DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN
TUAIRISC OIFIGIÚIL—Neamhc heartaithe
(OFFICIAL REPORT—Unrevised)

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Paidir.
Prayer.

Ceisteanna - Questions

Priority Questions

General Practitioner Services

96. Deputy Billy Kelleher asked the Minister for Health the action he proposes to take in view of the negative response of general practitioners to their proposed new contract; and if he will make a statement on the matter. [15121/14]

Deputy Billy Kelleher: We have attended meetings at which general practitioners expressed concern about the contract the Government has proposed in the context of the roll-out of universal general practitioner care for children aged under six years. This is not universal care in the sense that somebody will have to pay for it at some stage. Persons with severe intellectual disabilities and serious and life threatening illnesses will pay for it. We seek clarity on the Minister’s proposals.

Minister of State at the Department of Health (Deputy Alex White): The Government’s vision for primary care is the development of a single tier system in which access is based on medical need, rather than ability to pay. The Government is, therefore, committed to introducing a universal general practitioner service without fees, on a phased basis, in its term of office. The word “universal” has the meaning of applying to everybody and does not touch on the issue of how care is funded. It means simply that everyone has access. As such, the distinction drawn by the Deputy is incorrect. Perhaps we will return to that issue.

The orientation of health systems towards primary health care and general practice has
advantages in terms of better population outcomes, improved equity, access and continuity of care and lower cost. As announced in the budget, the Government has decided to commence the roll-out of universal general practitioner services by providing all children under six years with access to a GP service without fees. The decision to commence the roll-out with this age cohort is in accordance with the recommendation in Right from the Start, the report of the expert advisory group on the early years strategy. Universal screening and surveillance services are already made available for children in this age cohort. Evidence suggests that a high quality primary care system with universal access will achieve better outcomes for young children.

The implementation of this measure will require primary legislation, which is expected to be published shortly. The necessary administrative arrangements will be made when the specifics of the legislation are known. The introduction of this service also requires a new contractual framework to be put in place between the Health Service Executive and individual general practitioners.

As Deputies are aware, a draft contract is currently the subject of a consultation process. In excess of 280 responses were received by the Health Service Executive during the consultation process. These responses are being examined and a report will be published in due course. While there has been some negative reaction to the draft contract, I am pleased to say the Irish Medical Organisation, the primary representative body for general practitioners, has confirmed it is supportive of Government policy to introduce GP care free at the point of access, albeit conditional on the provision of adequate resources and full and meaningful negotiations with the IMO. I welcome this response and I have assured the IMO, most recently in my letter of 26 March, that the Department and the HSE are prepared to engage meaningfully with it in negotiations on all aspects of the scope and content of the proposed contract. I have also explained that there will be an opportunity for its input on the fee structure, which will be addressed by means of a complementary consultation process.

Additional Information not given on the floor of the House

I trust the IMO will accept my invitation to commence negotiations with the Department and the HSE. This will afford it the opportunity to obtain clarification from the Department and the HSE on any aspect of the draft contract and to raise any other issues which it may have in that regard. I am confident a process of open discussion has the potential to significantly enhance the draft contract for patients, GPs, the HSE and the Department, thus helping to progress our common goal of free GP care at the point of access.

Deputy Billy Kelleher: The Minister of State said at the outset that he has a vision for primary care, but it became clear as he neared the end of his reply that he has no vision because there are no actual plans in place to deal with what the Government committed to in its programme for Government. It is evident there has been no increase in funding in respect of primary care and that the continuing withdrawal of discretionary medical cards is what is funding the roll-out of free GP care for children aged under six years. For this not to be the case would have required the Government to increase the budget over and above what is currently provided. The Government has not done that. There has been a systematic reduction in terms of the availability of discretionary medical cards to people who held them based on illness and need owing to medical conditions.

The Minister of State said a consultative process was in place. There has been no consultation with GPs. The contract was published by the Minister, the Minister of State and their
officials with no consultation on the matter. Had there been some consultation there might have been an embracing of the contract. As I understand it, there has been no embracing of this contract by GPs. It is an onerous and restrictive contract which forces GPs to choose between people who hold medical cards and those with discretionary medical cards, granted to them based on illness and need rather than age.

Deputy Alex White: What Deputy Kelleher said is incorrect. The Government has a clear plan in relation to the implementation of access to free GP services for children under six years of age. The legislation in this regard will be published shortly. I look forward to hearing the Deputy’s response to that legislation because I am anxious to know whether he supports the initiative. The IMO has indicated it supports it, although it has raised reasonable concerns which I am anxious to discuss with it.

The Deputy is also wrong on the budgetary issue because €37 million has been voted specifically for this measure. The Deputy is also wrong in his commentary about discretionary medical cards being granted to people based on medical need. The Deputy knows well that there is no such thing as a discretionary medical card based on medical need but that people may apply for and the HSE may grant a discretionary medical card in circumstances where a person has to meet expenses in respect of their medical condition.

I look forward to meeting the IMO. It has been suggested there has been no attempt by me to ensure such a meeting takes place. I have written twice to the IMO. I am engaged in correspondence with it, which I could read into the record of the House if I had time. I have made it clear to the IMO in that correspondence that I look forward to meeting it. I have extended three invitations to the IMO to meet me to negotiate on the contract. There will be consultation and negotiation but people have to attend a meeting for this to happen.

Deputy Billy Kelleher: Not only is the Minister of State playing with words, he is playing with people’s lives when it comes to discretionary medical card withdrawals. Time and again when we have raised the issue of discretionary medical cards in this House, the response has been that there is no such entity as a discretionary medical card. Up until last year, every HSE service plan made provision for discretionary medical cards. Provision in that regard was always included in the HSE budget. We now find it has been removed from the lexicon of the Department in terms of primary care funding. While provision was always made for discretionary medical cards, they are now being systematically withdrawn.

Last Sunday week was International Down’s syndrome day. Families of children with Down’s syndrome are time and again highlighting that they are unable to obtain or renew discretionary medical cards. Some 50% of families in this country have lost or cannot get a discretionary medical card based on medical need. That is a fact.

Deputy Alex White: The Deputy is making up figures or pulling them from the sky.

Deputy Billy Kelleher: I am not.

Deputy Alex White: The Deputy asked a question to which I have responded. If he wants to have a discussion on discretionary medical cards I am happy to do so. There is no mention of that in the Deputy’s original question, which refers to what he calls the “negative response of general practitioners to their proposed new contract”.

Deputy Billy Kelleher: I clarified what I meant.
**Deputy Alex White:** It is interesting that Deputy Kelleher almost always moves off the subject of free medical care for those under six years of age, even when the question he tables refers to them. The Deputy spent no time discussing those to whom I refer and instead tried to deflect the House’s attention towards another matter.

**Deputy Billy Kelleher:** What about the position with regard to those with long-term illnesses?

**Deputy Alex White:** We are quite happy to discuss discretionary medical cards. The Deputy is wrong. There is no systematic policy, or anything like it, to remove discretionary medical cards. The Deputy is well aware of what I meant when I stated there is no such thing as a discretionary medical card. A medical card is a medical card. Regardless of whether one applies through the means-tested system or the discretionary system, what one will obtain is a medical card. The cards relating to both systems are the same. The Deputy knows what I am talking about and it is he who is playing fast and loose with the facts.

**Ambulance Service Provision**

97. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will take immediate action to increase the number of ambulances and the number of trained ambulance personnel to ensure proper emergency cover across the entire State in view of the dangerously inadequate ambulance service cover across large areas of the Twenty-six Counties at present; and if he will make a statement on the matter. [14989/14]

**Deputy Caoimhghín Ó Caoláin:** I ask the Minister to outline the immediate action he will take to increase the number of ambulances and trained ambulance personnel to ensure there will be a proper ambulance service in which citizens can have complete confidence in times of need.

**Minister for Health (Deputy James Reilly):** I assure the House that the national ambulance service will continue to modernise and reconfigure its services to ensure emergency pre-hospital care is delivered in an appropriate and timely manner. In that regard, additional funding of €3.6 million and 43 staff have been provided under the national service plan for 2014. Including Dublin Fire Brigade emergency ambulances, our total fleet now numbers 534 vehicles. This represents an increase of 77 on the number of vehicles we had four years ago. I understand a number of emergency ambulances will be upgraded this year.

A significant reform programme is under way to provide a clinically driven and nationally co-ordinated system that will be supported by improved technology. Ongoing performance improvement projects include the single national control system, which is to be completed next year; the intermediate care service, which transports patients between facilities and allows emergency vehicles to focus on emergency situations; the move to on-duty rostering and the development of a national rostering system; and the emergency aeromedical support service, which flew 368 missions in 2013. One third of the latter involved time-critical transfers of ST segment elevation myocardial infarction, STEMI, heart attack patients to primary percutaneous coronary intervention, PCI, units.

I also draw the Deputy’s attention to the three separate reviews of ambulance services that are under way. The Health Information and Quality Authority is examining the governance arrangements for pre-hospital emergency services, the HSE and Dublin City Council have com-
missioned a joint review of Dublin ambulance services to determine the optimal and most cost-effective model of ambulance services delivery for the city, and the national ambulance service is undertaking a comprehensive capacity review to determine the level of resourcing - in terms of staff, vehicles, skills and distribution - that will be required to deliver a safe and effective service now and into the future. These reviews will inform the development of a modern, clinically driven system, properly resourced, for appropriate and timely services to the benefit of patients.

**Deputy Caoimhghín Ó Caoláin:** We need fewer reviews and more action. That is the bottom line in respect of this matter. The “Prime Time” programme exposed the extent of the crisis relating to the ambulance service. That crisis is a direct result of cuts introduced under the stewardship of this Government and the one preceding it. Does the Minister share the huge public concern that exists with regard to the total inadequacy of the emergency ambulance cover available across huge swathes of this country? I refer here to the provision of ambulance services and the number of trained personnel and not to the quality of those working at the coalface within the ambulance service and who deserve great plaudits. Is it acceptable that ambulances often arrive too late and that people, including those I have known and who were dear to me, have died as a result? Is it acceptable that the target times set by HIQA are not being met? The times to which I refer have been changed and increased by the HSE. Is it acceptable that last year only one in every three people with life-threatening conditions was responded to by the ambulance service within the target times set?

**Deputy James Reilly:** I will address the specific issues. Since 2011 the HSE has been implementing response time standards on a phased basis in tandem with planned service improvement. In 2013 the HSE target for patient carrying vehicles to respond within 19 minutes was 70% for echo calls, that is, life-threatening cardiac and respiratory incidents, and 68% for delta calls, that is, life-threatening other than cardiac and respiratory incidents. For 2014 the target is 80% for both call types. It is important to remember that there have been over 1,000 extra calls per month in the past year. To say that we have been instigating cutbacks is utterly untrue. There has been a rationalising of control rooms towards one national system, which is ongoing. This is delivering improved technology to improve response times. The amount of investment in the past three years has been up year-on-year. In 2012 it was €128.7 million, in 2013 it was €135.1 million and in 2014 it was €137 million.

**Deputy Caoimhghín Ó Caoláin:** I assure the Minister that the points I have made are absolutely true. What we are seeking is an explanation of what the Minister is going to do about this crisis situation. Will he significantly increase the numbers of trained personnel and ambulances? When is he going to do this? What will he do in respect of HSE mismanagement of the service? This includes, for example, the scandalous use of rapid response vehicles as personal cars for managers. They are sitting outside their homes for long periods or in fleets at specific meetings that have been called having been driven there from different parts of the country and remaining for long periods out of service to the ambulance provision.

Is the Minister aware of the serious concern in the city of Dublin that the HSE is lining up to take control of the Dublin Fire Brigade ambulance service? This arises against the backdrop of a serious lack of confidence not only in the city but throughout the country in the HSE’s capacity to provide a state-of-the-art and fully reliable ambulance service.

**An Leas-Cheann Comhairle:** Thank you, Deputy.
Deputy Caoimhghín Ó Caoláin: The people of this city do not want that change to arise. What can the Minister indicate to them about what he is going to do? When the Minister is citing figures he should examine the comparative situation in the North of Ireland and Scotland. He would find that we fall far short of those standards.

Deputy James Reilly: Again, the Deputy across loves to talk about crises and doom and gloom and has engaged in shroud-waving on several occasions.

Deputy Caoimhghín Ó Caoláin: The Minister should answer the question.

Deputy James Reilly: Sorry. I do not-----

Deputy Caoimhghín Ó Caoláin: He should answer the question without his nonsense. This is a very serious matter.

Deputy James Reilly: Deputy Ó Caoláin is not proving to be a very serious contributor if all he can do is shout instructions across the Chamber.

Deputy Caoimhghín Ó Caoláin: All the Minister can do is bluster his way.

Deputy James Reilly: There is no bluster.

Deputy Caoimhghín Ó Caoláin: He should answer the question.

Deputy James Reilly: No, sorry, Deputy.

Deputy Caoimhghín Ó Caoláin: Would you ask him to answer the question, a Leas-Cheann Comhairle?

An leas-Cheann Comhairle: Could we have order, please?

Deputy James Reilly: I will answer the question and I will keep the people informed of reality and the facts, not Deputy Ó Caoláin’s bluster and shroud-waving. We have had quite enough of it over the years.

Deputy Caoimhghín Ó Caoláin: I am telling the Minister that any shroud-waving on my part is a result of the loss of a member of my family and it applies equally to all those who have experienced loss of life because of poor ambulance response times.

Deputy James Reilly: Good. I am glad that Deputy Ó Caoláin has acknowledged that it is shroud-waving.

Deputy Caoimhghín Ó Caoláin: This is a very serious matter.

An leas-Cheann Comhairle: I want order, please. The Minister to reply.

Deputy James Reilly: The response vehicle situation is currently being reviewed. I wish to inform Deputy Ó Caoláin again of some facts that do not quite fit the picture he likes to portray. Over 600 calls have been carried out this year already by those vehicles and over 230 of these were out-of-hours calls responded to by officers who had these vehicles at their homes and who were able to respond in an out-of-hours situation. That is what they are there for. I am not saying, no more than anyone in the service is saying, that the service could not be improved. We have these reviews to inform us of how to further improve the service to the benefit of patients and citizens. We will continue to do that.
Vehicles are important in themselves and ambulances are rather important too. Getting an ambulance to a patient is a priority. However, the core priority is getting treatment to the patient. There is a major emphasis now on the pre-hospital emergency care situation in order that the patient gets treatment and is stabilised as early as possible. This allows for them to be transferred to hospital in a safe fashion.

**Hospital Staff Recruitment**

98. **Deputy Tom Fleming** asked the Minister for Health the number of hospital consultants’ posts currently vacant; how widely medical consultant positions are advertised throughout the world by the Health Service Executive; the reason the salary scales applicable are not specifically included in advertising; and if he will make a statement on the matter. [15156/14]

**Deputy Tom Fleming:** How many hospital consultants’ posts are vacant? How widely are medical consultant positions advertised across the world by the HSE? Why are the applicable salary scales not included in advertising?

**Deputy James Reilly:** I thank the Deputy for his question. It is Government policy to move to a consultant-delivered service. I am pleased to inform the House that, since the establishment of the HSE, there has been a significant increase in the number of whole-time equivalent, WTE, consultants by 723 from 1,947 in January 2005 to 2,670 in December 2013. However, there are some specialties in which there is an international shortage and that have been traditionally difficult to fill regardless of the salary scales. There are also some hospitals to which it has historically been difficult to attract applicants, in particular smaller hospitals that have onerous rosters due to a limited number of consultants. The establishment of hospital groups will help to address this issue, as they will allow doctors to be appointed as group resources instead of to just single hospitals.

The Public Appointments Service recruits permanent consultants on behalf of the HSE. All of these posts are advertised on [www.publicjobs.ie](http://www.publicjobs.ie), in the national newspapers, in medical journals and also on occasion through professional social networks. The terms and conditions are included in the information that accompanies these advertisements. Clearly, these include pay. They specify the types of contract being offered, for example, type A or type B, the applicable new entrant salary scale and the condition that serving permanent clinical consultants in the Irish public service are to retain the salary scales to which they were subject before these appointments.

Notwithstanding the need to reduce the numbers employed across the public service in order to meet fiscal and budgetary targets, the HSE has the capacity to recruit consultants. Arrangements are in place in the HSE to allow the recruitment of front-line staff where there is an established service need.

The HSE has advised that 34 hospital consultant posts are vacant. A further 219 consultant posts are filled by temporary or locum appointees. It should be noted that consultant posts take a number of months to fill, as applicants may be finishing training programmes or working abroad gaining additional experience at the time of their applications and, of course, are duty-bound to finish out their contracts.

*Additional information not given on the floor of the House*
The ability of the public service to attract and retain high-quality consultants shapes the extent to which the HSE can maintain and develop the range of health services required. As such, I set up a group under the chairmanship of Professor Brian McCraith last July to carry out a strategic review of medical training and career structures. The group submitted an interim report focused on training to me in December and is now progressing examination of the career structure to apply on completion of specialist training with a view to reporting to me shortly. Broader issues relating to recruitment and retention of non-consultant hospital doctors, NCHDs, and consultants will be given further consideration on receipt of this report.

Deputy Tom Fleming: I thank the Minister for his reply. To put this issue in context, Kerry General Hospital has advertised numerous times for consultant radiographers.

Deputy James Reilly: Radiologists.

Deputy Tom Fleming: There are two vacant posts and the hospital recently received one application. For years, this service has been provided by private contract at an increased cost of approximately 40% compared with filling the posts within the hospital. This is a time of scarce resources when we must get value for money. Will the Minister streamline the advertising process? Are we reaching out universally to recruit suitable and qualified applicants?

Deputy James Reilly: Just for clarity, and I am not in any way trying to be difficult, but the Deputy mentioned radiographers. They are the people who take the pictures and are not consultants per se. Radiologists are the consultants who read the pictures.

I will conclude my answer. The ability of the public service to attract and retain high-quality consultants shapes the extent to which the HSE can maintain and develop the range of health services required. As such, I set up a group under the chairmanship of Professor Brian McCraith last July to carry out a strategic review of medical training and career structures. The group submitted an interim report focused on training to me in December and is now progressing examination of the career structure to apply on completion of specialist training with a view to reporting to me shortly. Broader issues relating to recruitment and retention of non-consultant hospital doctors, NCHDs, and consultants will be given further consideration on receipt of this report.

I do not profess to be familiar with the specific problem in Kerry, so I apologise. Sometimes, hospitals that are geographically isolated experience difficulty in attracting consultants and NCHDs. The group hospital scenario helps to address that, as they can be part of a group and move around through the hospitals, thus making themselves available to the broadest range of individuals within the service.

Deputy Tom Fleming: A recent report stated that less than one third of consultant posts advertised since 2012 have been filled. This is alarming, to put it mildly. The figures show that just 36 of 104 consultant posts have been taken up at this stage. The Public Appointments Service has confirmed that it received no applications for some consultant posts and it has re-advertised a number of times. A recent “Prime Time” programme on RTE provided the information that one locum in a certain hospital was paid up to €300,000 for services in a 12 month period. We must move with more urgency towards getting the overall situation back to normality.

Deputy James Reilly: The number of consultants has been increasing year on year, and that has been the case for the past number of years. In 2011, there were 2,470; in 2010 there were 2,410; in 2012 there was a further increase to 2,510 and last year the figure increased to 2,560.
Year on year we are not only replacing those who are leaving but also adding to the total number. However, I must return to the point that there are certain areas and certain specialties that pose difficulties and we are examining innovative ways of trying to address that. The McCraith report will help in that regard.

The new salary scale, which starts at anywhere between €116,000 and €122,000 is a considerable sum of money and compares extremely favourably with the UK, where the starting salary is £80,000 or €100,000. People are wont to compare immediately with America, Canada and the wealthier nations, but that salary is for somebody who is just finished their training to be a consultant. I do not expect a consultant who has worked abroad as an associate professor of cardiology or whatever for ten years to come back here and start on that salary rate. That would not be appropriate. In all walks of life, people get paid a certain amount more for the additional experience they have.

Children in Care

99. **Deputy Colm Keaveney** asked the Minister for Health his response to the criticisms of child and adolescent mental health services in the recent report by the Ombudsman for Children entitled A Meta-Analysis of Repetitive Root Cause Issues Regarding the Provision of Services for Children in Care; and if he will make a statement on the matter. [15122/14]

**Deputy Colm Keaveney:** The object of this question is to elicit a response from the Minister to the several criticisms and observations made by the Ombudsman for Children in a recent report, A Meta-Analysis of Repetitive Root Cause Issues Regarding the Provision of Services for Children in Care. Will the Minister respond to the observations made by the Ombudsman for Children in section 4.6 regarding concerns with respect to the inter-professionalism and multi-agency collaboration with the Child and Family Agency?

**Deputy James Reilly:** I note the report referred to by the Deputy which was published recently by the Office of the Ombudsman for Children. A significant part of the report refers to services provided by the Child and Family Agency, and my colleague, the Minister for Children and Youth Affairs, has recently responded to the issues raised in the report. As a number of the report’s recommendations relate to the HSE child and adolescent mental health services, CAMHS, and the need for improved inter-agency co-operation with the Child and Family Agency, I have asked the executive to consider these and determine the steps necessary to address the issues identified.

The HSE child and adolescent mental health services are benefiting significantly from the funding provided by the Government for mental health services, which amounts to €766 million in 2014, including additional funding of €20 million this year, as part of total additional funding of €90 million over the period 2012 to 2014, inclusive. By the end of 2014, up to 1,100 new posts will be put in place to strengthen community mental health teams for both adults and children, and develop other specialist mental health services.

A Vision for Change recommended the establishment of 99 multi-disciplinary child and adolescent mental health teams to provide acute secondary mental health care in the community. There are now 61 CAMHS teams in place, compared to 54 in 2008. The additional funding in 2012-14 is being used in part to expand and enhance the skill mix of these teams. Approximately 230 new posts were allocated to CAMHS over 2012-13 and recruitment is well
advanced. The increasing demands being placed on our child mental health services were reflected in the 14,000 or so referrals received by CAMHS teams in 2013. This was nearly 1,000 or 8% more than projected in the HSE national service plan last year. However, the target of 70% of referrals being seen within three months was maintained.

I accept that there are specific additional risks of developing mental illness associated with children who are within the care system and that a proportion of the children attending CAMHS services are in contact with, or in the care of, the social services. A comprehensive protocol is in place between the HSE and the Child and Family Agency to ensure that the needs of children in the care of the State have access to CAMHS services in the same way as any other child with a mental illness, prioritised on need.

**Deputy Colm Keaveney:** I thank the Minister for his response. Can he confirm that there will no longer be a situation where a child in care has a social worker in one area while relying on child adolescent mental health services in another area? Will the child be guaranteed to have a seamless access to a service? Several serious communications issues were identified in that report, including a case where the child adolescent mental health services failed to monitor a child’s health status for over seven months. Can the Minister categorically state today that this is being addressed? I welcome the fact that he has asked the HSE to consider the report. The report found that where a child had been initially assessed in one area, she had been refused an assessment in another area, even though she was under the care of the HSE. Has this practice stopped since the Minister referred this report to the HSE?

The final issue was the most serious and may have implications not just for those in care, but also for those presenting to CAMHS. The report stated that “CAMHS does not work with children with an intellectual disability, and disability services do not work with children with mild intellectual disability.” When are we to expect a response from the HSE on that reference in the report?

**Deputy James Reilly:** I anticipate that the response to the last issue will come fairly soon. I would like to apologise; this is the area of the Minister of State, Deputy Lynch, who is unavailable to us today due to a family bereavement. I am here in her stead. I remember that when I was on the benches across and we were discussing child care, it was about the terrible tragedy of so many deaths in care in the past. I am glad to see that that situation has greatly improved even though we still need to work on it.

We also continue to work on the admission of children to adult facilities, because nobody in this House thinks that is appropriate. New services are being put in place. In 2008, 25% of admissions of children to the HSE inpatient acute services were to age appropriate child and adolescent units. By 2013, this had increased to 68%, so clearly we have more road to go.

