of next year. The HSE will be abolished and a new and robust financial governance structure introduced. The main features of the Bill are to provide for the dissolution of the Vote for the HSE; the funding of the HSE through the Vote for the office of the Minister from January 2015; the establishment of a new financial governance structure for the HSE; giving the Minister powers to set a net budget for the HSE and approve gross income and expenditure plans; and imposing certain legal obligations on the director general to ensure the HSE executive operates within the financial limits imposed by the Minister.

As the Minister pointed out, this legislation will enable new funding arrangements to be put in place as part of a wider restructuring of the health service and the ultimate implementation of a universal health insurance system. In that regard, I will make a point that arose at a recent meeting of the Committee of Public Accounts. Representatives of the health service were before the committee and stated they had 15 certified chartered accountants engaged in the HSE. One example of a reform not having been introduced is that one cannot get details of any hospital budget at the touch of a button, which is unimaginable today, without the necessity of having people involved in reforming them, reanalysing them and so on. Deputy James Reilly is a reforming Minister, but the pace of reform is not as fast as he or the general public would wish. Reform and change are difficult at any time but particularly difficult in poor economic times. Despite this, however, fundamental reforms, changes and better results are being achieved every day with fewer resources. I commend the Bill to the House.

Debate adjourned.

### **Recent Flooding: Statements (Resumed)**

**Deputy Michael Colreavy:** I express our deepest condolences to the family, friends and community of Michael O’Riordan, a linesman, who was killed while trying to restore utility services to households cut off during the storm. I also express our deepest sympathy to the families of the two visitors to our land who were apparently swept out to sea as they viewed the majesty and power of a raging ocean. All of us who saw the pictures of people being taken from their homes in boats, businesses being destroyed by rivers of water and green farmlands being formed into lakes can only feel the deepest of sympathy for those involved. It is hard to

envisage a more heart-breaking scenario, but, thankfully, there were few deaths as a result of the storms.

The storms also showed some good, positive actions. We must all commend the work of local communities which banded and bonded together to fight the forces of nature which threatened to destroy their homes, businesses and belongings. We should also commend front-line emergency workers, voluntary organisations, the ESB, telephone and council workmen who worked all hours to help people to deal with the crisis. I even commend the Government for its action in arranging to proactively seek out those citizens most in need of emergency assistance and using organisations such as the Society of St. Vincent de Paul to administer and co-ordinate support for those most in need. That was good action taken by the Government, for which it should be commended.

The flooding highlights deficiencies in local government. Flooding is a national problem that must be tackled at a local level. It is very difficult for the Government or the Office for Public Works to draw up a definitive list of projects that need to be carried out quickly. That is the information that is only held at local authority level, but local authorities have seen their ability to address the problems caused by severe weather and flooding diminished by cuts to their funding. The irony is that the local government fund is being used to subvent Uisce Éireann. This is the type of situation one would expect to find in a satirical comedy sketch: local government funds being spent to charge people for access to water as it is literally pouring into homes and businesses through every orifice. The effect of cuts to local government spending can be clearly seen and perhaps the Government will now row back, if members will forgive the pun, on its attack on local government and implement real local government reforms.

The recent flooding damage both in Ireland and other European countries has again sparked a debate on whether we are taking the issue of climate change seriously. As Sinn Féin spokesperson on communications, energy and natural resources, I have repeatedly called for a national energy strategy. Such a strategy is essential to reduce our CO<sub>2</sub> emissions. Not only do we have targets to reach by 2020 as set out by the European Union, Ireland should also be taking the lead in the development of renewable energy resources. I am glad that the Minister, Deputy Pat Rabbitte, recently announced that he was to launch a Green Paper on energy strategy. The climate change debate must take place in this Chamber because even a small change in sea levels could put many parts of the country seriously at risk. It is an issue that the Government must take seriously or we will pay for our mistakes each winter as storms batter the coast.

It is also worth noting that the recent flooding demonstrates the power contained in the seas off our vast coastline. Imagine if we could harness some of the energy from tidal and hydro sources; we have the chance to reduce our CO<sub>2</sub> emissions by using the very power of nature we have been battling.

The problem many people face stems from the inability to obtain insurance for their property against flooding. A standard home insurance policy will offer flood protection as a routine benefit. However, if one has been hit by floods in the past, renewing such a policy will become considerably more difficult, if possible at all. More likely than not, an insurance company will not renew a policy if someone has been flooded and if it does, it will not offer flood protection. That is very worrying for those who live in areas prone to flooding. Even if a home has not been flooded previously, it can be excluded from coverage if it is in an area prone to flooding. This has huge implications for homeowners who may find it very difficult to sell a property that is at risk of flooding and cannot guarantee that it will be able to be insured.

Many businesses also suffer. They not only run the risk of structural damage caused by flooding, but they may also lose a large amount of stock that will not be covered by insurance companies. It is probably a hangover of the Celtic tiger era that so many properties were built on flood plains. It is clear that proper action was not taken by developers to ensure they did not construct buildings in areas prone to flooding.

However, we must deal with the situation that we currently face. The Government must help home and business owners to find insurance cover. Insurance companies must, in turn, accept an element of public service obligation. Agricultural land must also be protected from flood waters. The farming community stands to lose a massive amount of fodder and agricultural land if the recent flooding becomes a regular occurrence. Many farmers are willing to carry out work themselves to erect flood defences but they are prevented from doing so due to bureaucratic regulations. Indeed, they can be financially penalised if they do such work.

Those of us who live in the north west did not, thankfully, experience the level of damage suffered in more unfortunate areas of the country. However, some homes and businesses were damaged and seaside tourist areas such as Enniscrone, Easkey, Strandhill, Rosses Point and Bundoran suffered significant structural damage, which will have to be put right before the tourist season commences in Easter. More than two months ago in Leitrim village, a river burst its banks near a housing estate. This was reported on several occasions but nothing was done about it. The same thing happened in 2009. All sorts of promises were made but zero action has ensued. These homes are once again threatened by severe flooding. We cannot blame the weather in this instance. Where flood risk is known, it should be manageable. It is wrong to leave people fearful that the next heavy rainfall will cause their homes to be flooded.

In addition to repairs and restoration, we also need to move into a preventive mode by improving our defences. We cannot afford to do this on our own. We will need substantial EU aid. Perhaps we should consider making a joint approach with our colleagues in the Stormont Assembly. We may not reach the threshold for EU funding on the basis of 26 counties but we might do so on a 32-county basis. I make that suggestion in an effort to be helpful.

**Deputy Seán Kyne:** My constituency of Galway West suffered badly from a series of storms since the middle of December. Two tidal surges had a particularly heavy impact along coastal areas of County Galway. I pay tribute to a local community worker, Stevie King from Aughrismore in Cleggan, who will be buried tomorrow. He was a man of the sea and of the land who was involved in the Festival of the Sea and the Cleggan regatta. He told family members that he had never seen anything like the storms experienced in the Connemara area over the last several weeks. People who have been affected personally feel great frustration at their predicament.

As a former member of the local authority, I recall the stress that was caused when a certain housing estate was flooded. The stress lasted for a lengthy period until a relatively simple solution was found. I sympathise with all who were affected by flooding and storm damage. In some cases the solutions are easily found but in others it can take a long time to fix problems. In this regard, I commend the Minister of State at the Department of Public Expenditure and Reform, Deputy Brian Hayes, on his announcement that work is to commence on the River Clare drainage scheme. The town of Claregalway has suffered flooding on a number of occasions, most recently in 2009. A new bridge has already been constructed over the river and the proposed works include the deepening of the channel at the new bridge in Claregalway; maintenance of the channel from the Curraghline downstream; the creation of a two-stage channel and an embankment at Crusheen, close to the new bridge; cleaning and extension of the island drain

to Carnmore to relieve regular flooding near Greaney Glass; and the installation of a one-way valve to prevent water from backing up in times of heavy rainfall or flooding. The Minister of State, Deputy Brian Hayes, visited Claregalway last year in the company of local councillors Peter Feeney and Malachy Noone and officials from the OPW.

Aillebrack in Ballyconneelly suffered greatly during the initial storms in early January. Council workers and locals did a lot of hard work in filling sandbags to keep back the tidal surge. Unfortunately, their efforts were not successful but the council is progressing the installation of a new flood defence wall to replace the previous wall, which was constructed in 1942 and collapsed during the storms. This immediate solution will be funded through the OPW.

In light of what has happened in the last two months, we need a stronger emergency committee. The UK has established what is known as the COBRA committee. It is a catchy name and people know that action is taking place if it meets. We should establish a similar body that can meet immediately when a storm or other natural disaster hits. Such a body could be a focal point to get messages about what is happening to the media.

Last week the Minister for Agriculture, Food and the Marine outlined funding for piers and harbours of €8.8 million nationally. I welcome the announcement but it may not be sufficient given that €1.45 million will be needed to repair damage in Galway alone. A strong statement is needed on funding for coastal protection. I commend the Minister of State, Deputy Brian Hayes, on the OPW's support for small schemes costing less than €500,000. Local authorities are preparing lists of projects to repair existing walls, rock armour or new coastal protections such as those required on the Aran Islands and Inisbofin. Certain businesses on the Aran Islands have been affected by the closure of roads due to erosion by the sea. The repair of these roads will require considerable investment, possibly involving tenders for construction work. I hope there will be a strong commitment from the Minister of State and the OPW that funding will be made available to Galway County Council. Galway suffered €18 million in damages and, while a number of positive announcements have been made, concerns remain about the piers in areas such as Aughris and Cill Chiaran. The lists already submitted by the county council only take account of damage done before mid-January or early February and the bill is likely to increase as additional projects are submitted.

**Deputy Marcella Corcoran Kennedy:** I welcome the opportunity to discuss the dreadful flooding our country has experienced in recent months. I acknowledge the distress and trauma experienced by many families, businesses and landowners over the past several weeks and commend the emergency services on their excellent work in helping people.

When urban areas are affected they always make the headlines. However, an area with which I am very familiar, west County Offaly, experiences annual flooding along the River Shannon. As a rule the flooding affects the surrounding land, but homes can also be flooded. The areas along the Shannon Callows are particularly prone to flooding. In fact, I was out visiting some of the towns and villages over the past couple of weeks. I visited Shannon Harbour, Shannonbridge and Banagher, and to see the water levels was truly frightening because the river is a force to be reckoned with. We are insignificant in the face of the force of that volume of water.

It is when summer flooding hits that we are really in trouble in my area. The landowners and the farmers are particularly impacted by this because it usually occurs at the time when they would be harvesting their crops. When the river floods twice a year, then we are in real trouble.

The Shannon is 360 km long and flows through 11 counties. It is a significant resource for all of us and it has tremendous benefits. It is only when we see its force and the damage it can also do that we really focus on it, as, of course, we must do.

In July 2012, the Joint Oireachtas Committee on the Environment, Culture and the Gaeltacht produced a report, entitled “Eight Proposals urgently required to tackle Flooding on the River Shannon, its tributaries and the waters feeding into it”, in which we examined all of the reports to date on the Shannon and on which we did not hold hearings because we felt there was no need. We had already heard everything and enough has been written about it. I cannot help but think that if any efforts had been made to put into practice what we had recommended in that report, some of the trauma experienced by those in the area might have been averted. The recommendations were simple and, we would have felt, easy to implement.

The first recommendation we made was that one agency would oversee the management of the River Shannon and its tributaries and waters. The second was that the Shannon would be maintained. The third was that local engagement and consultation would be in place. The other recommendations were that appropriate water levels would be maintained; that we would prevent and alleviate the build up of silt; that we would put flood warning systems and emergency management in place; that we would utilise the bog lands - these are like sponges in the middle of the country - to attenuate water from the river when necessary; and that we would protect our natural heritage.

Of course, our biggest problem is that there are so many agencies paralysing each other in terms of what needs to be done. That is the difficulty. The other problem is that two years remain before the Shannon CFRAM plan is completed. They have three years of work done already but there are two more years of looking at hydrology and other matters to figure out how this will be done.

We felt that putting one agency in control but working in partnership with the others was the correct way to go. Having agencies such as Bord na Móna, ESB, Waterways Ireland, OPW, the National Parks and Wildlife Service, and the landowners and home dwellers all in the one mix and nobody in control is the problem that we identified, and this has been the case for many years. We cannot have another report. We must deal with this, and soon.

The Shannon Callows are our greatest concern. From the weir in Athlone to Melick and Victoria Lough has to be dealt with. There are all sorts of issues with regard to water management, who controls the weir in Athlone and navigation. It is considerable. If only somebody had paid attention to our report. I call on anybody involved to read, digest and implement it.

**Deputy Finian McGrath:** I thank the Ceann Comhairle for the opportunity of speaking in this important debate on flooding and the urgent need to do something for all the families affected by the recent floods.

In recent weeks we all have seen the horrific consequences of flooding. First, my heart goes out to all the families and individuals who suffered and had their homes badly damaged or destroyed in the recent floods. The job of the Government and the local authorities is, first, to help the families in immediate need and sort out their difficulties and problems. Once this is resolved and the families are helped, we have to move on and deal with the broader flooding issue. Objective one is help those families that got hammered in the recent floods and objective two is come up with common-sense flood defence plans.

We need to deal with the issues of flood prevention, drainage and proper flood barriers. That is the way to deal with this issue. We need a proper and informed debate as this is a very serious matter.

We also need to look at examples of best practice in dealing with the flooding problem in this country. Recently, I have seen in my constituency, Dublin Bay North, two examples of good practice and bad practice. First, there was the bad practice in the proposals of the Clontarf area where they went ahead with the plan without consulting all the residents and the residents were up in arms. They had a plan to destroy the beautiful seafront walk in Clontarf and they did not listen to proposals. Happily, they listened in the end and they had to back down. The important point is the bad practice there. Initially, it was not carried out in a positive and constructive way.

I take this opportunity to commend my colleague, Councillor Damien O'Farrell, the Independent councillor for the Clontarf ward, for the magnificent work he did on this proposal. He led the charge. All the political parties sat on the fence and then ran away. Councillor O'Farrell represented the people and now they are coming up with a new, sensible plan. I want to use this occasion to commend Councillor O'Farrell, who will be running in the local elections. I urge all the people to support him for his magnificent work. He challenged bad planning and bad management and sought consultation. That was an example of a bad plan that was eventually resolved.

On the other hand, in the Donnycarney area of my constituency there were examples of good practice where the local authority sat down with the residents and dealt with the river flooding issues. They also sat down with Clontarf Golf Club, which is a neighbour, and hammered out a deal to resolve the problem. That is an example of good practice. Another example of good practice was that for years we had been campaigning to get the River Tolka dredged following the floods in 2001, 2002 and 2003, and eventually we got that done as well. This is important when we are dealing with these issues.

Returning to Clontarf and the magnificent work done by Councillor O'Farrell, as far back as 20 January last Councillor O'Farrell asked Dublin City Council to investigate the possibility of introducing short-term flood defence measures along the Clontarf promenade, including the possibility of raising the small roadside wall and using flood defence barriers at existing gaps, such as the car park entrances and exits. He put that to them and they came back with the response that this option was one of those being considered by the Clontarf promenade joint working group, and I welcome that. That is the way to do business.

Another issue directly related to flooding, which has not been mentioned during this debate, is how we got this right in Dublin Bay North. They tried to fill in the 52 acres of the bay, which would have damaged it. If they had filled in those 52 acres with concrete, all sorts of rocks, etc., one can imagine what would have happened to the water levels in recent weeks. The late, and great, Seán Dublin Bay Loftus fought on this issue for 25 years and, by the way, won. That tradition goes on, both in Dublin City Council with Councillor O'Farrell and with myself in the Oireachtas. We will continue to act as watchdogs over Dublin Bay on behalf of the people of Dublin Bay North.

We need to deal with the issues as well. I heard a number of my colleagues mention the River Shannon. The River Shannon is a magnificent resource in this country and it should be guided, minded and protected. As somebody who uses the Shannon regularly for family trips

and holidays, and who has many contacts with the beautiful village of Dromineer in County Tipperary, I commend the great work that of the Shannon Protection Alliance on this issue. They give the Government a red card here. They say it should be careful about draining and taking too much water out of the River Shannon and moving it out of the area because that could be damaging to the wildlife and the development of tourism. We have heard this for many years, long before I was ever elected to the Dáil. De Valera won elections because he said he would drain the Shannon. That went on for many years. That will not stop the flooding. We need common-sense plans. We need proper protection, including barriers, but we also need to preserve that amenity. The Shannon is a magnificent amenity for boating and other tourism pursuits. We must focus on the tourism sector and it is all linked to the debate on flooding.

During the week, I warned the Minister for Agriculture, Food and the Marine, Deputy Coveney, about the row down in beautiful Galway Bay. As someone who is originally from Galway I have to stand up for them. There is a proposal to put in a major fish farm, but imagine the pollution that would have caused in the recent storms. The Minister should be careful in this regard. Galway Bay needs to be cleaned up more and the necessary work has started but it should not be damaged further. We must focus on tourism where a lot of the jobs are. The SME and tourism sectors depend on a clean, viable Galway Bay so I urge the Minister to be sensible about it.

As regards measures taken in response to recent flooding, the Department of the Environment, Community and Local Government is the lead Department dealing with severe weather emergencies. The Office of Public Works has responsibility for flood relief activities. The Department of Social Protection has an important role in assisting households in the immediate aftermath of such floods. I have to point out that it was effective in doing so. For example, on Thursday, 6 February, some 160 people in Limerick had been seen in the social welfare clinics. In addition, the homes of more than 50 vulnerable people had been visited. There was a response but we need to have a regular response because, due to climate change, this will recur so we need to be prepared. I want to ensure that public safety is paramount.

In dealing with these issues, one must go through various stages. Stage one is to provide emergency support, including income payments, food, clothing and personal items for the families affected. Stage two generally involves the replacement of goods, furniture and other essential household items. However the full extent of damage may not be known until the flood water abates and houses dry out. People affected by floods must be supported and protected.

At the end of 2013, total expenditure on humanitarian assistance was €2.2 million, from which approximately 3,500 payments were made. We must be vigilant in ensuring that these families receive the maximum possible support. From the total expenditure for 2013, five households were paid a total of €51,450 for refurbishment in their homes. Payments ranged from €825 to €16,870 for work such as plastering, dry-lining, re-laying floors, electrical repairs and painting.

An additional sum of €15 million has been approved in line with the recent Government commitment to ensure that adequate resources are there to deal with these issues, but will this be enough? The Minister should listen to those directly affected by the floods.

We need a broader plan to deal with flooding in this State, including flood prevention measures such as barriers and walls. This can be done in a creative way, like the new plan for the Clontarf promenade. As well as providing flood protection, that amenity will be available for

the thousands of people who wish to cycle and walk there.

This year we will have massive celebrations commemorating the Battle of Clontarf millennium. I want to invite everybody in this House, including the Minister of State, Deputy Perry, and Deputy Buttimer to attend some of the celebrations in Clontarf this year. An amazing local committee is organising the commemoration of the famous battle in 1014. They are bringing in tourists and creating jobs by putting Clontarf and Dublin Bay on the map.

**Deputy John Perry:** Well done, Deputy.

**Deputy Jerry Buttimer:** I thought the Battle of Clontarf had resumed, given that Deputy McGrath launched the local election campaign of a candidate in the House. I wonder if that was his intention. He forgot to mention the fine work of Fine Gael councillors and the Minister of State, Deputy Brian Hayes, on flood alleviation measures in the Clontarf area.

**Deputy Finian McGrath:** They are no good.

**Deputy Jerry Buttimer:** I will begin by commending the people who worked in the aftermath of the storms and flooding. In particular, we should remember the late Michael O’Riordan who died in west Cork in the aftermath of the storms. Public servants working for Eircom, the ESB and other bodies have an incredible commitment. We must commend the work of ESB staff in restoring power.

The flooding in Cork has again devastated many businesses and homes in the heart of our city. Regrettably, the reaction to the 2009 floods in Cork did not prioritise a long-term plan to protect our city. While criticism of the length of time it is taking to implement a flood defence scheme is legitimate, it is also important to understand that the flood situation in Cork is not straightforward. Progressing a scheme for the city involves complex and detailed preparations to ensure that the best possible long-term solution is found.