**Deputy Colm Keaveney:** What actions will the Minister be taking with respect to the report, specifically on the issue of CAMHS? Will those who have the responsibility for children be committed to playing a full-time role in collaborating with the new agencies, especially in respect of the parenting of children in the care of the State? The report notes that the Child and Family Agency has been created, and we welcome that. However, there is a concern that the agency will not have the same reach in terms of its responsibility for services under the direct control of the HSE. The lack of control by the agency primarily relates to CAMHS. CAMHS does not come under the new Child and Family Agency, and neither does the public health nurse. However, we have a system with respect to the welfare of children in this country under
a multidisciplinary, multi-agency environment and I have concerns, as has happened in the past, that children will fall through the cracks of the bureaucracy again.

**Deputy James Reilly:** We all share the Deputy’s concerns that children might fall through the cracks and we must guard against that when we have so many people involved in their care and well being. In September 2012, access protocols for CAMHS services were approved by the HSE, with effect from 1 January 2013. The protocol reiterates the position of children accessing services in line with the Mental Health Commission’s protocols, including children being referred for the first time to the mental health service from outside their geographic area. In effect, all children requiring secondary care mental health services are seen on the basis of clinical requirement. Children in care are provided with child and adolescent mental health services on the same basis as all other children in the population. A comprehensive protocol has been developed between the HSE and the Child and Family Agency to ensure the needs of children in the care of the State are met when it comes to accessing health services, including mental health services. This reinforces the position that child and adolescent mental health services are available to children in the care of the State in the same way as they are available to any other child with a mental illness. Basically, it is prioritised on the basis of need. This protocol is at an advanced stage of discussion pending agreement.

**Neuro-Rehabilitation Policy**

100. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will respond to the findings of the latest survey of persons with neurological conditions carried out by the Neurological Alliance of Ireland which finds that 42% of medical card holders surveyed have had their medical cards withdrawn and that 50% of those applying for a medical card have been refused; if he will respond to the other findings showing the damaging effect of Government cutbacks; and if he will make a statement on the matter. [14990/14]

**Deputy Caoimhghín Ó Caoláin:** What does the Minister of State intend to do in response to the Neurological Alliance of Ireland’s latest survey of people with neurological conditions, which found that 42% of medical card holders have had their medical cards withdrawn and 50% of those applying for medical cards have been refused?

**Deputy Alex White:** As the Deputy has indicated, his question refers to a recent report compiled by the Neurological Alliance of Ireland. Neuro-rehabilitation health services are provided across a range of settings by different organisations and by many health professionals and carers. The Government has set out a four-year plan with a series of recommendations under the national policy and strategy for the provision of neuro-rehabilitation services in Ireland, which is running from 2011 to 2015. The HSE is committed to working with the national clinical programme for rehabilitation medicine to develop services based on the recommendations of this strategy. In this regard, the number of rehabilitation medicine consultants nationally increased from seven to 12 in 2013. Specialist inpatient and outpatient units have been identified to operate in each of the four current HSE regions, with clinical governance and expertise to be provided by the National Rehabilitation Hospital. An early access rehabilitation unit for Dublin and mid-Leinster, based at the National Rehabilitation Hospital, was set up in April 2013. This has delivered a significant increase in the throughput of patients treated.

I will use the remaining time available to me to address the question of medical cards, which was mentioned by the Deputy. I can refer to some of the other matters if necessary. The Deputy
will be aware that under the provisions of the Health Acts, medical cards are provided to people who, in the opinion of the HSE, are unable without undue hardship to arrange GP services for themselves and their dependants. There is not and never has been an entitlement to a medical card based on having a particular disease or illness. The assessment for a medical card is determined primarily by reference to the means, including the income and expenditure, of the applicant and his or her partner and dependants, based on the HSE’s income guidelines. The HSE routinely examines applications for indications of medical or social circumstances which might result in undue financial hardship in arranging medical services. In such circumstances, it may exercise discretion to grant eligibility for a medical card on this basis. The Government recognises that neurological illness or injury has significant implications for the individual and his or her family. It has an impact on his or her social, educational, vocational and recreational participation. Waiting times, access, treatment and quality of care are priorities for reform for this Government. Despite the budgetary constraints we face, the Government is determined to create a new health service that can better respond to the needs of the Irish people.

**Deputy Caoimhghín Ó Caoláin:** I welcome the long-overdue establishment of the implementation group for the national policy and strategy for the provision of neuro-rehabilitation services. Is there a timeframe for the work of that group? I have no doubt that the Minister of State is well aware of the huge challenges facing people with neurological conditions. In that context, is he concerned by the results of the latest survey compiled by the Neurological Alliance of Ireland? As I outlined in my question, the alliance has reported that a phenomenal 42% of the medical card holders surveyed have had their medical cards withdrawn and 50% of those applying for medical cards have been refused. I do not have to remind the House of the reality of the impact of the withdrawal of medical cards. I do not believe any discretion is being employed in relation to these matters. There is an overwhelming body of evidence to suggest that no discretion is being employed in the health services when people seek to have medical cards renewed or issued. Does the Minister of State think this is acceptable in this area, leaving aside all the other areas of concern? What does he intend to do about it?

**Deputy Alex White:** I would like the Government intends to ensure that universal access to GP service is available - universal meaning access by everyone in the community, including those with an illness or condition. That is the way we intend to address at least part of the issue the Deputy raised. I cannot answer directly the Deputy’s question on the timeframe, but I will certainly access that information and get back to him on it.

I respectfully disagree with the Deputy on the exercise of discretion. Whereas I, as a Minister of State, cannot be across every individual aspect of the manner in which this service is operated and managed, I know that there is a system in place for the exercise of discretion. I know that because I see it in requests that come in from Deputies for issues to be addressed and for me to ask the service specifically how particular applications are dealt with. I know discretion is exercised in a manner that has been explained to this House on a number of occasions in respect of persons who are over the income limit. It is an income and means-based system; it is not an illness-based system.

**Deputy Caoimhghín Ó Caoláin:** There is strong evidence. I was not aware that the Minister of State was a conduit in terms of appeals over the exercise of discretion regarding medical cards - that is certainly a point of interest to me. What will the figures be for 2014? The survey relates to last year. I specifically focus on people with neurological conditions, which is an area of major concern. The survey also indicated that 68% of those surveyed were affected by changes to the mobility allowance; 64% by cuts to home-care packages; 59% by reductions in
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home-help hours; and 54% by reductions in HSE transport services. As I have only recently engaged with people with neurological conditions, I can assure the Minister of State that they are suffering greatly and it warrants special attention on his part.

We were promised a replacement for mobility allowance and the motorised transport grant that have been closed to new applicants. What has happened to that commitment? When will the Minister of State introduce a replacement to the mobility allowance and the motorised transport grant?

Deputy Alex White: A group is looking at the matter of the mobility allowance. We can certainly ensure we get a progress report to the Deputy and to the House as soon as possible.

I want to ensure the Deputy has not misinterpreted what I said. He used the word “conduit”. Neither the Minister for Health nor I have any role whatsoever in the allocation of or appeals over medical cards, discretionary or otherwise. However, in the normal run of events people raise the issue with me and the Department as to how the system operates. My knowledge of how the system operates tells me without doubt that there is the exercise of discretion in circumstances where people’s income is above the limits set out in the guidelines but who may have an illness or condition that will affect their resources, means or ability to provide in respect of their health.

There is no question of any targeting. I have made this point previously to Deputy Kelleher. Records in the PCRS do not categorise applicants in accordance with their medical condition. The system is not set up in such a way as to categorise people in accordance with a particular illness or condition, such as a neurological condition. It would be perverse to seek to target people with particular conditions. Even if anyone wanted to do it, which would be amazing, they could not do it because the system is not set up that way. People with particular disabilities, diseases or conditions cannot be and are not targeted for review.

Other Questions

Care of the Elderly Provision

101. Deputy Clare Daly asked the Minister for Health the oversight that exists of providers of home care packages; and his plans to ensure that patients and their families receive appropriate care and assistance in their homes. [14913/14]

106. Deputy Patrick O’Donovan asked the Minister for Health his plans to introduce minimum standards in terms of training, inspections, reporting for the provision of care to elderly persons and vulnerable adults in their own homes; if he will provide details of any legislation which he will bring forward; and if he will make a statement on the matter. [14702/14]

Deputy Clare Daly: The question relates to the oversight or rather the lack of oversight of those who provide care in people’s homes, including basic medical care and also monitoring of people. I am referring to those who are sick and elderly. It appears to be a system for which nobody is accountable. What improvements does the Minister of State intend to introduce?
Deputy Alex White: I propose to take Questions Nos. 101 and 106 together.

The programme for national recovery 2011-16 commits to developing and implementing national standards for home support services, which will be subject to inspection by the Health Information and Quality Authority. Primary legislation and resources will be required for the introduction of a statutory regulation system for home care services. This is being considered in the wider context of the licensing of public and private health service providers. I would like to emphasise, however, that there are effective measures that can be applied pending statutory regulation, and the HSE already applies a high level of quality control and supervision to the services provided by external providers with HSE funding.

The HSE’s procurement framework for home care services includes quality and screening requirements. Providers of home care services are monitored through service level agreements with the HSE. They are required to provide a prescribed range of information in regard to the services they provide, and are supervised through regular local operational meetings and reviews of clients’ care plans. The following areas are included in this context: principles of service delivery; confidentiality; a complaints procedure; consent; staff training; governance and management; and workforce related matters. The purpose of these measures is to promote quality and safety and to ensure a more standardised approach to service provision nationally. Audits are completed and quarterly reports are requested and reviewed. Supporting this is the ongoing monitoring and review of individual clients and their care by HSE professionals, such as public health nurses.

Home care services are reviewed regularly by the HSE. In addition, the HSE has in place a complaints procedure that is available to all service users. I would like to assure the Deputies that complaints are monitored as an indicator of quality of care provided and to ensure the clients’ needs continue to be supported.

Deputy Clare Daly: From listening to the Minister of State’s response, one would think the system had a mechanism in place for dealing with this. Unfortunately, in my experience, that is not the case. I would like the Minister of State to explain where we are with the legislation and the statutory improvements which I believe are necessary.

I have had two very serious cases brought to my attention recently. One involved a woman who was released from hospital with a terminal condition, whereby some facilities were provided by a HSE-funded service but others were a package she got from an organisation but which she paid for herself privately, and which was outside the scope of monitoring as a result. The woman had paid, and paid handsomely, to have somebody residing in her home at night who would be awake if she needed them. Sadly, her experience was that, in many instances, she was left calling for that home care worker but getting no response and being left in soiled bedclothes overnight, and so on. Everywhere that complaint was taken, nothing was done about it. It seems those services that are not funded by the HSE are outside the remit of regulation. I believe it is an area that needs particularly close attention.

Deputy Alex White: First, as I have indicated to the House, primary legislation is required and is intended to be brought forward for the introduction of a statutory regulation system, which is, of course, the most secure and best way to address the reasonable issues the Deputy raises concerning a regulation system for home care services. The programme for Government gave that commitment. I do not for a moment want to downplay the importance of the issue the Deputy raises because it is of huge importance to individuals and their families, as the Deputy
rightly said. Nonetheless, the Deputy will be aware there is quite a volume of legislation being addressed within the Department of Health at this time. We are looking at the licensing of public and private health service providers as a broad piece of work. Legislation that is needed in regard to home care and home help is being brought forward and developed in that broader context of the licensing process.

**Deputy Clare Daly:** While I appreciate there is a heavy workload, the problem is the Government is more than halfway through its term. Sadly, the woman I spoke about died, and her family are left with the legacy of feeling she suffered an indignity in her last weeks and months at home. They went everywhere, already coping with their loss, to try to get an explanation as to why the service they paid for so expensively did not allow that woman to remain at home in dignity.

Only last night, I heard of another couple who have now decided to move in to a nursing home. The decider was that the man woke up last night to see a rat at the end of his bed. This is an elderly couple who have home care providers coming in to mind them. A rat does not just appear from nowhere. The fact this was allowed to happen in a home means we urgently need regulation in this area for basic human dignity, never mind the amount of money being spent on it.

**Deputy Alex White:** The HSE is progressing a range of measures to improve its home care provision overall, to standardise services nationally and to promote access, quality and safety. For example, there is a procurement framework for home care services with quality and, most important, screening requirements applying to services procured by the HSE from external providers. A national tender system introduced in 2012 has been extended and the HSE proposes to tender again during 2014. The national guidelines for the standardised implementation of the home care package schemes have been introduced in parallel with the procurement framework. Following recent Labour Relations Commission recommendations on annualised contracts and minimum hours for home help staff directly employed by the HSE, new contracts will be operational with effect from April 2014. In accordance with the HSE operational plan for 2014, a review of home and community care will be undertaken. This will be of interest to the Deputy. An activity and resource review is to be completed by the second quarter. Service improvement initiatives are to be progressed between the second quarter and the fourth quarter and a review of models of service delivery, including the review of existing guidelines, will also be progressed throughout this year. I take the Deputy’s point but the HSE is addressing these issues in an appropriate way and the legislation will be brought forward.

**Deputy Patrick O’Donovan:** I have raised this issue with the Minister of State and his colleague, the Minister of State with responsibility for disability, equality and mental health. This issue is of significant concern to me because I have seen the lack of standards, inspections and training in my constituency. This is not confined to the private sector because it might be easy to blame the private sector. We do not have minimum standards, inspection regimes and ongoing continuing professional development for people who are delivering an essential service and who represent the difference between a person taking up an acute bed in a hospital, which we do not have, or being maintained at home with their family knowing they will be adequately cared for. It is not as if we are not putting a lot of money into this. Hundreds of millions of euro are going into the private sector each year for the delivery of private home care packages for vulnerable adults and elderly people. I concur with the comments of the previous speaker. This legislation is needed as a matter of urgency before there is a “Prime Time” special on this issue. To be honest, I am shocked it has not been done up to now.
Deputy Alex White: I do not know if I can put it any better than I have. I take the points raised by both Deputies. In fairness, one hears accounts of bad experiences or those that certainly have been less than satisfactory. Other accounts are relayed, perhaps not as often, where people have very good experiences. I do not think it is universally bad but the way we can reassure the public and people affected is principally to have legislation in place because that secures a system in place that this House oversees in order that the Oireachtas is clear about the basic minimum standards. The HSE understands its responsibility in respect of a procurement framework, national guidelines and the initiatives I have mentioned that are in the service plan this year, such as an activity and resource review, service improvement initiatives and a review of models of service delivery. These are all directed towards ensuring proper standards are in place and that none of the kinds of incidents that have been related by both Deputies ever recur. The Government is committed to ensuring this is the case.

Deputy Patrick O’Donovan: The Law Reform Commission published a draft of what could form the basis of the heads of a Bill. I ask that this be referred to the Oireachtas Committee on Health and Children by the Department of Health and that the committee begin hearings about whether this could be looked at for the second half of the Government’s term of office in respect of the provision of a legislative basis for the delivery of private home care. The Minister is quite right. The experience is not universally bad. About 90% of it is probably delivered very well. However, in respect of the protection of vulnerable groups like children, people with intellectual disabilities or elderly people in nursing homes, we have seen that it takes a very difficult case for legislation to be brought in.

In advance of the broadcasting of the kind of “Prime Time” programme to which I referred, which as sure as night follows day will occur, as was the case last week with the programme on the ambulance service, we should be proactive and encourage the Oireachtas Committee on Health and Children to conduct hearings on this matter and to engage with elderly people, their families, care providers, the Department of Health, the HSE and others to determine how best to deal with this. I have a great fear this issue will be left behind.

Deputy Alex White: The Deputy makes some very good points and I welcome his suggestion that the Oireachtas Committee on Health and Children would, on its own initiative, address this issue. When the legislation is brought forward by the Minister, it will be subject to pre-legislative scrutiny by the committee, but given that it may be some time off - one hopes not too far off - perhaps it is something the committee would look to address. I am aware of the report from the Law Reform Commission and I take the points made by the Deputy. I will certainly communicate them to my colleague, the Minister of State, Deputy Kathleen Lynch.

Deputy Caoimhghín Ó Caoláin: Given there is a little time left, I wish to ask a supplementary question.

An Leas-Cheann Comhairle: The Deputy had not indicated.

Deputy Caoimhghín Ó Caoláin: I will be brief. Is the Minister of State aware that many workers in this particular area who work for companies which have contracts with the HSE for home care provision are being grossly inadequately paid? Some are on the minimum wage or barely above it. Is he also aware of the type of disgraceful contracts they are being asked to accept, whereby there is no certainty of work from week to week? They have no idea of the number of hours they may have and that, in turn, has a very negative impact on those being cared for because there is no continuity of care. They do not know who to expect. That is a
very serious matter and I ask the Minister of State to take it on board and to share with us his intent to address this issue.

Deputy Alex White: I am aware of the contracts issue being of difficulty. Indeed, the issue was raised in the Labour Court last year. I am not sure if the Deputy is aware that there have been recent Labour Court recommendations on annualised contracts. The Labour Relations Commission, LRC, has addressed that issue and, as I understand it, has resolved it. As a consequence of the LRC recommendation, minimum hours for home help staff directly employed by the HSE will be in place soon. New contracts have been prepared and will be operational from this month.

Health Insurance Prices

102. **Deputy Bernard J. Durkan** asked the Minister for Health the extent to which increases in private health insurance continue to be monitored with a view to identifying the extent to which costs increases annually over the past five years have been identified as being attributable to any particular issue, cause, action or procedure; if any action is contemplated which might be likely to have a stabilising effect on such insurance costs in the future; and if he will make a statement on the matter. [14826/14]

Deputy Bernard J. Durkan: My question relates to ongoing private health insurance premium increases which are leaving the public somewhat concerned about both the rates of increase and their number. Notwithstanding community rating, which we all support, is it the case that increases in excess of the amounts required are being imposed?

(Deputy James Reilly): I thank the Deputy for raising this issue which is of critical importance. I have consistently emphasised the need for much greater cost control in the private health insurance industry in order that premiums are affordable for as many people as possible. My Department and the Health Insurance Authority, HIA, monitor the factors that contribute to costs on an ongoing basis.

The health insurance market is challenged by factors such as an ageing population, a reduction in numbers holding private health insurance and constant pressures on claims costs. However, I am determined to address these issues and to promote a sustainable private health insurance market as we move to universal health insurance.

I appointed an independent chair to work with health insurers, the HIA and my Department to identify effective strategies for costs management. Mr. Pat McLoughlin’s first report, published at the end of December, made a number of important recommendations now being pursued by insurers, the HSE and my Department. These recommendations include measures to control costs, greatly improve clinical audit, streamline claims processing, and address fraud, waste and abuse in the industry.

As recommended by Mr. McLoughlin, I am also looking favourably at the scope for introducing lifetime community rating and other measures to encourage younger people to buy health insurance. Work on the second phase of Mr. McLoughlin’s report, which will deal further with the factors driving costs in health insurance, is progressing well and will be completed as soon as possible.
The Government remains committed to keeping down the cost of private health insurance in the transition to universal health insurance.

3 o’clock

Deputy Bernard J. Durkan: I thank the Minister for his reply and his concern in this regard. Has it emerged from an examination of the figures available to date if there is a particular reason for the increases, other than the ageing population and the drop-out of many young families from private health insurance? To what extent are the costs of services being put forward as an ongoing reason for increases in such services?

Is regard being taken of the fact that the aged population also contributed when they were young? To what extent are all other insuring bodies in this country taking a fair share of the burden?

Deputy James Reilly: I do not think any specific reason has been identified to date but the matter continues to be examined. I am concerned that in the past there has been a history of passing on increases to the customer. There was an acceptance, or even a resignation, that medical inflation runs at 9% yet in some years we have seen health insurance costs for consumers increase by up to 25%. That is not acceptable to me and it is why I am asking for much more robust auditing, particularly from the semi-State insurer, the VHI. On behalf of the people, I am the sole shareholder in the VHI, so I want to see a clinical audit introduced there in a far more aggressive and robust manner than has been the case to date. Anecdotally, we hear about many tests being done, the value of which could easily be questioned by a competent fellow professional.

Why are we still paying the same rate for procedures that used to take two hours but which now take 20 minutes using modern technology? A whole range of services are currently being provided in this way whose prices should be reduced dramatically.

We must also examine the appropriate skill-mix in the private health sector. Procedures are being carried out by specialists in hospitals, which attract a specialist’s fee and the side-room fee, which could be carried out in primary care. Some of these procedures could be carried out by advanced nurse practitioners. All these areas need to be addressed and will be as a consequence of Mr. McLoughlin’s report.

Deputy Bernard J. Durkan: I thank the Minister for his reply. We await the report with some interest. Despite the number of insurance companies now in the market-place, we must recognise the fact that when there was only a single operator in this country there was not the same emphasis on insurance premium increases. We were told at that time that more competition would lead to lower insurance premiums but to what extent has extra competition contributed to keeping insurance premiums down?

Deputy James Reilly: The Deputy has raised a valid question. The whole point of having a number of insurers is to create competition in the market-place. So far, however, this has not led to the sort of changes we would like to see. The main insurer in the country is the semi-State VHI which, although it is only responsible for 57% of the market, is responsible for 80% of the payout. The VHI now has a wonderful opportunity to attack this cost base.

The number of insurers in the market is healthy. However, the Health Insurance Authority will be empowered, through legislation, to play a much greater role in regulating the market.
In particular, we currently have an outrageous situation whereby there are over 256 different policies. My view is very clear: the only reason there are that many policies is to confuse the customer. There should not be more than ten different policies to allow people to compare like with like and make an informed decision. I will be encouraging the HIA to examine that.

Deputy Billy Kelleher: Would the Minister agree that Mr. Pat McLoughlin’s review should also take into account Government policies on premium increases, the cap on tax relief and full cost recouping for private patients in public beds? These are key issues that have inflated private health insurance costs.

In the context of asking the HIA to police the health insurance market, the Minister has many times dismissed the authority’s recommendations and overruled them. He brought forward policies that the HIA said should not be introduced.

On the matter of lifetime community rating, it has been obvious for some time that the market is in terminal decline. Young people are not taking it up. That is a direct result not only of the difficulties in the labour market but of Government policy implemented in the House.

Deputy James Reilly: The Deputy pointed his finger down, which is where he left the economy.

Deputy Billy Kelleher: Gold-plated, the suggestion was.

Deputy Barry Cowen: The Minister is giving the usual old answer - the usual old mantra.

Deputy James Reilly: The Fianna Fáil way is to ask a question and listen to its own answer. Good man, Barry.

Deputy Billy Kelleher: It is Deputy Cowen.

An Leas-Cheann Comhairle: Please.

Deputy James Reilly: Do we want to have a conversation or just the Deputy asking questions and answering them himself?

Deputy Billy Kelleher: We want action. Conversations we have had a long time ago.

An Leas-Cheann Comhairle: The Minister to reply.

Deputy James Reilly: As I have said in the Chamber before, there is a figure of 250,000. It is also the case that 250,000 people lost their jobs, 250,000 extra medical cards were issued and 250,000 people gave up their health insurance. I did not say they were all one and the same people, but there must have been some relationship.

I accept that the cost of private health insurance has increased. I have striven to keep it down and encouraged the VHI in that regard. As the main insurer, the VHI’s increase this year has only been 3% despite the removal of some of the tax subsidy. The cost of the subsidy to the taxpayer two years ago was €400 million. It was €450 million last year and would have been €500 million this year. How much further were we to allow it to go? Pressure had to be brought to bear on that. The private inpatient charge does not reflect anything like the true cost of a bed. The private insurer will still make a profit.

I have no doubt that with improved regulation from a Health Insurance Authority with more
teeth to act, allied with the national pricing office, which is now up and running on an admin-
istrative basis, we will get much better value for money for people who are insured privately.

Ambulance Service Provision

103. Deputy Barry Cowen asked the Minister for Health his plans for a safer ambulance service; and if he will make a statement on the matter. [14875/14]

104. Deputy Clare Daly asked the Minister for Health if he will order a fully independent national capacity review of the ambulance service throughout the country [14912/14]

Deputy Barry Cowen: My question predates last week’s “Prime Time” programme on the ambulance service. It was timely and reiterated many of the feelings which have been ex-
pressed on both sides of the House on the efforts of those at the coalface to deal with the lack of resources and equipment. How does the Minister intend to improve the service and make it safer? It is not safe currently notwithstanding the fantastic efforts of those at the coalface.

Deputy James Reilly: I thank the Deputy for his question and, in particular, for acknowl-
edging the great work done by front-line staff in our ambulance service. Every day across the State, our paramedics attend to an average of 769 patients. The workforce includes ap-
proximately 1,700 people, including national ambulance service paramedics and the Dublin Fire Brigade ambulance service. The Government is committed to improving our ambulance service and ambulance response times. I am prioritising the ambulance service despite shrink-
ing budgets. I will not go back into why we have shrinking budgets, Deputy Kelleher. We all know why.

Deputy Billy Kelleher: Could the Minister elaborate? He might as well.

Deputy Barry Cowen: He might as well press the mantra button again.

Deputy James Reilly: It was the little fiscal fiasco the Deputies’ Government left us to deal with. We had to get our financial sovereignty back. Those little issues are important to the ordinary man and woman in the street as they seek to get re-employed having been put out of work by the Deputies’ Government.

Deputy Barry Cowen: Paddy likes to know, is it?

Deputy James Reilly: This year, we are spending €146.9 million on the ambulance service, which is 6% more than two years ago. This year, the ambulance fleet stands at 534 vehicles, including national ambulance service emergency ambulances, rapid response and intermediate care vehicles, motorbikes and Dublin Fire Brigade ambulances. That is 77 more than four years ago when the Deputies opposite were in government.

Deputy Billy Kelleher: On your bike, Minister.

Deputy Dara Calleary: That is great if they are parked up at the manager’s house.

Deputy James Reilly: It is 77 more, Dara.

Deputy Dara Calleary: They are all parked up at managers’ houses.
Deputy Finian McGrath: There are 15,000 waiting for speech and language assessment. Answer that one.

Deputy James Reilly: The Deputies are all welcome to Question Time. Last year, our ambulance service responded to 280,776 emergency calls, which was almost 14,000 more calls than in the previous year.

Deputy Barry Cowen: Everything is grand.

Deputy James Reilly: Despite the steepest health cutbacks in the history of the State, we are spending more money and attending to more patients and, crucially, more life threatening emergency calls in under 19 minutes than in previous years.

While we are making progress, I acknowledge that we have more work to do. Nobody should wait on the side of the road with a loved one in their hour of need, fearful of whether an ambulance will arrive in time. I am determined to make further progress in order that all our citizens have access to the efficient, modern ambulance service that they deserve, regardless of where they live.

This year, to drive improvements in response times, the national service plan sets a new target of having 80% of life threatening calls responded to within 19 minutes. Last year’s target was between 68% and 70%. It should come as no surprise to learn that a target was not in place when the Government took office. To achieve this year’s target I am continuing to prioritise ambulance services, despite shrinking budgets. Additional funding of €3.6 million and an additional 43 staff have been provided.

We are also making better use of our ambulance fleet. We are increasing non-emergency vehicles to transport patients between hospitals, thus allowing our ambulances to focus on life threatening emergencies. Last year, 25 intermediate care vehicles were added to the fleet and this year the intermediate care service will take on more work and more staff will join the service. On-call working is also being eliminated to improve response times. This means paramedics no longer respond from their homes during a shift but are based in their vehicles or bases, ready to be dispatched on emergency calls. We are rationalising control rooms in one resilient national system in line with best practice. This process will be completed next year.

I am putting the ambulance service under the spotlight as never before, with three separate reviews under way. The aim of these reviews is clear - to improve our ambulance service. The Health Information and Quality Authority has brought forward a planned review of the national ambulance service, which has now begun. The review will examine how we assess the performance of our service and it is anticipated that it will recommend taking response times and patient outcomes into account. The review will be completed by the end of the year.

Deputy Dara Calleary: That is approximately as long as it takes some ambulances to arrive.

Deputy James Reilly: The outcome for the patient is more important than the time required for the ambulance to arrive.

Deputy Billy Kelleher: There is a correlation between the ambulance response time and the patient’s outcome.

Deputy James Reilly: Deputy Calleary appears to hold the view that the operation can be
a success, even if the patient dies.

Additional information not given on the floor of the House

An independent capacity analysis of the national ambulance service conducted by the UK Association of Ambulance Chief Executives will be completed this autumn. This will compare resources to demand and activity levels nationwide.

The Health Service Executive and Dublin City Council commissioned a joint review of the Dublin Fire Brigade emergency service to determine the best model for emergency care provision in Dublin. The final report of the review is expected this summer. It would be premature to speculate on what effect the outcome of the review may have on any future arrangements between the HSE and Dublin Fire Brigade.

Deputy Barry Cowen: Having listened to the Minister, I am fearful that the position may be graver than I had thought. Is the Minister prepared to acknowledge that one third of those in life threatening circumstances waited too long for an ambulance to arrive last year? Is the gravity of the situation such that he is prepared to wait until the end of the year for a review on foot of which he will decide what action to take? Will he give a commitment to expedite matters by having an independent review and assessment carried out and a report presented to the House within one month? Will he acknowledge that he must make the ambulance service safer, resource it properly and facilitate those on the coalface who are doing a job in difficult circumstances?

People will not listen when the Minister cites statistics to show he is addressing the problem. He has not done anything to make the job of ambulance service staff easier. Despite many Deputies on all sides and ambulance service staff and their representatives highlighting problems in the service, it took RTE to broadcast a programme on the issue last week before the Minister acknowledged the difficulties in the ambulance service. I have not seen the Government take any action to address the issue. Perhaps the Minister will acknowledge the severity of the problem by strengthening the position of those who have been given the authority to carry out the review. The report should be furnished sooner than the end of the year.

Deputy Clare Daly: The Minister’s denial of the problem is frightening and runs counter to the direct experience of citizens and the facts unearthed by the “Prime Time” programme broadcast last week. The issue I raise predates the “Prime Time” programme and must be viewed in the context of the leaked document on the future of the Dublin ambulance service as well as rumours that responsibility for the service is to be removed from the fire brigade. Before any decision is taken on the Dublin ambulance service, an examination of the national ambulance service must be undertaken. Despite response times in Dublin being much better than elsewhere in the country, it is proposed to replace the current model operating in Dublin with the dysfunctional model being operated elsewhere. I support the call made by SIPTU and others to scrap the review being carried out by the Health Service Executive and Dublin City Council and replace it with a full independent national capacity review of the ambulance service. Such a review is critical.

Deputy James Reilly: To respond to Deputy Cowen, who clearly does not want to listen, I believe people will listen. As I stated, nobody denies that the ambulance service needs to improve and that reviews are required to inform such improvement. I look forward to the Health Information and Quality Authority report. All Deputies will acknowledge that HIQA is an
independent regulator and has always acted independently. I have no reason to believe it will act differently in this instance.

To respond to Deputy Daly’s comments on the ambulance service provided by Dublin Fire Brigade, I ask her and others not to prejudge the outcome of the review. Let us await the report and have the debate at that point.

**Topical Issue Matters**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Brian Stanley - the future of Ballacolla post office, County Laois;

(2) Deputy Jim Daly - the need to restructure and target road tax revenue at repairing the current road network;

(3) Deputy Ciara Conway - the need to amend the income figure applied to public servants in the calculation of means for medical card assessment;

(4) Deputy Peadar Tóibín - the need to provide a housing solution for persons forced into homelessness;

(5) Deputies Pádraig Mac Lochlainn, Pearse Doherty, Charlie McConalogue and Thomas Pringle - the need to assign a clinical paediatric diabetes nurse to Letterkenny General Hospital;

(6) Deputy Terence Flanagan - the need for more beds for cystic fibrosis patients to be provided at Beaumont Hospital;

(7) Deputy Michael Colreavy - the broadcasting of GAA games on pay-per-view channels;

(8) Deputy Brendan Griffin - the problems in the ambulance service;

(9) Deputy Regina Doherty - the proposed closure of a day centre in County Meath;

(10) Deputy Denis Naughten - the need to address the serious shortcomings within the ambulance service;

(11) Deputy Sandra McLellan - the impact of broadcasting GAA games as part of a pay-per-view agreement;

(12) Deputies Anthony Lawlor and Derek Nolan - the consequences for Palestinian residents of a proposed new settlement in Hebron in the West Bank;

(13) Deputy Dara Calleary - the need for houses in County Mayo damaged by pyrite to be included in the national compensation scheme; (14) Deputy Mattie McGrath - the levies payable under provisions of the fair deal nursing home support scheme;

(15) Deputy Aodhán Ó Riordáin - the change in the referral process to the Mater hospital child and adolescent mental health service for children in the Dublin 1 area;

(16) Deputy Mick Wallace - the costs and availability of invasive ventilation for people with motor neuron disease living at home;
(17) Deputy Michael Moynihan - the need for the Government to discuss the broadcasting rights of national sports;

(18) Deputy Colm Keaveney - the need for the Minister for Health to set out, in the wake of the “Prime Time” investigation into the ambulance service broadcast on RTE last week, how he plans to improve the service, especially in rural areas;

(19) Deputy John Browne - the need for the Minister for Health to make a statement about the ambulance service following last week’s “Prime Time” broadcast on the matter;

(20) Deputy Peter Fitzpatrick - the development of a coastal walkway to prevent flooding in Dundalk and Blackrock, County Louth;

(21) Deputy Seamus Kirk - the need for the Minister for Health to establish a clear and detailed framework to improve the ambulance service;

(22) Deputy Éamon Ó Cuív - the need for the Minister for Health to inform the Dáil as to how he will provide an ambulance service that meets the demands being placed on it;

(23) Deputy Clare Daly - to discuss the crisis in primary school places at junior infant level in Swords for the academic year starting September 2014;

(24) Deputy Richard Boyd Barrett - the need to protect tenants’ rights in cases of receivership;

(25) Deputy Liam Twomey - the proposal for a patient safety authority in the health service; and

(26) Deputy Michael McGrath - to ask the Minister for Finance if he has any concerns about the impact on mortgage holders, both tracker and standard variable rate customers, and the economy generally of the possibility that interest rates may begin to climb again in the period ahead and if he has any plans to address the matter.

The matters raised by Deputies Anthony Lawlor and Derek Nolan; Liam Twomey; and Pádraig Mac Lochlainn, Pearse Doherty, Charlie McConalogue and Thomas Pringle have been selected for discussion.

Leaders’ Questions

Deputy Micheál Martin: It is a week since the departure of the former Garda Commissioner, Mr. Martin Callinan, following a visit to his home by the Secretary General of the Department of Justice and Equality in which he conveyed the Taoiseach’s view that the issue of telephone recordings was very serious. The following morning the Commissioner resigned, retired or was, as is my view, forced out of office. Last Wednesday in the Dáil, the Minister for Justice and Equality stated he “was not briefed on the matter until approximately 6 p.m. on Monday, 24 March 2014 in the Department of Justice and Equality” and “was first furnished with the letter of 10 March from the Garda Commissioner yesterday at approximately 12.40 p.m.” He confirmed that, following the briefing on Monday, 24 March, with officials in the Department “on this matter” - whatever “this matter” means, whether the letter or the entire issue - he met the Taoiseach and Attorney General to further discuss the matter. I understand they were joined at that Monday evening meeting by the Secretary General of the Department of Justice and Equality. I ask the Taoiseach to confirm if that is the case.
Reading the Minister’s statements - I stand to be corrected in this regard - he does not state anywhere that he was not aware of the content of the letter. I would like this matter clarified. Was the Minister made aware at any stage, either before he left for Mexico or at any time before 12.40 p.m. on Tuesday, 25 March, of the content of the letter from the Garda Commissioner? It seems inconceivable that, in a meeting with departmental officials on Monday, 24 March, at which the Minister was briefed about this matter, the Secretary General or another official would not have raised with the Minister the fact that the Garda Commissioner had sent a letter two weeks earlier. Was the Minister aware of, or was he alerted on the evening of 24 March, as to the content of the letter? When he joined the Taoiseach, was the Taoiseach made aware of the fact that the Garda Commissioner had written a letter? Was the Taoiseach made aware of the content of the letter given that it was surely relevant to the discussion?

I ask the Taoiseach to answer these basic questions. Did the Secretary General join the Taoiseach, Attorney General and Minister for Justice and Equality on the Monday evening? Was the Minister made aware of the content of the letter from the Garda Commissioner at his departmental briefing on Monday, 24 March? Was the Taoiseach made aware of the letter at the subsequent meeting he attended with the other individuals in question?

The Taoiseach: I am assured by the Minister for Justice that he was not so briefed. I can confirm to the Deputy that on the Monday evening I was joined by the Attorney General, the Secretary General of the Department of the Taoiseach and the Minister and Secretary General of the Department of Justice, Equality and Defence and that there was no discussion at that meeting about the letter or its contents.

Having been informed by the Attorney General the prior evening about these matters I felt that they were of such concern and gravity that I should reflect carefully on them and bring them to the attention of the Government, the Dáil and the Leaders of the Opposition. From that point of view, the Government made its decision to set up a commission of investigation, which is being followed through today in regard to a number of further decisions.

Deputy Micheál Martin: I find the Taoiseach’s response incredible and difficult to comprehend. I will read into the record what the Minister said: “I was not briefed on this matter until approximately 6 p.m. on Monday, 24 March 2014 in the Department of Justice and Equality”. The Taoiseach said in his response to me that the Minister for Justice and Equality had assured him that he was not briefed about the letter at that meeting. Is that what the Taoiseach is saying?

It is inconceivable that the Minister would have been briefed by departmental officials at 6 p.m. on the Monday about the telephone recording system and would not have been told by them that a letter had been received two weeks earlier from the Garda Commissioner detailing in a reasonably comprehensive manner the background to this issue. What is even more incredible is that the Secretary General who received the letter from the Garda Commissioner under section 41 of the 2005 Act, which is a specific vehicle to facilitate correspondence of this type and gravity - it is not the type of correspondence the Secretary General would receive every week to give to the Minister - is the very man sent by the Taoiseach to the Garda Commissioner to tell him that he [the Taoiseach] and Cabinet Ministers were unhappy about this, even though it has been stated that Cabinet members knew nothing about this. I accept the point made by the Minister, Deputy Rabbitte, that the Cabinet did not know about this. The message was conveyed to the Garda Commissioner that the Cabinet was unhappy about the matter and he needed to reflect on it.
Deputy Mattie McGrath: Get off the pitch.

Deputy Micheál Martin: The two people who were having the conversation in the house knew about the correspondence. It defies belief that the Minister would not on the Monday evening have been briefed by departmental officials about the content of the letter. The Minister in his speech used words such as “furnished” and “received”. What I am talking about is the content of the letter. One could not but be aware of the content of it in discussing the issue of the telephone recordings. The Secretary General was sent to tell the Garda Commissioner to reflect on his position because the Cabinet was very anxious about the matter.

Is the Taoiseach saying that the Minister was not briefed on the content of the letter at 6 p.m. on Monday by his departmental officials?

The Taoiseach: Section 41 of the Garda Síochána Act 2005 states: “The Garda Commissioner shall keep the Minister and the Secretary General of the Department of Justice, Equality and Law Reform fully informed of the following...”. The letter was sent to the Secretary General of the Department of Justice and Equality. The letter did contain reference to the fact that the Minister should be informed. The section of the Act is clear. Were the Deputy sending a letter, he would send it to the Minister and the Secretary General. The Act states that the Garda Commissioner shall keep the Minister and the Secretary General of the Department fully informed.

Deputy Micheál Martin: I have read the section.

The Taoiseach: I am aware of the chronological sequence in terms of the letters sent to the Minister for Justice and Equality between 10 to 24 March outlining all of the events and so on. When I was briefed by the Attorney General on the gravity of what is involved the order for discovery in the Bailey case was due to conclude on the Tuesday of the Cabinet meeting. That order for discovery included the transcripts of a number of recordings which contained serious matters pertaining to the case. The Garda affidavit has now been signed and sent to the other legal team. I then had to ask myself what was the right thing to do. In my view, the right thing to do was to check the validity, veracity and seriousness of the matter, which was done on Monday-----

Deputy Dara Calleary: Without asking the Minister.

The Taoiseach: ----with a much clearer view being available on that Monday evening. I was clear, because I wanted to inform the Cabinet, the Dáil and Members of the Opposition, that my concern should be communicated to the Garda Commissioner. I advised the Secretary General of the Department of Justice and Equality to communicate that to the Garda Commissioner.

Deputy Micheál Martin: The Secretary General did not inform the Taoiseach that the Commissioner had sent him a letter?

The Taoiseach: I advised him to communicate my concerns to the Garda Commissioner. I thought that was fundamental given the gravity of what was involved.

Deputy Mattie McGrath: He ignored the letter.

Deputy Micheál Martin: What were the Taoiseach’s concerns on the Monday evening?

Deputy Michael Healy-Rae: He was concerned about the Cabinet meeting.
Deputy Micheál Martin: Will the Taoiseach respond to my question about the Monday evening briefing? Was the Taoiseach briefed on Monday evening by his officials about the content of the letter?

An Ceann Comhairle: We are over time.

The Taoiseach: The letter from the former Garda Commissioner to the Secretary General is now in the public domain. It can be published so that everybody can read it.

Deputy Micheál Martin: Was the Minister briefed about it on Monday?

The Taoiseach: I can confirm that there was no discussion at the meeting held by me about the issue raised by the Deputy. The question of the importance of the transcription of the recordings in the Bailey case was discussed, which, as far as I can ascertain from the chronology set out, took up most of the focus of the Department of Justice and Equality.

For the Deputy’s information, the Government today appointed a commission of investigation.

Deputy Micheál Martin: Perhaps the Taoiseach would answer my question about the briefing.

An Ceann Comhairle: Sorry, we are way over time. There is a time limit for everybody.

Deputy Micheál Martin: I only asked one question, which was very straightforward.

The Taoiseach: I will try to be helpful to Deputy Martin. Mr. Justice Fennelly is to chair that commission, which will deal with all matters-----

Deputy Micheál Martin: I did not ask about that.

The Taoiseach: I am telling the Deputy something that he does not know. Mr. Justice Fennelly will chair the commission of investigation, which will look at all matters relevant to tape recordings of conversations and their retention, to the extent of which we are aware at this point but which appear to be growing in number.

During the course of today’s Cabinet meeting, the Minister for Justice and Equality received a communication from the Prison Service indicating that on 26 March it became aware of an anomaly in its system whereby the conversations of a number of prisoners, 84 up to 28 March of this year, who had more than one solicitor in the system, had been inadvertently recorded as they were outside the restriction parameters. The Prison Service became aware of this and took immediate steps to rectify the situation. I have asked the Minister for Justice and Equality for a report from the Prison Service on how this happened.

Deputy Micheál Martin: The Taoiseach is distracting from the core question.

Deputy Timmy Dooley: When was that sent to him? Was there a two week delay in that regard?

The Taoiseach: In answer to Deputy Martin’s question, the Minister for Justice and Equality has assured me that there was no briefing given to him on Monday evening about the contents of the letter.
**Deputy Micheál Martin:** The Minister received no briefing on the Monday evening from his officials?

**The Taoiseach:** He did not see the letter until Tuesday.

**An Ceann Comhairle:** There is a Private Members’ motion before the House this evening. I call Deputy Adams.

(Interruptions).

**An Ceann Comhairle:** I have called Deputy Adams.

**Deputy Gerry Adams:** The Taoiseach said that the Minister for Justice and Equality did not cause the current crisis. The manner in which he has responded to it is what marks him out as unsuitable for office. The Government’s amazingly inefficient and incohesive response has led me to try to figure out why this is so. I am of the view that I now know why it is so. At the root of this ongoing controversy is the Ian Bailey case. Mr. Bailey wrote to the Taoiseach about his case in February. He has also asserted that he wrote to the Minister, Deputy Shatter, in 2012 regarding delays in a GSOC investigation caused by the former Garda Commissioner’s refusal to provide requested material to the investigating team. The Bailey case is the real context of the ongoing scandal. People may or may not have known the level of illegal phone recording that was taking place but the former Garda Commissioner certainly knew. It is a matter of public record that he did not co-operate with GSOC, a matter which gives rise to a number of issues. The Minister for Justice and Equality, the Attorney General and the Department of Justice and Equality also knew. Does the Taoiseach agree that the Ian Bailey case lies at the root of the current difficulties?

**The Taoiseach:** I agree with Deputy Adams that the process of discovery in the Bailey case crystallised - as a result of the date of closure relating to that process - all of these matters. That is true. While this issue has been ongoing for a considerable period, it was the process of discovery which gave rise to the focus in respect of having the relevant tapes transcribed and assessed in the Bailey case, but also with regard to the wider implications of a much more generalised and systematic practice of tape-recording calls in quite a number of Garda stations throughout the country. Regardless of whether those tapes are legal or illegal, the question of their retention and what to do with them was the subject of a letter from the previous Garda Commissioner to the Data Commissioner. The Attorney General ruled that no tapes should be destroyed. I agree with the Deputy that it was the pending court case in respect of Mr. Bailey and the discovery process which crystallised the focus in respect of this matter and made it imperative that it be brought to the attention - with all the facts having been ascertained - of the Attorney General. She brought it to my attention and I then alerted the Government, the Dáil and the Deputy, as a party leader, to what was involved. On foot of what was brought to my attention, I took action in order to establish a commission of investigation.

**Deputy Gerry Adams:** By his account, the Attorney General only brought this matter to the Taoiseach’s attention when he phoned her about an unrelated issue. In addition, the Taoiseach did not contact the Minister for Justice and Equality for a further 24 hours. There is no information at all with regard to his contacting or consulting the Tánaiste in respect of this matter. Where is the Tánaiste in all of this?

The Bailey case is crucial because all of those I mentioned knew about that case and about the surveillance, phone tapping, etc., that were carried out. The former Garda Commissioner
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did not co-operate with GSOC in respect of an investigation relating to that matter. While we are discussing these issues, the State is currently contesting a civil action taken by Ian Bailey and his partner, Jules Thomas. This is despite serious concerns in respect of Garda activities similar to those revealed by the Morris tribunal. There is also the matter of the tainted Garda investigation files relating to the Bailey case being handed over to the French authorities. As a result, there is an international dimension to this.

Let us return to what I am putting forward as a context in respect of why the Minister for Justice and Equality, the Attorney General, the Department of Justice and Equality and its Secretary General and GSOC are all working against each other. When the Taoiseach briefed Deputy Martin and I on this matter, I informed him that I believed what he was telling me. I still have no reason not to believe him. At the heart of what the Government is doing - at the core of which is the Minister for Justice and Equality - is an attempt to engage in a cover-up and to impede other Government and State agencies from investigating the allegations made by Ian Bailey. That is one of the reasons that the Minister for Justice and Equality should go. When he is responding to the matter which is the subject of tonight’s Private Members’ business, will the Minister clarify his role in respect of the issues I have raised? Ian Bailey has stated that he wrote to the Minister two years ago in respect of the then Garda Commissioner not bringing forward information which he was bound to bring forward under the terms of the Garda Síochána Act. Will the Taoiseach ask the Minister to clarify his role in respect of these matters when he addresses the House later this evening?

An Ceann Comhairle: I remind Deputies that this is not a court of law. This is not a place where charges are made against individuals - regardless of their identity - who are not in a position to defend themselves.

The Taoiseach: Sophie Toscan du Plantier was murdered and the crime remains unsolved. The transcribed tapes have a bearing on and a relevance to this matter.