I want to say in a non-partisan way that the Minister of State, Deputy Brian Hayes, has engaged not just with Members of the Oireachtas but also with city and county council officials. I commend him on that. Because of him, progress is being made. On 6 February, he visited Cork and met with the lord mayor, councillors, the city manager and local business representatives. The Minister of State said that up to €100 million will be made available to carry out flood protection work for Cork. I welcome that announcement. He also stated that a possible starting date for the three-year project will be in 2015. In the meantime, a forum between the OPW, city council and local businesses is being set up to explore interim measures that can help to alleviate the problem. It is a pity that it will take three years to get this done but I welcome the Minister of State’s initiative and his commitment to the project.

Last April, the OPW appointed Arup Engineers to develop proposals based on the 2006 catchment flood risk assessment and management, or CFRAM, study for the River Lee catchment. The main objectives of this work include a flood forecasting system to facilitate optimum decision-making on dam discharges; and a viable, cost-effective and sustainable scheme to provide protection along the lower Lee and through Cork city against residual fluvial flooding and flooding from high tides and surge levels. Those matters are very important in the context of Cork city.

Last July, Arup held a public information day to outline the study and the process involved in developing the plan. It is intended to bring the emerging preferred scheme before the public

this summer at a public information day. Following this the scheme will be further refined, an environmental impact assessment will be completed, and a formal public exhibition will commence towards the end of the year.

It is expected that this scheme will be the largest flood relief scheme ever undertaken by the OPW, costing between €50 million and €100 million. That is why I welcome the public consultation and the long lead-in time. Given the substantial investment required, work can only commence when the right solution is found for the city of Cork. Traders and homeowners require nothing less.

Apart from the proposed scheme for the central city area, studies are also being advanced for Douglas and Togher. A flood relief scheme for Douglas and Togher is currently being advanced by Cork County Council with funding to be provided by the Office of Public Works. I commend the city and county officials and workers on their diligence and commitment in the aftermath of the recent flooding and storms.

Cork County Council has signed a contract for consultants in the last two weeks to take on the development of a flood relief scheme for Douglas and Togher. That is an important step, which I welcome. I hope that these proposals will be brought forward for public consultation before the end of this year. The OPW has made provision for the costs of these schemes in its multi-annual budgets, with funding to be reviewed from time to time depending on actual budget allocations.

The flooding incidents in Cork are unfortunately not the first the city has experienced. We have seen them in areas such as the Middle Parish, Douglas and Togher where people have had to evacuate their homes. In addition, businesses have been interrupted and in some cases never reopened. We need to see a faster, more efficient response time for businesses and homeowners because of the costs to them and to the State. It is now seven years since submissions were sought for the River Lee catchment flood risk assessment and management, CFRAM, study, and that is too long. The protection of Cork from flood events must be prioritised. I am glad that it will be under the Minister of State, Deputy Brian Hayes, because we can never allow what happened in the past, when Cork was neglected from 2009 until now, to recur. The fear and the uncertainty of homeowners and business people cannot be allowed to continue.

Members of the House can cast their minds back to 2009 and the floods in the middle of Cork city, the oldest part of it. We have not yet seen the protection of these people being prioritised. We accept that the city was built on a marsh but today we have a duty of care to protect homeowners, families and city centre businesses. I am glad the Minister of State with responsibility for small and medium-sized enterprises, Deputy John Perry, who does so much work for small businesses, is in the Chamber because these businesses are the lifeblood of the local economy in Cork. Since then, flooding in Cork has cost an estimated €100 million, but the city remains exposed. Businesses remain at risk and homes remain vulnerable. Our task must be to alleviate the uncertainty, heartache and tension in the lives of many people. I have met homeowners and business people who tell me that their hearts sink when they see the water level rising and flood warnings for Cork. We cannot let that continue. I am glad the Minister of State, Deputy Brian Hayes, has made this a priority.

It is no wonder people become frustrated and disenchanted with politics and bureaucracy when, five years after the flood in 2009, we are only now getting to the end of the process. The president of Cork Chamber of Commerce, Ms Gillian Keating, voiced the frustration of

many businesses on local radio. She spoke about the lack of action and the frustration of business people. I do not blame business people for speaking out. The protection of the country's second city must be prioritised. No economy can thrive when its business centre is subject to persistent and regular flooding. The people of Cork need the remedial works to be prioritised and they demand it. They must finally be given some hope that a long-term solution will be delivered, not promised.

I welcome the engagement by the Minister of State, Deputy Brian Hayes, with local business leaders, council officials and local councillors. I am pleased that, at long last, we have a Minister of State with responsibility for flood protection measures who recognises the importance of the Cork economy and that local homeowners deserve certainty. The Minister of State and the Government have given a commitment to invest in alleviation measures that will provide robust, long-term protection for the city. It is good for Cork, good for Cork businesses, good for residents and good for our national economy that the second city is open for business.

While the development of the scheme must be prioritised and fast-tracked where possible, there must also be an immediate focus on interim measures. The local forum involving the OPW must play a central role in delivering adequate interim protection. This body must get to work as soon as possible and without delay to provide ongoing assistance to those most at risk in Cork city, whether in Blackpool, Douglas or Togher, and, in particular, in the middle of Cork city. This is about the people of Cork, the city of Cork and about Cork city being open for business. It is also about job creation and job retention. I appeal to all to engage in the process by making submissions. Let us expedite the situation so that we can end uncertainty and take away the fear people experience when they see a flood warning for Cork. That is our task and our duty, irrespective of who we are. I want to see that happen and I hope that if the Minister of State, Deputy Brian Hayes, goes to Europe as an MEP, the new Minister of State will prioritise the city of Cork and the people of Cork.

**Deputy Michael P. Kitt:** I am glad to have the opportunity to make brief comments on the flood damage and to sympathise with all those, including homeowners, commercial property owners, farmers and business people, who suffered because of the dreadful weather over a number of weeks. My first thoughts are with the people who suffered but we must then think about introducing new legislation to help people. With regard to flooding of the River Shannon, there is always a question of who is responsible. With so many agencies and bodies, I feel the Office of Public Works, OPW, should be the lead agency. The point has been made by experts in the area. With regard to the Rivers Suck and Shannon, the National Parks and Wildlife Service, fishermen, people who use the river for water sports and those concerned with habitats must all be considered. They are all important in their own way but if we do not stress the need for a lead agency such as the OPW, no progress will be made.

The Government must support people who are in a serious situation, particularly those who have been unable to get insurance for many years because their homes were flooded on so many occasions. Fianna Fáil is examining fresh legislation to help those who are uninsured based on measures introduced in the United Kingdom. We must have a better task force on emergency planning. Everyone is doing their best and there are great examples of it in agencies and local authorities. In recent weeks, we have seen the solidarity of neighbours and communities who have helped out when people had nowhere else to turn. We must examine the European Union solidarity fund because it should be in a position to assist local authorities and provide a one-stop shop approach via the national co-ordination group.

I have seen estimates of the cost inflicted by the storm, calculated by local authorities at €100 million. It is a staggering figure and we must try to get as much money as possible through Europe or from the national Government. I do not know much about the coastal counties because I do not represent a coastal constituency, but I saw what happened in Galway city. I was taken by the story of one business person. I say this in the presence of the Minister of State with responsibility for small business. The person had a café that was flooded on a number of occasions. The person decided to open only the top storey of the building. Damage along the coast was huge, with surging tides and winds. Cities such as Cork and Limerick witnessed rivers bursting their banks and businesses damaged. I would like to see as much money as possible spent on flood defences. We have other options in respect of the EU solidarity fund. The Government should prioritise areas at risk. Flood defences are very important.

I am disappointed that a figure of €50 million was mentioned to alleviate suffering. This is not enough, given the scale of damage. I was a bit taken aback when people approached me about the fund as I discovered there were seven pages of instructions on how to fill the form and six pages in the form. All that was really needed was for a person to call to the people who have suffered so much, as personnel from the Department of Social Protection have done very well. I am not sure if there is a need for all the paperwork involved. I hope the response will be speedy because of the serious problems being faced.

The question of insurance is very important and it is one of the first asked of people when they had flooding and sought humanitarian assistance. Most people did not have insurance and they should be the first to qualify in that area. I hope the Minister and the Government will have some success in seeking funding from the European Union solidarity fund. Some €13 million was secured by the Irish Government in November 2009 when we experienced devastating flooding and we should be able to get such funding again. A Fianna Fáil delegation met the European Commissioner responsible for regional development, Mr. Johannes Hahn, in January to discuss accessing the funding as quickly as possible to invest in addressing infrastructural damage.

I spent some days in south Galway examining some very serious cases. I will mention the particular case of Mrs. Annie Connolly from Ballynastaig in Gort. She is a very spirited woman who told me she would not leave her house, although I could see the water coming in from the rivers around it. It reminded me of Yeats, and as a Sligo man, the Minister of State would appreciate that. I am talking about Kiltartan Cross, Coole and Thoor Ballylee, and all the wonderful places about which Yeats wrote. These wonderful places have been flooded, with the people from the Office of Public Works pumping out the water. I spoke to that woman today and only for those people and county council putting in sandbags, Mrs. Connolly, who lives on her own, would be flooded. It is a matter of keeping the water out, although she had to leave the house eventually because the electricity supply was disconnected. Only for her neighbours providing a digger, the water from Coole would have come into her house. I am thankful that has been avoided and I hope the good weather we had today might continue.

I should also mention Kiltiernan national school, which is in the south Galway area. It was flooded in 2009 and I hope the Minister of State and his Government will consider drainage at the river because families are marooned in the Ardrahan area. Steps will have to be taken. The council has tried to raise the roads, which is good, and the OPW and the council have made a great achievement in doing what they have so far. I hope we can prioritise the areas at risk and the question of insurance is very important.

This is the third occasion in my memory that the south Galway area has been flooded. We have seen very serious flooding in 1995, 2009 and in the past few weeks and months, and our position has not really got any better. Ballinasloe has done a bit better, as we had very serious flooding in 2009. Remedial work was done, with €1 million spent on flood defences, and that has been a great benefit to the town. As I indicated earlier, small businesses are probably the first to suffer when a town is under siege by water as people cannot move overnight. I have already mentioned the case of the café owner in Galway city who can only use the top part of a building.

This is a timely debate but we must also spend money in a continuous fashion on flood defences. I hope the Minister of State and his Government will succeed in getting the European money and prioritise the at-risk areas. We should not have continuous flooding in areas like south Galway, as has happened three times since 1995. Other areas are also very bad but it is sad and depressing that no progress has been made in south Galway since 1995.

**Deputy Pat Breen:** Like my colleague, Deputy Kitt, I welcome the opportunity to speak in this debate this afternoon. This time last week the raging storm Darwin had just passed through the country and wreaked devastation all over the place. Like Deputy Kitt, I sympathise with all those who have been affected. Television screens have been dominated over the past month by pictures of communities hit hard by the devastation of storms Christine, Brigid and Darwin. Deputy Kitt and I live very close to each other and I know the south Galway area really well, so I have tremendous sympathy for the communities affected by the flooding there. Flooding is something we cannot control and is unbelievable when flood waters rise so quickly. This issue affects all communities but particularly the people whose houses are flooded, as well as the livelihoods of farmers.

I pay tribute to the emergency workers in my county who have toiled so hard over the past number of months. I include in this tribute the workers on the ground and the management of Clare County Council, as well as ESB crews which have worked night and day to restore electricity. Eircom crews and local volunteers have also worked tirelessly to help people in affected areas. There is a great human dimension out there with our community spirit, which is important.

The ferocity of these storms had not been witnessed by most people, particularly last week's storm Darwin. Everybody was affected by the weather, as householders saw slates come from roofs, trees were knocked on roads and land and various other aspects of damage were done as well. The human cost is something we must consider and I am thankful that only one man lost his life during the storms. Mr. Michael O'Riordan from Cork lost his life restoring telephone services to an area, and his work and dedication should never be forgotten. We sympathise with his family.

I will not go through all the areas in County Clare that have been affected as various Deputies have done that over the weeks since the debate began. I spoke in the first debate about the devastated areas on the west and north Clare coast, as well as the Fergus estuary. I will highlight the plight of four families at O'Callaghan's Mills in County Clare. There is an elderly woman there and these people have been cut off since Christmas. It is a real problem but there is nothing that can be done at the moment because the water levels are too high and the local authority can only tackle the problem when the water levels decrease. There are children living there and some people have had to move from the area. Flooding on the L30262 has been ongoing, although the road was raised in 2009. However, further flood prevention measures are

required and funding must be provided for those works. The council is due to survey the road when the water abates and it will submit an application for a minor works scheme to the Office of Public Works. Whatever is required to alleviate the problem must be done so that these people will never again face the problem they have over the past two months.

Mobile telephone and broadband coverage has also been affected in many areas throughout the country.

*6 o'clock*

In my area my mobile phone coverage with O2 is intermittent. Obviously, the storm had an effect in this regard also. In Kildysart, a town near my home, an issue has arisen regarding an eircom mast at Woodcock Hill, Cratloe. Trees need to be felled in the area to alleviate the problem.

With the storms last week, the country suffered terrible devastation. Hurricane winds battered County Clare. In all, approximately 250 homes and businesses are still without electricity in the county as a result of trees falling on electricity lines. ESB workers are working extremely hard to address this problem. We have all seen pictures on the television and in the newspapers of the damage done to cars and the scene left by the devastating hurricane winds. Forty communities across the country have been hit as a result of the two storms. I have mentioned some of them. Places such as White Strand in Miltown Malbay and Kilbaha and Carrigaholt have been affected. The Minister of State, Deputy Brian Hayes, visited the area some weeks ago to see at first hand the devastation caused by the storms. The Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, visited County Clare two weeks ago to see the farmland under water. The River Fergus embankments in the Kildysart-Ballynacally area and all along the Fergus Estuary were affected.

I took time to visit other areas affected last weekend in order to see the devastation caused along the coastline. I visited Farrihy in Doonbeg to see where the water had breached the coastline. Some 300 acres are still under floodwater. It is good land on which farmers cut silage during the summer and the water cannot get out. While it is escaping through a sluice, it is doing so at a very slow pace. The whole landscape of the region was changed. I never saw anything like it in all my life. The bunch of stones had been moved back, perhaps 20 m, from their original position, and the beach had also moved - such is the power of water. This affected many communities along the coastline, including Rhynagonnaught which is located beside the famous Doonbeg golf course which has recently been named Trump International Golf Links. The devastation was unbelievable. It is estimated that damage worth over €1 million has been done to the golf course. Two greens were literally washed away by the force of the tide. Some 20 m or 30 m of land was literally taken away from the coastline. This must not continue; otherwise the complex will be destroyed, in addition to the famous golf course. There is a need to carry out works to ensure the golf course is protected. Doonbeg Golf Club employs over 240 people in the summer and is very important to the tourism industry in the region.

I wish to talk about the longer term project. There are obviously short-term works to be prioritised in addition to it. The Minister has stated that if the local authorities send their bills to the Department, they will receive their cheques in seven to ten days. However, we need to examine the longer term prospects. We need to face up to the challenges presented by climate change and claims that our weather patterns are changing and that storms and flooding are becoming a feature of the country. I hope we can examine this in the coming years to ensure we

will be protected to a certain degree. I acknowledge that we cannot be protected all the time because the power of water is unbelievable. We have seen the success of the flood prevention measures in Ennis and other areas, the defences of which held up extremely well. The OPW needs to be very proactive, given the recent developments and the potential for flooding. It is now time for a national approach to be taken to climate change and coastal erosion. We must invest more in coastal defences and need to review the national development plan to be ready for adverse events. A national study should be commissioned of the impact of the change in weather patterns and what it will mean for Ireland. The report would guide action in this area. We need to review our biodiversity obligations in conjunction with the European Union. We need to relax the rules that the National Parks and Wildlife Service applies. There are some strict rules that are prohibitive in regard to farmers carrying out works on embankments and along the coast. A hands-on approach needs to be taken. Some of the works proposed by the local authorities could be carried out more cheaply than has been estimated. Officials need to work with the Department of Public Expenditure and Reform to ensure necessary works will be prioritised and future trends studied.

**Deputy Jonathan O'Brien:** As the Minister of State is aware, the recent flooding in Cork was pretty bad, but it was not the first time there was flooding in the city. There is a history of flooding, unfortunately, dating back to the very bad floods in 2009 that caused considerable structural damage to a number of buildings and damaged homes and businesses. Cork has long been in the process of planning to build flood defences. The recent flooding for two nights in a row took even those of us living within the city by surprise. It is hard to believe, but we saw people swimming up the main street. The amount of water in the city centre was unnatural. I do not believe there was a business in Cork city centre, on the island of Cork city, that was not affected in some way. I spoke to a local café owner who, fortunately, had insurance this time round. She was very fearful that if the money from her insurance policy was drawn down in order that she could get the café up and running again, she would not be able to get insurance cover against flooding again.

We have seen that the flooding is not an event that occurs once in 100 years; unfortunately, for business owners and residents, particularly in Cork city centre but also on the outskirts of the inner island of Cork city, flooding is becoming an annual event. There are various reasons for this. Much of the flooding is tidal. In the city centre there is very little that can be done to prevent tidal flooding. There are, however, some measures that could be taken. In fairness to the Minister of State, Deputy Brian Hayes, he was very quick to visit the city following the recent bout of flooding on the Tuesday and Wednesday. He met local business owners, council officials, representatives of the chamber of commerce and Oireachtas Members from Cork. He was very frank and open in his discussion with the delegation. He stressed that addressing the matter was a No. 1 priority for the Government. We cannot have circumstances in which the second city in the State is at risk of flooding continually. To give credit to the local authority, it did everything possible to prevent damage. Sufficient flood warnings were given and a plan was put in place. The local emergency response was co-ordinated. Much credit must go to the local authority for the way it carried itself in the wake of the recent flooding. Many lessons have been learned during the years. This has not always been the case, unfortunately, but on this occasion everything that could have been done to mitigate the damage was done.

Estimates of the cost of building flood defences in Cork range from €50 million to €100 million. The Minister of State has said it will probably cost close to €100 million to put flood defences in place.

Following the meeting with the Minister, Deputy Brian Hayes, business owners now have something to work towards. There is a timetable in place, something we did not have previously. There was always the promise of flood defences being constructed, but a timetable was never set for it. There will be a consultation period which will be concluded very quickly. There will be two public meetings in Cork on 17 and 27 July. Following that, it is the Minister's hope that the preferred scheme for flood defences for Cork city can be in place by the end of this year. According to the Minister, if the consultation goes well and there is buy-in from all of the stakeholders in the city, hopefully work will have begun by the end of next year. That is very welcome.

The insurance issue plays on the minds of many business owners and home owners in the city. Those who had insurance this time will not have it next time. Some businesses did not have insurance on this occasion and, unfortunately, some of them will struggle to reopen. Where the Government has put capital funding in place to alleviate the danger of flooding that must be recognised by the insurance industry. The Minister, Deputy Brian Hayes, is working on trying to get a memorandum of understanding with the insurance companies in that regard, and I wish him well with that.

The other matter I wish to mention is EU funding. I am open to correction on this but I understand that under the current criteria for accessing EU funding for flood damage a country can draw down approximately €1.33 million for every €100 million worth of damage caused. If that is the case, it is not sufficient. My view would be shared by many of the people who have suffered as a result of flooding in recent weeks. We must re-examine the criteria for accessing EU funding.

Finally, I wish to mention an area outside Cork city centre. As I said earlier, most of the flooding in the city is due to tidal surges and there is only so much we can do about that, such as trying to build retention areas for the water as it comes in and, perhaps, build walls or flood defences. However, moving out of the city into the suburbs there is an area, Blackpool, which was flooded twice last year and again this year. It was also flooded in the year before last. It is continually flooded. Works could be carried out to alleviate that problem in the short term.

There will be a holistic approach to the flood defences for Cork city. It will not just focus on the tidal surge in the city but will also deal with the wider Cork city area, which will include Blackpool. The Minister gave a commitment on his recent visit to Cork that he would examine the possibility of proceeding with the flood defences for the Blackpool area as a matter of priority and, perhaps, not wait until the larger contract has been signed. We know what is needed to alleviate the floods for that community. Proper dredging of the river and retention ponds are required. Where the river originates there are flood plains which, unfortunately, were built on in previous years. That has not helped the current situation.

Blackpool is a mainly residential area. There are a few businesses but it is mainly residential properties that have been damaged in recent years. None of them has insurance at present. In this round of flooding the Government has allocated approximately €70 million in total, which is very welcome. However, many residents have found that the criteria for drawing down the funding are difficult in some cases. The Department of Social Protection should examine this and make it easier for residents to draw down funding. There are situations where some households which were just recovering after the previous round of flooding and received assistance from the Department to purchase new white goods, bedding and clothing have seen all of that go again. They are again left with nothing and are relying on the Department to give

them a second round of funding.

In conclusion, we welcome the Government's announcement about the timetable for dealing with the flood defences in Cork. All Members of the Oireachtas representing Cork city and county as well as local business organisations and residents will certainly participate in the consultation process. We hope the contracts and the design can be finalised as quickly as possible.

**Acting Chairman (Deputy Peter Mathews):** Deputy Seán Kenny is sharing time with Deputy Paul Connaughton.

**Deputy Seán Kenny:** I join other Members in showing solidarity with the people throughout the country who have been affected by the flooding. Deputy O'Brien spoke about the people in Cork city, who have been affected by this on a number of occasions, and Deputy Kitt referred to the people in south Galway. I pay tribute to the efforts of the emergency services, the people in the local authorities, the staff of eircom and the ESB who restored power and communications, the Army, whose personnel helped people who had to leave their homes, the Civil Defence and all the volunteers. I also welcome the Government's timetable for dealing with this.

We should also remember our neighbours in the UK who have probably been worse affected than us. Amazingly, along the Thames valley and the south of England, people are still out of their homes in the towns and villages. We should also note the political row that developed in the UK between Ministers in the government who were dealing with the flooding. The UK Environment Agency received much of the blame. The agency had reduced its staff to low levels over a number of years. There is a warning in that for other countries, that if one reduces the manning levels in the emergency services and there is a catastrophe, storm or serious flooding but one does not have the resources to deal with it, people will be out of their homes and their homes will be under water for long periods of time.

The Clontarf seafront promenade, along the area between Alfie Byrne Road and the Wooden Bridge, is in the Dublin Bay North constituency. It has been subject to flooding in recent years but, thankfully, on this occasion there was no flooding, even though the high tide on 3 January was the highest for 100 years. I pay tribute to the city engineer in Dublin City Council, Michael Phillips, and his staff. They devised a one tonne sandbag and built a wall with them along the seafront. It prevented the seafront from being flooded, which was amazing. Previously, the council was using the smaller sandbags, which had a tendency to disappear very quickly, but it is very hard to take a one tonne sandbag and walk away with it.

Nevertheless, there is a need for a permanent flood defence scheme in Clontarf. The previous scheme proposed the construction of an embankment, which did not meet with local approval. People like to have their view and to enjoy the amenities. A working group has been set up by the city council, local residents, businesses and local councillors to examine how to devise a permanent flood defence system to prevent flooding. In the meantime, however, Dublin City Council has safeguarded the area.

We must recognise that climate change is happening, although some people are in denial. I recall the film, "An Inconvenient Truth", produced by the unsuccessful former American presidential candidate. The inconvenient truth has come true. Sea levels are rising. The polar ice cap is melting and we must come up with measures to deal with that. Some of the solutions might not be very popular, in particular in areas that are subject to permanent flooding.

We must progress the climate change Bill. We must ensure that we reduce carbon emissions, which might mean people will have to consider using public transport instead of driving around in their cars. It might also mean lifestyle changes. Nevertheless, the problem is a global one and that must be recognised. When disasters such as flooding events happen – they are happening more frequently and recurring more frequently also – it reminds us of the urgency with which we must address the issue. We must enact the climate change Bill and put measures in place to address such issues in the future.

**Deputy Paul J. Connaughton:** I will follow on from what Deputy Kenny said about climate change. When flooding incidents happen we are happy to talk to about climate change but as the news agenda moves on it is forgotten about until the next big flood and then it becomes topical again. If we continue as we are, in ten, 15, 20 or 100 years time we will regret not having done anything about it. Needless to say, Ireland on its own cannot solve the problem as it is a global issue but we must keep the matter on the world stage and under discussion. Talk is cheap. Something must be done. Action is required.

Many Members who discussed the recent flooding have been parochial and I will do likewise. Part of the constituency I represent is in south Galway which suffers terribly from flooding. In 1995 the area was destroyed and when I got elected as a councillor in 2009 the same flooding occurred. A number of weeks ago the area was flooded again. People in the area are concerned because in 2009 in particular we were told that it was a one in 100 year event. My three years in politics seems to have taken forever so far with all that has happened but it has not been 100 years since the previous flooding event. Unfortunately, it will happen again.

Some works have been carried out in south Galway. In fairness to the Minister of State, Deputy Brian Hayes, and the OPW, minor works have been carried out where it was possible to do so. I fully understand the cost benefit analysis that is required to be carried out prior to the allocation of funding on the basis that houses or life must be under threat. Much of the problem in south Galway relates to agricultural land. Hundreds of acres are completely destroyed for the year ahead. The land is still under water as we speak. Last weekend when five houses in Ardahan got flooded the news found its way into the media. We need long-term solutions.

Needless to say, in recent years there have been many reports and many calls for action. The one thing we continue to get wrong is that we do not listen to the people on the ground who live in the areas prone to flooding. Any number of experts will give us reasons for doing things in certain ways. It is easy to come from Dublin or wherever else, deliver the news and drive back home on the same day. The experts do not have to live with the situation. Farmers and local business people see the problems on a daily basis and if their advice were taken on board it could lead to their alleviation.

Outside the village of Ballindereen a small bridge is holding up hundreds of acres of what is now, in effect, a lake. The local people have been told the bridge cannot be moved for environmental reasons. That goes back to who is the lead agency. I accept the Minister of State, Deputy Brian Hayes, has said the OPW is but, unfortunately, by the time it makes a decision it can be stopped through the planning process or by other agencies. Let us be honest; at the end of the day nothing gets done. The news agenda will move on until we come back to the flooding issue again. I understand that money is tight but surely when the local people can show one area as bad as that which I have outlined and a solution that requires minimal input then the work should be done. Other issues arise also in south Galway. Work must be done taking those issues into account.

In 2009 a man by the name of Tom Flatley had a house in Ardrahan flooded before he moved to the area. His plan was to build a house beside it, which he did. He was completely new to the area and both houses were flooded. The previous Government announced a compensation scheme at the time but he cannot get a cent from it due to the ridiculously strict specifications and restrictions on it. The scheme has done him no good. He has two massive mortgages and no way to address the problem. Those who have managed to achieve either relocation or funding have had to go to great lengths to prove their entitlement to compensation. I have no doubt the money is available. We must make it easier for people who need access to the scheme to do so quickly. There is no point in announcing the availability of a fund to find that only a certain percentage of it was drawn down. If people could access the money properly and efficiently they would do it. Why would they not if their house or land was destroyed? I spoke to Mr. Flatley today who informed me that he has still not received anything from the Department. He got planning permission for a house on a flood plain and the county council never told him that it was a flood plain. The arms of the State let that gentleman down and one could ask what he got in return. He got two massive mortgages, no help from the State and no chance of getting out of the situation either. The banks must step in to help him. It is simply not fair.

I have no doubt the money is available to help people and it must be made available in a manner that is easy to access and draw down. People's lives and livelihood have been destroyed in recent weeks and it is important for the Government to step up and make it easy for them to access assistance. Deputy McLoughlin's timing is good.

**Deputy Fergus O'Dowd:** He is just in time.

**Deputy Tony McLoughlin:** I wish to share time with Deputy Eoghan Murphy and Deputy Frank Feighan.

**Acting Chairman (Deputy Peter Mathews):** Is that agreed? Agreed.

**Deputy Tony McLoughlin:** I am pleased to have the opportunity to speak on flooding and by extension the impact the recent storms have had on my constituency. I acknowledge the wonderful work done by the emergency services throughout the country.

It is estimated that this island has in excess of 3,100 km of shoreline, which when judged by the size of our land mass, is very long. County Sligo has a very exposed coastline stretching from Enniscrone in the south east to Mullaghmore in the north. I estimate the distance to amount to an exposure of 150 km to the wild Atlantic. It is estimated that the recent storm was the worst to hit Sligo since 1986. As in many other counties, the storm has resulted in damage to roads, beaches, bridges, pathways and piers.

The recent storm known as Storm Brigid hit west Sligo very severely. It was described recently as the worst damage to hit the Aghris Peninsula in living memory. The combination of low pressure, high tides, south-westerly winds and the storm surge has caused the maximum damage. The damage not only impacted on the people who in many cases lost access to their homes, but also their livelihood, as many of the coastal agricultural lands have been destroyed by stones and salt water.

Sligo is a county very dependent on tourism. I am pleased to report to the House that 2013 was an excellent year for the sector, especially tourism facilities located at coastal resorts such as Strandhill, Rosses Point and Mullaghmore. In 2011, major damage was done to the sand dunes at Strandhill below the promenade and in front of the famous golf club. Funding of

€300,000 was provided by the Minister of State, Deputy Brian Hayes, through the OPW to Sligo County Council with works completed recently. The Minister of State recently visited the location of the works and it is clear it has protected the coastline from further damage despite recent storms.

On his visit to Sligo the Minister of State also viewed the damage done to the famous Rosses Point beach which in turn impacted on County Sligo Golf Club. Since the visit of the Minister of State, even further damage has taken place. The beach, which is popular during the summer months, is now not accessible and there is deep concern that it will impact on the 2014 tourist season in this part of County Sligo.

The Minister and his officials are currently considering a cost submission from Sligo County Council on proposals to develop coastal defences at Rosses Point and ensure the beach is accessible for users next summer. I hope some assistance can be provided. The devastation wreaked by flooding is the stuff of nightmare for citizens that wake up and find themselves immersed in water, sometimes storm water coming from sewer drains. I know that will be a priority for the Government. We must address the impact of coastal erosion. Will the Minister of State, when considering aid, ensure adequate money is allocated to the victims of coastal erosion, particularly in Rathlee, Enniscrone, Rosses Point, Mullaghmore and Strandhill and other villages dependent on tourism? I am conscious there is huge pressure on Exchequer finances and the budget is limited, but we cannot allow the progress made by the Government and the tourism industry over the past three years in boosting visitor numbers and increasing revenue to be halted because we did not respond to the damage done to our coastal infrastructure and tourist amenities.

I thank sincerely the Minister of State, Deputy Brian Hayes, for his support for County Sligo to date. I urge him and his fellow Ministers of State and Ministers to examine every angle possible in a bid to support our communities battered by the wild Atlantic over the past two months. I hope with the allocation of money very shortly through the Department of the Environment, Community and Local Government additional works can be carried out by local authorities as a matter of urgency. I welcome the money allocated last week by the Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, for a number of areas in Mullaghmore and Enniscrone. It is vital the money is administered very quickly so the works can be carried out.

**Deputy Eoghan Murphy:** I commend the Minister of State, Deputy Brian Hayes, on all of the work he has done in this area since 2011. In October 2011 Dublin city was hit very badly by flooding and the Minister of State responded immediately. We debated in the Dáil the next day as a Topical Issue what had happened the previous evening and what needed to be done. Deputy Kevin Humphreys and I, from Dublin Bay South, organised meetings with residents and we were able to go to the OPW with the Minister of State. It was fantastic to get this type of engagement so soon after the event and assure people the Minister of State and the Department were moving to put in place those defences which were required at the time. We had long-standing plans for flood defences, for the Dodder in particular, but they had not been moving as quickly as they should have been. They have since been expedited and very good work has been done and continues to be done.

The context for this debate is very serious flooding elsewhere in the country and along coastal areas, which we have all seen. People have lost their lives and much damage has been done to property. In addressing flooding nationally I hope the resources in terms of people and money which have already been earmarked for Dublin will be maintained and the commitments

made will be honoured. If we were to have another event as we did in 2011 the impact would be huge, as it was in the constituency at the time.

Many Deputies have raised the insurance issue. The Ministers of State, Deputies O'Dowd and Hayes, are very aware of it. It is a frightening thought that people might be in a house which has been flooded and cannot get insurance again to protect it. Neither can they sell their house to move, because who would buy a house which is at risk of flooding for which one cannot get insurance? They are trapped and it is very frightening prospect. It is a bit of a disgrace the insurance industry has not moved to ensure that data sharing arrangement and the memorandum of understanding have been completed. This should have happened by now because this process has been ongoing for long enough. They need to hurry up and get their documentation and agreement in place so the plan for the OPW insurance agency can come into effect and benefit those seeking insurance.

I do not want to step into a climate change debate, but we are not sure of future weather patterns or what they might mean for the country. It seems clear going on recent history the prudent thing to do would be to build proper national strategic defences for the country. We must take out the local from this. It will not please all local residents in all areas, including my own, but we need to examine a proper national strategic flood defence system to protect the Liffey and Dublin Bay in particular. They will not be aesthetically pleasing but in countries such as the Netherlands they have done a very good job. The River Thames flood defence system has a retractable barrier and is very effective. We should examine measures such as these. If we are serious about it we need to examine a 20 year plan for some of these projects because they might take this long, and the funding required to put them in place.

If one considers pluvial flooding with regard to rainwater there is a capacity issue with the drainage and sewer system in Dublin. For years Dublin City Council has been working on a plan to upgrade the Pembroke-Rathmines drainage scheme and increase capacity so we do not have spot flooding after heavy rainfall, particularly what was experienced on the nights in October 2011. It is an additional contributory factor to flooding. This responsibility has moved to Irish Water and it is important it does not delay for a second in getting the scheme up and running for the residents in the constituency.

**Deputy Frank Feighan:** I congratulate the Minister of State, Deputy Hayes, on the work he has done over the past three years. I remember when the Shannon flooded four years ago it was very stressful for all of the residents and landowners affected. None of the agencies, such as local authorities, regional authorities, the ESB or Bord na Móna, co-operated or even spoke to each other. We still have flooding inland, but the Shannon did not cause the same damage or stress it did four years ago.

It is very regrettable to see what has happened along coastal areas. Sometimes the Government cannot protect against the forces of nature and the sea. The Government will come up with a compensation scheme and will examine ways to try to alleviate the serious waves which cause the issues. It is very stressful and harrowing to see the scenes along the coast from Clare to Galway and down to Cork. Working with local authorities and communities we will provide funding and the necessary resources to protect areas. We will ensure people will not be forgotten by the Government or local authorities.

**Deputy Mattie McGrath:** I am delighted to be able to contribute to this debate and thank Deputy Terence Flanagan and the Acting Chairman, Deputy Mathews, for allowing me speak-

ing time. I did not receive time from the Technical Group although I am a member. I am being denied my rights and it is no harm to put this on the record of the House. Free speech how are you.

I welcome the Minister of State, Deputy O'Dowd, and thank him for his forbearance and patience. I thank the emergency services throughout the country, in particular south Tipperary and west Waterford. I thank the ESB, telecom workers, the Garda, the fire service, the Civil Defence and the Red Cross and all those who are good neighbours. There was a sense of meitheal and camaraderie. When people were down and in trouble neighbours and family came to the fore as did community-led groups such as Muintir na Tíre. They ensured those without power, particularly elderly people, were not isolated or cut off. I saw people in boats helping those were flooded. I even saw people using the much spoken about jarveys. Everybody helped which is good.

I thank the previous Government, the former Minister of State, Martin Mansergh, and all involved in putting up the flood defences in Clonmel. They worked very well in the main. Three houses in the south-east end of a town in County Waterford were flooded but there is a Garda investigation as to whether someone was cracked, mad, bad, or malicious enough to jam open a valve with a bar. This is what I have been told by the OPW. The corporation in Clonmel, in particular Ger Walsh and Jonathan Cooney, did a good job with their staff. However, the loss of the Army was lamented. The Army always was available and was factored into placing the mountable barriers on top of the defence walls. The Army always had been counted on in this regard and I thank its members for their activities in the past and the present. Luckily enough, however, the corporation staff had time to do it and could do it but the Army was not on hand. Overall, it worked well but I note all the money that was spent is putting pressure back out on places such as Convent Bridge, Kilmacomma, Knocklofty, my home village of Newcastle and Ardfinnan.

I wish to repeat here in the Chamber a point I have been making for years and that no one can deny, which is the rivers and the water courses must be cleaned. People refuse to look at that option and while I am sure the Minister of State, Deputy Brian Hayes, is considering flood defences in many areas, cleaning the rivers is half the work. As for the environmentalists, one could be blue in the face from listening to them. What environments were out in the floods because everything has been washed away? The beds of the rivers must be cleaned as was done in olden times. Old people were prudent, did not build on many flood plains and kept clean the water courses. Maintenance also must take place because it is extremely important.

I also call on the Minister of State, the Government and its strategic infrastructure committee, if that is what it calls itself, to step up and call in the insurance companies. Incidentally, that committee should be on standby to meet at all times and should not wait to be called or put together or assembled. It should tell the insurance companies to cop themselves on because at present, I am dealing with areas in Clonmel that were flooded in past times and in which house owners cannot get insurance. In locations where such a flood defence exists that now has been tried and tested, the insurance company should be forced to declare that area to be insurable again. It is not all about profit and the greed of the insurance directors but they must insure the people. People are in a perilous situations in their homes if they are unable to get insurance. The worry in this regard is serious enough because some of these people had been flooded several times. However, this was not the case this time, thank God, and the insurance companies must step up to the plate.

I also call on the Minister of State, Deputy Brian Hayes, as well as the Minister for Agriculture, Food and the Marine, Deputy Coveney, and the Minister of State at the Department of Agriculture, Food and the Marine, Deputy Tom Hayes, to come to South Tipperary to visit. A lot of people visited Clonmel last week to look at successful schemes but it would fit them better to examine the damage that was done to the horticulture sector, which is of major importance in South Tipperary, and its glasshouses and polytunnels. Similarly, I refer to the damage to shrubbery, as together with horticulture, forestry nurseries are a major activity in South Tipperary. They are massive industries that employ up to 1,000 people there but are devastated and need assistance. I visited one farmer who had invested more than €50,000 in an entire acre of polytunnels. He had hoped to put plants into them at the end of February or in early March but they all were blown down. Such farmers must receive recognition and assistance and this matter must be examined and considered. I call on the Minister for Agriculture, Food and the Marine to visit this area to see for himself; it is not just what I am saying.

In this context, selling Coillte will no longer be so desirable because its plantations have been flattened. A great deal of damage has been done in what was a most dangerous wind. The manner in which it simply devastated plantations was amazing and when it could not knock them down, it broke them half-ways. The work of many small farmers, who had been encouraged by afforestation schemes, both private and public or semi-public with Coillte over the years, has also been devastated. Their plantations literally have been demolished and they must receive some assistance because some of them have been in receipt of premium payments or grant aid for years. Moreover, it is a very difficult to harvest the timber in that situation, because the machinery available is only able to cut down and knock down the trees when they are standing upright. However, when the trees are leaning or have been flattened, it is a matter of going back to the man with the chainsaw. That is how it is and it will be extremely labour-intensive and very serious.

I also wish to sympathise with the family of the good man who lost his life in west County Cork while repairing a pole. While I do not know what happened, the state of Eircom poles and lines in the countryside is a disgrace. I do not refer to the ESB but to Eircom, which has all but abandoned them and has put in very little maintenance. I salute its workers, of whom so few remain that they are obliged to travel half the length of the country. One of my neighbours travels throughout the entire south east as an Eircom employee. It no longer engages in maintenance and in consequence, poles are covered with ivy or are leaning on top of roads and many of them definitely are rotten. They are dangerous to approach or to put a ladder against on a good day, never mind in that kind of wind. I must also mention a good county council worker in County Tipperary who was injured while out clearing a tree in Kilshane, outside Bansha. I wish him well and a speedy recovery because it is very dangerous work when the trees are knocked down, as they spring in a different way. While they have been felled, they also are under pressure and when one starts to cut them, they can hop or snap and it is very dangerous work. Thankfully there were not many more such incidents. I also thank all the good neighbours came out and helped.