In regard to the Deputy’s question about the Minister for Justice and Equality, I came to Dublin on the Sunday in order to attend a function. We were due to debate the Garda inspectorate’s report on the following Thursday. All of the commentators were referring to a clash between the parties in government and differences of opinion between Ministers. When I spoke to the Attorney General, the issues of importance she brought to my attention were such that they had to be the subject of serious reflection. The legal analysis of all of the relevant papers became much clearer on the Monday evening at which time I spoke to the Minister for Justice and Equality about the matter. I did not speak to the Tánaiste until the Tuesday morning because the legal personnel were continuing to reflect on the matter. Besides, I wanted the Cabinet to be fully apprised of all the details involved.

The discovery affidavit relating to the Bailey case has now been signed and I understand that the relevant material has been sent to Mr. Bailey’s legal team. The concern which arises in this regard is that a woman was murdered and that the case remains unsolved. The issue arising from that murder and from the Bailey case is the focus of a great deal of attention and rightly so. However, the other aspect relates to the much broader situation whereby so many phone calls and conversations were taped and retained - whether legally or illegally - and that these tapes are now being held in secure accommodation in Garda headquarters. The Attorney General has issued a direction to the effect that they should not be destroyed. In the context of the letter from the previous Garda Commissioner to the Attorney General’s office, I can confirm that a meeting was held in her office but that she was not present. The meeting was with her officials.
and the Attorney General was only asked about the request in the context of the generalities involved. The working group that was established did not operate out of the Attorney General’s office and neither was her office represented on it. The entity in question was an internal Garda working group. The Attorney General has already clarified the position in this regard.

This is a serious issue and that is why the Government decided to bring about a structural change whereby an independent Garda authority - which will give our police force credibility, the trust of the people, competency, professionalism and oversight - will be established. Political responsibility will be retained by the Minister of the day to the Oireachtas. The commission of investigation, under the stewardship of a Supreme Court judge, will consider all relevant matters of public concern relating to the issues under discussion. I hope we will be in a position to clear the commission’s terms of reference in the next week or ten days.

Deputy Adams inquired last week as to whether the Attorney General’s phone had been bugged.

**Deputy Gerry Adams:** Can the Taoiseach say that again, please?

**The Taoiseach:** I am reminded of the day that I was at the opening of the McAleese Bridge across the River Boyne when Deputy Adams and the Deputy First Minister came to me and asked if they could take me away to the side of the stage for a conversation. I said: “Gerry, you cannot take me away anywhere but I am happy to talk to you”. Deputy Adams said to me: “We need to speak to you about an important matter that we cannot discuss with you on the telephone”.

**Deputy Richard Boyd Barrett:** The Taoiseach said that last week.

**Deputy Gerry Adams:** It is on the public record that my telephone is being tapped.

(Interruptions).

**An Ceann Comhairle:** I call Deputy Joan Collins, thank you.

(Interruptions).

**An Ceann Comhairle:** Excuse me. I have called Deputy Collins, please. Thank you.

**Deputy Richard Boyd Barrett:** Perhaps the Taoiseach does not trust his own telephone.

**An Ceann Comhairle:** Will you settle down, please? Deputy Collins, please, without interruption.

**Deputy Joan Collins:** The Shatter-gate affair will rumble on for the next number of weeks and months and it looks like the Taoiseach is standing by his man at this stage. Therefore, I wish to raise another serious issue that is happening at the same time. I want to raise concerns regarding reports in the media that pressure is being applied to the Irish Central Bank to quickly off-load, through the private market, the €25 billion in bonds which were exchanged for the promissory note last year. According to the ECB President, Mario Draghi, the bank is reviewing the promissory note deal as part of its annual review of 2013. It seems there is still a question within the ECB regarding the legality of the promissory notes and the subsequent bonds held by the Central Bank. Questions are being raised about whether the deal contravenes Article 123 of the Treaty on the Functioning of the European Union. This article prohibits central
banks from giving monetary support to member states. According to unnamed sources in the ECB, as reported in the media, there are concerns within the ECB regarding what it terms “the pace of liquidation”, in other words, there is not much the bank can do about the promissory note deal but it is looking for the bonds to be sold off quickly.

Is the Taoiseach concerned that, coming out of the review, major pressure will be exerted on the Government and the Central Bank to sell off these bonds to the private market? There are a number of problems to be posed if the bonds are sold off. It would weaken the negotiating position of future governments to secure a deal on the bank bailout. Like most people, I have given up on any idea that this Government will seriously pursue a write-down of the debt. While the bonds are with the Central Bank, interest payments accrue to the State in the final analysis. However, if they are sold these interest payments go to the market investors.

As the Taoiseach is aware, the legality of the promissory notes and the associated bonds are, as per the Constitution, subject to an appeal by myself, to be heard, hopefully, this summer, in the Supreme Court. Will the Taoiseach give a commitment to resist the pressures to sell off the €25 billion in bonds in the next period?

**The Taoiseach:** The position is that the ECB decided that the deal does not contravene monetary policy and is quite legal. Therefore, the answer to Deputy Collins’s question is that the Irish Central Bank will dispose of the bonds in accordance with the timeline that has already been set out and agreed.

**Deputy Joan Collins:** That is not the information that is coming down. The ECB is putting considerable pressure on the Central Bank to sell off the €25 billion as quickly as possible. That is the information we have. I have written to the Central Bank Governor, Professor Honohan, in this regard, and raised my concerns about the issue. If the Government sells off the bonds it will put more pressure on the backs of ordinary people in respect of austerity, cuts and the water taxes coming down the line. I am asking the Government to resist any pressure from the ECB to force the Government to sell off these bonds to the sharks that made money on the backs of ordinary Irish people.

**Deputy Finian McGrath:** The sharks of government are over there.

**The Taoiseach:** The report in today’s newspapers is not correct. For the Deputies information, I am informed by the Minister for Finance that the nominal value of the bonds is now €4 billion higher than it was when the deal was done because of falling interest rates.

**Ceistéanna - Questions (Resumed)**

**Middle East Issues**

1. **Deputy Micheál Martin** asked the Taoiseach to set out the issues that were discussed at the bilateral meetings he had in Saudi Arabia and the actions to be taken; and if he will make a statement on the matter. [2206/14]

2. **Deputy Micheál Martin** asked the Taoiseach if the situation in Syria was discussed at bilateral meetings he had in Saudi Arabia; and if he will make a statement on the matter.
3. **Deputy Micheál Martin** asked the Taoiseach if human rights were discussed at bilateral meetings he had in Saudi Arabia; and if he will make a statement on the matter. [2208/14]

4. **Deputy Joe Higgins** asked the Taoiseach if he will report on his recent visit to Saudi Arabia and the meetings he had with Government officials there, including the Deputy Prime Minister, Crown Prince Salman; and if he will make a statement on the matter. [2212/14]

5. **Deputy Joe Higgins** asked the Taoiseach if he will report on his recent visit to Qatar and the meetings he had with Government officials there; and if he will make a statement on the matter. [2213/14]

6. **Deputy Joe Higgins** asked the Taoiseach if he will report on his recent visit to the United Arab Emirates and his meetings with Government officials there; and if he will make a statement on the matter. [2214/14]

7. **Deputy Gerry Adams** asked the Taoiseach if he discussed the issue of the Middle East peace process on his Gulf visit. [2233/14]

8. **Deputy Gerry Adams** asked the Taoiseach if he discussed the humanitarian crisis in Syria with his Gulf hosts during his visit. [2234/14]

9. **Deputy Gerry Adams** asked the Taoiseach if he discussed with his Gulf hosts the issue of alleged human rights violations and the alleged absence of democratic norms that exist in the region. [2235/14]

10. **Deputy Gerry Adams** asked the Taoiseach if he will report on the outcome of his recent visit to the Gulf states. [2236/14]

11. **Deputy Gerry Adams** asked the Taoiseach if he discussed with the leaders of Qatar the issue of migrant workers and their treatment. [2237/14]

12. **Deputy Gerry Adams** asked the Taoiseach if he discussed with the Government of Saudi Arabia the treatment of women. [2238/14]

13. **Deputy Gerry Adams** asked the Taoiseach if he discussed with the Government of the United Arab Emirates the issue of human rights and allegations of curtailment of democratic rights, including the vote in elections and arbitrary arrest. [2239/14]

14. **Deputy Gerry Adams** asked the Taoiseach if he will report on his recent visit to the Gulf states. [2280/14]

15. **Deputy Micheál Martin** asked the Taoiseach to set out the persons with whom he held bilateral meetings when he was in Saudi Arabia recently; the issues that were discussed; the actions that will be taken; and if he will make a statement on the matter. [3534/14]

**The Taoiseach:** I propose to take Questions Nos. 1 to 15, inclusive, together.

I led a trade mission to Saudi Arabia, Qatar and the United Arab Emirates from 4-9 January, accompanied by the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, and representatives of 87 Irish companies. The purpose of the visit was to enhance our political, economic and trade relationships with these states, grow the level of exports and jobs and ex-
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plore potential areas for future collaboration between Ireland and these key priority markets for Ireland. This was my first visit as Taoiseach to the Gulf and provided me with a valuable opportunity to meet senior political leaders in Saudi Arabia, Qatar and the United Arab Emirates.

There have already been immediate economic benefits resulting from the mission, with contracts worth more than €65 million announced by participating companies and an initial 95 jobs created in Ireland. I expect that further benefits in jobs, investment and export growth will follow.

There were also significant outcomes relating to air connectivity. Emirates airline announced a doubling of flights between Dubai and Dublin during my meeting with its representatives. I also met representatives of Etihad Airways and the company announced that it will increase the number of flights from Abu Dhabi to Dublin from ten a week to 14 a week. Both these changes will take effect this summer and will bring to 28 the number of flights into Dublin per week on these airlines. This is concrete evidence of our growing links with the region. I am fully confident that we will see further economic benefits for the people from this trade mission in terms of investment, exports, tourism and jobs.

I will outline the specific elements of my programme. In Saudi Arabia I met Crown Prince Salman, who is also Minister of Defence, and Prince Abdulaziz bin Abdullah bin Abdulazi, the Deputy Foreign Minister. At these meetings I discussed the potential for strengthening the economic and trade relationship between Ireland and Saudi Arabia and the potential for collaboration in such areas as information technology, health, education, construction and food production for our mutual benefit. I also welcomed the recent lifting of beef restrictions, a move which presents significant opportunities for Ireland.

I met Dr. Khalid Al Ankary, the Saudi Minister of Higher Education, and welcomed the strong educational links we have with Saudi Arabia, reflected in the 2,700 Saudi students currently studying here. The Minister noted the positive experience reported by these students and I emphasised Ireland’s commitment to continuing this and to working on strengthening links further. I also raised the issue of accreditation for several institutions within our information technology sector. I understand that a delegation from the Saudi Ministry of Higher Education visited Ireland from 18-21 March and in particular visited seven institutes of technology. The Saudi ministry is currently compiling its assessment report. The Minister for Education and Skills, Deputy Quinn, will attend the international exhibition and conference on higher education in Saudi Arabia later this month. The Minister will inquire about the outcomes from the Saudi visit while there.

During the meeting with Saudi Crown Prince Salman I noted the election of Saudi Arabia to the United Nations Human Rights Council as a positive development in the area of human rights and expressed Ireland’s interest in working more closely with Saudi Arabia on human rights issues. The issue of women’s rights was not specifically discussed. We discussed issues around peace and stability in the region and these were also the main focus of my meeting with the Saudi Deputy Foreign Minister, Abdulaziz bin Abdullah.

Regional political issues, including the Middle East peace process, and the situation in Syria, including the humanitarian crisis there, also arose in my meetings with the Qatari Prime Minister, Sheikh Abdullah bin Nasser al Than; the Prime Minister of the United Arab Emirates and Ruler of Dubai, Sheikh Mohammed bin Rashid al Maktoum; the UAE Crown Prince, Sheikh Mohammed bin Zayed; and the UAE Minister of Foreign Affairs, Sheikh, Abdullah bin Zayed
al Nayhan. In all of these meetings, I commended the Arab peace initiative and I reiterated our concerns about Gaza and the dangers posed to the two state solution by continuous expansion of Israeli settlements. I emphasised Ireland’s strong track record in peacekeeping and conflict resolution and our concerns about the situation in Syria. I welcomed the Geneva talks process and reiterated Ireland’s position that the Assad regime should step down as soon as possible in order to bring about peace, stressing the need for a solution based on political dialogue.

As well as discussing these international and regional issues, a key focus of my political meetings was on the potential to strengthen trade, investment and economic ties between Ireland and the Gulf states. In my meeting with the Prime Minister of Qatar, we spoke about opportunities arising from Qatar’s hosting of the 2020 football World Cup and offered our cooperation in terms of preparation for the event. While we did not specifically discuss the issue of migrant workers, I would fully expect that any Irish company engaged in associated contracts in Qatar would treat its workers fairly and humanely and have due regard to health and safety concerns. Indeed, Irish contractors reassured me on this.

During my meeting with the Prime Minister of the United Arab Emirates and the ruler of Dubai, Sheikh Mohammed bin Rashid al Maktoum, I updated him on the progress being made by Ireland towards economic recovery as well as Dubai’s rapid economic development. We spoke about the strengths of the Irish horse racing industry, given his family’s long-standing investments in stud farms and bloodstock in Ireland, including the employment of 350 people. We also discussed the strengthening relationship between Ireland and the UAE. The UAE’s Minister of Economy, Minister of Labour and Minister of State for Foreign Affairs also took part in this meeting.

From an investment perspective, I had important meetings with the governor of the Saudi Arabian Monetary Agency, SAMA, the Qatar Investment Authority and the Abu Dhabi Investment Authority, ADIA. In each of these meetings, I emphasised Ireland’s attractiveness for investment, outlined our progress towards economic recovery and invited all three agencies to visit Ireland to find out more about investment opportunities, including in infrastructure and foreign bonds. I met the Qatar Islamic Bank, QIB, where we discussed Ireland’s strengths as a location for international financial services and Islamic finance. As a direct result of my visit, a QIB delegation visited Ireland last week and participated in an extensive programme, including a meeting with me in Government Buildings.

My programme also included a range of business engagements and events. In Saudi Arabia, I met a number of Irish companies and their Saudi partners. I performed the official opening of new offices for two Irish companies - SEPAM offices in Qatar and Glenbeigh offices in Dubai. I spoke at a health workshop hosted by the Dubai Health Authority to promote collaboration with Irish health care companies. I was also pleased to meet the Ireland Saudi Arabia Business Council, the Qatar business association, the Abu Dhabi Department of Economic Development and the Abu Dhabi chamber of commerce, which are all doing excellent work in fostering and enhancing business connections between our two countries. As mentioned, I met the CEOs of key airlines Etihad, Emirates and Qatar Airways, where the focus was on linking Irish firms with these airlines as suppliers of goods and services as well as connectivity issues.

I also attended a Tourism Ireland key partners event in Dubai. I attended business receptions in Riyadh, Doha, Abu Dhabi and Dubai, which provided me with an opportunity to meet Irish members of the Irish business community resident in the region. I met members of the Global Irish Network in Dubai, where we discussed their experience of living and doing busi-
ness in the region. They shared their insights into how we could deepen and strengthen our economic and trade relationship with the Gulf states.

This was a very successful and worthwhile visit that I expect, over time, to yield significant benefits to Ireland in terms of jobs, investment and trade. A key focus in the period ahead will be to ensure the opportunities arising from the visit are vigorously pursued by all the relevant Departments and agencies.

Deputy Micheál Martin: I thank the Taoiseach for his response. I tabled four or five questions out of the 15 to which he responded.

Regarding the Taoiseach’s bilateral meetings with his Saudi Arabian counterparts, he stated that he had congratulated Saudi Arabia on its election to the UN Human Rights Council. However, he mentioned that there had been no discussion of women’s rights. Why did he not discuss them, given the fact that one expects the treatment of women across the globe to be a core issue for the UN Human Rights Council in its work? There are fundamental issues pertaining to women’s rights in the Kingdom of Saudi Arabia.

The Taoiseach stated that he held a meeting with the Qatari Prime Minister at which he offered support for Qatar’s efforts in hosting the football World Cup. I suggest that we review that support quickly. I do not know whether the Taoiseach listened to Des Cahill of RTE yesterday and today, but it has been estimated that 1,200 people have lost their lives in the construction works. These were migrant workers with no rights and in appalling conditions. Serious allegations about bribery to procure the football World Cup for Qatar have also been made.

One never likes to mingle sport and politics or regimes, but there comes a point when ethics and ethical behaviour, in this case the treatment of migrant workers, must be given priority over other considerations. As a country, we must adopt some moral stance on this issue, which transcends any other issue. I might stand corrected, but yesterday’s report estimated that 5,000 or 6,000 people could die during the construction stage of the stadia for the football World Cup. Are we living on an alternative planet or something, that the world would just watch this happen or that we go on trade missions, wish Qatar well and offer some solutions to its problems in hosting the football World Cup while quietly ignoring the reality of what is happening on the ground to our many fellow human beings who are involved? This is an urgent issue. Should there be a football World Cup, given everything we have heard so far about Qatar?

This matter goes to the heart of government. Our Government represents the State and society. People will be appalled by what has emerged about the hosting of the football World Cup in Qatar, for example, the trampling and undermining of human rights and workers’ rights to the point of people dying. Intervention is required, as are discussions with the sporting bodies, not just in this country, but across the world, about whether the football World Cup should go ahead. Will the Taoiseach address my question and detail the Government’s up-to-date position on the hosting of the football World Cup? I take it that our Government will withdraw its support for the Qatari Government as regards construction projects and other activities that undermine workers’ rights in such an appalling and blatant manner.

The third issue I wish to raise is that of Palestine and the continued denial of statehood for the Palestinian people in the West Bank and the Gaza Strip. I visited Gaza some years ago as Minister for Foreign Affairs when I witnessed the appalling conditions in which people were living. They were under permanent siege. It is the largest prisoner of war camp in the world.
This is unacceptable. We still read about announcements concerning new West Bank settlements by the Israeli Government even though talks are meant to be under way. We are not clear on whether there is proper and proactive engagement in those talks. Will the Taoiseach agree to raise this matter at the next European Council meeting and call for a renewed European initiative to promote real negotiations and to provide additional development funding for the West Bank and Gaza?

I asked about the Syrian conflict and the Taoiseach’s discussions with Saudi Arabia and others. Last year, external pressure resulted in the regime’s use of barbaric chemical weapons coming to an end. It has been estimated that 3.5 million people in Syria are in need of humanitarian assistance. The UN states that violence has escalated again in the past four weeks.

4 o’clock

Worryingly, there are reports of dramatic increases in sexual violence. Valerie Amos, the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, says the regime is preventing UN aid from reaching over 90% of those who are in need. It is important that voices are raised again at international level. A stronger response is required to the regime’s activities. This is the worst humanitarian crisis to emerge from any conflict in living memory. Over 100,000 people have died so far and 3.5 million people are in need of humanitarian assistance.

I commend the 100 Irish soldiers who have just returned from six months duty in the Golan Heights on their work. The Taoiseach will confirm that Ireland remains ready to help the United Nations in continuing to provide vital supports to help the refugees and those who have been hunted out of their homes and to provide vital aid to the victims of this conflict, particularly the victims of the regime.

The Taoiseach: While I said that the issue of women’s rights was not discussed specifically, we did discuss the issue of human rights generally. There have been a number of positive developments in recent years, but human rights remain a very contentious issue in Saudi Arabia and the rights of women is one of the areas of concern.

Ireland has been active in raising human rights concerns with Saudi Arabia through the UN Human Rights Council, of which both Ireland and Saudi Arabia are members. In October last year Ireland made two recommendations during the examination conducted by Saudi Arabia under the council’s universal periodic review mechanism. Ireland particularly expressed concern about women’s rights, including the lack of progress in abolishing the male guardianship system, as well as the failure to enact a law of association to guarantee the right to form civil society organisations and to protect those organisations from government interference. Those two recommendations were made by Ireland at the UN.

Ireland is also an active member of the EU human rights groups in Riyadh, which coordinates EU policy on human rights issues within the kingdom of Saudi Arabia and progresses implementation of the EU’s human rights country strategy for Saudi Arabia. That enables member states to share information on human rights issues and to discuss how these can be most effectively progressed. That group meets regularly and engages with the Saudi Arabia human rights activists and seeks ways to develop co-operation with local human rights groups.

Ireland also regularly raises human rights issues directly with the Saudi Arabian Government. For example, Ireland’s ambassador to Saudi Arabia has been active in highlighting hu-
man rights cases raised by the Irish non-governmental organisation, NGO, Front Line Defenders. The interests of those involved would not be served by specifically identifying relevant cases here, but in July our ambassador highlighted concerns relating to the case of a number of human rights defenders with the appropriate Saudi authorities. In recent months, our embassy also highlighted a number of cases at EU level which led to the EU delegation in Riyadh raising it directly with the Saudi National Society for Human Rights. That work will continue.

In respect of Qatar, I had never previously been to that country. The weather when I was there was quite cool, in the sense that the temperature was suitable for playing games or athletics. Obviously the temperatures rise dramatically during the summer. It depends on when the World Cup authorities decide on the timing for holding the World Cup.

The Government is very concerned about reports of abuses of migrant workers in Qatar and strongly deplores any such abuses. I did not hear the report the Deputy referred to, but I will listen to it. All countries should be fully compliant with international standards for labour protection and ensure that all workers have proper working conditions, which is a human right. Qatar has the highest ratio of migrants to citizens in the world. Nearly 88% of the total population is composed of foreign workers employed largely in construction, services and domestic work. The strong protection of workers’ rights is particularly critical in this context. The presence of large numbers of migrant workers in the Persian Gulf area, especially in construction, is a long-standing phenomenon and does not relate solely to the World Cup.

The UN Special Rapporteur on the Human Rights of Migrants and the UN International Labour Organization have made it perfectly clear in their recommendations that Qatar must ensure its labour laws are amended to grant migrants the right to form and to join trade unions, access to proper grievance procedures and a minimum wage. They have also recommended a review of the foreign work sponsorship system which has been linked to abuse of migrant workers. The Government has called on the Qatari authorities to implement these recommendations to improve the situation of migrant workers and their families in the country. Qatar must take effective and urgent measures to ensure that adequate sanctions are applied to employers who impose forced labour. Qatar will be reviewed at the next session of the UN periodic review later this month and I expect that Ireland will intervene and make recommendations on the issue on this occasion.

It is critical that Qatar proves it is making real efforts to improve the protection of the rights of all workers, including construction workers, ahead of the FIFA World Cup scheduled for 2022. I welcome FIFA’s promise to demand high standards of workers’ rights and its recent request for a detailed report on improvements implemented following the visit of FIFA’s president to the emirate last November. I met a number of Irish construction engineers who have significant numbers working for them. They are very happy to know that the rights given to those workers are as they should be.

The EU maintains an ongoing dialogue with the Qatari authorities regarding human rights, particularly migrant rights. The EU also liaises closely with the UN and the International Labour Organization on these issues on a regular basis. Most recently, an ad hoc delegation from the European Parliament visited Qatar last week. It comprised members of the committee on foreign affairs and of the sub-committee on human rights. They met the Prime Minister of Qatar and other government representatives as well as the supreme committee in charge of the World Cup preparations and discussed the situation of migrant workers and their rights. They also met with migrant workers to hear directly from them. The delegation expressed its concerns
and supported recommendations that Qatar ratify relevant International Labour Organization conventions. The delegation was informed that Qatar will implement a comprehensive revision of the sponsorship system. Ireland will continue to monitor that closely. More broadly, the promotion and protection of migrant workers’ rights throughout the world, including in Qatar, will remain a priority for this country and we will avail of every opportunity to raise the issue both bilaterally through the Irish embassy in Abu Dhabi, which is also accredited to Qatar, and through relevant multilateral channels, including the UN and EU human rights mechanisms. I thank the Deputy for raising the issue.