In a recurrence of events in 2009, a situation also has arisen in Cloughleigh, Golden, where three houses are severely flooded at present and will remain so. Although I am unsure, the problem appears to emanate from a quarry source but again, the Department of Social Protection, the council and everyone else has been helping out. Big pumps have been put into action to pump out the water but the houses are surrounded by water and obviously the sanitation is not working. Moreover, the people are unable to enter or leave their houses. This is the posi-

tion this evening and has been so for two weeks. It will be necessary to relocate these people or they must receive assistance of some kind from the office of the Minister of State, Deputy Brian Hayes to pump out that water or, if possible, to get a flow with the fall of ground. While I believe it could be done by such a method, if possible, it is an engineering science that must be examined and explored because one cannot allow such a situation to continue. The flood will remain until the water table level recedes and even with good or dry weather, it could take a month. This is the traditional time for water tables to rise and all the waters filled in rapidly because there had been dry weather before Christmas.

I do not know how it ever happened that calendar months were allowed as a basis for farmers to spread slurry. Their tanks are full at present but when people had dry weather, given the exceptional weather up to December, they were not allowed to spread it. In some cases tanks are overflowing, which means it is ending up in watercourses and rivers anyway. This baloney that one can only spread slurry in certain calendar months is a folly. It should all be related to climate and dry weather. The farmers themselves know the best time to spread slurry, because they will not spread it when it will run off the land because it then is no use to the land and will damage fisheries and everything else. Consequently, this nonsense must be re-examined and reconsidered.

In addition, the height restrictions on lorries and trailers must be re-examined as soon as possible. We are now entering a period of scarcity, encompassing March and perhaps April although it is to be hoped there will be a good spring. A fodder crisis could be looming again. In the west and other parts of the country, farmers will be obliged to pay twice the price for fodder because they will not be allowed to bring the third bale. This is a nonsense and while health and safety must be respected, this restriction arises simply because when the tunnels were being built, someone somewhere was too lazy, inept or lethargic to ensure their height was the same as standard European heights. Simply because of their problem, they now wish to legislate for the rest of the country. There are only three tunnels of which I am aware, namely, the tunnel in Dublin, the new one in Limerick and the tunnel in Cork. However, in the west in particular, loads must be permitted to be at such a height that will make it possible to bring in the fodder at a reasonable cost. It is dear enough as matters stand and goodness knows what will be the cost of the hauliers. While there is talk of this restriction being examined and lifted, I note that while one is told every hour of every day by several Departments that one must be in tune with Europe, here is a case in which Ireland is out of kilter with Europe. The height restrictions here are lower than apply elsewhere in Europe and this is a matter that should be addressed immediately.

**Deputy Dara Murphy:** I welcome the opportunity to contribute to this debate. The contribution by the previous speaker, Deputy Mattie McGrath, sums up how varied and different are the problems with respect to flooding throughout our island. Cork first received its charter 830 years ago and while there is some discussion about flooding and flood plains, had the present day planners been around 800-plus years ago, perhaps Cork would not have developed as an urban area but then again, neither would have the communities that ended up as the Netherlands. I very much welcome the recent announcement in Cork by the Minister of State, Deputy Brian Hayes, that finally, a solution to Cork's flooding problems will be financed by the Government and that Cork city, the second most densely populated part of the Republic of Ireland, will be given the necessary protection.

There are three ways in which Cork city floods. First, there is what is termed as fluvial flooding, which is a build-up of water running off the land and then coming down through Inniscarra Dam and down into the low-lying city. A couple of weeks ago, people experienced tidal

flooding, which also is affected by winds that can push a high tide back up into the city centre. Third, there is the flooding that can affect everywhere by virtue of extremely heavy rainfall and that may come down through places such as Glanmire and Blackpool.

Given that Cork has flooded so many times we have, perhaps, a higher degree of knowledge there about how to respond to flooding. We do not use our agencies enough. Every time we have a serious flood there is an announcement of a fund which is distributed on a means basis through the community welfare officers. I was Lord Mayor of Cork when we had a very significant flood event and we established a committee involving the local authorities, the Red Cross and the Society of St. Vincent de Paul. We do not use this local knowledge sufficiently.

Our initial response to flooding in Ireland can be very good. Our emergency services can work, we can bring out the Army etc. and clean up very quickly, but businesses and communities can be left with situations that are extremely difficult and laborious. We should examine a way whereby we fund directly into the local authorities, perhaps to give rates holidays to affected businesses and to go door to door to try to establish which families are experiencing immediate hardship. When there is a significant flood event the community welfare officers should be brought out of their offices and into the local community halls to meet people in order that assistance can be given directly and quickly in the areas where the damage has happened.

We have a long way to go on insurance, particularly in urban areas. People who repeatedly reinvest in their businesses after flood events need to know there is some way to get a community-rated insurance. There are many businesses in the country that cannot get insurance which, pending significant work that is being done by the Government, would be happy to pay into some sort of fund from which they could draw down in the event of another flood. I accept that the Exchequer cannot underwrite potential flood loss through lack of insurance in every part of the country. However, where there is an acknowledgement that there is a significant problem and a commitment to remove the flood risk - as we have in the Blackpool area of Cork and the city centre - in that interim period of possibly a number of years, even if work commenced in the next year and a half, businesses will be in a vacuum and that needs to be considered.

Cork has done exceptionally well because of our talented work pool and the quality of our third-level institutions. However, there are parts of the city, particularly around University College Cork, UCC and coming in along the Western Road where one cannot get planning permission. While I understand why flood plains in rural areas cannot get planning, as I said at the beginning, it is totally unacceptable that there are areas of a great city such as Cork which cannot get planning, especially bearing in mind that the commitment has been made to remove the problem.

**Deputy Dan Neville:** I welcome the opportunity to speak on the flooding difficulties experienced over recent months. Initially I refer especially to the situation in County Limerick. On 16 January we discussed that here. The particular problem has manifested itself in several areas in County Limerick including in the basin of the Maigue and Deel rivers, which have been flooding along both basins. The particular problem which has caused many difficulties is what happened along the Shannon Estuary. In Foynes there was a very serious situation where the flood defence wall, built only nine years ago, was unable to protect Foynes in January when the flooding took place. An old earthen bank which was removed some years ago would have done so.

Nobody - I include the chairman of the Shannon Foynes Port Company, CIE and the Office

of Public Works, OPW, which I would see as the people and bodies responsible for the area - anticipated what happened. It is important that these organisations, including Limerick County Council, get together to ensure the situation is responded to. I commend the Shannon Foynes Port Company, which has already invested €60,000 in trying to protect the situation. However there is concern that on 3 March high tides are again expected and people in Foynes are concerned that a similar occurrence would take place.

On the night in question, water came gushing through a breach in Foynes shortly before 7.30 p.m. It flooded almost 40 bars, shops and homes turning the main street into a temporary river and even flooding the community centre and car park, which is somewhat higher than the Main Street. The affected buildings were clustered in the centre of the town and serious damage was done. There was risk to life and some elderly people had to be rescued. A serious situation could have arisen regarding loss of life because of the flooding that took place. Like other speakers, I pay tribute to the fire services, the Garda Síochána and the staff of Limerick County Council who responded on the night. Those volunteers and the community who responded to the situation are to be commended and congratulated.

There is urgent need for remedial repairs to Foynes as quickly as possible. I asked the Minister to activate this and allocate emergency funding to ensure that a similar situation does not arise. Regarding Ballysteen, the River Shannon breached its banks in two places and a sizeable area of land was seriously flooded and was under water for a considerable period of time. Last Wednesday there was a very serious storm, one of the worst in living memory, and flooding took place again in that area. An investment between €20,000 and €30,000 would probably do the repairs to prevent future flooding. It is not very expensive and should be examined in detail to see if it would work. There was also serious flooding in Adare and other areas. Historically there was very serious flooding in Adare but the River Maigue was drained some decades ago, which has corrected that. However on this occasion flooding occurred again. Something must be done about insurance. I appreciate my time has expired.

**Deputy Patrick O'Donovan:** I welcome the opportunity to speak. We could nearly speak about the weather here every week in the last number of weeks because things have been so bad. I pay tribute to the local authority staff and Eircom workers and I offer my condolences to the family of the deceased Eircom subcontractor who lost his life at the weekend. As we have all said, it is was a miracle that more people were not either seriously injured or worse last Wednesday with what happened. I draw the Minister's attention in particular to the need for protocols for the Department of Education and Skills especially.

*7 o'clock*

I understand that 12 hours before what was essentially a hurricane hit the south west, somebody would have known. The Department of Education and Skills should have taken it upon themselves to ensure that schools were closed last Wednesday, especially in the worst affected areas, almost on a line from Galway to Waterford and every place south west of it. At the height of the storm parents panicked, and in some cases schools contacted parents. In the eye of the storm children were walking across schoolyards with slates, tiles and so on being blown off the roofs and in some cases gates were blown towards people. A dangerous situation was made much worse. It is time protocols were in place where, in the event of red weather warnings, as there was last week, when a hurricane hit Ireland, we should take the precautionary principle of not having children in unnecessary danger. Adults can look after themselves.

On the issue of the damage caused to Limerick, on the last occasion I mentioned Foynes and Ballysteen. A matter I have a huge issue with - I raised it on the Topical Issue debate last week - is that we will never get to a situation in which the Office of Public Works, the Department of the Environment, Community and Local Government or any local authority is adequately able to deal with the drainage issue. Now is a good time for local authorities, the Department of Agriculture, Food and the Marine, Inland Fisheries Ireland and the Office of Public Works to come together under the new rural development programme and incentivise landowners with proper technical advice to carry out drainage. I said on Thursday last that if there were a proposal now to drain the Moy and Boyne rivers - both of which projects were very successful under the arterial drainage programme - habitats, birds, fish, larvae and everything else would be put ahead of the individual towns and villages along those routes to prevent the drainage works from being carried out. We must ask ourselves which habitat we value most - the human one or the animal one. I witnessed this in Athea in County Limerick when it flooded in 2008. Gravel had almost to be put back into the river because the National Parks and Wildlife Service did not like the fact that Limerick County Council was taking it upon itself to relieve an eye of a bridge. We cannot continue to have that type of situation. Neither am I suggesting that somebody should be allowed put a digger in a river and take out gravel willy nilly. We need to change the present model. The Office of Public Works is not taking on any new channels because it does not have the resources, but it will never have the resources, no matter how good the economy. Therefore, we need to examine the issue seriously. Our weather has changed; of that there is no doubt. One issue that is indisputable is that our channels and water courses are in a diabolical condition all over the country. Local authorities do not have the wherewithal to deal with them and landowners are afraid to deal with them. Somebody needs to put an overall package in place.

Everybody refers to the fact that the Shannon river from Cavan to Limerick has a multiplicity of agencies and everybody has a say. There is a River Shannon in every parish and townland in these counties and a multiplicity of agencies are conflicting with each other, with the result that nobody will take responsibility for what is a simple issue at the end of the day - that is, to allow water out. If water cannot be allowed out, inevitably it will back up and end up in somebody's house. The reason we have the present conditions is that we have a fluvial problem: rainfall is getting heavier and we are getting more of it. If we cannot channel that water out to sea, given all the blockages, is it any wonder the land is flooded? The multiplicity of agencies from Cavan to the Shannon estuary at Ballylongford and Ballybunion is replicated all over the country.

Through the rural development programme recently announced by the Minister for Agriculture, Food and the Marine and the existing agri-environment schemes, there is an opportunity to incentivise landowners, with supervision, technical support from Inland Fisheries Ireland, and the support of local authorities, in an organised way. This has been done previously through the rural environment protection scheme and the agri-environment options scheme and would allow a much more concerted effort on a national basis to address a fundamental issue, namely, the condition of our drainage.

I compliment the Minister of State with responsibility for the Office of Public Works, Deputy Brian Hayes, on the work he has done, and his colleague, the Minister for the Environment, Community and Local Government. There is much more we can learn from this and I would welcome any suggestion that is brought forward in that manner.

**Deputy John Paul Phelan:** I reiterate much of what my colleague, Deputy O'Donovan,

has said. He is right in saying there is a stream in virtually every townland, whether urban or rural. Many urban streams are underground and have been piped for many years, and people do not know where they are. The proliferation of agencies involved in dealing with drainage issues must be resolved. We need an agency with overall responsibility for drainage if we are to tackle the issue of flooding across the country, whether the flooding of homes, businesses or land. Flooding causes devastation, particularly for people in their domestic home environment, and it leaves a dreadful mark, but also in businesses through the damage it wreaks. The Government should consider having one lead agency which would be responsible for flooding. In my area, Kilkenny, there are issues of flooding which are often passed between the local authority, the Office of Public Works and the harbour boards in New Ross and Waterford on particular issues as they arise. Arising from what we have seen of the weather in recent weeks, if the Government can act to ensure that somebody has overall responsibility that would certainly be progress.

I pay tribute to those on the front line, whether in local authorities or in the ESB. In the past week in the Minister's area and mine, Trojan work has been undertaken by the ESB, in particular, to have people reconnected. It is taking much longer to do this in some areas than in others, but the level of damage wreaked this day week was immense. For part of the evening most of the roads out of Kilkenny City were blocked with fallen trees. Individual landowners, local authority staff and private citizens put their shoulders to the wheel to ensure those arteries were opened up. I pay tribute to them for that work.

The issue of dredging will have to be grasped. It is very seldom that anything slightly resembling dredging happens, and if something happens, questions are raised by certain arms of the State. To echo the sentiments of Deputy O'Donovan, the human habitat is the one that needs to be protected first and foremost, and particularly people's residences. We cannot dodge the question of dredging of main arterial routes, but for all substantial waterways a policy needs to be undertaken in that regard. With regard to the suggestion the Deputy has made for the rural development scheme, it should include initiatives for landowners to carry out works on waterways that pass through their landholdings. There have been significant changes in recent years in terms of the types of agriculture engaged in. In certain parts of the country, much of the flooding, at least anecdotally, is attributed to large areas now under afforestation which were not in the past, with big open drains that quickly lead large quantities of water into bottleneck situations in towns and villages across the country, with the result that rivers cannot cope with the water coming more quickly than in the past. The rural development scheme would be a useful vehicle for landowners to engage in drainage works on their own land.

On the issue of insurance, the Minister was in New Ross recently, which, although it is in my neighbouring constituency, is my local town. Dreadful damage was done to a swimming pool, recently developed, which lost its roof last Wednesday. It had been open only a couple of months. Serious damage was caused on the quayside in that town. Many people who have businesses and homes in that area and in parts of Kilkenny, including Thomastown and Grai-guenamanagh, cannot get insurance for their properties. Action has to be taken to help those people.

**Deputy Kieran O'Donnell:** This is a very important debate and I thank the Minister for the Environment, Community and Local Government, Deputy Hogan, for facilitating it. It has particular resonance for me as a Deputy for Limerick City, which had the worst floods ever recorded there. People are still recovering from them. Many areas are affected, including St. Mary's Park, Lee Estate, Assumpta Park, Thomond Gate and O'Dwyer's Villas, Athlunkard

Street, the Mill Road, Corbally Road and portions of Sir Harry's Mall. People are trying to get back to normality.

The services' reaction time was critical. I thank the Minister for facilitating and arranging for Sean Hogan, who heads up our National Emergency Coordination Centre, to come down the day after the floods occurred in Limerick to see the damage at first hand and to report to the Minister. This had a significant impact on the people in the area and on the overall national response. He saw the difficulties people were experiencing. The reaction times for the local authority, the HSE, the gardaí, the Department of Social Protection and the Defence Forces were extremely important. More recently, the phenomenal work of the ESB must be commended. I reserve my greatest admiration for the people living in these areas and their community spirit. They were out helping neighbours, sons and daughters, friends. I was humbled to be in their presence and to see the work they did.

We are now moving to restoration. There are concerns about a high tide at the end of this month. It is important that everything is put in place. Security sandbanks have been built up around King's Island, which is extremely important. We must be ever-vigilant. Insurance is the big issue now. We must ensure that people without insurance are given the facilities to make their houses habitable. A Red Cross fund has been established through the Department of Social Protection for humanitarian aid. I welcome that, and people should contact the Department to follow it up.

Many people will not be able to get insurance, even if they had it before. We have to consider putting in place schemes interacting with the insurance industry through the Office of Public Works, OPW, as part of a wider scheme, to ensure that if the proper measures are put in place people can get insurance. The way organisations came together to help people, including local community centres such as King's Island, and Linda Ledger and her team in St. Munchin's community centre in Kileely, showed that the Limerick spirit is alive and well. People need assistance. The key features of that are the provision of funding to ensure people can get back into their homes, and ensuring they can get insurance in the future, which we need to do nationally. This involves ensuring that people's homes are safe. What has been put in place around King's Island is a temporary measure. It will be examined. We need to bring regeneration funding through various routes to ensure that we put in place flood defences and preventive measures for the future so that people feel safe in their homes, whether they live in St. Mary's Park, Assumpta Park, Lee Estate, Athlunkard Street, Mill Road, Corbally Road or any other affected area.

**Deputy Michelle Mulherin:** I share the praise for people in the emergency services who in a time of need and at some risk to themselves went out and played a very important part in assisting people in distress whose homes had been breached by floods and where power had gone. I speak particularly of the local authorities, the fire services, Civil Defence, the Army, the Garda and the volunteers. Some volunteers even travelled to Limerick to help out because they were very moved to see all the worldly possessions of some poor individuals whose houses were flooded ruined. That is a very depressing prospect for any of us to think about.

I visited areas in my own county, Mayo, where houses and land were flooded and land was destroyed along the coast. I speak for the people who were affected and have contacted me about their plight. There is limited funding for dealing with such events. We are witnessing unprecedented weather in our lifetimes when we see the scale of the devastation and how the weather has wrought havoc on both sides of the Atlantic, including in the United Kingdom and

on the mainland of Europe, in the form of last summer's flooding. It is important that, as storm damage is appraised, all affected homes and properties throughout the country are brought into the equation. The Minister has charged the local authorities and is working with the Department of Social Protection to assess this damage.

Solutions, flood defences and mitigation works should not focus solely on the big population centres such as Limerick and Cork. I asked my colleague Deputy O'Donnell to stay here because I was going to mention this. Funding is limited but we need to have a fair scheme of prioritisation. It cannot just be based on population, which favours large centres of population on the basis of a cost-benefit analysis showing that the money spent would benefit more people. Some areas are experiencing flooding for the first time, or maybe for the first time in recorded history. In my home town of Ballina, there are houses that have been flooded several times. They are not housing estates built recently on flood plains but they have a history of being flooded and have never received flood defences. The priority for funding should be where lives and homes are at risk, but it should not be based solely on a cost-benefit analysis, which would favour the urban centres. Instead, priority should be given to housing areas which have been flooded regularly rather than those that have been flooded for the first time. That would provide a better return on investment. Resources are limited but there must be fairness for all those around the country who are affected. Many of the houses that have been flooded repeatedly cannot be insured.

The flooding of farmland presents an opportunity for the Minister for Agriculture, Food and the Marine, Deputy Coveney, to consider the replacement scheme he is crafting for the rural environment protection scheme, REPS, and the green, low-carbon agri-environment scheme he is putting together. Farmers have a can-do attitude and I am sure they would be willing to participate in remedial work on their lands, which would reduce the risk of flooding in the future. This could be sponsored as environmental work. There are problems with special areas of conservation in my area, in which there is a great deal of land. There are issues also with the National Parks and Wildlife Service. There must be streamlining of consent because in some instances drains and other flood prevention works cannot be carried out in a speedy fashion. I ask that the Minister for Arts, Heritage and the Gaeltacht, Deputy Deenihan, facilitate a meeting with the Irish Farmers Association and the National Parks and Wildlife Service to tease out these issues.

I compliment the cross-departmental response. It was not easy because people were frustrated and distressed, yet it all came together. A response was required from the Departments of Agriculture, Food and the Marine and the Environment, Community and Local Government, the Office of Public Works and the Department of Social Protection. I accept there is not nearly enough money available but I look forward to the continuation of the debate about how we can fairly spend the moneys that are available.

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I thank Members for their contributions to the debate on the series of storms that have hit the country since mid-December and their impact on people, infrastructure and property. I join Members of the House in sympathising with the colleagues, friends, relatives and loved ones of Michael O'Riordan, who was tragically killed on Saturday last while working to restore services in west Cork.

This debate has been extended beyond the initial time allocated in last Wednesday's sitting of the House and is a clear indication of the scale and the extent of damage caused and the seri-

ousness with which Members are taking the matter. On Wednesday last, at the time this House was discussing the impact of previous weather events, all present in the Chamber were conscious of damage being caused as hurricane-strength gales tracked eastwards across counties Cork, Kerry, Limerick, Tipperary, Waterford, Wexford, Kilkenny and Carlow. The storm on 12 February had been forecasted by Met Éireann as a red-level storm in southern counties under its new colour-coded warning system. Orange warnings applied to other parts of the country, and these were upgraded as the actual impact of the storm became apparent in the south. The storm caused huge damage. Roofs were torn from buildings; schools and workplaces were forced to close; hundreds of trees were toppled; there were electricity outages to more than 260,000 customers; and water treatment and communications infrastructure were affected. In my own county of Kilkenny, the impact was such that for a short period a major emergency was declared.

When it was deemed safe to do so, the emergency services went into response mode and the clean-up began. ESB Networks made safe fallen wires and began the arduous task of restoring electricity supplies. Local authority staff started clearing trees that had fallen on roads, making them open again to traffic and emergency services. Once again, I join with all Deputies in expressing gratitude to the staff of the local authorities and the emergency services for the effectiveness of the front-line response, not only to the storm of 12 February but also to the previous severe weather events that hit the country. The principal response agencies worked effectively together to assist people and communities. I wish to thank all those who participated in the emergency response at local level, including members of the Defence Forces who were active on the ground in parts of the country. Having multiple agencies working effectively together with common objectives was the goal of both the local and national coordination efforts. At national level, my Department is designated as lead Department for the response to severe weather events. A national co-ordination group on severe weather, chaired by my Department, worked throughout the storm events, bringing together all relevant Departments and agencies to ensure a whole-of-Government response and to support the local-level response.

The time set aside in the Dáil schedule for these statements on severe weather and flooding has afforded Members a valuable opportunity to reflect on the extent and scale of the damage caused to the livelihoods and property of people who live and work in the communities affected. I join other Members of the House to commend the resilience of the households, businesses and communities affected by electricity outages and flooding. There are many examples of individuals and organisations who rallied locally and came to the assistance of neighbours.

The statements of Cabinet colleagues and Deputies have also provided a valuable insight into the effects of the severe weather on specific sectors. The Minister for Agriculture, Food and the Marine outlined in his statement last Wednesday the damage suffered by coastal communities and the damage done to piers, harbours, and slipways - infrastructure on which both island communities and the Irish fishing fleet are hugely dependent. Many Deputies in the course of their contributions highlighted the particular problems being encountered by the farming community. We have also heard reports about the damage caused to our transport network, to amenities and to tourist infrastructure. The immediate aim of the Government is to get households and communities functioning again as quickly as possible. Very good progress has been made by the ESB since last Wednesday, and it has now restored supply to almost 258,000 customers, leaving approximately 2,000 without supply.

Last week the Government considered a report on the impact of the severe weather that hit Ireland from mid-December 2013 to 6 January 2014 and agreed a number of measures, includ-

ing €70 million to repair the damage caused by the series of storms. This funding is for clean-up, repair and restoration works in regard to essential social and public infrastructure. The moneys will be used by local authorities in the areas worst affected by the storms to undertake programmes of work aimed at restoring roads, coastal protection and other infrastructure and amenities. The Government has asked that works that are significant for economic activity be prioritised, and these should be completed before the summer tourist season where feasible.

This funding clearly demonstrates the Government's commitment to respond to the needs of communities devastated by the storms. It is based on the requests from local authorities, and while I do not underestimate the scale and complexity of the task ahead, it will facilitate local authorities in commencing a programme of prioritised works to assist communities in the areas worst affected. My Department has been working with the other relevant funding Departments and agencies to ensure that the funds for the required works are channelled to local authorities as quickly as possible.

I wish to pay tribute to my Cabinet colleague, the Minister, Deputy Joan Burton, and the staff of the Department of Social Protection on the dedicated and systematic way they have approached the task of meeting the immediate needs of people who have been affected by flooding resulting from the weather conditions and very high tides. The Government has made €25 million available through that Department's urgent and exceptional needs and humanitarian assistance schemes. This has provided emergency payments for essentials including food, clothing and replacement of white goods, and will fund repairs of flood damage to households. Where required, local authorities have made alternative accommodation available for those who have had to leave their homes in the aftermath of flooding.

Deputies have suggested that the Government should have applied for European Union aid. My Department and the Department of Public Expenditure and Reform met with the European Commission to deal with the possibility of EU funding under the solidarity and regional support schemes. The purpose of the EU Solidarity Fund is to allow member states to request financial aid in the event of major natural disasters. However, there is a damage threshold per member state, which is set at 0.6% of gross national income. The estimated cost of the damage caused by the storms between 13 December 2013 and 6 January 2014 is €69.5 million, which is well below the non-negotiable GNI threshold for the Solidarity Fund of 0.6%, or €770 million in the case of Ireland. It should also be noted that assistance from the fund is limited to financing emergency operations undertaken by public authorities alleviating non-insurable damages.

The possibility of a regional application has also been considered. This is also subject to a series of impact criteria, including one which states that 50% of the population of a region must be affected, which again the situation under consideration does not appear to meet. The Government has correctly concluded, therefore, that there is no application for European funding to be made at this time.

Local authorities have estimated that over €53 million would be required for strengthening coastal protection and coastal flood defences in order to mitigate further damage in the event of storms and tidal surges. This requires more detailed examination and will be considered by the Office of Public Works in the context of coastal protection and CFRAM studies. The OPW will report further to the Government on proposed coastal protection works.

A recurring theme during the course of the debate has been the effectiveness of the flood defence measures provided in many towns, particularly in Clonmel, Fermoy and Mallow. There

have been calls to extend these as speedily as possible to other places where a clear need has been identified. As the Minister of State, Deputy Brian Hayes, pointed out in his contribution to this debate, a very significant capital works investment programme will see up to €225 million being spent on flood relief measures over a five-year period from 2012 to 2016, at the end of which a new plan will be set out. However, it is important to put the scale of the task into perspective. It is estimated that the 300 locations identified as vulnerable in a flood mapping exercise undertaken by the OPW will cost somewhere between €1.6 billion and €2 billion to protect. This will be a capital expenditure issue for Government for many years to come. The scale and costs of these types of flood defence works mean that the benefits will be realised over the medium and longer term. In the shorter term, however, the provision of appropriate flood defence measures for specific small areas and properties continues to be managed by OPW in conjunction with the relevant local authorities under their small schemes programme.

The issue of non-availability of flood insurance has been raised during this debate. The Department of Finance monitors non-availability of flood insurance cover and is currently undertaking a review of the availability of insurance arising from this debate. When the review is complete, it will be examined by the Minister for Finance who will report to Government on the measures, if any, that are appropriate to improve the availability of flood insurance cover.

The Government has provided very significant additional support to deal with the huge damage and loss caused by the storms. We are standing shoulder to shoulder with communities that have been affected and are making humanitarian assistance available to individuals and households. I will be reporting again to the Government on 4 March next on the damage caused and the estimated repair costs arising from the most recent round of severe weather. My Department is currently gathering the necessary information from local authorities in this regard. I want to assure this House that the Government will do everything it can to ensure that our communities recover as quickly as possible from these severe weather events, and we will continue to examine how best to mitigate the effects of future weather events. I thank all those in the various Departments, agencies and local authorities which were involved in delivering front-line services over the last eight weeks for the great work they have done to ensure people were safe, communities received assistance and individuals received respite, financially or otherwise, to tide them over these unusual weather events.

### **Garda Síochána Ombudsman Commission: Motion (Resumed) [Private Members]**

The following motion was moved by Deputy Jonathan O'Brien on Tuesday, 18 February 2014:

That Dáil Éireann:

notes:

— that the Garda Síochána Ombudsman Commission is an independent statutory body established under the Garda Síochána Act 2005 to provide an independent and effective civilian oversight of policing in this State;

— that the Garda Síochána Ombudsman Commission has a hugely important

role in ensuring that public confidence in the Garda Síochána is maintained;

— the reports that the Garda Síochána Ombudsman Commission's offices may have been subjected to covert surveillance; and

— that the obfuscation by the Government, thus far, to these reports has only served to obscure the situation and undermine confidence in both State agencies, including statements made by members of the Government into the Dáil record which have now been flatly contradicted by the ombudsman;

recognises that:

— significant public concern now exists in relation to this matter and that there is an urgent need to ensure that public trust and confidence in the Garda Síochána and the Garda Síochána Ombudsman Commission is maintained; and

— there is now a compelling case to establish an independent inquiry into this matter without delay, to be undertaken by a suitable person(s) with the appropriate experience, qualifications, training and expertise; and

calls on the Government to establish an independent inquiry into the matter without delay and consider options including a commission of investigation, as provided for under existing legislation through the Commissions of Investigation Act 2004.

Amendment No. 1 was moved by the Minister for Justice and Equality, Deputy Alan Shatter:

To delete all words after “surveillance;” and substitute the following:

“- the investigation by the Garda Síochána Ombudsman Commission, under section 102 of the Garda Síochána Act 2005, into these concerns;

- the conclusion of the investigation that no definitive evidence of unauthorised technical or electronic surveillance was found; and

- the decision of the Garda Síochána Ombudsman Commission that no further action was necessary or reasonably practicable;

reaffirms its commitment to maintaining the independence and functional integrity of the Garda Síochána Ombudsman Commission;

welcomes the announcement by the Minister for Justice, Equality and Defence - by the Government - of the appointment of a High Court judge to review all matters of relevance to the initiation and outcome of the investigation commenced by the Garda Síochána Ombudsman Commission on 7 October 2013 pursuant to section 102(4) of the Garda Síochána Act 2005, concerns that have arisen as to the possibility that the Garda Síochána Ombudsman Commission was under surveillance and all papers, including correspondence, and reports of relevance to the matter;

welcomes the engagement by the Garda Síochána Ombudsman Commission and the Minister for Justice and Equality with the Joint Committee on Public Service, Oversight and Petitions in its examination of these issues;

acknowledges a need to further examine all relevant parts of the Garda Síochána Act 2005 with a view to improving the statutory mechanisms, so as to provide for continued and effective oversight of the Garda Síochána and to maintain public confidence in the process for resolving complaints against its members and agrees that such examination be undertaken by the Joint Committee on Justice, Defence and Equality and that it report thereon; and

looks forward to the reports of the joint committees and of the High Court judge so appointed.”

Debate resumed on amendment No. 1 to amendment No. 1:

To delete all words from “the investigation” down to and including “reasonably practicable”, and substitute the following:

agrees that the terms of reference of the inquiry into the recent Garda Síochána Ombudsman Commission controversy should be agreed by Dáil Éireann, that the judge appointed should be allowed to extend the terms if he deems it appropriate and the report should be immediately placed before Dáil Éireann when it is completed”.

(Deputy Niall Collins)

**Deputy Mick Wallace:** This has been a long running saga. After meeting the Garda whistleblowers in September 2012, we tried to raise the issue of penalty points in the Dáil and we had to break the rules to share the shocking stories we had been told. The response from the Minister for Justice and Equality was to minimise and dismiss the claims, the whistleblowers and the Deputies involved. He made personal attacks against those of us who dared to raise the issue. When we held a press conference we were written off as the Buswells four. An internal report was subsequently produced and our challenges were again rubbished. The Minister chose to publish personal information about Deputy Luke ‘Ming’ Flanagan on the same day that the report issued just to muddy the water. In January 2013, Deputy Clare Daly had the privilege of spending several hours in jail.

The more serious recommendations contained in the report of the Garda professional standards unit have not yet been implemented. On “Prime Time” he rubbished any notion that he might not have behaved properly in sharing information about me of a personal nature. None of his ministerial colleagues criticised him for this. He refused to allow GSOC to investigate the Roma children affair. Prior to the Minister’s appointment, GSOC asked to investigate matters relating to the Corrib gas project under section 106 of the Garda Síochána Act 2005. We asked him to reopen that case after we visited the Corrib area and heard about local people’s anger at the way they had been treated. A record number of complaints have been submitted to GSOC regarding Corrib gas activities but nobody has been charged for any misdemeanour.

Maurice McCabe, who appeared before the Committee of Public Accounts, was undermined. An investigation into penalty points was eventually commissioned under section 102 of the 2005 Act but the Minister refused to act under section 106, which would have allowed GSOC to investigate practices, policies and procedures. Speaking before the Committee on Public Service Oversight and Petitions, the Minister has just made a big issue of allowing GSOC to access the PULSE system. When the new protocols between GSOC and the Garda were introduced in September, he refused to permit GSOC full access to the system. It was only after political pressure in recent weeks that he eventually granted access.

The issue of GSOC surveillance has been one muddle after another. Decisions are not being made to garner the truth. For the past 18 months, there has been no appetite for proper procedure or the truth. That is very sad and I do not know how the Government can think it is acceptable to act in this way. Public confidence in GSOC, the Garda Síochána and the Minister is low. The dogs in the street know things are not the way they are supposed to be. Throughout these affairs, the Minister's tactic has been to minimise and dismiss allegations. There was much talk in advance of the last election about accountability and transparency but we are now getting the opposite. How much longer can this continue? Does the Cabinet believe the Minister remains fit for office? I do not think he is fit for office and if the question was put to a vote among the Irish public I am afraid he would not come out too well.

**Deputy Jerry Buttimer:** He would top the poll. Populism is easy.

**Deputy Shane Ross:** I am alarmed by the pattern to which Deputy Wallace alluded. An unhealthy pattern is developing in this country. This morning, in words that are uncharacteristic for him, the Leader of the Opposition said that the system of justice in this country is rotten to the core. There is something sinister in the pattern that has developed in recent weeks. I am not referring solely to the "Prime Time" programme on which private information about Deputy Wallace, which was not particularly damaging, was released. I am also referring to the fact that a confidential recipient was forced to resign today. In the penalty points saga, the GSOC saga and the whistleblowers saga there is a pattern of things being covered up, hastened or not released. The instinct of the Government is all wrong in respect of these matters. Instead of taking an independent view of GSOC and the Garda, or anything else in the area of justice, its immediate instinct is to rally to the force, right or wrong. That is the wrong instinct. It would be far better if the Minister and the Government immediately took on board these considerable difficulties in the justice system and said they would look independently and objectively at these and root out wrong where it is there. That would increase confidence in the Garda.

What is happening now is the Government, which regards itself as, and unfortunately is, constitutionally and legally joined at the hip to the forces of law and order, immediately says that the forces of law and order come before the human rights and democratic rights of individuals. That is a political instinct. It is a wrong instinct and it is one which they should address quickly.

I was alarmed, as I would have thought were many Members of this House, by the arrest of Deputy Clare Daly. That is explicable only in one way, that is, that the forces of law and order do not necessarily like the political activities of some Members of this House. That is a real problem and it is one that has not been properly addressed.

I suggest that the fundamental problem is that the joining at the hip of the Minister for Justice and Equality and the Garda Commissioner and it should be severed. We must take political appointments to the Garda, to the Judiciary and of others-----

**An Leas-Cheann Comhairle:** I must call Deputy Luke 'Ming' Flanagan.

**Deputy Shane Ross:** I am finishing. What I mean is this, that there should be an independent body which chooses these persons so that, constitutionally, we no longer see political appointments, which is the basic core problem of what is happening in the justice system.

**Deputy Luke 'Ming' Flanagan:** They say in films about the mafia that the fish rots from the head, and I agree with that. There is a strong stench at this stage coming from the Minister's

direction. When I stated on television that I believed there was corruption in the Garda Síochána over a year ago, I believed that to be true but I could not in a million years have thought it to be true to the extent that it is turning out to be the case. If the Minister has never seen “Serpico”, he should go off and watch it because that is the sort of world into which myself and Deputies Wallace, Clare Daly and Joan Collins have not been put.

A week never goes by but someone calls my office or the office of one of the other Deputies who I mentioned with another dire story about how the caller did not get fair treatment from the minority rogue element in what is becoming a feral police force. One of the common ones is that if one is a single mother, one is a target. It has happened so often and unless we have a whole load of single mothers out there who have Oscar-winning qualities when it comes to acting, breaking down and crying in front of us, and begging us to help them, one would have to believe them. People call stating that relations of theirs were murdered but no-one is following up on it. Initially, one thinks, “Hold on a minute here, this sounds a bit off the wall”, but eventually, when one drains oneself by investigating it, one starts to conclude that there is some truth in it. Surely, if there is that level of concern out there, we need oversight of the Garda Síochána. We do not have such oversight. That is not because of the staff who work in GSOC who seem like decent people. It is because they have not been given the powers.

We are mad for talking about suicide in this country. Approximately, once a week we get a call from someone new but every now and then we get a call from someone who states they do not think they can take any more and they are going to kill themselves that evening. We hear that quite a bit and some of them have done it.

The Minister should do something about this because it is sick.

**An Leas-Cheann Comhairle:** Deputy O’Mahony is sharing with Deputies Mulherin, O’Donovan, Dowds, Anne Ferris, Tom Barry, Maloney, Buttimer, Charles Flanagan and McNamara.

**Deputy John O’Mahony:** I expect to be brief. I will not take up too much time. I welcome the opportunity to make a couple of points. I welcome the fact the Minister and the Government announced yesterday that there will be an investigation by a High Court judge.

While I have not been involved in the debate, like everybody else I have seen debates in here and on television, and all the rest of it over the past couple of weeks. It is important that the Garda is allowed to perform the role that it has been appointed by the State to do, to counteract crime and to protect the law-abiding citizens of the State. It is important that there is an oversight GSOC, which was appointed at the beginning of the millennium because of the need to oversee how the Garda performs its role and to rule without fear or favour.

There have been so many agendas flying around in the past couple of weeks. I will not mention any side on it. It is important now that everybody steps back and allows this process announced by the Minister yesterday to take place. It is important that there was an eight-week timeframe put on it, in other words, there will not be any delay in the findings. It is important that there is a report here, that the High Court judge reports back to the Minister, the Government and the Dáil and there is a debate on it, but we should not spend the eight weeks in a continuation of what we have seen for the past two or three weeks. This needs to be brought to a finality.

This process that was announced yesterday will bring it to that finality, both parties involved

- the Garda Síochána and GSOC - will be allowed to fulfil their roles to the highest standards possible, and GSOC will oversee the Garda in fulfilling its role.

**Deputy Michelle Mulherin:** We can safely say that emotions have been running high since the story broke on Sunday week last that the Garda ombudsman may have been bugged. What a sensational story. Much of the focus and comment has been on relationships - good relationships, appropriate relationships, bad relationships - particularly between the Garda ombudsman and the Garda Commissioner, and the Minister thrown into it, but we all know that it is most politically expedient for many on the Opposition benches to suggest that one of these institutions has slighted, undermined or abused the authority of the other and hope to chip away so that a head might roll somewhere or other. Would that not be a victory for them? That is the real political agenda that is going on here.

This debate should be about more than mere feelings. Justice is more than mere feelings. Sometimes people who have been in court feel they got justice. From a legal point of view, they may not have got justice. Sometimes people get justice when they go into court and they do not choose to call it justice. Justice is much more tangible than what one feels.

The rule of law, which is the cornerstone of our democracy and which gives some certainty to the parameters of our behaviour and also the protections we experience in society, cannot be ignored and should not be undermined. We are a Parliament, we pass laws. We are the Legislature. Are we now going to suggest that there is no need for evidence and there is no need for anything substantial?

There are some who are sure that GSOC was bugged or suggest there is something amiss and argue doggedly that this must be so, and we hear all the theories that there is a cover-up etc. To my mind, some of these proponents require us to suspend reality to accept these theories, a little like what one has to do where one is enjoying a good episode of "The X Files."

It is important when it comes to an issue of those charged with law enforcement and those charged with their oversight that we do not undermine confidence in these institutions without due cause and, therefore, evidence is paramount. I welcome the inquiry being undertaken by the Minister.