The Deputy mentioned the Middle East peace process. Direct negotiations between the Israelis and the Palestinians, which began last July at the initiative of the US Secretary of State, John Kerry, continue. The resumption of these negotiations is a positive step and is one which Ireland and the EU have warmly welcomed. We must continue to give our support to this process. There have been 20 meetings so far. We have all been encouraged by the seriousness that the negotiators have shown. Since the beginning of this year there has been a change of emphasis and a sharper focus on the issues. Mr. Kerry is preparing a framework document containing US proposals to focus work on the key issues for decision. It is expected to be revealed shortly. Clearly, the EU at European Council level will do everything it can to help this at political level with the wider public on both sides. As Deputy Martin knows, it goes back to the fundamental agreement to a two-state solution and the discussions always take place around that.

I agree with the Deputy that the situation in Syria is a human catastrophe. It is spilling over into Jordan and Lebanon. There are huge numbers of refugees on either side and this cannot continue. It must be dealt with. The conflict has intensified in recent weeks. The UN has stopped releasing estimates of fatalities. The Syrian Observatory for Human Rights, which is based in London, now reckons that 140,000 people have been killed. This represents a 40% increase in the last six months, so it is a catastrophe.

I welcome the approval of UN Resolution 2139 on the humanitarian situation in Syria by the UN Security Council, which we have been calling for since last autumn. This resolution makes absolutely clear the obligations and the duties on all parties, especially the Assad regime, to uphold humanitarian principles and international law. Ireland has contributed more than €14 million to humanitarian relief and we pledged a further €12 million at the donor conference organised by the UN in Kuwait at the beginning of the year. Funding is being provided to the Irish-based NGOs, such as GOAL, Oxfam, Plan Ireland, World Vision and Concern, for humanitarian assistance inside Syria and for Syrian refugees in host communities in Jordan, Lebanon and Egypt. Funding is also being provided by the regional development and protection programme, which is an initiative led by the European Commission and Denmark to support refugees and communities affected by the ongoing crisis in Lebanon, Jordan and Iraq over the next three years. We increased support to host countries which we see as crucial to defeating the growing tension between host and refugee communities that could exacerbate the situation and extend this already entrenched and complicated conflict.

The horrific violations of human rights perpetrated against the Syrian people will have to be accounted for. We have consistently called on the Security Council to refer the many allegations of war crimes to the International Criminal Court. It is a matter of serious and deep regret that there was no progress on the establishment of a representative transitional executive at the recent Geneva II negotiations. The continued reports of violence against civilians served to underline the importance of the Geneva negotiations and of renewed efforts to get a transitional executive authority in Syria. We continue to monitor closely the verification mis-
mission aimed at eliminating Syria’s chemical weapons stocks. Reports of recent delays have been a matter of concern and we urge that every effort is made to expedite the destruction of these chemical weapons. The international community cannot accept anything less than full Syrian compliance. We have contributed €200,000 in financial support for this mission, and we will contribute further where we can.

At the European Council meeting, one of the complications is that this mission in respect of chemical weapons is led by Denmark, and its first marine support assistance is given by the Russians. Members can understand the complications that can arise at the European Council following the Crimea and Ukraine business, when Russia is an essential part of the process for taking chemical weapons out of Syria.

Deputy Joe Higgins: The Taoiseach disgraced himself and betrayed the best instincts of fair mindedness in the Irish people when he visited the Gulf states in January and when he deliberately averted his gaze from the shocking crushing of workers’ rights, human rights and women’s rights. The *Irish Daily Mirror* is not a revolutionary newspaper and certainly would not have anything in common with the Socialist Party or the Committee for a Workers’ International, but yesterday it ran a stunning headline, “Dying for the World Cup”.

An Ceann Comhairle: The Deputy is not allowed to display newspapers in the Chamber.

Deputy Joe Higgins: The newspaper outlined how in Qatar, 1,200 workers have been killed so far in the past two years in the death trap construction projects in preparation for the 2022 football World Cup. Amnesty International has reported a scandalous regime of the most grotesque abuse of migrant workers. The journalist who wrote yesterday’s piece in the *Irish Daily Mirror*, Kevin Maguire, visited Qatar, like the Taoiseach, except that he went to see the reality on the ground and found the most squalid labour camps, where construction workers are forced to live in the most disgusting of conditions, some with no running water and open sewers. These are conditions that would have whoever was responsible sent to jail if they were housing animals in them, and rightly so. Amnesty International has found workers in the construction projects on 68 cent an hour, sometimes going unpaid for months, physically beaten and their passports taken by gangmasters so that they are made prisoners in Qatar.

I do not know why the Taoiseach referred to the cool weather he found there. In the summertime, these workers face work in temperatures as high as 120° Fahrenheit. Has the Taoiseach ever worked in conditions like that? I have not done so, but I have worked in conditions of 90° to 100° Fahrenheit on a construction site, and I can tell him that is murder in itself. Is it any wonder Kevin Maguire was told by one Nepalese worker: “We are treated like slaves, they don’t see us as human and our deaths are cheap”? This is the country into which the Taoiseach breezed in January. He met the elites in their glittering towers. He did not tell them these towers were built on a sordid mire of worker and human exploitation and cruelty, and he uttered not a single word of objection. He has just told us that now.

An Ceann Comhairle: I remind the Deputy that we are on Question Time.

Deputy Joe Higgins: In defending himself on this, the Taoiseach told *The Irish Times* that he wanted to focus on endorsing the credibility and integrity of Irish companies doing business. Is it not the case that he was concentrating exclusively on private profits of corporations rather than human rights?

When my Socialist Party colleague, Paul Murphy MEP, wrote to the Taoiseach to complain
about this, the Taoiseach sent back a pro forma letter that he sent to other organisations, which is fine. However, he could not resist adding, in his own handwriting, a petty, coded put-down: “Perhaps you should travel out there and speak to the Irish community - women and men - about their experience of doing business and employing people both in Ireland and the Gulf states. It might be of interest to you.” In other words, the MEP should keep his mouth shut about human rights because there is business to be done.

Will the Taoiseach now take a stand? Will he make a public statement that will make world headlines and for the very best of reasons, because it will speak to the concern and the best instincts of hundreds of millions of soccer fans all over the world? Will he demand that FIFA, the international soccer authority, put the following ultimatum to the Qatari regime, that it has one month to get its house in order as far as workers’ rights and human rights are concerned, and that it accept hundreds of workers’ rights monitors and human rights monitors on the construction sites on the ground and in the camps where workers are being accommodated to see a transformation from this regime of slavery? Will the Taoiseach do that? Will he make such a call on FIFA, or otherwise call for the football World Cup to be moved unceremoniously out of this country with its dreadful regime of exploitation?

The Taoiseach: The purpose of my visit to the Gulf states was a trade mission with 87 Irish companies. I meant what I said to Paul Murphy MEP. It is a revelation to speak to people from this country, some of whom have been out there for 25 years or more, who are working in their respective spheres or areas of activity in the states in question. I think it is important for standards to apply when trade is being done in both directions. As I have said already, this topic could be usefully discussed at the Joint Committee on Foreign Affairs and Trade. It might also be useful for the Deputy to contact the members of the European Parliament delegation that went to Qatar last week. The MEPs in question had direct meetings with migrant workers and people who are in a position to ensure their rights and facilities are as they should be. Genuinely, I met a number of Irish contractors who are out there and are running a very good show, both for Irish workers and for labour recruited locally.

I know that international concerns have been expressed about the holding of the World Cup in excessive and extreme temperatures. I do not think it is physically suitable. I understand there have been discussions about changing the timing of the event. That is not a matter for me to be able to decide on. I want to say to Deputy Higgins, as I have already said to Deputy Martin, that the issue of human rights in general, and of women’s rights in particular, is raised constantly by our ambassador. Along with Saudi Arabia and other countries, Ireland participates in the UN Human Rights Council. There is an appropriate time for everything. If I was going out on a mission to talk about human rights, it would be a different matter. That does not mean that various concerns and anxieties are not reflected as part of a general trade mission out there.

It is not a case of people keeping their silence. As I said to the MEP, it might be useful to visit the countries in question to understand how people from this country have gone there to employ significant numbers of local labourers to proper standards. I am not standing up here to say that everything is perfect in any country when it comes to the treatment of workers. We have a history in our own country of occasions when these things had to be improved radically. The situation needs to be monitored constantly to check that a good position applies. I am not saying that the situation is perfect in any of these places.

I believe the engagement with the Irish diaspora and with Irish business works both ways. I have met representatives of airlines and other companies that are doing business in both direc-
They believe that real progress is being made. Many of these countries have come from a position of poverty in the last four decades to where they are now. It is a case of ensuring construction workers, particularly migrant workers, have their rights vindicated. I would never be afraid to stand up for that, but if the Deputy is asking me to change the 2022 World Cup from Qatar to somewhere else, I must inform him that I do not have the necessary authority or responsibility.

**Deputy Joe Higgins:** The Taoiseach could call on FIFA to give the Qatari authorities an ultimatum.

**The Taoiseach:** The Deputy has referred to a report. I would like to see the details of the European Parliament delegation’s visit to Qatar last week.

**Deputy Joe Higgins:** We know what is going on.

**The Taoiseach:** They engaged directly with migrant workers in Qatar. Would it not be worth the Deputy’s while, and my own while, to hear what the outcome of that visit was?

**Deputy Joe Higgins:** We know.

**The Taoiseach:** We need to read about who they meet, the conditions they came across and what the response was. I remind the House that the European Parliament consists of representatives of all EU member states, including Ireland.

**Deputy Joe Higgins:** We know about the horror that is going on.

**The Taoiseach:** The Deputy has a report in front of him.

**Deputy Joe Higgins:** The point is that we need to change it.

**The Taoiseach:** I do not have the findings of the direct engagement of the Members of the European Parliament with the migrant workers.

**Deputy Joe Higgins:** How can the Taoiseach sit down with these regimes?

**The Taoiseach:** It will be interesting to see what that report says. I would be happy to have it discussed at the Joint Committee on Foreign Affairs and Trade.

**Deputy Joe Higgins:** They should make his skin crawl.

**Deputy Gerry Adams:** I want to focus my supplementary questions on the Middle East peace process. Before I do so, I would like to add my voice to those who have raised real concerns about the plight of migrant workers who are preparing for the 2022 World Cup. Their conditions were recently described by *The Guardian* in London as “modern-day slavery”. Surely we cannot tolerate that. I would like to join others in calling on the Government to raise this with FIFA and to propose that this soccer tournament should not go ahead in Qatar unless this situation is rectified. It should be held in a country that respects the rights of workers. Do I have enough time to raise the issues in Syria now as well?

**An Ceann Comhairle:** Yes, of course.

**Deputy Gerry Adams:** We know the dreadfulness of the situation there. The third anniversary of the start of the Syrian Civil War was marked recently. It has been estimated that 200,000
people have been killed and millions of people have been scattered into refugee camps. There is a huge argument for the EU and the West as a whole to develop the need for dialogue and inclusivity. Even though Ireland is a small state, the Government can play a part in that process. The killing of civilians needs to stop and a real peace process needs to be put in place.

In general terms, I do not think the Government grasps the international importance of our own peace process. There are many imperfections and unfulfilled issues in that process, but it has brought the conflict to an end. The current political or other difficulties on this island are not going to end up in violence. The Government has a moral authority to speak to others on these matters. I am pleased that the Taoiseach has raised the expansion of Israeli settlements and other threats to the Middle East peace process. I actively encourage him to grasp the success we have had here and speak to others with that voice. For example, Martin McGuinness is currently in Colombia trying to help people there to develop dialogue and other main principles of peace-making.

I would like to look at what is happening in the Middle East. First of all, the talks are not going anywhere at all. The negotiation is not between equals. It is between the big power that is the Israeli Government and the small David that is the Palestinian Territories. Some 26 Palestinian prisoners were supposed to be released by the Israeli Government at the weekend, but that has not yet happened. The President of the Palestinian Authority, Mr. Abbas, has said he will leave the talks if these releases do not go ahead. At the start of the year, the Israeli Government announced the construction of 1,400 illegal housing units on Palestinian territory, which was deeply provocative. I have been there a number of times and I have seen these settlements. The word “settlement” might give the impression that these units are like something one might have seen in the so-called Wild West, but they are not like that at all. These huge modern skyscrapers are more like tourist conglomerates than anything else.

Israel’s export trade to the EU is worth billions of euro each year. This gives us some leverage. I have consistently raised the Jerusalem report, which makes the argument that this leverage should be used. There are clear breaches of international law and this goes on without any sanction or reprimand. We should use both our influence and moral authority within the European Union to move forward these matters.

I also wish to raise an issue that is entirely within the Government’s authority. The Government recognises the diplomatic mission of the State of Palestine, but it does not it does not get the same privileges or status afforded to other diplomatic missions here. Why would it be treated differently given the ceangail between the people of this State and Palestine going back over a long period? I ask the Government to upgrade the status of the Palestinian mission here to that of an embassy and to sign an agreement to afford it the rights and privileges it deserves under the 1961 Vienna Convention. That would be a major gesture to the people in the Palestinian Territories and the Palestinian Authority, and would mark out where the Government, the people of the State and the people of this island stand on the matter. I believe that would get the support of all political parties in the Oireachtas and the support of the vast majority of the Teachtaí Dála and Seanadóiri. I ask that we upgrade the status of the Palestinian mission to that of an embassy and sign it up under the 1961 Vienna Convention so that it has the rights and privileges it deserves.

The Taoiseach: That is a matter on which the Tánaiste is reflecting. The question of embassies and consular offices, and facilities are handled after consideration. I will bring that to his notice following the Deputy raising it here. Ireland has always been seen to be very supportive
of peaceful settlements and so on. We have made repeated interventions in respect of expansion of settlements. Many Members of the House from different parties have been to Gaza and the West Bank to visit communities and talk to the people. It has been a few years since I was there as an Opposition Member. It brings home the difficulties and challenges many people face. I recently spoke to a young engineer who has gone to work for a couple of years in Gaza on a contract related to water. It was a revelation.

In so far as we can assist the process started again by the US Secretary of State, Mr. Kerry, we will. There is always a series of complications when one goes there to see one strain against the other. I will raise the issue the Deputy mentioned with the Tánaiste for his consideration later this year when decisions on consular offices and embassy appointments are being made.

Deputy Richard Boyd Barrett: I have two questions. Is the Government’s approach to the issue of human rights in Qatar and the Gulf States generally not a very serious abdication of the sort of ethical foreign policy that a State such as this should have? For a neutral State which is associated with opposing tyrannical regimes, imperial regimes and so on it is not good enough to say that we will hive off the issue of human rights to some UN committee, and then we will go off and talk about business and money. That is not an ethical approach to dealing with these regimes. The ethical approach is to ask whether it is acceptable to do business with despotic, brutal, vile, undemocratic regimes that trample on human rights and exploit workers in the vilest way. Should we do business with such states? We should not as it does not represent an ethical foreign policy and we want to live in an ethical world where trade is done with people who respect human rights.

On the specific issue of the World Cup, even FIFA’s awarding of the World Cup to Qatar is mired in a corruption scandal because one of the senior FIFA figures has had to resign after it was discovered that he asked for €2 million from a leading Qatari figure who also had to step back from FIFA over the awarding of the World Cup to Qatar. Since then FIFA has now referred the matter of whether Qatar should be allowed to host the World Cup to its ethics committee. If it is good enough for FIFA to seriously question whether the World Cup should be hosted by Qatar, surely it is good enough for the Taoiseach to say that unless Qatar does something about the appalling conditions faced by migrant workers in its country it should be stripped of hosting the World Cup when everybody else is seriously debating that issue.

Did the Taoiseach discuss in his visit to the Gulf States, or is there any discussion more generally, over what is going on in Egypt where 549 people have-----

An Ceann Comhairle: That is a separate question.

Deputy Richard Boyd Barrett: I asked if the Taoiseach raised it in Qatar.

An Ceann Comhairle: It is not part of this group.

Deputy Richard Boyd Barrett: I asked if the Taoiseach raised it in Qatar. The Egyptian regime has condemned to death 549 people.

An Ceann Comhairle: It is not part of the group of questions we are debating.

Deputy Richard Boyd Barrett: I asked if the Taoiseach discussed it in Qatar, which is part of the group of questions. Did he raise the issue of the Egyptian regime’s decision to execute 549 people when human rights organisations across the world are pointing out that what it is
doing is absolutely outrageous? Will he raise it and will he speak out about this appalling action by the Egyptian authorities?

**Deputy Micheál Martin:** Following the awarding of the World Cup to Qatar there have been revelations, the most damning of which is that up to 1,200 people have lost their lives as a result of the appalling situation pertaining to workers’ rights and particularly those of migrant workers. Already that loss of life taints the World Cup. Down the line given what has happened there will be a major issue in terms of the morality of Qatar hosting the World Cup. The bribery issues are very serious, but most serious of all is that so many people have lost their lives. Reports project the loss of up to 5,000 or 6,000 lives by the time all the construction work is complete.

When he was there in January the Taoiseach indicated that he would support Qatar’s efforts in terms of organising the World Cup and building the stadia, etc., that would be needed. Does he agree that he should withdraw that offer of support given the loss of 1,200 lives? He should also raise the issue at a European level. It needs to become an international issue, and European and global political leaders need to raise the issue with FIFA. What is occurring is unprecedented. Many people will not be looking forward to the World Cup given the number of lives lost already and the lives that are projected to be lost.

**Deputy Joe Higgins:** I again invite the Taoiseach to call on FIFA to issue an ultimatum to the Qatari regime and authorities that if there is not an immediate verifiable transformation in the grotesque exploitative conditions of workers, particularly those of migrant workers, it will withdraw the awarding of the World Cup to Qatar. Does he agree this would be a powerful pressure point on this regime that could transform the lives of hundreds of thousands of grotesquely exploited workers?

He is right. We had it here. We had it with GAMA Construction, not to that extent, thankfully, but still pretty severe. However, through the pressure and outrage of ordinary working people and advocacy and strike action by those workers, they did get a fair measure of justice, though not the full measure by any means, and transformed horrific conditions into something approaching a workers’ rights situation. Does the Taoiseach not agree this would be a huge achievement to bring about? Will he simply allow the interests of doing business and profit-seeking by private corporations, whether they are Irish or from elsewhere, to stop him from making such a call?

**An Ceann Comhairle:** Does Deputy Adams wish to add a supplementary?

**Deputy Gerry Adams:** I just want to endorse that call. The main Opposition parties, the Technical Group and the Socialist Party are all calling upon the Government to take that approach and to call upon FIFA to do the right thing by the working poor who are building the stadiums.

**The Taoiseach:** I am not sure whether you have been there, a Ceann Comhairle, but when you travel through these places, you see they have emerged as really modern facilities in terms of office blocks and skyscrapers, and there has been quite an extraordinary scale of development in such a short time. The call here from Members is to not go on with the World Cup.

**Deputy Richard Boyd Barrett:** If.

**The Taoiseach:** It might be more appropriate if they could verify that standards and work-
ers’ rights are adhered to and maintained, and see that this becomes part and parcel of modern development. It is all too easy to say, “Do not have the World Cup in Qatar”, and all of the investment in jobs, construction and everything that goes with it will die. We had the winter games in Sochi in Russia despite the fact there were indications of difficulties there, and nobody called for end to that. We had the boycott of the Moscow games in the 1980s, I remember, with the invasion of Iraq.

Deputy Aengus Ó Snodaigh: It was Afghanistan, not Iraq. That is the wrong country.

The Taoiseach: It might be appropriate that we read the Amnesty report but I would also like to hear from the European Parliament directly, given it had a delegation out there last week talking to migrants. I have heard all the stories about confiscation of passports and people being crowded together in very small accommodation as they go about not just construction but other work in locations in the general region. As I said to Deputy Adams, this is an issue I will follow through on in terms of the reports I have here, including one from Amnesty International. However, as I said, I would like to see what the European Parliament delegation, made up of different parties, actually engaged with and the response they got from the migrant workers when they were out there.

Perhaps we can revisit this. It is, as I said, beyond my scope to declare the World Cup defunct and that it should move somewhere else, but there is a fundamental issue about which everybody can be concerned, which is the quality of facility and rights, and respect for those rights, for construction workers, not just in that locality but in so many others. As I said to Deputy Martin, there is a human catastrophe in Lebanon and Jordan, which is spilling into other countries. That is an issue with which global politics has to deal. Those rights of people have been trampled on and the lives of many taken away for no reason other than to hold on to territory and power. We will follow through with that and perhaps we might revisit it on a future occasion here.

Written Answers follow Adjournment.

Order of Business

The Taoiseach: It is proposed to take No. 10, motion re withdrawal of the Road Traffic (Amendment) Bill 2012; No. 11, motion re referral to select committee of proposed approval by Dáil Éireann of the report by the Minister for Defence regarding service by the Defence Forces with the United Nations in 2013; and No. 22, Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Bill 2013 [Seanad] - Order for Report, Report and Final Stages. It is proposed, notwithstanding anything in Standing Orders, that in the event a division is in progress at the time fixed for taking Private Members’ business, the Dáil shall sit later than 9 p.m. tonight and Private Members’ business, which shall be No. 146, motion re confidence in the Minister for Justice and Equality and Minister for Defence, shall, if not previously concluded, adjourn after 90 minutes; and (2) Nos. 10 and 11 shall be decided without debate. Tomorrow’s business after Oral Questions shall be No. 24, Companies Bill 2012 - Report Stage (resumed).

An Ceann Comhairle: There are two proposals to put to the House. Is the proposal for dealing with Private Members’ business agreed to? Agreed. Is the proposal for dealing with
Nos. 10 and 11 agreed to?

**Deputy Gerry Adams:** It is not agreed. Obviously, these are important issues which we need to-----

**An Ceann Comhairle:** Is it in regard to the Defence Forces-----

**Deputy Gerry Adams:** I ask the Taoiseach to set aside Government time for the Minister for Justice and Equality to make a statement on his revelation that 84 prisoners had their telephone conversations recorded. I would like the Taoiseach to consider rearranging the Order of Business to allow that statement to be made. It is very striking and astonishing-----

**An Ceann Comhairle:** That is a separate issue. This is a proposal I am obliged to put to the House and it is related to the withdrawal of the Road Traffic (Amendment) Bill 2012 and the referral of proposed approval of the report regarding service by the Defence Forces with the United Nations in 2013, without debate. These are the only issues I am putting to the House. Is that agreed to? Deputy Adams can raise the other issue separately on the Order of Business.

**Deputy Gerry Adams:** Perhaps it is my ignorance, a Ceann Comhairle, but if we agree on the Order of Business-----

**An Ceann Comhairle:** No, you are only agreeing these particular issues. What I am putting now is purely technical. There is nothing to prevent you arranging to have something debated.

**Deputy Gerry Adams:** Having conferred with my colleague, we do not agree.

**An Ceann Comhairle:** I call the Taoiseach.

**The Taoiseach:** Deputy Adams is looking for time to be set aside. As I said, there is a moving canvas here. We have set up a formal commission of investigation to be chaired by a Supreme Court justice, which will bring a sense of experience, integrity and credibility to that process. We need to finalise the terms of reference in a short time, in consultation with the Supreme Court justice. All of these matters of public interest, including recordings, tapings, retention, legality and all of that will be dealt with by that commission of investigation. Clearly, I am not going to change the Order of Business now. I have brought that to the attention of the House today, as I thought I should, because it came to our notice only this morning. It is an issue that, obviously, we will find a way of discussing, but not by changing the business here this evening.

**An Ceann Comhairle:** I shall put the question.

Question, “That the proposal for dealing with Nos. 10 and 11, without debate, be agreed to”, put and declared carried.

**An Ceann Comhairle:** I call Deputy Martin on the Order of Business.

**Deputy Micheál Martin:** I have a number of items. Will the Taoiseach agree to make time available for the Minister for Justice and Equality to come in to answer questions specifically in regard to the removal of the former Garda Commissioner? In particular, will he make clear, on the record of the House, when he was alerted to the content of the letter sent to him by the former commissioner under section 41 of the 2005 Act? In other words, at the meeting at 6 p.m. last Monday when he was briefed by his departmental officials, was he alerted to the content of the letter sent to the Secretary General by the Commissioner? We need more time to go through
this. When it was timetabled last week, there were no questions on any specific statement last Wednesday morning. It was just a carefully scripted statement but there were no actual questions on that statement and we could do with time for the Minister on that.