**Deputy Patrick O'Donovan:** Given that the Opposition has attempted to make hay from this issue in recent weeks, it is absolutely disgraceful that there is no justice spokesperson from any Opposition party here, including the Technical Group, Fianna Fáil and Sinn Féin. The manner in which they have behaved in recent weeks proves that this is a cynical political ploy. They have absolutely no interest in what the Garda Síochána, the ombudsman commission or anybody else is trying to do and their absence speaks volumes. This is the tenth occasion since I became a Member of the House on which I have spoken to entirely empty Opposition benches. This shows where Fianna Fáil and Sinn Féin stand on this issue. Sinn Féin is proposing the motion, yet its Deputies do not even have the courtesy to attend the Chamber. It proves that this whole affair has in some ways been an orchestrated farce to try to deflect attention from the real issues.

The Minister for Justice and Equality is attending the Joint Committee on Public Service Oversight and Petitions, of which I am a member. He has spent hours answering questions, some of which are ráiméis. He has gone back over his record since becoming Opposition spokesperson on justice some years ago. At an early stage he advocated an independent over-

sight and representative organisation for the Garda. He did this in the courts through the situation in Donegal and as a member of the committee which investigated the Abbeylara issue.

Some Opposition Members who take up columns in the *Sunday Independent* week in and week out are driven more by constituency than political issues. It is somewhat disingenuous of them to try to find smoke where there is none.

I am glad that the Government and the Minister have decided to appoint a judge to investigate the matter. I want to see us working towards a situation where the independent High Court judge will finally be able to clarify this question. At the committee the Minister said there were conflicting reports on the technical expertise available. That point must resonate with people. If he said he was in favour of one or the other, naturally enough, the Opposition would state he was biased. He has taken that decision for the right reason. He told the committee today that all necessary documentation would be made available.

The most important thing that has been said about this matter was not said in this House but in the “Prime Time” studio by Mr. Kieran FitzGerald of the Garda Síochána Ombudsman Commission. He basically said there was no issue about whether there was surveillance from a Garda point of view. This matter has caused unnecessary distraction and difficulty both for the Garda Síochána and the ombudsman commission. Ultimately, the decision to establish the commission stemmed from the question of “who guards the guardians?” The question now, however, is: who guards the guardians of the guardians? We cannot have a situation where that responsibility goes up and up. At some stage we will have to draw a line under it and inject trust.

I will finish where I started. Where are the Opposition spokespersons on justice? They felt it was so important to traipse out onto the plinth and call for the Minister’s head. Where is the party that proposed the motion before the House? It cuts to the root of what is behind this politically motivated attempt to smear the Minister for Justice and Equality, the Garda Síochána and the ombudsman commission and it should be rejected.

**Deputy Robert Dowds:** While I definitely agree with the last speaker, it is no harm to have an investigation undertaken by a retired High Court judge. It is the one way to put this whole matter to bed. It is important that the standing of GSOC and the Garda stay as high as possible. It is so important for the country to have full confidence in the Garda and the Garda Síochána Ombudsman Commission. For that reason, the work of Judge Cooke will be very useful. When he carries out his investigation, I hope nothing of substance will emerge, but I welcome what he will do in that regard.

Since the foundation of the State, gardaí have been seen as the guardians of the people. Even though there have been blemishes in their record during the years - for example, in the Donegal cases that led to the Morris tribunal - the vast bulk of gardaí have done an honest day’s work. They have had to take their courage in their hands on many occasions to stand up for the rights of the people. It is important that they do their work and are seen to do it well. Given the nature of the GSOC organisation, it is equally important that it is seen to be independent and able to operate without interference. For these reasons, I welcome the move by the Minister for Justice and Equality.

**Deputy Anne Ferris:** Day and night, in all weathers, there are one or two gardaí on duty at the Kildare Street entrance to Leinster House. Officially they are there to guard the Houses

of the Oireachtas, but unofficially they spend a lot of time assisting members of the public. Friendliness is an aspect of the demeanour of a street garda in Ireland that is not as common in other jurisdictions. We are lucky to have it.

Gardaí in Bray and other County Wicklow stations are regularly called to the most shocking crashes and fatalities on the N11 and elsewhere in the county. The men and women of the police force are asked to witness and manage situations that most of us hope we will never have to encounter. We have a police force of which to be proud. That is why we have to do everything possible to maintain and protect its reputation. GSOC has a very necessary role in that regard. I, for one, do not want to hear any more public negativity from the Garda Commissioner about GSOC. If he cannot see the importance of having a strong watchdog to safeguard the reputation of Ireland's police officers, he does not understand his own role and obligations to his staff.

Two disturbing points have emerged since I spoke on this issue in the House last week. First, GSOC has confirmed that its investigation into this serious security breach has been completed and we are told the file is closed. A security breach that has such wide range consequences should be investigated by GSOC for as long as it takes for the matter to be resolved.

The second disturbing admission by GSOC is that the organisation does not know if it is under surveillance. The investigation is over and the case is closed, but the threat is still there. This is akin to a murder investigation being closed while a serial killer is still at large. The public needs to know that GSOC information is secure and gardaí need a secure GSOC.

For all of the above reasons, I welcome the Cabinet decision to appoint a High Court judge to lead an investigation into the events revealed in the past couple of weeks. This should not be an investigation into GSOC or whistleblowers. It needs to be an investigation with and alongside GSOC.

As vice chairperson of the Select Committee on Justice, Defence and Equality, I welcome the initiative of the Minister for Justice and Equality, Deputy Alan Shatter, to refer the Garda Síochána Act 2005 to the committee for review. There is certainly scope for increasing the powers of GSOC under the Act and also to make progressive structural changes to the top level reporting system of An Garda Síochána.

The current focus of the debate is a distraction from what needs to be done to ensure Ireland retains a fit-for-purpose police force. What has been evident in the past week or so is the structural flaw at the top of the policing system. It no longer seems appropriate, if it ever did, that the Garda Commissioner reports to the Minister for Justice and Equality.

I have full confidence in the personal integrity of the Minister for Justice and Equality, but who can predict who will be the occupier of that seat 20 years from now? Would it not be safer to future-proof senior Garda reporting structures now and establish a policing board chaired by a member of the Judiciary, a board to which the Garda Commissioner would report? Such an arrangement would immediately remove any suspicion, real or imaginary, that there could be political interference in the operation of Ireland's police force.

Today's vote no longer has any context, given the Cabinet decision of yesterday. To be honest, I find it difficult to take seriously a proposal about Garda security from Sinn Féin.

**Deputy Tom Barry:** I welcome the opportunity to speak about this important matter. We need to step back a little, allow the committee to do its work and let the facts speak for them-

selves. The media frenzy during the week has been disturbing. At this stage we are analysing our own speculation, which is bizarre. If there is an issue, let it be teased out by the relevant bodies.

*8 o'clock*

It is naive to suggest there will never be a threat of surveillance. There always is a threat. There was a rush to blame and we are very good at rushing to blame people. We should have had patience and allowed the facts to be teased out, which will happen in time. I am annoyed at the Opposition for making a political football of this serious matter. What is the basis of all this? Is it to undermine the Minister or our police force? It is not on and this will be a real test of the committee. We are now in day 11 of this and someone said to me during the week that we have a national emergency, with people without power due to ESB lines being down all over the country but no one is talking about it. No one is talking about the problems people face; instead, they are analysing their own speculation. It is unbecoming of this House to carry on in this manner.

Maybe we will look at GSOC and ask what powers it needs and whether we should modify its powers. That is how we work on such matters. This is an evolving story but we will wait for the facts to speak for themselves. Perhaps everyone will have patience and allow the people doing this and the Minister some space to get to the root of it.

**Deputy Eamonn Maloney:** Despite the Verrimus report, I do not know whether the building was bugged. No Member can conclusively say whether it was. It is a comprehensive report and includes words such as threats and vulnerabilities. As a layperson, I am no more convinced that the place was bugged than anyone else. This is no ordinary company drafted in to carry out such work. It is not a domestic or European company but an international company with a very high status. However, its conclusions do not say emphatically the building was bugged. Perhaps it was but I am not convinced. If it was bugged, I would be fully in favour of a public inquiry as the proper thing to do. However, it is inconclusive. I have no objection to the inquiry going ahead. We seem to have an infatuation in this Parliament with inquiries and every month we have an inquiry about something. Those in the legal profession are looking forward to what comes down the tracks. It seems to be inquiry after inquiry. The process will go ahead and I wish the judge well. As other Members have mentioned, I hope he gets full co-operation. I hope he is a high-tech judge because Verrimus could not be conclusive about this. If there is a retired Irish judge with a comprehensive understanding of surveillance and bugging, I wish him the very best of luck with his inquiry. I am not terribly optimistic.

**Deputy Jerry Buttimer:** I welcome the Pauline conversion of Sinn Féin to accountability and transparency in respect of the Garda Síochána and those who police the force. I hope the party will bring its interest to a new level in co-operation with all matters regarding the state of our country. Not too long ago, the party that tabled this motion refused to co-operate with the Garda Síochána in our State.

**Deputy Robert Dowds:** Sinn Féin refused to recognise it.

**Deputy Jerry Buttimer:** The high esteem in which An Garda Síochána is held is a vital pillar of Irish society and our democracy. It is imperative that the status and position of the Garda Síochána in our society is upheld at all times. One of the central ways in a modern democratic system in which we achieve this is through an independent body having oversight of our police

force. In this context, the Garda Síochána Ombudsman Commission has a central role and public confidence in this body is of equal importance. In the public conscience, GSOC is a much newer body and many people are not fully aware of its significance or importance. Over time, this will change as GSOC carries out more work and investigations. It will raise public awareness and people will become aware of its critical importance.

As in other jurisdictions, there will always be tensions between the police body - the Garda Síochána in our case - and the body that has oversight of it. That is both inevitable and, perhaps, essential. However the tension must never be to such an extent that it hinders the work of either body. A proper working relationship between the Garda Síochána and GSOC is necessary for the benefit of both bodies. In an Irish context, the difficulties of having oversight of the Garda Síochána is complicated by the reality that An Garda Síochána is not only our police force, it is also our intelligence agency and it provides our State security. As Deputy Anne Ferris said, the Garda Síochána does tremendous work on behalf of us in every community.

Arising from the current controversy, it is important that the wider issue of legislative review around GSOC be conducted so that we can make improvements in how it and the Garda Síochána work together. In this regard, the Minister for Justice and Equality, Deputy Shatter, announced such a review two weeks before the current controversy arose. This is a Minister who recognises the realities and difficulties of our legislative structures and is committed to reforming them. He is committed to supporting GSOC, which is why he made sure it had access to the Garda PULSE system for its investigation into the fixed ticket charge controversy.

As well as the complicated nature of the current controversy, political opportunism and obfuscation by some Members opposite has added to the confusion that exists around it. The appointment of an independent retired High Court Judge to look into this issue is welcome. It has been made clear that the terms of reference will be decided in consultation with the Taoiseach, Tánaiste and the Minister for Justice and Equality on the advice of the Attorney General and in conjunction with the wider Cabinet. The independent investigation will eliminate political grandstanding and restore political confidence in both An Garda Síochána and GSOC.

**Deputy Charles Flanagan:** I welcome the appointment of the retired High Court judge and I wish him well in his pursuit of clarity and truth. I was most disappointed to hear some of the comments from the Opposition benches with regard to the appointment of a member of the Judiciary to deal with the issue. I hope the record of the House does not include all of the comments from the other side when people made outrageous remarks about judges, members of the Judiciary and the manner in which the inquiry will be treated. They know what comments they made and they are a disgrace to this House and to politics. The comments were unwarranted, unfair and proof - if it were needed - that the issue has become a political football. There has been much talk about the terms of reference within which the member of the Judiciary will pursue clarity and truth.

I agree the terms of reference must be real and meaningful and no self-respecting member of the Judiciary would embark upon a process that will be restricted or unable to deal with the task at hand. That is why I have every confidence in the terms of reference. It has been suggested that the Minister for Justice and Equality should step aside and not be involved in the setting of the terms of reference. The terms of reference of any judicial inquiry have been formulated primarily by the Attorney General, advising the Government and dealing with the technical issues in close consultation with the Minister for Justice and Equality and, in this case, other members of the Cabinet. The suggestion that an outside body will set the terms of reference is entirely

inappropriate and unprecedented. That said, the judge needs to have sufficient power to be able to get to the root of the real issue and provide clarity. I have no doubt that this inquiry can be thorough, speedy, cost-effective and that the results will be published. There has been criticism that in some way these results will be kept secret but they will be debated in this House in an open and transparent way. Let the process take its course.

**Deputy Michael McNamara:** To the extent that tonight's debate allows us focus on the Garda Síochána Act 2005 and the resources allocated to the Garda Síochána Ombudsman Commission, GSOC, I welcome it. It is important that sufficient resources are allocated to GSOC to enable it carry out all investigations it determines as admissible. In other words, it should no longer have to refer investigations which it determines admissible to the Garda Síochána to investigate, as is provided for in the Garda Síochána Act 2005 and as is common practice.

To the extent that tonight's debate allows us focus on another weakness of the Garda Síochána Act, that the Garda Commissioner, assistant commissioner or anybody acting in the place of a Garda Commissioner or assistant commissioner is exempt from being investigated by the Garda Síochána Ombudsman Commission, I also welcome it. I welcome the appointment of Mr. Justice John Cooke, formerly of the High Court and the Court of First Instance of the European Communities. I have no doubt he will cast a cold eye on the allegations, counter-allegations and all the information before coming to an impartial conclusion which takes account of all the available details.

However, I doubt that is the purpose of tonight's debate. The Leader of the Opposition - I use the term in its loosest possible term - this morning cast himself as Marcellus in "Hamlet" but there is a line from that play which is perhaps more appropriate. It is "I took thee for thy better". Ironically, it describes the fate of poor Polonius, who was caught eavesdropping behind a curtain. Tonight's debate was not about strengthening the institution of the Garda Síochána Ombudsman Commission. Neither was it about strengthening the role of the Garda or confidence in the force. The sole purpose of tonight's debate, and much of what has gone on in the House for the past three days - which is becoming increasingly tedious for the public - is the undermining of the Garda Síochána and its ombudsman commission and the politicisation of a force which has until now in the State's history been above politics.

**An Leas-Cheann Comhairle:** Deputy Pearse Doherty is sharing time with Deputies Adams, Crowe, Ellis and Tóibín.

**Deputy Pearse Doherty:** I ndaonlathas ar bith atá ag feidhmiú i gceart, go háirithe i bpoblacht, tá sé iontach soiléir go gcaithimid glacadh le cuid de na bunphrionsabail. Ceann de na bunphrionsabail sin ná nach féidir leis na póilíní iad féin súil a choinneáil orthu féin. Ceann de na riachtanais eile atá de dhíth i ndaonlathas atá ag feidhmiú i gceart, go háirithe i bpoblacht, ná go bhfuil muintir an phobail de dhíth againn sna póilíní agus go gcaithfidh an mhuintir sin a bheith choimh hard le 100% agus is féidir léi a bheith.

Tá a fhios againn sa Teach seo gur bunaíodh an GSOC mar gheall ar mholtaí a tháinig ón binse fiosrúcháin Morris a bhí bunaithe i mo chontae dúchais, Dún na nGall. Léirigh an binse Morris go raibh roinnt gardaí ag baint mí-úsáide as an gcumhacht a bhí acu agus go raibh seo ag tarlú ní hamháin ag an bhun leibhéal sa Gharda Síochána ach ag an leibhéal is sinsearaí ann. Léirigh seo an gá le hathrú i réimsí cosúil le láimhseáil fáisnéiseoirí agus go leor réimsí eile. Léirigh an binse fiosrúcháin, a shuigh ar feadh tamaill fada, dúinn uilig na hionsaithe a rinneadh ar theaghlach chlann McBrearty a bhí ag tarlú arís agus arís eile.

Is é seo an comhthéacs inar tugadh isteach Acht an Gharda Síochána, an GSOC agus cigireacht an Gharda Síochána. Ón tús, rinne Sinn Féin argóint an-láidir nach raibh na cumhachtaí cuí ag GSOC len a bpost a dhéanamh mar ba cheart. Dúirt muid gur chóir go mbeadh maoirseacht á dhéanamh ag GSOC ar Choimisinéir an Gharda Síochána, de réir mar atá an scéal leis an ombudsman agus leis an gconstábla príomhfheidhmeannach sna Sé Chontae. Ag deireadh an lae, is garda é an Coimisinéir agus ba chóir déileáil leis cosúil le achan gharda eile. Dúirt muid gur chóir go mbeadh an córas PULSE ar fáil do GSOC go díreach, gan láithreach a bheith ann ón Garda Síochána agus iad ag úsáid an chórais sin. Fosta, dúirt muid gurb iad sin a bhí sásta eolas a scaoileadh ar na gardaí agus gur chóir go mbeadh an ceart acu dul díreach leis an eolas sin go dtí an ombudsman. Ba chóir freisin go mbeadh an ceart ag whistleblowers dul díreach chuig an ombudsman.

Anois, beagnach deich mbliana i ndiaidh bhinse fiosrúcháin Morris, is mór an trua nach bhfuil na ceachtanna go huile agus go hiomlán foghlamtha againn. Tá sé soiléir nach bhfuil na moltaí a tháinig ó bhinse Morris maidir le nósanna imeachta - ó thaobh an dóigh a láimhseáil - ann An Garda Síochána fáisnéiseoirí agus i gcomhthéacs tógáil nótaí cuimsitheacha ag gardaí - curtha i bhfeidhm. Caithfidh muid cuimhneamh gur seo binse a chosain cáiníocóirí na tíre seo €60 milliún. Tá sé soiléir, agus is mór an trua é, nach bhfuil na ceachtanna uilig ón mbinse sin foghlamtha ag lucht bainistíochta an Gharda Síochána.

Tá go leor tagartha déanta ar na mallaibh ar chás Boylan mar shampla eile de chleachtas dona atá ag tarlú go fóill taobh istigh den seirbhís. Níl dabht ar bith go bhfuil inní mhór ar phobal na tíre seo ar an mhéid atá ag titim amach in GSOC - gur shíl siad go raibh a gcuid oifigí á mbugáil agus gur chuir siad tús le fiosrúchán faoin cheist agus gur dhírigh siad an méar ar an Garda féin. Tá go leor cloiste againn faoi sin agus níos mó cloiste againn anocht sa choiste ag a bhfuil an tAire, an Teachta Shatter, ag tabhairt eolais. Ach caithimid cuimhne a choinneáil ar an bhuncheist, gur shíl GSOC go raibh a oifigí á mbugáil, gur sheol siad fiosrúchán agus go raibh an méar sínte acu ar An Garda Síochána.

The truth must be seen to be emerge and the best way to let that happen is through a truly independent inquiry. The Government's plan smacks of a desperate attempt at damage limitation and will not address the concerns of the public. It is a reactionary Government whose first instinct is to protect the police service above the office of the ombudsman. It was wrong of the Minister for Justice and Equality, Deputy Shatter, to try to turn this incident on its head and put the Garda Síochána Ombudsman Commission, GSOC, in the dock. Entrusting the Minister to set the terms of reference means that the inquiry will do nothing to restore public confidence.

This crisis could be an opportunity to make a break from past bad habits and move our society and police service into a more modern and transparent era where accountability and oversight is cherished and not feared. Instead, the conservative instinct of this Government has won and no questions are to be asked without prior approval. It is not too late for this Government to bring about a truly independent inquiry that will be about getting to the truth and not about getting over this week's political crisis. The public will not settle for a cop-out and it demands an independent inquiry into the affair.

**Deputy Gerry Adams:** When Fine Gael and Labour came to office there was a promise of a new way of doing politics, offering transparency, accountability and openness. The past ten days have left that claim in tatters, and the Government has proved to be as unaccountable and arrogant as the worst of its predecessors. The handling of the issue by the Minister for Justice and Equality, Deputy Shatter, in particular but also by the Taoiseach has been damaging to

public administration, An Garda Síochána and the independence of GSOC. The Government has done everything except what it should have done from the outset, which is to uphold the integrity and protect the independence of GSOC.

Last night a journalist again stated that the security sweep of the GSOC offices was triggered by the inadvertent revelation by the Garda Commissioner in a meeting with GSOC officials that he possessed information that could only come from internal GSOC documents. The documents in question related to Mr. Kieran Boylan, a convicted drug smuggler who faced six charges in connection with the seizure of €1.7 million of cocaine and heroin at a transport yard in County Louth in October 2005. On the last day of that trial in July 2008, the charges were dropped without explanation. It has been claimed that the case was withdrawn in order to prevent Mr. Boylan from revealing details of his alleged involvement with individual gardaí. GSOC subsequently investigated the claim that Boylan was run by an elite unit within the Garda, that he had acted as an informer and that gardaí knew he was importing drugs while working for them. A file was sent to the Director of Public Prosecutions but it directed that there could be no prosecution of any member of An Garda Síochána. No garda was disciplined. The GSOC report accused gardaí of delaying the investigation, which lasted for four years. The report also expressed concern about how informants are handled.