In respect of the housing situation, the Taoiseach knows that up to 100,000 families are in arrears as we speak. This is a significant issue in terms of the mortgage arrears crisis. The Secretary General of the Department of Finance said last week that there must be an increase in the availability of social housing. The housing (miscellaneous provisions) Bill is committed to. Could the Taoiseach indicate when it will come before the House? Under the programme for Government, the Taoiseach indicated that a staged purchase scheme to increase the stock of social housing would be introduced. Could the Taoiseach bring the Dáil up to date on that? Under this scheme, leased dwellings will revert to the ownership of local authorities and housing associations at the end of the leasehold period. The Taoiseach also said the Government would introduce legislation to enable larger housing associations and local authorities to access private sector funding for social housing by issuing social housing bonds secured on the value of their existing housing stock when market conditions allow. Could the Taoiseach update us as to when this will happen?

The Taoiseach: The heads of the housing (miscellaneous provisions) Bill were cleared last December and the Bill will be published this session. There is a Private Members’ motion of no confidence in the Minister for Justice, Equality and Defence this evening. Deputy Martin can listen to the Minister’s contribution during that debate. Deputy Martin comes into the House every week and asks for time, which is perfectly legitimate. However, there were an hour and 15 minutes of questions to the Minister for Justice and Equality last Wednesday evening and not one Fianna Fáil Member attended the House.

(Interrupts).

Deputy Paul Kehoe: You asked three questions.

Deputy Billy Kelleher: And we got no answers. It was absolute nonsense. We are still waiting for answers.

An Ceann Comhairle: There are other people who wish to raise issues. Would Deputy Kelleher respect the Chair?

Deputy Billy Kelleher: There is a long-standing tradition that one does not refer to Members’ absence from this House.

Deputy Bernard J. Durkan: You were all absent.

Deputy Billy Kelleher: There are plenty of you absent over there at the moment.

An Ceann Comhairle: If Members do not want to listen to the Order of Business, I will move on to the next item of business. Member should make up their minds.

Deputy Gerry Adams: For the record, I was here and never got any answers. Deputy McGuinness was here in my presence and asked quite a few questions. My question relates to the commitment given by the Government to a timeframe to respond to recommendations by the Constitutional Convention. The Taoiseach knows that I have raised this issue with him a number of times. Yesterday, the convention published its ninth and final report. Last week, in response to a question from me, the Taoiseach acknowledged that the Government did not
measure up in terms of allowing time for discussion on the convention’s fourth report. We now have nine reports and have not even got round to discussing the fourth one. Can we get some sense from the Taoiseach when he will allow sufficient time for the two reports to be discussed once the chairman’s final recommendations are published? The Taoiseach told me that when this happens, he would allow that time. The convention is now finished and has presented its report. I also ask the Taoiseach to join me in commending all those who participated, particularly the citizen members who made such a huge and very uplifting contribution to that process and all the reports. When will we have the opportunity to discuss the work and the recommendations of the convention?

The Taoiseach: Like Deputy Adams, I commend the citizens who participated in this democratic exercise. The selection process of having 66 citizens from the electoral register was done and reported very fairly. Their contribution was an example of engagement with civic society in a very real way and I commend them on and thank them for that. At its meeting this morning, the Government accepted the recommendation with regard to setting up an electoral commission. The work and process of putting that legislation together will now begin. The Government will return to the two reports, which we received last week, at next week’s meeting. I will commit to making time available in the first space that is appropriate for discussion of the reports of the Constitutional Convention. Today, I took that section dealing with the electoral commission, which is part of the programme for Government in any event, and will make preparations to move on with that for implementation during 2015.

Deputy Barry Cowen: Could the Taoiseach inform the House if the Cabinet has discussed and decided upon a submission to the Commission for Energy Regulation, CER, in respect of water pricing? That has been open to submission for the past number of weeks and there is not much time left. I know the Taoiseach and Cabinet have been very busy in recent weeks dealing with other matters but I ask him not to forget to make a submission in order that the public might have some idea as to what water pricing policy is being engaged with by the Government with regard to the CER with a view to the public and electorate being fully aware of what costs can be expected to come down the tracks vis-à-vis the water pricing issue.

The Taoiseach: I expect we will publish the decision in the next two to three weeks.

Deputy Billy Kelleher: Does the Taoiseach intend appointing any more Ministers of State to the Department of the Taoiseach in view of the fact that he is now hands-on in the Departments of Justice and Equality and Health? In view of his announcement today, it seems the Taoiseach is now running those Departments.

An Ceann Comhairle: Perhaps the Deputy might table a parliamentary question on that matter rather than raising it on the Order of Business.

Deputy Billy Kelleher: Is there any intention of increasing the number of Ministers of State attached to the Department of the Taoiseach to assist him in his workload?

The Taoiseach: If I was to follow some of the wonderful revelations relating to Deputy Kelleher, perhaps he could come over here, participate from the Opposition and be given real responsibility. The answer to Deputy Kelleher’s question is “No”.

Deputy Bernard J. Durkan: My question relates to the international recovery of child support (Hague Convention) Bill whose aim is to implement the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. It is crucial
Dáil Éireann

legislation. Has it been approved by Cabinet and when will it come before the House? My next question concerns the climate action and low carbon development Bill, an issue that is very topical at the moment and which has been referred to internationally. Have the heads of the Bill been approved and if so, when is it likely to come before the House?

The Taoiseach: There is no date for publication of the international recovery of child support (Hague Convention) Bill. The revised heads of the climate action and low carbon development Bill will come back to Cabinet before Easter.

An Ceann Comhairle: I call Deputy Ó Snodaigh.

Deputy Aengus Ó Snodaigh: The same issue was raised.

Deputy Seán Ó Fearghaíl: On 24 October 2013, the Ministers for Health and Children and the Minister of State, Deputy White, announced a Government initiative to deal with the misuse of alcohol. The initiative aimed to deal with minimum pricing and the regulation of advertising. I note that the public health (alcohol) Bill is listed at number 102 on section C of the Government’s legislative programme. This week is alcohol awareness week. Is the Taoiseach in a position to tell us the date or the likely publication date of this important legislation?

The Taoiseach: Unfortunately, I am not in a position to do so. I will have to report progress to the Deputy through the Minister of State, Deputy White.

Deputy Michael Healy-Rae: There are hundreds of young couples who are looking to purchase local authority houses. When will the housing (miscellaneous provisions) Bill go through the Dáil?

The Taoiseach: It will be dealt with in this session.

Deputy John McGuinness: On a point of order, the Taoiseach has on two occasions made a statement that we were not in the House for questions. I want that corrected. I was here, as was Deputy Niall Collins and others. It is not right to leave that stand on the record.

5 o’clock

An Ceann Comhairle: We will have to get-----

The Taoiseach: I would be very happy to withdraw the statement and apologise to Deputy McGuinness. I have to take Deputy Adams’s word on this that Deputy McGuinness was here and far be it from me to have the Deputy denounced as not being present when he was, at least for a portion of the time anyway.

Deputy Bernard J. Durkan: A portion of the time.

Deputy John McGuinness: The Taoiseach is only here for a portion of the time too.


Deputy John McGuinness: I was here at the relevant time. It is a pity he did not answer the questions.

Deputy Seamus Kirk: Over the weekend, the British-Irish Parliamentary Assembly met here in the city. During the course of an exchange between the Minister of State at the Depart-
ment of Finance and a number of other delegates, the Minister of State candidly told us that all those earning incomes over €32,000 are now paying taxation at the rate of 53%, including the universal social charge. Is the Economic Management Council, EMC seriously examining the issue in the context of the law of diminishing returns? Will there be any proposal from Government to alleviate the serious pressure of taxation on many people working in our communities?

An Ceann Comhairle: As a former holder of this office, Deputy Kirk knows that he should tell me what legislation he is referring to here.

Deputy Seamus Kirk: The finance Bill.

An Ceann Comhairle: When is the finance Bill due?

The Taoiseach: As Deputy Kirk is aware, this matter is deemed to be a priority by the Minister for Finance. The budgetary process will commence shortly. Clearly, we cannot say yet what economic progress the country will make but the question that the Deputy raises is one to be considered as part of the budget. It is one that the Minister has already identified, provided he has flexibility to do something here.

Deputy Anthony Lawlor: I thank the Minister for Transport, Tourism and Sport for enabling me to withdraw my road traffic (amendment) Bill from the Order Paper by incorporating its contents into the Road Traffic Bill 2013, which he has brought forward. I wish to acknowledge the Minister’s actions in that regard.

Deputy Mattie McGrath: Section 133 of the Land and Conveyancing Law Reform Act 2009 removes the power of the sheriff to repossess homes. I have been raising this issue in the House for some time and I raised it again last week, with the permission of the Ceann Comhairle, in the context of the central bank (consolidation) Bill. When are we going to see the sheriffs and the gardaí restrained? Another house was attacked yesterday. A 20 year old woman was pulled out of a house by gardaí in Dunshaughlin. Thankfully-----

An Ceann Comhairle: To what Bill is the Deputy referring? The central-----

Deputy Mattie McGrath: The central bank (consolidation) Bill. Thankfully, a Fine Gael backbench Deputy turned up, defused the situation and the sheriff left. They damaged the house. The security company-----

An Ceann Comhairle: We can deal with that other issue by way of a Topical Issue debate.

Deputy Mattie McGrath: It is happening day in, day out and it is being ignored.

An Ceann Comhairle: It is not an issue for the Order of Business.

Deputy Mattie McGrath: The sheriff does not have the powers-----

An Ceann Comhairle: When is the central bank (consolidation) Bill expected?

The Taoiseach: I do not have a date for publication of that legislation. There is a process about all of these other matters that the Deputy quite legitimately raises here.

Deputy Mattie McGrath: The process is being ignored.
An Ceann Comhairle: We must deal with a postponed division relating to the Seanad Reform Bill 2014. On Friday last, 28 March, on the question “That the Bill be now read a Second Time”, a division was claimed. In accordance with Standing Order 117(1)(a) that division must be taken now.

Question put:

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Tellers: Tá, Deputies Seán Ó Fearghaíl and Michael Moynihan; Níl, Deputies Paul Kehoe and Emmet Stagg.

Question declared lost.

An Bille um an gCeathrú Leasú is Tríocha ar an mBunreacht (Cearta Vótála i reifrinn)
2014: An Chéad Chéim

Thirty-fourth Amendment of the Constitution (Voting Rights in Referenda) Bill 2014:
First Stage

Deputy Anne Ferris: Tairgim:

Go gceadófar go dtabharfar isteach Bille dá ngairtear Acht chun an Bunreacht a leasú.

I move:

That leave be granted to introduce a Bill entitled an Act to amend the Constitution.

Currently, only Irish citizens can vote in referenda. This Bill would enable a referendum to extend the franchise for voting in future constitutional referenda to citizens of other nations who allow reciprocal voting in their constitutional referenda to citizens of Ireland.

As the United Kingdom is the only country that currently extends such voting rights to Irish citizens, the Bill would facilitate the extension of reciprocal voting rights to British citizens in referenda in line with the spirit of recognition of both sets of identities enshrined in the Good Friday Agreement.

On 18 September, residents of Scotland will go to the polls in a referendum to decide whether Scotland may become an independent country. Irish citizens living in Scotland may vote in that referendum.

Citizens of the Republic of Ireland resident in the UK will be also eligible to vote in the planned referendum on the future of the UK within the European Union.

It is only right that the Irish people should be allowed to consider offering British citizens a comparable vote in Irish referenda.

An Ceann Comhairle: Is the Bill being opposed?

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): It is not opposed.

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

An Ceann Comhairle: I declare the motion for leave to introduce agreed. Since this is a Private Members’ Bill, Second Stage must, under Standing Orders, be taken in Private Members’ time.
Electoral (Amendment) Bill 2014: First Stage

Deputy Catherine Murphy: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Electoral Act of 1992 to enable candidates for election who are not members of a political party to identify themselves as independent on a ballot paper and to provide for related matters.

This is a very short Bill. Essentially, it seeks to allow people who are contesting elections as independents, to declare themselves as independents on the ballot paper. Currently, one is only allowed to put “non-party” or leave the ballot paper blank.

Great efforts are made to ensure that people get their names correct on the ballot paper. We can all remember the late Seán “Dublin Bay Rockall” Loftus as probably being the most celebrated example of that. In addition, photographs are included on the ballot paper for people who may have literacy problems. The law is very specific about that.

There have been Independent Members of the Dáil since the foundation of the State. Independents are a fact of life at local government level. The very thing that defines one on one’s election material is something one is not allowed to include on the ballot paper. I seek a change to the law to allow that to happen.

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.

Employment Equality (Abolition of Mandatory Retirement Age) Bill 2014: First Stage

Deputy Anne Ferris: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Employment Equality Act 1998 and to provide for related matters.

The Bill is intended to amend the Employment Equality Act 1998 to abolish compulsory re-
retirement ages for persons able and willing to continue with the job for which they are employed. Exceptions are provided for security related employment including in the Garda Síochána, Defence Forces and fire services. The Bill is based on similar progressive legislation elsewhere, including in the USA where compulsory retirement ages have been outlawed for many years and the UK where the practice has recently been outlawed. The legislation will not prevent any employer from offering financial incentives for voluntary retirement at a specified age. The emphasis will be on the voluntary nature of any such retirement. A worker who wishes to continue in employment may do so. The Bill is designed to combat ageism and promote a more positive experience of ageing and more positive attitudes to older citizens.

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

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

**The Taoiseach:** Not opposed for Deputy Ferris.

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 Anne Ferris:** I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

**Road Traffic (Amendment) Bill 2012: Leave to Withdraw**

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

That, notwithstanding anything in Standing Orders, leave be granted to withdraw the Road Traffic (Amendment) Bill 2012.

Question put and agreed to.

**Report on Defence Forces Service with the United Nations in 2013: Referral to Select Committee**

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

That the proposal that Dáil Éireann approves the report by the Minister for Defence regarding service by the Defence Forces with the United Nations in 2013, copies of which were laid before Dáil Éireann on 11th March, 2014, in accordance with Section 13 of the Defence (Amendment) Act 2006, be referred to the Select Committee on Justice, Defence and Equality, in accordance with Standing Order 82A(3)(b) and paragraph (8) of the Orders of Reference of Select Committees, which, not later than 8th April, 2014, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.
Deputy Anthony Lawlor: I thank the Office of the Ceann Comhairle for allowing Deputy Nolan and me to bring this very important issue to the attention of the House. Having visited Hebron six months ago, I have seen first-hand the plight of the Palestinians within the city. I saw the al-Rajabi house itself - the site of the proposed settlement - when I was there. There was a doubt about the legality of the purchase of the house, but the Israeli Supreme Court has ruled that it was legally purchased. The final decision will be with the Minister of Defence in Israel.

The significance of the matter is the impact it will have on the Palestinians who are living there. I have seen myself that the whole centre of the city of Hebron has been sterilised. No Palestinian can engage in business, live within the centre or walk through the city. If I were a settler in the city of Hebron and wanted to reach the Minister of State, Deputy Paschal Donohoe, I could simply cross the floor. If I were a Palestinian, I would have to take a circuitous route around the building and come back to meet with him. That is the life of the Palestinians living there. The proposed settlement will split the communities within the city of Hebron and increase tensions which are already rising.

This is part of a wider issue. Negotiations are ongoing within a sham peace process between the Israelis and the Palestinians. It is split at the moment. Within the West Bank area, the Israelis have a policy of not forcibly but gradually removing farmers from land and householders from their properties. I hope that in his response, the Minister of State will offer strong support for the Palestinians, particularly those in the Hebron area. Within the location of the house which has been purchased, there will be sterilisation. Businesses will close and Palestinians in the locality will have to generate their activity elsewhere.

Deputy Derek Nolan: I had the privilege of visiting the West Bank, Gaza and Israel last year. Of all the situations of complete abnormality that were evident between Israel and Palestine and their two peoples, the most toxic was the one which obtained in Hebron. We are talking about a large Palestinian city which is solidly in the West Bank and nowhere near the state of Israel. Settlements have been cropping up all around over recent years. In the historic centre of Hebron, where the markets once flourished and shops once existed, settlements have grown up. They have expanded and caused a complete collapse. I often say to people in Galway when I recount my trip that it is like walking down Shop Street if all the shops were closed, the Galwegians were told to keep away and the only people permitted to be there were a few settlers. That is how appallingly the native Palestinian residents of Hebron are treated.

These little settlements are gradually extending into each other. The expansion into this new area called “the house of contention” has been signalled for some time since it was illegally purchased in March 2007 with forged documentation, a matter which has been going through the courts over recent years. It is another symbol of just how powerless, helpless and destructive matters are in Hebron. Hebron is the centre which demonstrates the hatred, viciousness and lack of trust on both sides. If the settlement goes ahead, we must lose hope that there is a genuine attempt to create a two-state solution. Ultimately, this will be a political decision in Israel. It must go through the Israeli Minister of Defence. Regardless of the European Union and
international positions, I would like the Irish position to be articulated to the effect that we are against the expansion of the settlements and to have it communicated to the Israeli Government.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Paschal Donohoe): I thank the Deputies for raising the issue. The Tánaiste and Minister for Foreign Affairs and Trade, Deputy Eamon Gilmore, has consistently made clear the Government’s strong criticism of and opposition to Israeli settlements and settlement expansion, which are illegal under international law and constitute a major obstacle to peace. Settlements and related policies in area C seem designed to drive Palestinians off the bulk of the land they occupy and to crowd them into the cities under Palestinian Authority control. Settlements establishment and the policies implemented to support them inherently involve continual injustices, hardships and humiliations for Palestinians. They are perhaps the main source of tension between the two communities on the ground. The Deputies, through the analogies they have used, have made very clear the injustices involved in these arrangements. Deputy Lawlor spoke about the difficulties in someone coming to approach me. Deputy Nolan’s use of the analogy of Galway made clear the injustices involved in these arrangements.

The Israeli Government and Israeli public opinion are in no doubt about the Irish Government’s views on this issue. The city of Hebron presents a showcase or microcosm of these issues in action. Hebron is the largest city fully in the West Bank, with 170,000 Palestinian inhabitants and an additional 7,000 Israeli settlers in a large settlement on its outskirts. In the centre of this ancient city some 850 settlers have established a number of small scattered settlements around the old town. In many cases, settlers simply occupied buildings and the new settlement was subsequently recognised by the Israeli authorities.

To protect the settlers and their rights a large force of Israeli soldiers is also based in the centre of Hebron. Palestinian residents have been subject to extensive movement controls, as the Deputies noted, and are excluded entirely from the main street and other areas in the interests of the small minority of settlers in their midst. As a result, many Palestinian businesses in the old city have closed down.

In March, the Israeli Supreme Court issued a ruling, anticipated for several months, on the purchase by Israeli settlers of a house in Hebron known as al-Rajabi house or the house of contention. The ruling upheld a 2012 decision by the Jerusalem District Court that the purchase of the house was legal and settlers should be allowed to resume living there. This house, which is a large apartment building, would constitute the nucleus for a new settlement in Hebron and become the first settlement established in the city since the 1980s. It would inevitably be accompanied by new security checkpoints and closures and developing pressure on Palestinian residents. There is a strong possibility that its occupation would lead to further tension and violence in the area. When clashes occur the response is always to further restrict and exclude Palestinian residents.

As the Deputies noted, the next stage in the process is for the Israeli defence Minister to authorise and permit the transaction. Until then, the settlers continue to be prohibited from entering the building. The Deputies asked me to elaborate on the Irish position on this matter. Ireland calls on the Israeli defence Minister not to grant the purchase permit for the building given the very sensitive political nature of the settlement.

Israelis and Palestinians are engaged in direct negotiations, which are intended to decide within months all questions about the future of settlements. Ongoing settlement announce-
ments such as this have clearly been damaging to confidence in the peace process. Israel has regularly announced new settlement units since the talks began, including significant plans for more than 2,300 new housing units in six West Bank settlements announced in March.

On the European Union position, in a statement on 21 March, High Representative Ashton strongly condemned the latest settlement announcement on behalf of the EU. She stated that such actions undermine the current negotiations and, as a consequence, the two-state solution and urged the Israeli authorities to reconsider their plans and reverse their decision. Ireland fully supports this position.

More broadly, the Tánaiste has also called for the international community to be more forceful in its response to continued settlement expansion. Ireland has supported all measures by the European Union to increase pressure on the Israeli Government on the issue of settlements and the Government will continue to be active on this issue.

**Deputy Anthony Lawlor:** I welcome the strong views expressed by the Minister of State, which strengthen the position held by many people here and throughout the European Union on developments on the ground in the West Bank. Unfortunately, words do not have much effect on Israeli policy on settlement expansion in the West Bank. Strong measures such as a boycott of goods produced in settlements and sold in the European Union are required. I hope the Government will take this matter further because strong condemnation by the Oireachtas and European Union do not have an effect on Israeli policy on settlement expansion. A boycott of goods produced on settlements would indicate we have a serious policy on the ongoing peace process, which I believe is a sham. Talks may be taking place but nothing is being done on the ground.

**Deputy Derek Nolan:** I thank the Minister of State for his clear, concise and powerful statement in response to the issue Deputy Lawlor and I raise. We are discussing a conflict that is complex, detailed, historical and ingrained. It involves many stakeholders, specifically the Arab states bordering Israel and Palestine and the Israelis and Palestinians. The respective positions of Palestine and Israel are characterised by a power imbalance. While we should give the latest round of negotiations a shot, that should not prevent us from pointing out that nothing is improving for Palestinians despite many years of peace negotiations. On the contrary, the position in the West Bank is deteriorating and Gaza is in crisis. We must prepare options and inform the Israelis and Palestinians that this is their final chance to arrive at a solution together and on their terms as we will otherwise enforce the principles of international law and stop the import of products from illegal settlements. We must indicate that this is the last chance and we will move to enforcement if the talks fail.

**Deputy Paschal Donohoe:** I thank Deputies Lawlor and Nolan again for their contributions. I agree with Deputy Nolan’s analysis regarding the inherent complexity of the situation, the weight of history and the dilemmas and challenges facing the countries and communities in the region. Amid this complexity, the view of the Government, one which is clearly shared by the Deputies, is that we strongly support a two-state solution and the creation of a peaceful and secure future for the communities in the region. We strongly believe the current negotiations are vital in this regard.

It is within this framework that the continued expansion of settlements is destabilising and difficult. The negotiations are challenging, subtle and fraught and will have a major impact on the region and beyond. The expansion of settlements presents a major challenge to the success and continuation of the negotiations. For this reason, I emphasise our overall view on settle-
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ment expansion, with reference to the specific building in Hebron and the decision to be made by the Israeli Minister for defence. There are people of good sense and courage involved on both sides of the current negotiations. The Tánaiste and I sincerely hope that courage and common sense will prevail when the Minister takes his decision and an atmosphere will be created that is conducive to a successful conclusion of the negotiations.

Patient Safety Authority

Deputy Liam Twomey: I would like to discuss with the Minister for Health the establishment of a patient safety authority in the Irish health service. I call on him to bring forward legislation to establish a robust patient safety authority that will inspire confidence in patients that their concerns will be properly addressed; to ensure that the structures and governance of such an organisation are properly resourced so that complaints are dealt with in a timely manner; and that the patient safety authority can enforce the changes needed in our health service to protect patients.

I call on the Minister to ensure the establishment of a comprehensive patient safety authority in this country, one that has real power and teeth in representing patients. I would like to see established a patient safety authority powerful enough to oversee the Irish Medical Council, the Health and Social Professionals Council, the nursing organisations, the Health Information and Quality Authority, HIQA, and the Irish Mental Health Commission. Currently, outside of the Department of Health there is no patient-focused organisation to represent patients in terms of their needs and complaints. This is not good governance. There is a need for a strong, robust organisation, outside of the Department of Health. The Health Service Executive is to be abolished. We need an organisation which patients can have confidence will protect them and for whom their interests are the primary focus.

The Irish Mental Health Commission has been in place for more than ten years and there is a policy document driving change in the mental health services, namely, A Vision for Change, yet in the health supplement of today’s The Irish Times it is stated that patients still do not have individual care plans. Those working in the health service will know that the Irish Mental Health Commission has given increased autonomy and power to patients suffering mental health problems. While their rights within the health service have improved dramatically, there are weaknesses in the system.

In terms of the many weaknesses that have arisen time and again within our health services, which fell to the Minister to deal with, there is a need for a one-stop-shop, such as an ombudsman to whom patients can go to have their issues dealt with. I call on the Minister to ensure a robust and well resourced patient safety authority is put in place to protect patients. I do not think it is right that the Department of Health should be investigating itself when issues arise. The response to the Portlaoise crisis was rapid and good but to instil confidence in patients we need a separate, strong and powerful organisation.

When it comes to enforcing standards in our nursing homes and hospitals, HIQA does its job well. However, its remit is not the same as would be the remit of a robust patient safety authority. There has been a patient safety authority in the UK for more than a decade now. When this issue was raised years ago with former Minister, Mary Harney, the best she could come up with was the establishment of a commission to look into the matter. We have gone past that point. What we need now is a strong organisation in this area.
The Minister plans to introduce universal health insurance in this country and to reform how our health services operate. For this to work and to ensure that standards do not slip again, we need a robust patient safety authority. I ask that the Minister respond to my proposal.

Minister for Health (Deputy James Reilly): I thank Deputy Twomey for raising this critical issue. Patient safety must be at the heart of everything we do in health. It is a priority issue for me and the Government. It was for this reason patient safety was the primary focus of the 2014 national service plan for the HSE. It is also the reason we decided to expedite the patient safety agency through the HSE on an administrative basis, although ultimately, it will be supported by legislation and be independent.

I have listened carefully to what Deputy Twomey had to say, much of which I agree with. The recent report by the Chief Medical Officer into the perinatal deaths at Portlaoise hospital indicates there is a huge need to improve the quality and safety of services across the health system. As the Deputy will be aware, HIQA has been asked to undertake a report into the services at Portlaoise hospital, which will follow on from other investigations undertaken by HIQA in recent years. The HIQA report into Tallaght hospital has prompted significant changes to the governance arrangements not alone at Tallaght hospital, but right across our hospital system. Similarly, a HIQA investigation into Galway maternal deaths will have implications for the safety and quality of maternity services nationally.

In formulating proposals for the establishment of a patient safety agency, the Department of Health considered the international evidence and advice that suggests that health care regulation and the broader quality improvement and patient safety agenda are not appropriately situated together within one agency and that the regulatory function should maintain its independence and remain separate. This suggests that the health and social service regulatory and monitoring function should be maintained separately and enhanced within HIQA. The HSE has statutory responsibility for dealing with complaints from patients who are dissatisfied with the service they receive. National and international best practice would suggest that the best way of resolving complaints is to have them dealt with at a local level. Therefore, the vast majority of complaints to the HSE are managed and should be resolved locally. However, we know that this does not always happen. We know that sometimes people do not get satisfaction and that despite taking up matters with hospital complaints officers, they feel no better off.

I would like at this stage to make a few points rather than read the remainder of my script. I do not believe that we could provide that the Medical Council would be answerable to the patient safety agency or HIQA or that HIQA would be answerable to the Medical Council. All of these organisations are regulatory bodies and stand alone. What I would like to see in a patient safety authority is a champion for the patient, an organisation that can support the patient in getting satisfaction in relation to his or her complaint. It is my view and has been my experience as a doctor that the three As apply here. What people want when something goes wrong is an acknowledgement that something went wrong, an apology for it going wrong and an assurance that it will not happen again because things will change. I envisage that the patient safety agency will be such a body. It will be the patient’s friend and the go-to-place for patients when issues arise, be that an issue such as the serious issues that arose in Portlaoise hospital or a staff member being rude.

I genuinely believe that the agency will be supportive of patients, improve the quality of care we provide and hugely reduce the amount of money we spend in medical legal litigation. It is a matter of grave concern to me that of the tens of millions of euro we pay out annually in
relation to medical legal consequences, one third of it goes to the legal profession. It should be
go ing to the people who have suffered as a consequence of misadventure and negligence and
not the legal profession, whom I have nothing against.

The patient safety agency is a critical part of any new health service. Patients need to be
empowered. The informed and empowered patient is the safest patient.

**Deputy Liam Twomey:** I thank the Minister for his reply and for coming to the House to
take this issue, which shows he takes this matter seriously. What is important is not how the
patient safety authority is set up, but that it can deal with complaints from individuals or groups
before they become part of the system. We cannot expect the HSE or the Department of Health,
no more than we can expect the Garda Síochána or any other organisation, to investigate them-
selves. We need strong legislation in this area. The establishment of a patient safety authority
must be prioritised. As stated, it will instil confidence in patients and improve outcomes within
the system for them. It is vitally important the legislation in this regard is prioritised.

In regard to the Minister’s reference to an administrative structure, I do not believe that is
what we need or that it would instil confidence in patients. I ask that the Minister prioritise the
legislation for the patient safety authority and to ensure that what is established is the right type
of organisation. It is important we wait until we get it right rather than establish an organisation
that will not satisfy what patients want from the health care system.

**Deputy James Reilly:** I agree with the Deputy that the new agency must be underpinned by
legislation. In the interests of getting it up and running quickly and teasing out any problems in
that regard, I believe it is sensible to introduce it on an administrative basis first. When I spoke
to the parents of the children who died in Portlaoise hospital, they indicated their concern that
such an agency should be established. They were very unhappy that, as the Deputy pointed out,
this agency might in any way be dependent on the HSE. I was careful to explain that this is only
a temporary administrative arrangement and that supporting legislation will be introduced to
make the agency absolutely independent of the Department and, in particular, the HSE and the
entity - namely, the proposed health commissioning agency - which is due to replace it.

As the Deputy indicated, the days when the Garda, the HSE and the Department of Health
could investigate their own activities are gone. There is value to these entities carrying out ini-
tial investigations for their own quality assurance requirements. For any institution or body to
have the confidence of the public, however, outside individuals must be involved. The need for
this was made obvious in the past in the context of the issues relating to Dr. Neary and all of the
women who attended Our Lady of Lourdes Hospital in Drogheda, who were so poorly treated
by him and who have suffered dire consequences in their everyday lives since then. There is
a need for independence, transparency and clarity in respect of all investigations carried out in
this country in order that citizens will have absolute confidence that matters will be brought into
the open rather than hidden. There must be no sense among people that a lack of objectivity
might apply.

**Hospital Staff**

**Deputy Pádraig Mac Lochlainn:** The Minister is very familiar with this issue, having at-
tended a meeting with the parents involved and with management from Letterkenny General
Hospital. The difficulty which arises is that despite the protestations of the management at the
hospital and those of the management of the west northwest hospitals group, the parents to whom I refer are of the view that they have lost access to a critically important service provided by the paediatric clinical nurse specialist. Approximately 145 children in Donegal under the age of 18 have type 1 diabetes. The Minister is well aware of what this means for families and of the challenges faced by their children. At a recent public meeting in Donegal, the families involved told their stories and outlined the type of pressure and anxiety with which they are obliged to live. They also indicated how desperately important this resource - which is provided at the hospital - is to them. Under the national diabetes plan, there was to have been one paediatric clinical nurse specialist for every 100 children. One could argue that the number should be 1.5 specialists in place for the children to whom I refer in Donegal.

It is clear that there is confusion in respect of this matter. The management of the hospital has written to public representatives in Donegal since the meeting to which I refer took place. Management has not agreed to a further meeting with parents and public representatives in order that matters might be clarified. Is the Minister in a position to intervene in respect of this matter? I am aware that he has agreed to attend a meeting organised by the parents on Tuesday next. I welcome this development but I ask him to resolve the matters to which I refer before that meeting takes place. I request that he make clear to management at the hospital that what is not needed is someone who deals with children on a part-time basis and that what is actually required is a dedicated paediatric clinical nurse specialist who will deal solely with the children in question and their families.

Deputy Pearse Doherty: I echo what Deputy Mac Lochlainn stated with regard to the Minister’s acceptance of an invitation to meet the families next week. Oireachtas Members from the county will be also at that meeting and I hope it will be possible to bring about some finality in respect of this matter. It is unique that the four Opposition Deputies from Donegal have raised this matter. I accept, however, that the Government Members from the county support us in respect of it.

When he met the families in April 2013, the Minister informed them that they were reasonable people with a reasonable request. The request they were making at that time related to the diabetic clinical nurse specialist. As Deputy Mac Lochlainn indicated, we have received reports from the hospital to the effect that this is an enhanced service and we have been asked why we are complaining because what is on offer is actually better than the service which previously obtained. On paper and otherwise, it does appear to be enhanced. This is because there is an integrated clinical nurse specialist on site. As a result, there is not a shadow of a doubt that there is an enhanced service available for those with diabetes. However, we are focusing on the area of paediatrics and the nurse who previously provided the service in this regard has been replaced. The upshot is that there will now be a clinical nurse in place to deal with both adult and paediatric patients. The nurse who previously worked in this area was a specialist and she provided expert care to children. What is required here is a dedicated clinical nurse specialist.

The parents are concerned with regard to the amount of time the new nurse will be in a position to allocate in respect of paediatrics. The relevant expert group recommended that there should be one clinical nurse specialist for every 100 children. As Deputy Mac Lochlainn indicated, in Donegal at present there are 145 children under the age of 18 who have type 1 diabetes. Six of those children were diagnosed with the disease in the first 12 weeks of this year. This indicates that one case is being diagnosed very second week and that the rate is increasing quite significantly. I understand that the Minister has called on the management at the hospital to resolve this matter and stated that a clinical nurse specialist should be appointed to the area of
paediatrics. I hope he will confirm that the latter is, in fact, the case and that we will be united on this issue.

**Deputy Charlie McConalogue:** I acknowledge the Minister’s support in respect of Letterkenny General Hospital since it was flooded and thank him for it. I also thank him for providing - in conjunction with west northwest hospitals group - the funding necessary for repairing the hospital and for coming to Donegal to reopen it. When he came to Letterkenny, the Minister met representatives from the parents support group who were protesting outside the hospital. As welcome as the new facilities are, the level of staffing and the quality of service provision are crucially important in the context of how hospitals operate. There is an inadequacy at the hospital at present in the context of the service which is supposed to be provided by a paediatric clinical nurse specialist. The relevant unit is under-resourced, particularly in the context of the number of children who visit the hospital. Some 145 children in Donegal have been diagnosed with type 1 diabetes. The most recent policy advice available from the Department indicates that there should be one paediatric diabetic clinical nurse specialist for every 100 children. On that basis, one and a half specialists would be required to cover all of the children in Donegal with type 1 diabetes. I accept that an additional person has been appointed to deal with the adults in Donegal - approximately 5,000 - who have diabetes. The service is stretched but I welcome the appointment to which I refer. There is a need for a commitment from the Minister that a full-time paediatric clinical nurse specialist will be appointed to Letterkenny General Hospital.

The other point I wish to raise - in respect of which I ask the Minister to communicate further with us - is that which relates to centres of excellence for paediatric diabetes. There are currently five such centres throughout the country, all of which are located south of the Dublin-Galway line. There are three centres in Dublin, one in Limerick and one in Cork. The nearest centre for those in the north west is located in Dublin. When one looks at a map, the position is this regard is made obvious in very stark terms. There is a significant imbalance in this regard. That is not appropriate. I ask the Minister to provide a commitment to the effect that a centre of excellence will be developed in the north west in order that children there who suffer with diabetes might have easier access to services. When those children travel to the existing centres of excellence, they have access to dieticians, consultants, clinical nurse specialists and psychologists. It is important that the services of such individuals be made available in the north-west region.

**Deputy Thomas Pringle:** I thank the Ceann Comhairle for selecting this very important issue for discussion. Its importance is emphasised by the fact that it has been raised by the four Opposition Deputies who represent the county. As Deputy Pearse Doherty stated, the Government Deputies from the county support the request we are making. I take this opportunity to acknowledge the Donegal Diabetes Parents Support Group and the Donegal branch of Diabetes Ireland for the work they have done to highlight this issue on a continuous basis. I hope the Minister will be in a position to indicate that a clinical nurse specialist for paediatrics will be appointed to Letterkenny General Hospital because this is the only acceptable solution.

The claim made by the management at the hospital has indicated that an enhanced service is available is not really acceptable, particularly as parents do not know what way the nurse specialist on site will divide his or her time in the context of dealing with adult and paediatric cases. Children from Donegal will be still obliged to travel to Dublin to avail of services.

*6 o’clock*
Mr. Paul Gillespie of the Donegal branch of Diabetes Ireland put it well when he referred to the effects that travel has on children with diabetes. He remarked that one of the problems of travelling with a child with diabetes related to if their blood sugars became a little high since they would be more prone to getting car sick and that they would be four hours from their destination. Also, once they got to Dublin they found the Dublin clinics were jammed out the door and he adverted to the associated difficulties.

The HSE standards indicate that there should be a nurse specialist for every 100 children. We argue that there should be 1.5 posts in Donegal but the Donegal branch is looking for one post to provide a service close to home for the children that need and deserve it.

The diabetes expert advisory group has outlined nine standards for diabetes care. Standard No. 4 states that the provision of diabetes services for children and adolescents should be equitable and fair throughout the country. Equitable and fair treatment is all we are looking for in Donegal and this is something the Minister should be able to deliver.

Deputy James Reilly: I thank the Deputies for raising this issue, which is clearly of considerable importance and concern to parents in Donegal. I also thank Deputies Mac Lochlainn, Doherty, Pringle and McConalogue for affording me the opportunity to reassure parents of children with diabetes and adults with diabetes that the restructuring of nursing resources for diabetes in Letterkenny will not result in a reduction of current service levels and will enhance patient care by strengthening the links between diabetes care in primary, community and acute settings. I realise this issue, as others have pointed out, is of great concern to Deputy Joe McHugh, who asked me to meet the families concerned, and to the Minister of State, Deputy Dinny McGinley.

As the Deputies are aware, I had the honour of presiding over the official reopening of the emergency department at Letterkenny General Hospital last month and seeing at first hand what can be and has been achieved through the commitment and hard work of management and the entire community around Letterkenny. Despite the pressures and challenges facing our health system there is a determination to move forward to improve what we are doing and to deliver the best outcomes for patients. I had the chance to meet representatives of the parents of children attending diabetes services and I understand the concerns.

As parents we want dedicated resources for our children and, as a parent, I accept this. When dealing with a complex chronic illness such as diabetes we want consistent support. As a doctor, I appreciate the reassurance that such supports can bring. I believe these supports are in place as a result of the restructuring of the diabetes nursing resource in Letterkenny.

I am working from memory but, as I understood it, there was the equivalent of 0.8 time given by the nurse. She is now becoming whole-time but across adult and paediatric care. She is involved with paediatrics at the level of approximately 0.6. However, she will have the additional resource of another clinical nurse on half-time, which means the service is going from 0.8 to 1.1. I realise on paper, as the Deputy has said, this is an improvement and I believe this will be the case, but I recognise that the parents want a full-time dedicated nurse. One of the parents put it to me that they need to be reassured such that at night when something happens, such as a hypo, they can pick up the telephone to talk to someone who knows what they are talking about. It would be wonderful if that person knows the child but that is not always possible because people cannot be on-call 24 hours, seven days per week. That is not reasonable and it is no life.
I have been thinking about what is happening in Sligo and the nursing expertise there and I cannot understand why we have been unable to put together a 24 hour, seven day on-call service whereby people can lift the telephone to talk to an experienced paediatric nurse who can advise them what to do when a child’s blood sugar is going off, whether high or low. We will certainly examine that. I have heard clearly what people have said about a centre of excellence north of the Dublin to Galway line and it is something I will certainly look into.

When I was in Letterkenny to officially open the emergency department in early March I spoke of my gratification at seeing the way Letterkenny General Hospital works in partnership with local general practitioners and primary care services to address local population health needs in order that those who need acute hospital care are directed to that care. This approach supports the aims of the national clinical programme for diabetes, including the development of an integrated care programme to improve diabetes control, the development of a chronic disease management programme for diabetes and the reduction in overall bed days for acute hospital diabetic care by 40,000.

I wish to make a particular comment about Donegal. It has always been the case that primary care there has been well supported because of the huge geographic area that it covers. There was a realisation many years ago that a hospital-centred delivery system simply could not deliver for such a wide geographic space. That is why primary care in Donegal is probably more developed than in many places in our country.

I am keen to ensure that our health service provides safe, quality and timely care and this is a priority concern of the Government. I acknowledge sincerely the commitment of the staff of the Letterkenny General Hospital diabetes service to the patients and I believe that commitment is reflected by the interaction I have had with the families, who have nothing but the height of regard and respect for the paediatric nurses. I assure the many families for whom the service is so vital that the addition of an integrated clinical nurse specialist will enhance the quality and timeliness of their children’s care.

I will not leave it at that. I have taken on board what the Deputies and families have said and I look forward to meeting them next week. I will be seeking to address the issue as outlined by them as well as meeting the needs and improving the service from their point of view. Yesterday, I launched a new awareness site for Adam Harris, who has set up a site for people with autism. During the event I remarked that the service needs to listen to what people want from it and not only take the view that it knows best about what to deliver for them.

Deputy Pádraig Mac Lochlainn: I concur with the last remarks the Minister made to the effect that the system should not consider that it knows best. This is the concern we have. We received another response yesterday from the management of Letterkenny General Hospital in co-operation with the management of the west northwest hospitals group. It reads to a lay person as if it is addressing the concerns of the parents but I am somewhat unsure. I am trying to be practical and constructive about this. Could the Department obtain a copy of that letter from the manager of Letterkenny General Hospital, Sean Murphy? The Minister knows what the parents are looking for and he has met them. Could the Minister and his Department, in their expert opinion, establish whether the changes are now addressing the concerns of the parents ahead of the meeting next Tuesday? That would be helpful. There seems to be some breakdown or misunderstanding of what is happening. It was clear to us, as public representatives, at a packed public meeting in recent weeks in Donegal that parents who desperately need help expressed the view that they were not getting it and that they were not satisfied with what is on the table.
We are asking the Minister to referee and sort it out. I thank the Minister for the work he has done thus far on the issue.

**Deputy Pearse Doherty:** I am going to read positivity into the Minister’s comments because he did not deliver the standard HSE response, which is largely a defence of the existing position. I read into the Minister’s comments that there is a need to address this and I hope it can be addressed. As we have said, the call is for a diabetes clinical nurse specialist. The half staff nursing position that will accommodate the clinical nurse, which is a 0.67 position, is a trained adult position not a paediatric post. Again, it looks fine on paper but in reality it does not. I hope we can bridge this gap.

I agree completely and concur with the Minister’s last statement about listening to service users. My nephew and godson is among this number. I have listened to what he goes through, what his mother goes through and the fears, anxieties and concerns about someone going hypo or hyper. After the public meeting I had the opportunity to talk to teenagers who use the service. They had nothing but the height of respect and regard for the person they are losing. Much of this comes down to that emotional attachment but this is an opportunity for them and for all of us to live up to best practice as per the 2008 expert group recommendation, that is to say, there should be a clinical nurse specialist for paediatrics. I hope we can finalise this next Tuesday.

**Deputy Charlie McConalogue:** I thank the Minister for his response. The parents have been indicating for a long time that they believe the resources for diabetes paediatric care in Letterkenny General Hospital are inadequate for the number of children that are attending there. Although the appointment of an additional clinical nurse specialist in the community who will focus on adults is welcome and will improve the overall level of service provided to diabetes patients in Donegal, it does not enhance the level of staffing that parents believe is necessary to meet demand at the hospital. Some 145 or 150 children are involved. According to the Department’s own policy, this number is sufficient for 1.5 dedicated diabetes nurses.

We are seeking a commitment from the Minister to allocate a dedicated paediatric nursing post to the hospital at a minimum, as there is none currently. This is what the parents want. I welcome the Minister’s statement that he will re-examine the current setup of the centres of excellence, given the fact that there are five south of the Galway-Dublin line and none above. Will the Minister indicate a timeline for a response on what can be delivered in that respect?

**Deputy Thomas Pringle:** Like other Deputies, I thank the Minister for his response. He stated that the HSE needed to listen to parents and those who use the service and deliver a service that responds to their needs instead of just telling them what they will get. This is important. I hope that the Minister will be able to reassure parents at next Tuesday’s meeting that he will go down this road. What will make a difference for families across Donegal is a commitment that whole-time paediatric diabetes nurse specialists will be recruited for Letterkenny. As the Minister stated, this would have a major effect by preventing future complications for people and costs for the health service. He should grasp this matter, reassure parents at next Tuesday’s meeting and ensure it gets done.

**Deputy James Reilly:** I thank the Deputies for their contributions and the tone in which this debate has been held. We are all trying to improve services for our people. There is no more emotive issue than services for our children. I will endeavour to get a copy of the letter that Mr. Murphy wrote, review it and have my Department review it before next Tuesday’s meeting.
Dáil Éireann

I also listened to Deputy Pearse Doherty. I wish his nephew well and a bright future. Perhaps he will follow his uncle into the Chamber some day, although not necessarily under the same banner. I jest.

I want to determine how we can address the issue raised by Deputies McConalogue and Pringle. It is not just a question of economics, as it makes perfect economic sense, but also a question of children’s quality of life. No one wants to hear of children having to travel four hours by car when the alternative could be just one hour regardless of in which part of Donegal they are. I will examine the matter and try to get the best outcome that I can for parents and their children.

Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Bill 2013 [Seanad]:

Order for Report Stage

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I move: “That Report Stage be taken now.”

Question put and agreed to.

Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Bill 2013 [Seanad]:

Report Stage

Deputy Sean Fleming: I move amendment No. 1:

In page 3, between lines 11 and 12, to insert the following:

“2. Within 30 days of the commencement of this Act the Minister shall, by way of regulation, introduce a provision whereby the parliamentary activities allowance paid to the leader of a qualifying party shall be paid to that qualifying party.”.

We discussed the substance of this amendment on Committee Stage when I stated that I would move it again and asked the Minister to consider it in the intervening period. The allowance should be paid to the qualifying party as opposed to the qualifying party leader. On Committee Stage, amendments were moved concerning Members who, having been elected to qualifying parties, left those parties to become Independents or whatever. Similar amendments will be moved on Report Stage requiring the money to follow the Member. The Minister was clear in his response, in that those Members were elected to parties, with party logos and names on the ballot papers. His logic of the party being more important than the Member is the same logic I am using now, in that the payment should be to the party rather than a named individual. The Minister has given pre-eminence to the party in some sections of the legislation. As such, this allowance should be payable to the party.

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): We held a good discussion on this point on Committee Stage. I accept the Deputy’s intention, but I still consider it proper that the administration of this allowance be the responsibility of the person who is accountable for it, that is, the leader of a qualifying political party.

I will clarify the current system. The allowance is paid electronically into a specified ac-
count, the details of which are provided to the Department of Finance by the party or the leader of the qualifying party. The Department has confirmed that the accounts into which these funds are paid are separate and distinct from those provided by the parties for receipt of electoral funding. I can confirm to the House that, in respect of all of the parties, the named beneficiary to the account to which the allowance is paid is the party in each case rather than the respective party leaders. This is an important point. In most cases, the name of the account specifies that it is designated as the account for the party leader’s allowance. As such, the current position is what the Deputy seeks to achieve through his amendment.

The allowance is provided to support the activities of a parliamentary party, a definition of which is provided in the legislation. Leaders of parties are and will continue to be required to account for all of the money received in respect of the allowance and specify how it is spent in accordance with the legislation. A power of oversight has been given to the Standards in Public Office Commission as well as the power to issue guidelines on best practice in the use of the allowance. The Deputy’s party leader will be consulted in the preparation of these guidelines, as will the leaders of all parties, before the guidelines are determined. If the leaders consider that measures relating to the accounts used by parties are necessary, they may wish to use that opportunity to say so. However, I do not consider it proper to prescribe such measures in primary legislation. Each leader, rightly and properly, remains accountable for the money that is provided to his or her parliamentary party. In any event, Deputy Sean Fleming stated on Committee Stage that the wording he used in his amendment was not sufficiently clear as to its intent. He has not changed the wording.