Instead of clearing up these issues, the Government has left citizens in the dark. Uncertainty and confusion are widespread and people are exposed to various claims and counterclaims. The saga continues. Today, following a radio interview in which I was asked about the Boylan angle, I was contacted at my Dáil office by a man who said he was the Kieran Boylan in question. He objected strongly to Sinn Féin highlighting this aspect of the bugging scandal and complained about journalists having personal details about him. I told him that Sinn Féin has a responsibility to raise these issues and that if GSOC, the body set up to have oversight of the Garda, is being bugged, it is very serious and we have a responsibility to find out whether it is true and who is responsible. I also put it to him that his case was being linked to this matter and that if he had concerns over public comments about him, he should outline and clarify his position publicly. It is cases such as this that point to the need for robust and fully independent police oversight.

Yesterday the Government did a partial U-turn on the need for an inquiry, a full ten days after the scandal first emerged. Yesterday's announcement falls far short of what is required, however. The inquiry is not to be independent; it is merely to be a review and it will have no statutory powers. It will not call witnesses, nor will it have power to compel witnesses to give evidence. The terms of reference will be set by the Minister for Justice and Equality, the man at the very centre of the controversy. Only yesterday, the Minister claimed there was no evidence at all that GSOC was the target of a surveillance operation. Even now, Fine Gael, supported by the Labour Party, is refusing a fully independent inquiry into the scandal, as might be provided for under the Commissions of Investigation Act 2004. If ever there were a case for disentangling politicians from an agency or institution of the State, surely it would arise where that institution is the police force. There should be no political interference with policing. In any modern state, that is accepted as the norm. It might not have been the case throughout the history of this State and it certainly was not the history of the Northern state. However, most modern democracies make the police independently answerable to their own authority, representative of citizens and other interests.

We have said here many times – the two parties opposite were elected on a promise to change this – that the lack of regulation, accountability and oversight created many of the

scandals that are now mortifying citizens and that have this State and its people in their current position. The citizens are not stupid. The past two or three years have been immensely educational. Many people have become very politicised and many have become radicalised. They understand more than previously that citizens have to have rights. They can see clearly what this Government is doing. The Government needs to uphold the integrity of the Garda Síochána and GSOC, but its instinct is to blame GSOC. One should note the Taoiseach's remarks and the fact that he had to apologise. He said the commission should have reported to the Minister and was compelled by law to do so. The inference was that GSOC was a lawbreaker. The Taoiseach repeated this point until I corrected him, at which point he begrudgingly accepted that he had misrepresented the legal position.

I cannot conceive of a situation in which an ombudsman would be sent for by any Minister. There are glaring differences between the written account that the commission gave to the Minister, Deputy Shatter, and the account the Minister put to the Dáil. There were gaps that have not yet been explained satisfactorily by the Minister. What the Government should have done was to back out of this and introduce independent experts with the ability to operate under existing laws. That would have shown people that the Government was serious and that it was not a case of its being the same old story.

When it comes to transparent, open and accountable government, Fine Gael and the Labour Party are very good on the rhetoric but useless on delivery. As one of those who was involved in negotiating a new dispensation for policing in the North-----

**Deputy Michael McNamara:** And the surveillance of Garda stations recently.

**An Ceann Comhairle:** There are to be no interruptions, please.

**Deputy Gerry Adams:** Thank you, my friend. I will not even respond to that silliness.

I do not want to compare the old RUC with An Garda Síochána, because the comparison does not stand up, but I must contend that police investigating police, wherever it happens, is not acceptable. That the Commissioner is answerable to any politician is unacceptable. There needs to be a Garda authority that is independent. GSOC needs to have more power, including oversight of the Garda Commissioner. There is not one dot, comma or clause of the Good Friday Agreement in any of the agencies, institutions or protocols by which this State is run. If it is good enough for the people in the North, it is good enough for the people of the South also. Citizens deserve the very best that they can be afforded by way of public services. This is also very good for An Garda Síochána. The vast majority of gardaí are good, public-minded, patriotic men and women, both young and older. This is not a particularly Irish issue as it is a matter of human nature. We need to be made accountable, and we are. Public servants need to be made accountable, just as all agencies and institutions of the State need to be made accountable and properly policed. This requires the Garda Ombudsman to have unfettered access to the Garda PULSE system.

If the Government and our bright friend on the other side of the House believe this informal review will restore public confidence in the administration of the Department of Justice and Equality, they are very much mistaken. The only way to get to the full, unvarnished truth behind GSOC and the bugging scandal is a fully independent inquiry that has powers as legislated for in the Commissions of Investigation Act 2004. Irrespective of what the Minister, Deputy Shatter, and the Garda Commissioner might be concerned about, there is no reason for

a backbench Deputy to be concerned about anything other than restoring public confidence in An Garda Síochána and the Taoiseach.

**Deputy Seán Crowe:** The reaction by the Government to the GSOC crisis highlights its worrying dysfunctionality. What do I mean by this? The Minister for Justice and Equality, Deputy Alan Shatter, who is also the Minister for Defence, wields unprecedented power that, if abused, could realistically undermine the most important institutions of the State. When the news broke that one of the most important investigative bodies in the State, GSOC, had been targeted in a covert surveillance operation, the Minister's response was to downplay it and try to deflect attention from the real issue by attempting to discredit senior GSOC personnel. "Nothing to see or hear, so move on" was the central theme of the Government's narrative in what many would see as a dereliction of office and a failure to investigate a matter of potentially vital national importance. Surely the Minister charged with the security of the State should have immediately launched an inquiry into who was conducting real time surveillance of GSOC.

Nuala O'Loan, who was the first Police Ombudsman in the North, has made clear her view that GSOC lacks the necessary powers to hold the Garda properly to account. The views of the former Police Ombudsman are shared by Sinn Féin. From its inception, the relationship between some elements of An Garda Síochána and GSOC has been at best fraught and at times openly hostile. We must rationally consider what triggered GSOC to employ the services of British-based security specialists to sweep its office on two separate occasions. There were suggestions that elements of An Garda Síochána were bugging GSOC, which suggests something rotten in the relationship between both organisations.

In the North, the Police Ombudsman routinely carries out security sweeps, a practice that Nuala O'Loan described as "good housekeeping" and it is under no obligation to report this to anybody. Ms O'Loan also had some important advice about the existing legislation, saying it was a matter of urgency "that the legislation underpinning the Garda Síochána Ombudsman Commission ought to be reviewed to grant powers of investigation to senior officers including the Commissioner." Sinn Féin shares Ms O'Loan's concerns and is committed to producing amended legislation which will address the fatal flaws which limit the Garda Síochána Ombudsman Commission from fulfilling its role.

Ms O'Loan also stated that she would not have been able to fulfil her role as Police Ombudsman if she had lacked the power to investigate the head of the PSNI, for example, because anybody under investigation could claim they were following orders from the top. This is supported by an academic study by Conway and Walsh into GSOC from 2008 to 2010, which found that 45% of all complaints about the Garda submitted to GSOC were investigated by the Garda, either supervised or unsupervised by GSOC. That is hardly the beginning that was promised following the Garda misconduct that led to the Morris tribunal. This is all the more worrying considering that GSOC is supposed to be an independent investigative and oversight body. The Cabinet has agreed to review this legislation, but it appears to have been dragged kicking and screaming to review the mandate and legislation underpinning GSOC.

Can this Government, and a Minister whom many believe has completely undermined GSOC and sought to discredit it throughout this controversy, really be trusted to implement such a review? The Government must stop focusing on spin and misinformation and concentrate on the bigger picture.

The substantial issue is that it appears GSOC was under surveillance. A real and robust in-

dependent investigation into what really happened must begin as a matter of urgency. When the review was announced by the Taoiseach, the Minister for Justice and Equality immediately attempted to undermine it by stating, once again, that there was no evidence of Garda surveillance of GSOC. Surely an independent Minister should have waited for the outcome of the review. The same Minister cannot be involved in any aspect of the creation, design or structure of the proposed review. It must be an independent investigation. That is the credible and democratic thing to do, and it is the only way we will find out what really happened.

This issue is at the heart of the credibility of the administration of policing and justice in this State. The longer the issue continues without an independent investigation, the further the public's trust will be eroded.

**Deputy Dessie Ellis:** Ensuring a clear separation of police, military and intelligence powers in any properly functioning and democratic society is absolutely necessary to protect the public interest and the civil liberties of citizens in this State and to allow those institutions of the State to fulfil their roles. The targeting of GSOC, an organisation tasked with holding the Garda to account, for unwarranted and unlawful surveillance would clearly be a matter of grave concern for most democracies. The implications are enormous. However, that is not case with this Government which, along with sections of the media and senior Garda personnel, has made a concerted effort to divert attention from what is clearly an assault that goes to the heart of our supposed democracy.

The targeting of GSOC and the Government's response have exposed GSOC's lack of powers and capacity to exercise proper oversight of the Garda. There is also no clear separation of powers between the Defence Forces, the Garda special branch and other State institutions over which the Minister, Deputy Shatter, presides. The dangers inherent in this have been exposed in the past couple of weeks by the Minister, Deputy Shatter, whose failure to initiate a proper independent investigation into the bugging of GSOC raises a number of serious questions, not the least of which is why he and the Government are so reluctant to get to the truth of what happened.

The importance of having a fully accountable police service cannot be overstated. The Twenty-six Counties can learn much from what has been achieved north of the Border. The PSNI civic policing service in the Six Counties, which replaced the RUC security force, is now more accountable than the Garda by quite a distance. There is no comparison between the old RUC and the Garda, but I believe my point is made in terms of the advantage of a modern, professional and accountable civic policing service. It is not a perfect model, but it shows the real need for reform in the structures to hold the Garda to account. The policing boards, set up under the Police Act 2000, are a prime example of a limited form of democratic checks and balances that are clearly lacking in this State.

We believe there should be an independent policing authority in this State. We want more powers of accountability here that currently apply in the North, which came about as part of the new beginning to policing under the Patten reforms and subsequent legislation introduced at Westminster. Sinn Féin wishes to have much of what is in place in terms of the Northern Ireland Policing Board replicated here in respect of joint policing committees. The joint policing committees in this State must be strengthened. We must ensure that the Garda is completely independent from the State. We can no longer have a situation where Ministers appoint senior gardaí, and they in turn watch their backs politically. That is clearly unacceptable, but it is also the perception of what exists between the Minister, Deputy Shatter, and the Garda Commis-

sioner, Martin Callinan. This perception has only been exacerbated over the past ten days as part of the GSOC controversy. The days of a *quid pro quo* arrangement, where the Minister of the day circles the wagons against any criticism of senior gardaí while they in return circle the wagons against any criticism of the Minister, must end immediately.

Sinn Féin and the citizens of this State want nothing short of a fully accountable Garda Síochána and a Garda Síochána Ombudsman Commission with full powers of oversight and full independence from the Executive in this State. That would be in the best interests of the men and women who serve us in the Garda Síochána and of the Irish people. If there was real democratic accountability on the part of the Garda, we would not have this situation today. A full independent inquiry would have been the obvious solution to the serious questions being asked about this matter from the start. Instead we have a Minister for Justice and Equality, a Taoiseach and a Garda Commissioner denying there is any serious issue to answer and giving deflective and useless answers instead of allowing the books to be thrown open. So much for all the talk of radical reform and a new way of doing things under their watch.

If there was a real desire for the Garda to be accountable, there would not be a situation in which the Garda Commissioner cannot be investigated by the body established to investigate the Garda. This point was well made by the former Police Ombudsman for Northern Ireland, Nuala O'Loan, on RTE this week. The idea that the person at the top of the Garda is above investigation is repugnant to the notion of accountability and transparency. Instead we have the offer of a paper review designed by the Minister for Justice and Equality which will report to the same Minister who is at the centre of the controversy that must be cleared up. This approach smells of cover-up to the public, rather than clear up. Nothing short of an independent inquiry which is established on a statutory footing and which has the power to compel documentation and witnesses, including the Minister, is good enough.

**Deputy Peadar Tóibín:** A police force operates on the currency of the confidence of the people. In this State, we have, for the most part, been blessed with a committed and honourable force. As a result, the public have repaid the Garda with confidence. It facilitates a mainly unarmed force operating in the hearts of communities. When such confidence breaks down it damages the citizen, the force and the rule of law. One of the primary responsibilities of the Minister for Justice and Equality is to protect and strengthen that confidence. That is what the Minister is paid to do. In the past ten days, at best we have witnessed a very public discord between the Minister and the Commissioner on the one side and GSOC on the other side. At worst, we have seen a concerted effort to destabilise GSOC. The outcome of all this is collapsed confidence in the structures of law and order in the State.

That has come about directly as a result of the behaviour and activities of the Minister. For the most part, people are interested in hearing whether there has been bugging and who was responsible. The conclusion that the possibility of an anomaly with a conference call phone being coincidental was “close to zero” has shocked people. The Minister stated there is no evidence of Garda surveillance of GSOC, but we do know there was a clear vulnerability to surveillance of GSOC. Today, the Minister himself admitted in the committee that there were unexplained security anomalies. The instincts of most people would be to explain them. The Minister's interests are not aligned with the interests of the people. Oddly, his focus has not been on the substantive issue but on the subsequent process. He and the Government have been more interested in whether the chair of GSOC should have told the Minister. His behaviour has damaged the independence of GSOC. The Minister has managed to entertain the internal contradiction that on the one hand there was no definitive evidence of bugging but on the other he is substan-

tially concerned that GSOC did not inform him there was no definitive evidence of bugging.

Due to the political process the Minister has been brought kicking and screaming to the point of an anaemic review of the potential security breaches. Why is there so much resistance to investigation? There is consistency in the Minister's erratic behaviour. He recruited a donor to his political campaign to the position of a confidential recipient to whistleblowers' information. When whistleblowers in the Garda sought to whistleblow, the Minister undermined them. Now he has relieved the confidential recipient of his role. The powers of GSOC are simply not adequate. If we want to strengthen public confidence we need to strengthen GSOC. If we are to learn anything from the fiasco of the past ten days it should be that the powers of the Garda Síochána Ombudsman Commission should be greatly increased. For example, it needs access to the PULSE system as a right. It also needs the ability to oversee and investigate all levels of the force. An ombudsman who cannot oversee a complete organisation cannot oversee it, full stop.

The new judge-led review will not create confidence. It will review documents and reports surrounding the issue but it will not call witnesses and compel the evidence of those witnesses. It will not mend the collapse in confidence that has occurred. I note the Minister of State, Deputy Lynch, said in a radio interview today that she felt there was a necessity to bring all of the resources possible to seek truth in this scenario. The chosen method of investigation does not seek to bring all possible resources to bear. Other resources are available to the Government but it is not using them. One could ask why that is the case. The Minister's undermining of GSOC and the whistleblowing process, along with his lack of judgment and arrogant style of management has had the cumulative outcome of corroding the confidence he is employed to uphold.

**Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch):**

I have listened carefully to the debate and it seems that it is not just on this side that there is contradiction. On the one hand, Deputy Crowe said the relationship between the Commissioner and the Minister is too cosy and on the other hand Deputy Tóibín said the relationship is fractured. We must be clear in what we say.

There should be a broad welcome for the decision by Government to appoint a retired High Court judge to inquire into all matters of relevance relating to reports that GSOC has been under surveillance. It is a very serious matter. I echo the hope expressed by the Minister and others that the judge will now be given the time and space to conduct the inquiries and to come to clear conclusions on these matters.

The reports that GSOC may have been under surveillance have been the cause of understandable concern, not just among the public but within Government as well, and the legitimate subject of political debate. The Minister for Justice and Equality has been accused of misleading or withholding information from this House, when that is patently not the case. Last night the Minister convincingly explained how everything he has said to this House is based on briefings given to him by GSOC and founded on fact. Perhaps the most absurd accusation in this regard was that the Minister, in telling the House that GSOC had launched an investigation into the concerns but not specifically referencing section 102 of the Garda Síochána Act as the basis for that investigation, was somehow withholding vital information. As the Minister asked last night, what other section could conceivably have been used. Of course the investigation under section 102 related to potential Garda wrongdoing, because GSOC can only investigate members of the Garda Síochána. There could have been no other type of investigation. I should say that in addition to speaking yesterday on the motion before the House, where he dealt with these claims, the Minister also appeared before the Joint Committee on Public Service, Oversight

and Petitions earlier this evening and comprehensively answered the questions of committee members.

We should not overlook the central fact that GSOC, which more than anyone has an interest in finding out if it was under surveillance, carried out an investigation into those concerns, concluded that there was no evidence of Garda misconduct, that no definitive evidence of unauthorised technical or electronic surveillance was found, and decided that no further action was necessary or practicable. Nevertheless, it is undoubtedly true that the rolling nature of the debate, following on from the hearing of the Committee on Public Service, Oversight and Petitions last Wednesday, together with the availability of further information and documentation received from GSOC and further technical information which the Minister has received regarding the evidential basis for concerns of surveillance of GSOC, has led to a situation where a resolution of the issues is required. Accordingly, I welcome the decision taken by the Government to appoint a retired judge of the High Court who will be able to conduct a calm, factual and independent analysis of the concerns and come to conclusions which can be accepted by everyone as authoritative.

There are central and important issues that must be comprehensively answered. I believe the investigation now under way will give the answers. In relation to that work, I was pleased to hear the Minister for Justice and Equality announce, before this controversy developed, that he would bring to Cabinet a number of amendments to the Garda Síochána Act 2005 relating to the powers of GSOC. I understand the Joint Committee on Justice, Defence and Equality will also be asked to consider the issue and to make any recommendations on what amendments might be made to the 2005 Act. I welcome that also.

Even in advance of the consideration of amendments to the 2005 Act relating to GSOC, the Minister has made clear that he is working with his colleague, the Minister for Public Expenditure and Reform, to make a specific amendment, to be included in the Protected Disclosures Bill currently before this House, which would allow GSOC operate within the architecture of the Bill and accept reports from Garda whistleblowers. This new system will replace the current system.

We have a situation where the concerns of surveillance of GSOC will now be examined by a High Court judge, where the legislation governing GSOC will be reviewed and where necessary strengthened and where already steps are being taken to expand GSOC's remit to accept reports from Garda whistleblowers. I believe that is an outcome which should be and will be accepted and welcomed by all sides in this House.

**Deputy Aengus Ó Snodaigh:** I wish to share time with an Teachta McDonald.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Deputy Aengus Ó Snodaigh:** I, like other Members of the House, have sat through two long committee hearings on the matter already and a session of statements in the Dáil Chamber on the possible surveillance of the Garda Síochána Ombudsman Commission's offices in Capel Street. In all of that period - there was another four-hour committee meeting today - I have become more and more convinced that the Garda Síochána Ombudsman Commission had solid reasons to believe its security was breached to such an extent as to justify it bringing in an international team of counter-surveillance experts from abroad. It said at the time that it was "quite proportionate and sensible to look elsewhere". Such was the level of its concern it did

not trust Irish companies, many of which have links with An Garda Síochána and retired gardaí.

Major problems have been highlighted which still have not been addressed. The Garda Síochána Ombudsman Commission has tried to state this was a routine counter-surveillance sweep and a routine measure. The office of the Garda Síochána Ombudsman Commission opened in 2007 and this was the last time a sweep was done. Even at that stage the Irish company which took part in the sweep did not find the rogue Wi-Fi system, which was in place at the time. This suggests incompetence and supports the view GSOC could not trust Irish companies to deal with the level of counter-surveillance required.

GSOC stated it decided to conduct the sweep because of its heightened public profile, but it also stated it was because some members involved in public discourse were exceptionally well-informed. This suggests leaks somewhere. In its report the company tasked with the sweep, Verrimus, stated it was engaged due to suspicions the offices were under surveillance by the Garda Síochána. This is supported by the fact GSOC initiated a public interest investigation believing such surveillance may have originated within An Garda Síochána, according to Simon O'Brien. This is another reason.

We know, because it is well documented, that in the period running up to the counter-surveillance sweep there were tensions between the Garda Síochána Ombudsman Commission and An Garda Síochána with regard to a number of inquiries it was carrying out, including on the penalty points scandal and misuse by members of An Garda Síochána of a drug smuggling informer, Kieran Boylan. We have also now been made aware the chairman of the Garda Síochána Ombudsman Commission was concerned the Garda Síochána Commissioner, Martin Callinan, had information about the internal workings of a GSOC inquiry, namely, access to a draft report, and that this emerged during a meeting between the Commissioner of An Garda Síochána and Simon O'Brien.

Today the Minister tried to dismiss this as being the trigger for the measures GSOC took to identify the source of the threats to its security and operational integrity. He tried to put it down to the UK operatives of Verrimus misunderstanding chatty GSOC staff. He also tried to dismiss and ridicule security threats identified by Verrimus. He stated nothing untoward occurred. He tried to make little of the fact that at no stage could anybody state categorically or rule out that surveillance was carried out by members of An Garda Síochána. He dismissed it at the committee meeting only a few minutes ago, stating that saying there is no definitive evidence members of An Garda Síochána were not carrying out surveillance of the office as being akin to asking when did one stop beating one's wife, which is a strange choice of words given the history of the Garda Síochána heavy gang in the 1970s.

It is important this is properly addressed. It was the Opposition and journalists who injected urgency into this and not the Minister or the Government. We forced the issue. It is now urgent it is properly investigated, and not investigated in the way the Minister has proposed.

**Deputy Mary Lou McDonald:** The response of Government backbenchers from Fine Gael and the Labour Party to the motion has been predictable; I would say depressingly predictable. They level an accusation at Members on this side of the Dáil that we set out to disrespect the men and women of An Garda Síochána. They level an accusation at those of us on this side of the House that we question the integrity of a member of the Judiciary. They make valiant efforts to dismiss this debate as what they call a political football or political grandstanding. All of these are part of a brass-necked attempt to play down, minimise, set aside and even perhaps

to whitewash what has happened.

Tonight's debate, just so we are clear and so Government backbenchers are clear, is taking place because of information in the public domain suggesting the office of the Garda Síochána Ombudsman Commission may have been bugged. This is a very serious matter. Furthermore, and in the public domain also, is a concern the offices of GSOC may have been bugged by An Garda Síochána, whether sanctioned or otherwise. This brings public concerns to a whole new level. I was glad to hear the Minister of State, Deputy Lynch, concede these are not trivial concerns because they are matters which go to the very heart of Garda accountability and credibility and public confidence in the administration of justice. It is precisely because public confidence in An Garda Síochána and the body charged with its oversight, GSOC, is so crucial to this administration of justice that the motion has been tabled.

I have no difficulty in stating the motion should not be necessary, because it should not be. The Government, recognising the gravity of all of these concerns, should have moved speedily to institute an independent inquiry into all of these matters. This is what it should have done but it chose not to do so. Instead, as others have recounted, it pointed the finger of blame at GSOC. From the outset the Government endeavoured to create a narrative which sought to lay the blame squarely at the door of the Garda Síochána Ombudsman Commission.

After the bugging story broke in the media the Minister for Justice and Equality, as we know, deliberately and publicly summoned the Garda watchdog to his office. During this meeting the chairman of the Garda Síochána Ombudsman Commission provided the Minister, Deputy Shatter, with a written briefing which was used to inform his statement to the Dáil the next day. Despite this briefing and written documentation, the Minister came to the Chamber and made a statement which fell very short of the information available to him. For example he failed to note one of the anomalies identified suggested calls could have been tampered with. He omitted to state the experts who conducted the security sweep advised the technology in use was available to government agencies only. Despite knowing all of this, the Minister stood in the Dáil and categorically refuted the suggestion there was concern regarding An Garda Síochána and told Members of the House any suggestion otherwise was, to use his term, baseless innuendo.

The Minister of State, Deputy Lynch, has stridently come here to recite the script of the Minister, Deputy Shatter. She set aside the fact the Minister failed to make reference to the public interest investigation in the course of his commentary. The record reflects this is the fact. This was deliberately done; if it was not it poses several questions. Does, or did, the Minister consider GSOC's concerns as baseless? Does, or did, he consider that GSOC had proceeded simply on the basis of innuendo? We all know neither of these holds true because Simon O'Brien, the Chairman of GSOC, came before the committee and made this very clear.

It is now very evident the Minister for Justice and Equality, Deputy Alan Shatter, is absolutely incapable of impartiality in this matter. As recently as last night he appeared again in the Dáil to tell us of a new peer review he had carried out.

*9 o'clock*

He has moved and hardened his position from stating there is no conclusive evidence of surveillance to now making the claim that, in fact, there is no evidence whatsoever of any surveillance. This is the man charged by the Government to draw up the terms of reference for the review. As to how that could be publicly or politically credible or in any way be desirable is,

frankly, baffling.

I ask the following question of the Minister which I encourage members of the Government to ask: why is he so absolutely determined, when an issue of controversy emerges on the public scene, to shut it down? He might regard this in his own mind as a pro-Garda stance. He might think or believe he is doing the right thing in trying to distract public attention from the concerns of the Garda Síochána Ombudsman Commission, GSOC, and now the concerns of the public about this alleged bugging. However, he needs to be aware that these actions are not favourable to An Garda Síochána or the oversight body, that they are, in fact, highly damaging. They are damaging in the same way the Minister's approach to the two Garda whistleblowers who had come forward was damaging. Members should recall that in that instance the Minister was utterly dismissive to the point of almost being abusive towards these two men because what they had to say did not suit him. He would probably typify his actions at the time as being concerned with safeguarding the integrity of An Garda Síochána, but they did nothing of the sort. It is now impossible to imagine that any serving officer who has concerns or information would not be highly cautious about stepping forward because he or she knows the view of the Minister. Furthermore, he or she knows the view of the Garda Commissioner of those who choose to step forward. Sergeant Maurice McCabe is still subject to frustrations regarding his appearance before the Committee of Public Accounts. While he seeks a transcript of his evidence, there are those in this House who do not wish him to have it. However, one should remember that many people elected to this place did not want him to appear before the committee in any event. They wanted him to be quiet and go away.

**Deputy John Deasy:** The Deputy is having a laugh.

**Deputy Mary Lou McDonald:** A pattern has been established within the Government, both among members of the Cabinet and on the backbenches. The Minister has moved to minimise and trivialise the alleged bugging of the GSOC offices. He took precisely the same approach to the Garda whistleblowers. While that is his form, he does not and did not act alone because it is now clear that the Alan Shatter approach to the administration of justice is shared by members of the Government, on both the Front Bench and the backbenches, and that he has their full support. Apparently, members of the Government believe he is the appropriate person to draw up terms of reference for the inquiry and to whom it should report.

I say to the two Ministers sitting on the benches opposite-----

**Deputy Emmet Stagg:** At least they are on the benches. There was no one at all from Sinn Féin in the Chamber for more than half an hour tonight.

**Deputy Mary Lou McDonald:** The legislation required to construct a proper independent inquiry is available to the Government.

**Deputy Emmet Stagg:** No one.

**Deputy Dessie Ellis:** For how long was the Deputy here?

**Deputy Emmet Stagg:** It is Sinn Féin's debate, but there was no one here.

**An Ceann Comhairle:** Sorry, hold on one second, please.

**Deputy Mary Lou McDonald:** In the course of this debate it has been cited time out of number. Why does the Government not use it?

**Deputy Emmet Stagg:** Had the Deputy been in the Chamber, she might have heard.

**Deputy Mary Lou McDonald:** Why does the Government not want an inquiry in which a High Court judge, with all of his or her integrity and expertise, would have available to him or her the full range of powers necessary to get to the bottom of this issue? In the midst of the Government's bluster and blunder, it has failed to answer that simple question.

**Deputy Brendan Howlin:** Time is up.

**Deputy Aengus Ó Snodaigh:** The Minister's time will be up soon enough.

Question, "That the words proposed to be deleted stand," put and declared carried.

Amendment to amendment No. 1 declared lost.

Amendment put:

| <i>The Dáil divided: Tá, 83; Níl, 49.</i> |                                |
|-------------------------------------------|--------------------------------|
| <i>Tá</i>                                 | <i>Níl</i>                     |
| <i>Bannon, James.</i>                     | <i>Adams, Gerry.</i>           |
| <i>Barry, Tom.</i>                        | <i>Boyd Barrett, Richard.</i>  |
| <i>Butler, Ray.</i>                       | <i>Broughan, Thomas P.</i>     |
| <i>Buttimer, Jerry.</i>                   | <i>Browne, John.</i>           |
| <i>Byrne, Catherine.</i>                  | <i>Calleary, Dara.</i>         |
| <i>Byrne, Eric.</i>                       | <i>Collins, Joan.</i>          |
| <i>Cannon, Ciarán.</i>                    | <i>Collins, Niall.</i>         |
| <i>Carey, Joe.</i>                        | <i>Colreavy, Michael.</i>      |
| <i>Coffey, Paudie.</i>                    | <i>Cowen, Barry.</i>           |
| <i>Collins, Áine.</i>                     | <i>Crowe, Seán.</i>            |
| <i>Conaghan, Michael.</i>                 | <i>Daly, Clare.</i>            |
| <i>Conlan, Seán.</i>                      | <i>Doherty, Pearse.</i>        |
| <i>Connaughton, Paul J.</i>               | <i>Dooley, Timmy.</i>          |
| <i>Coonan, Noel.</i>                      | <i>Ellis, Dessie.</i>          |
| <i>Corcoran Kennedy, Marcella.</i>        | <i>Ferris, Martin.</i>         |
| <i>Costello, Joe.</i>                     | <i>Flanagan, Luke 'Ming'.</i>  |
| <i>Coveney, Simon.</i>                    | <i>Fleming, Sean.</i>          |
| <i>Creed, Michael.</i>                    | <i>Grealish, Noel.</i>         |
| <i>Daly, Jim.</i>                         | <i>Halligan, John.</i>         |
| <i>Deasy, John.</i>                       | <i>Healy-Rae, Michael.</i>     |
| <i>Deering, Pat.</i>                      | <i>Higgins, Joe.</i>           |
| <i>Doherty, Regina.</i>                   | <i>Keaveney, Colm.</i>         |
| <i>Donohoe, Paschal.</i>                  | <i>Kelleher, Billy.</i>        |
| <i>Dowds, Robert.</i>                     | <i>Kirk, Seamus.</i>           |
| <i>Doyle, Andrew.</i>                     | <i>Kitt, Michael P.</i>        |
| <i>Durkan, Bernard J.</i>                 | <i>Lowry, Michael.</i>         |
| <i>English, Damien.</i>                   | <i>Mac Lochlainn, Pádraig.</i> |
| <i>Farrell, Alan.</i>                     | <i>McConalogue, Charlie.</i>   |

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|---------------------------------|-------------------------------|
| <i>Feighan, Frank.</i>          | <i>McDonald, Mary Lou.</i>    |
| <i>Ferris, Anne.</i>            | <i>McGrath, Finian.</i>       |
| <i>Fitzgerald, Frances.</i>     | <i>McGrath, Mattie.</i>       |
| <i>Fitzpatrick, Peter.</i>      | <i>McGrath, Michael.</i>      |
| <i>Flanagan, Charles.</i>       | <i>McLellan, Sandra.</i>      |
| <i>Hannigan, Dominic.</i>       | <i>Martin, Micheál.</i>       |
| <i>Harris, Simon.</i>           | <i>Moynihan, Michael.</i>     |
| <i>Hayes, Brian.</i>            | <i>Murphy, Catherine.</i>     |
| <i>Hayes, Tom.</i>              | <i>Nulty, Patrick.</i>        |
| <i>Heydon, Martin.</i>          | <i>Ó Caoláin, Caoimhghín.</i> |
| <i>Howlin, Brendan.</i>         | <i>Ó Cuív, Éamon.</i>         |
| <i>Humphreys, Heather.</i>      | <i>Ó Fearghail, Seán.</i>     |
| <i>Humphreys, Kevin.</i>        | <i>Ó Snodaigh, Aengus.</i>    |
| <i>Kehoe, Paul.</i>             | <i>O'Brien, Jonathan.</i>     |
| <i>Kelly, Alan.</i>             | <i>Pringle, Thomas.</i>       |
| <i>Kenny, Seán.</i>             | <i>Ross, Shane.</i>           |
| <i>Kyne, Seán.</i>              | <i>Smith, Brendan.</i>        |
| <i>Lynch, Ciarán.</i>           | <i>Stanley, Brian.</i>        |
| <i>Lynch, Kathleen.</i>         | <i>Tóibín, Peadar.</i>        |
| <i>Lyons, John.</i>             | <i>Troy, Robert.</i>          |
| <i>McCarthy, Michael.</i>       | <i>Wallace, Mick.</i>         |
| <i>McEntee, Helen.</i>          |                               |
| <i>McGinley, Dinny.</i>         |                               |
| <i>McHugh, Joe.</i>             |                               |
| <i>McLoughlin, Tony.</i>        |                               |
| <i>McNamara, Michael.</i>       |                               |
| <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>Neville, Dan.</i>            |                               |
| <i>Nolan, Derek.</i>            |                               |
| <i>Noonan, Michael.</i>         |                               |
| <i>Ó Ríordáin, Aodhán.</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>             |                               |

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| <i>Reilly, James.</i>    |  |
| <i>Ring, Michael.</i>    |  |
| <i>Ryan, Brendan.</i>    |  |
| <i>Shatter, Alan.</i>    |  |
| <i>Shortall, Róisín.</i> |  |
| <i>Spring, Arthur.</i>   |  |
| <i>Stagg, Emmet.</i>     |  |
| <i>Stanton, David.</i>   |  |
| <i>Tuffy, Joanna.</i>    |  |
| <i>Twomey, Liam.</i>     |  |
| <i>Wall, Jack.</i>       |  |
| <i>White, Alex.</i>      |  |

Tellers: Tá, Deputies Paul Kehoe and Emmet Stagg; Níl, Deputies Seán Ó Fearghaíl and Aengus Ó Snodaigh.

Amendment declared carried.

Question put: That the motion, as amended, be agreed to.

| <i>The Dáil divided: Tá, 82; Níl, 49.</i> |                               |
|-------------------------------------------|-------------------------------|
| <i>Tá</i>                                 | <i>Níl</i>                    |
| <i>Bannon, James.</i>                     | <i>Adams, Gerry.</i>          |
| <i>Barry, Tom.</i>                        | <i>Boyd Barrett, Richard.</i> |
| <i>Butler, Ray.</i>                       | <i>Broughan, Thomas P.</i>    |
| <i>Buttimer, Jerry.</i>                   | <i>Browne, John.</i>          |
| <i>Byrne, Catherine.</i>                  | <i>Calleary, Dara.</i>        |
| <i>Byrne, Eric.</i>                       | <i>Collins, Joan.</i>         |
| <i>Cannon, Ciarán.</i>                    | <i>Collins, Niall.</i>        |
| <i>Carey, Joe.</i>                        | <i>Colreavy, Michael.</i>     |
| <i>Coffey, Paudie.</i>                    | <i>Cowen, Barry.</i>          |
| <i>Collins, Áine.</i>                     | <i>Crowe, Seán.</i>           |
| <i>Conaghan, Michael.</i>                 | <i>Daly, Clare.</i>           |
| <i>Conlan, Seán.</i>                      | <i>Doherty, Pearse.</i>       |
| <i>Connaughton, Paul J.</i>               | <i>Dooley, Timmy.</i>         |
| <i>Coonan, Noel.</i>                      | <i>Ellis, Dessie.</i>         |
| <i>Corcoran Kennedy, Marcella.</i>        | <i>Ferris, Martin.</i>        |
| <i>Costello, Joe.</i>                     | <i>Flanagan, Luke 'Ming'.</i> |
| <i>Coveney, Simon.</i>                    | <i>Fleming, Sean.</i>         |
| <i>Creed, Michael.</i>                    | <i>Grealish, Noel.</i>        |

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| <i>Daly, Jim.</i>               | <i>Halligan, John.</i>         |
| <i>Deasy, John.</i>             | <i>Healy-Rae, Michael.</i>     |
| <i>Deering, Pat.</i>            | <i>Higgins, Joe.</i>           |
| <i>Doherty, Regina.</i>         | <i>Keaveney, Colm.</i>         |
| <i>Donohoe, Paschal.</i>        | <i>Kelleher, Billy.</i>        |
| <i>Dowds, Robert.</i>           | <i>Kirk, Seamus.</i>           |
| <i>Doyle, Andrew.</i>           | <i>Kitt, Michael P.</i>        |
| <i>Durkan, Bernard J.</i>       | <i>Lowry, Michael.</i>         |
| <i>English, Damien.</i>         | <i>Mac Lochlainn, Pádraig.</i> |
| <i>Farrell, Alan.</i>           | <i>McConalogue, Charlie.</i>   |
| <i>Feighan, Frank.</i>          | <i>McDonald, Mary Lou.</i>     |
| <i>Ferris, Anne.</i>            | <i>McGrath, Finian.</i>        |
| <i>Fitzgerald, Frances.</i>     | <i>McGrath, Mattie.</i>        |
| <i>Fitzpatrick, Peter.</i>      | <i>McGrath, Michael.</i>       |
| <i>Flanagan, Charles.</i>       | <i>McLellan, Sandra.</i>       |
| <i>Hannigan, Dominic.</i>       | <i>Martin, Micheál.</i>        |
| <i>Harris, Simon.</i>           | <i>Moynihan, Michael.</i>      |
| <i>Hayes, Brian.</i>            | <i>Murphy, Catherine.</i>      |
| <i>Hayes, Tom.</i>              | <i>Nulty, Patrick.</i>         |
| <i>Heydon, Martin.</i>          | <i>Ó Caoláin, Caoimhghín.</i>  |
| <i>Howlin, Brendan.</i>         | <i>Ó Cuív, Éamon.</i>          |
| <i>Humphreys, Heather.</i>      | <i>Ó Fearghail, Seán.</i>      |
| <i>Humphreys, Kevin.</i>        | <i>Ó Snodaigh, Aengus.</i>     |
| <i>Kehoe, Paul.</i>             | <i>O'Brien, Jonathan.</i>      |
| <i>Kelly, Alan.</i>             | <i>Pringle, Thomas.</i>        |
| <i>Kenny, Seán.</i>             | <i>Shortall, Róisín.</i>       |
| <i>Kyne, Seán.</i>              | <i>Smith, Brendan.</i>         |
| <i>Lynch, Ciarán.</i>           | <i>Stanley, Brian.</i>         |
| <i>Lynch, Kathleen.</i>         | <i>Tóibín, Peadar.</i>         |
| <i>Lyons, John.</i>             | <i>Troy, Robert.</i>           |
| <i>McCarthy, Michael.</i>       | <i>Wallace, Mick.</i>          |
| <i>McEntee, Helen.</i>          |                                |
| <i>McGinley, Dinny.</i>         |                                |
| <i>McHugh, Joe.</i>             |                                |
| <i>McLoughlin, Tony.</i>        |                                |
| <i>McNamara, Michael.</i>       |                                |
| <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>Neville, Dan.</i>            |                                |

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| <i>Nolan, Derek.</i>       |  |
| <i>Noonan, Michael.</i>    |  |
| <i>Ó Ríordáin, Aodhán.</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>Reilly, James.</i>      |  |
| <i>Ring, Michael.</i>      |  |
| <i>Ryan, Brendan.</i>      |  |
| <i>Shatter, Alan.</i>      |  |
| <i>Spring, Arthur.</i>     |  |
| <i>Stagg, Emmet.</i>       |  |
| <i>Stanton, David.</i>     |  |
| <i>Tuffy, Joanna.</i>      |  |
| <i>Twomey, Liam.</i>       |  |
| <i>Wall, Jack.</i>         |  |
| <i>White, Alex.</i>        |  |

Tellers: Tá, Deputies Paul Kehoe and Emmet Stagg; Níl, Deputies Seán Ó Fearghaíl and Aengus Ó Snodaigh.

Question declared carried.

The Dáil adjourned at 9.30 p.m. until 9.30 a.m. on Thursday, 20 February 2014.