I have checked and, in every case, the allowance is paid to a named beneficiary that is not the party leader.

**Deputy Sean Fleming:** I thank the Minister. The allowance is paid to a named beneficiary of an account that is not the party leader specifically. As such, my amendment is unnecessary.

**Deputy Brendan Howlin:** That is my point.

**Deputy Sean Fleming:** It is already the accepted practice. I will happily withdraw the amendment now that we have clarified the situation.

Amendment, by leave, withdrawn.

**Acting Chairman (Deputy Olivia Mitchell):** Amendment No. 2 is in the names of Deputy Naughten, Timmins, Terence Flanagan, Creighton and Mathews. Deputy Creighton is absent with a good excuse.

**Deputy Sean Fleming:** Is this amendment not being grouped?

**Deputy Brendan Howlin:** With amendment No. 4.

**Acting Chairman (Deputy Olivia Mitchell):** I will say that in a moment.

**Deputy Sean Fleming:** I am sorry.

**Acting Chairman (Deputy Olivia Mitchell):** Amendment No. 2 arises out of committee proceedings. Amendment No. 4 is related, therefore, amendments Nos. 2 and 4 may be discussed together by agreement.
Deputy Denis Naughten: I move amendment No. 2:

In page 4, between lines 18 and 19, to insert the following:

“(2) Where a member of a qualifying party ceases to be a member of the parliamentary party of that party, no allowance shall be payable in respect of that member and the allowance payable under this section shall be reduced proportionately.”.

Deputy Creighton cannot be with us.

Deputy Brendan Howlin: We wish her well.

Deputy Denis Naughten: I am sure she would be delighted to be here to get her teeth stuck into the Minister again, but she has other priorities at present. I take this opportunity to congratulate Deputy Creighton on the birth of her daughter, who might be here in years to come reading the report of this debate.

We had a very good discussion on both Second and Committee Stages of the issue before us, that is, the parliamentary allowances that are paid on behalf of Members to the party leader to deal with issues surrounding parliamentary representation in this House and the need to fund the operation of the House from a Member’s perspective. The Minister’s argument is that Members on this side of the House who were elected for a party and who are no longer members of that party are not entitled to any funds, on the basis that they were elected on a party platform, people voted for that party at the election and the money should remain with the party. While there has been an argument about introducing a list system here, we do not have such a system.

As I said on Committee Stage, the vast majority of the space on a ballot paper is taken up with details about the candidate, not their party affiliation or the party logo. As a result, a certain proportion of those moneys were, I believe, legitimately raised on the basis of the candidate and should therefore be returned to the Exchequer. Our proposed amendment would mean that the funds which we believe are not legitimately being claimed by the parties in the Government should be returned to the Exchequer, just as Deputy Higgins has done in the case of his moneys. His party is the only one in the Opposition that is down a Member since the election to have returned the relevant proportion of those moneys to the Exchequer. We believe the government parties should lead by example in that regard.

The Minister has argued that the general election is the snapshot, it is set in stone at the day of the election and, as a result, that is the date that must be taken into account. I will argue that the snapshot is only used in certain circumstances. However, perhaps he will clarify the current position with regard to our former colleague, former Deputy Patrick Nulty. Does the Labour Party continue to receive moneys for former Deputy Nulty until the by-election takes place or has that money been stopped because there has not been a by-election?

The Minister made the argument that people go before their party and secure the party nomination, so they are flying the flag for that party and for a particular agenda and set of proposals or manifesto. In my case, the current Taoiseach came to my home town, stood in the square of my home town and gave a crystal clear, unambiguous commitment about health services in that town. People went out and voted on that basis. Who is being disingenuous in terms of standing by the commitments, agenda and pre-election pledges that were given? Is it me or the Taoiseach, who continues to receive those moneys? It is disingenuous that the parties opposite can receive a substantial amount of money, amounting to approximately €2.5 million, over the
term of this Government for Members who are no longer within their parliamentary parties.

I put it to the Minister that there are exceptions to this practice and that it is not set in stone on polling day. The best example in this regard is the John Bruton-led Government between 1994 and 1997. The Government changed mid-stream. The party funding structure also changed mid-stream based on the fact that the leading party in the Opposition became the leading party in the Government and the leading party in the Government became the leading party in the Opposition. There was no election to bring about that change, yet the weighting of the funding did change. One can look back further, to the situation that occurred with the Workers Party in 1991-2, when seven Deputies were elected and six of them left the party to form Democratic Left and one Deputy remained in the party. Does the Minister consider it right that the single Member should legitimately receive funds for a party of seven Deputies? I do not believe it is right and proper that it should happen, yet the Minister is arguing that it should. The legislation and the argument the Minister has made to date are on the basis that this is set on the day of polling. On polling day in 1989 the Workers Party received sufficient votes to elect seven Members of this House. The party would continue to receive funding on that basis, even though the vast majority of the Deputies in that party had left it. I do not believe that is fair or balanced.

The Minister is changing the name of the allowance from the party leader’s allowance to a parliamentary activities allowance. I contend that I participate in this House in the same way as any other Member. As I said to the Minister on Committee Stage, I have a problem with the fact that I do not have a right to receive committee papers, which I believe is wrong. In fairness, the Minister endorsed my position and, hopefully, the Committee on Procedure and Privileges, CPP, will change that. I believe I have a right to be a member of an Oireachtas committee, but that is an argument for another day. I contend that I participate in both the committee work and the work in the House, so neither I nor any other Member of the House should be denied an activities allowance on that basis.

Section 2(12) of the legislation also provides for a further derogation with regard to a change in circumstances mid-stream. The legislation provides for a situation such as occurred with Democratic Left, where Democratic Left was subsumed into, although others would argue it took over, the Labour Party. Regardless of how it happened, Democratic Left became part of the Labour Party and under this legislation it would take its funding and amalgamate it with the Labour Party’s funding. That is a change in circumstances mid-stream. In fact, I am sure it was the case if I recollect correctly, and other colleagues in the House might be able to clarify it, that during the general election campaigns in 2002 and 2007 there was probably a quite vociferous debate between the Labour Party and Democratic Left regarding their political agendas. It is to say that somebody who voted for Democratic Left voted for Labour Party policies. The Minister argues that it is set on polling day based on the proposals and agenda put forward by each political party, so how can he justify a situation where mid-stream that money can move with those Members into a new party or into a party to which those Members were opposed at the previous general election and got their votes on that basis?

I believe what is being proposed in this legislation is unconstitutional. It is morally wrong that some Members of this House are treated differently from others.

Not only do I believe that it is morally wrong and not only do I believe that it is unconstitutional, it undermines the legitimacy of this House. The role and purpose of this House is to question and scrutinise the decisions of the Government. Particular Members of this House who did that job and upheld their role under the Constitution are deliberately now being pe-
nalised under the legislation. As bad and all as that is - the Minister will argue against it - what galls me about the gross abuse of this allowance is that one of the Minister’s Cabinet colleagues was quoted in a Sunday newspaper as saying that all of the resources available to the Fine Gael Party would be used to ensure that I and my colleagues here would not be re-elected to the House. If that does not raise a question over the constitutional use of those particular funds, I do not know what does. At a very minimum, what should happen is that those moneys should be returned to the Exchequer. They should not under any circumstances be used to undermine my constitutional role as a representative in this House. It is wrong that a Cabinet member could make such comments and claim to be using funds for such purposes.

I urge the Minister to accept the amendment I have tabled. I believe it is fair and reasonable. The example has already been given by Deputy Joe Higgins when he returned funds to the Exchequer. It makes far more sense to see those moneys returned to the Exchequer. Let the moneys be used specifically in the Department of Health to deal with children with profound disabilities whose parents have to go begging to our offices and the office of every Deputy in the country to try to get access to a medical card, to get access to basic medical rights. Let the moneys be used for that rather than to undermine our role, enshrined in the Constitution, to represent all of the people in our constituencies to the best of our ability.

Deputy Billy Timmins: Deputy Naughten has very elegantly covered virtually every aspect of this. It is not legislation that excites the public and this amendment certainly does not do so. It will not remove from the television screens the ongoing shambles at the Department of Justice and Equality. However, it is a very important Bill. The Minister is one of the few members left in the Labour Party who comes from its old tradition of equality and so on. This Bill is basically unfair and in my view, unconstitutional.

Having lost the Fine Gael Parliamentary Party Whip, I do not necessarily expect to be invited to Farmleigh House to get my photograph taken on Twitter with Brian O’Driscoll or Gordon D’Arcy. I do not expect to be in Iveagh House on a Tuesday night sampling the last remaining wine in the cellar, and I do not expect to be getting a call to go to Auckland or Australia for a trip during a nice quiet period in the summer. However, I do expect to be treated on an equal basis inside this House. At the moment, I and several other colleagues are treated like second class Oireachtas Members, for various reasons not alone on this issue, but also due to the fact that we are not permitted to be on committees.

I believe this funding aspect is unconstitutional. It is not about the money per se. I do not care about the money even if it is being used to undermine some of us in our own constituencies. The real issue at stake is that we are being treated unfairly. I believe that it would not stand up to a constitutional challenge. I think the time may be coming when some of us will decide that we are not going to accept this treatment any longer, and take this issue to the court. It would be a very poor reflection on the Government if that were to happen. We are not looking for funding for ourselves, we are looking for it to be returned to the Exchequer.

This legislation is flawed. If Fianna Fáil is stuck in the polls and its Oireachtas Members cannot get rid of their leader, or if Sinn Féin Members decide they want to break from the past and get rid of their leader, but if they cannot do so and they break away, it is not inconceivable that one or two individuals are left with all the funding. That can happen. I think I am correct in saying that if one member remains in the party and the rest break away, that member can be left with the roughly €1 million worth of funding. Can the Minister explain if the Bill can prevent that? My understanding is that it cannot once one member remains in the party. Deputy
Naughten pointed out earlier that members of the Workers’ Party split and formed Democratic Left, and Deputy MacGiolla was left as the sole trader in the older party. If legislation allows that to happen, even though it is unlikely and hypothetical, it is a major flaw. I do not see the difficulty with what we are seeking here.

I would not be a supporter of the theories and policies put forward by Deputy Higgins but at least he has the courage of his convictions and I think the Government should follow suit and return this money to the Exchequer. I do not believe it will undermine the legislation or create any difficulty but I do not believe that the Minister can stand over this. It is unfair and it casts us as second-class Members of the Oireachtas. I believe it would not stand up to a constitutional challenge, which may well come.

The Minister can accept this amendment. He can vary it. He knows the thrust of it as he has listened long enough. I appeal to his better nature to accept it.

**Deputy Sean Fleming:** I would like to speak about my amendment No. 4, which is on the same topic. Before I get to the specifics of my amendment, which is related to the amendment we have been speaking about, I wish to agree with what the two Deputies have said. On Committee Stage, the Minister anchored most of his debate on this issue in respect of the people elected at the preceding general election. However, the Deputies have highlighted a couple of older cases where the make-up of a party changed during the Dáil term, such as the case of the Workers’ Party. There are provisions for a dissolved party, as was pointed out on Committee Stage, but as the Deputies stated, if one Oireachtas Member remains in a party, it is not fully dissolved. Therefore, there are provisions in the legislation to change the arithmetic. The Deputies have also highlighted the situation where there was a change of government during a Dáil term without recourse to a general election. That would also have changed the arithmetic for the calculation of what is now called the parliamentary activities allowance.

I want to support amendment No. 2. My own amendment incorporates that and maybe goes a little bit further. The essence of the amendment tabled by Deputies Naughten, Timmins, Flanagan, Matthews and Creighton is that if a person leaves a parliamentary party, that parliamentary party should not continue to receive funds for those Members for the remaining duration of the Dáil. We are all agreed on that.

Five Deputies who have left the Fine Gael Party have their names to amendment No.2. A couple of Senators have left Fine Gael and I am not sure how many Members have left the Labour Party, although I am sure the Minister is painfully aware, but at least ten or 12 people have left Fine Gael and the Labour Party since the last election.

The amendment boils down to a very simple issue. Fine Gael and the Labour Party want to retain that €50,000 or so worth of funding for each of those ten or 12 Members, which is a minimum of €500,000, for their own funds, their own purposes, in respect of people who are not in their party. I want people to understand what this amendment is about. We got caught up in the historical debate. I agree with all the references that have been said. This amendment is
very simply about the proposal to allow Fine Gael and the Labour Party to retain over €500,000 of taxpayers’ money for this calendar year in respect of Deputies who were members of their parliamentary parties but no longer have that status. That is wrong in every single respect. If the law allows it, the law is wrong. We are here to amend that. It is morally, politically, constitutionally and socially wrong. I am saying that if this amendment is accepted, it will correct that wrong. I cannot stand over the Minister’s rejection of a proposal which would correct that wrong.

This is a money-grab. We will not get into the serious politics of the power-grabs by governments and State organisations. Money is being grabbed from the Irish taxpayer by Fine Gael and the Labour Party. A minimum of €500,000 a year will be taken. We expect that there are two years left in the lifetime of this Government. Therefore, the Government parties are saying that from this day forward, they want €1 million of Irish taxpayers’ money to be paid into their bank accounts in respect of Deputies who are no longer members of those parties. I believe the Minister should do the right thing by accepting the simple reality of the situation, which is that the Government’s proposal is not tenable. I do not think Deputies on this side of the House can stand over this arrangement. We cannot agree to the legislation being proposed by the Government parties, which will allow over €500,000 of taxpayers’ money to be paid into Fine Gael’s coffers and the Labour Party’s bank account, in respect of Members of Parliament who are no longer members of those parties, for each calendar year of the lifetime of this Government. I support the amendment. I hope the Deputies who have proposed it will push it to a vote.

Deputy Róisín Shortall: I strongly support amendment No 2 and indeed the thrust of amendment No. 4. It is very disappointing that the Minister, Deputy Howlin, has not reflected on this issue. He has not moved his position at all. Every Member of this House has an equal mandate. We have all been elected by our constituencies to come here and represent the public in this Parliament. By continuing the kind of discrimination that already exists under the funding arrangements, he is copper-fastening a form of discrimination against certain Members of this House. That is unworthy of him. It is very disappointing that he has not been prepared to respect the equal mandate of every Member of this House and ensure we all operate on some kind of fair, if not equal, playing field.

This allowance has been renamed as the parliamentary activities allowance. I put it to the Minister again that every Member of this House is required to engage in parliamentary activities. The Independent Members, including those of us who now find ourselves as Independents after resigning from our parties or finding ourselves outside our parties for one reason or another, have to complete our parliamentary activities. It is arguable that many Independent Members are much more active and vocal than many Government backbenchers. We do our work, which is very demanding from a research perspective, even though we are not supported by all the paraphernalia and infrastructure of a political party. By seeking to reduce our ability to function as active parliamentarians, the Government is making a direct attempt to undermine the Independent Members of this House. That is wrong. It is very unfortunate that the Minister does not recognise that and act accordingly.

All of this plays into the problems associated with the Whip system used in this House, which is far too severe and strict. Generally speaking, Whip systems do not operate in this way in other modern democracies. I want to recognise that the successful efforts of the political parties to dominate the Parliament are not endorsed by the public. I am glad to say they are not endorsed by the Ceann Comhairle either. There is a responsibility to recognise the role of each individual Member of this House. Over a number of years, we have progressively reached a
point at which the parties seem to think they own and control this Parliament. That is a very unhealthy situation. It is constitutionally and morally wrong.

The Government parties are using their might to force a regime on the Parliament which is fundamentally unfair. Their efforts to continue with a system which undermines Independent Members of this House can be considered as part of a piece with the control they try to exercise when they issue threats to Deputies who are considering leaving a parliamentary party and going it alone. They are threatened with banishment and with the loss of funding, necessary supports and speaking rights. They are told they will no longer be allowed to serve on Oireachtas committees. They face the loss of rights when it comes to Private Members’ business, etc. That is part of the kind of bullying and threatening atmosphere the main parties try to create to frighten, or try to frighten, their members into toeing the party line. This approach, which involves seeking to ensure life will be difficult for Deputies if they choose to go outside the party, is fundamentally undemocratic. It is seriously unfair and wrong to treat legitimately elected Members of this House in such a manner. All of that is part of a piece.

It has been a consideration of mine for some time that this is wrong. I know other Deputies are thinking the same. It strikes me that there must undoubtedly be grounds for a legal challenge to be taken against the arrangements for the funding of individuals and parties. It strikes me that regardless of the merits of the system that has existed until now for historic reasons - perhaps it used to be unusual for Deputies to resign from parliamentary parties or find themselves outside of those parties, but it has become a relatively common practice nowadays - the introduction by the Minister of this new legislation, which copper-fastens an unfair arrangement, means that he is legislating to discriminate against certain Members of this House. I find it very hard to see how such new legislation could withstand a legal challenge. I hope it will be tested shortly. In light of the equal mandate enjoyed by all Members of this House, I cannot see any circumstances under which what the Minister is proposing to do under this legislation could be regarded as constitutional.

During the debate on the earlier Stages of this Bill, the Minister’s main argument in favour of continuing this discrimination was that people elect Deputies on the basis of their status on election day. While that might theoretically be the case, we should look at what has happened in practice. It is hard to argue that many of the people who were elected in the last general election for either of the two Government parties have not actually held true to the basis on which they were elected. It is arguable that certain people were elected under false pretences - elected on the basis of promises that were given at election time that have subsequently been reneged upon. It is not wise for the Minister to go there in terms of the basis on which people were elected to this House as a number of us now find ourselves as Independent Members because we stood by the promises that were given at election time. We were not prepared to renge on those promises that were given to the electorate. So it is a very weak argument and we could be here all evening listing the various election promises made by both Government parties that were subsequently broken. If the Minister is talking about remaining true to the basis on which he was elected, he is not in a position to throw stones in that regard, nor are many of his party colleagues.

There are several precedents of the rules having been changed when circumstances changed. Of course the Minister is choosing to ignore those precedents. In this Dáil we have had the recent precedent where Deputy Clare Daly left the Socialist Party. When she raised this issue, Deputy Higgins did the honourable thing in returning a portion of that funding to the Exchequer because he recognised that he was in receipt of that funding under false pretences. It was allo-
cated on the basis of the Socialist Party having two Members. Once that number was reduced, he did the honourable thing and returned a portion of that funding. We are asking the two Government parties to do the honourable thing and not to continue to take taxpayers’ money under false pretences.

At one point quite recently there were ten Members who had previously been members of Government parties and who were no longer members of parties sitting in the House as Independents. That meant that the Government parties were in receipt of a minimum of €500,000 under false pretences. By and large that money was used to recruit staff to do PR work, press work, research and so on. A very significant part of that would have been used to undermine those very Members for whom those parties continue to hold on to annual State funding. Deputy Naughten gave an example and there were numerous examples of the Labour Party using its backroom staff to undermine those of us who chose to leave the Labour Parliamentary Party and indeed the wider party.

It is entirely wrong that the Government parties should continue to hold on to funding that was made available for those of us who were elected to this House and are now Independents. They are doing so under false pretences. I call on the Minister to do the right thing and return that money to the Exchequer because the Government parties have no right to continue to hold on to it. At a time when funding is tight in so many areas, it is indefensible for the Government parties to hold on to €500,000 every year when they have no entitlement to that funding.

The Minister also made the point that for practical reasons the Government could not keep changing the level of funding. There are plenty of ways of dealing with that. We are not suggesting that the parties give up the funding immediately, once somebody votes against a Government party. There could be a review on an annual basis or a six-monthly basis to rebalance that funding, which would be the right way to do it if the Government parties were honourable in what they were doing and if they had fundamental respect for each Member of this House.

It is very disappointing that the Minister has not budged an inch since the spurious arguments he made on Committee Stage.

Deputy Brendan Howlin: I have not spoken on it yet.

Deputy Róisín Shortall: I hope he will rethink that.

Deputy Brendan Howlin: We have had a long debate on this issue, which is entirely extraneous to the issues of the Bill. This is not new legislation to create the funding model to which the Deputies, who have spoken on these amendments, are referring - this has been the practice. The first purpose of the Bill is to reduce the full quantum of money available to fund political parties in recognition of the reductions that have been made across politics generally. The second purpose is to bring further accountability into the system where moneys paid to Independent Deputies in this House and the other House will be fully accountable in the same way that moneys paid to political parties are accountable. That is what the Bill is about. We have spent the vast bulk of time in the Seanad, on Second and Committee Stages here, and again now on this extraneous matter. I understand that people feel very strongly about it, but it is not the core purpose of the Bill.

I thank Deputies for their views. I understand how deeply felt they are and I respect them. I believe the vast majority of people who spoke respect that I am entitled to have an alternative view without impugning me. There is a Deputy or two in this House for whom everything is
personal and they cannot make an argument without making a personal argument, which is not a helpful way to advance arguments in this House.

While I accept the depth of the argument and I have listened to the substance of the argument, I do not agree with it and I will repeat why I believe this is so. The parliamentary activities allowance, formerly called the party leader’s allowance, is funding provided to support parliamentary activities and by extension our party political system as it operates in the Oireachtas. We operate on a party political basis here. While there is no constitutional underpinning for that, it is a fact of life that we organise ourselves and the vast bulk of Members - not all - debate in parties. We have conventions to determine policy, present our platforms to the people and seek election on a party ticket. Some others do it on an individual basis and they are entitled to be funded as individuals through the parliamentary activities allowance. It is not intended as an individual pot of money for each Member who is elected to allocate as we choose.

The Deputies opposite say that I have no right to hold on to money, but I do not hold on to a cent. I do not have any money and I am sure Members of the parties opposite do not see any of the money. It is part of funding our political system in this House and I believe Members opposite know that. There is no requirement for a party to give money to any individual and I am unaware of any party doing that. It is up to the party to decide how to expend money within the confines of the legal framework set out. It is not the role of primary legislation to become involved in the internal workings of political parties. That is a matter for parties themselves within the overarching framework that has grown over time and that is, I hope, enhanced by this legislation.

I believe the approach proposed in the amendments would impact to the detriment of smaller parties. If these amendments were to apply, a smaller party, for example, would stand to lose €64,368 if a Deputy were to resign from that party, whereas a larger party would lose €25,754. That would impact much more seriously and detrimentally on the smaller party than on the larger party.

I wish to deal with one or two of the points raised by the Deputies. I should also take the opportunity to congratulate Deputy Creighton on the birth of her daughter, and I wish her and her daughter well. I am sure it will be a good political household and we may well see another Creighton or family member in this-----

7 o’clock

**Deputy Denis Naughten:** Maybe even a Bradford.

**Deputy Brendan Howlin:** Yes, I presume the child’s name is Bradford. I wish her well.

In terms of the points made, the Deputy talked about there being exceptions, for example, when we had a move across the House during the course of a Dáil, as in 1994. However, it of course makes sense to rebalance when the resources of Government suddenly become available to a party and are taken away from another party. That rebalancing is a normal thing within the political system. I believe people would be aghast if that was not applied and I do not think the Deputy is arguing that should not have happened. However, I am talking about quite a different thing. I, as an elected Member of a party, first contested and won a nomination against others. The electorate within the party, who selected me to stand as a party candidate, would not have selected me if they had known I would walk off the deck in my judgment, and they are entitled to know that the person selected will stand by the commitment of their work and so on. That
is quite a different thing than the complete shift in resources available when a party comes into government.

The general thesis of the Deputies, namely, that somehow all Deputies are equal and, therefore, everybody should be given the same quantum of money to support them, is not the practice. Larger parties get less per capita than smaller parties because, obviously, there is a scale issue. Opposition parties get a quantum more money than parties in government because of the disparity of supports available. People have been talking about €50,000 per Deputy as a rule of thumb. However, to consider the detail, People Before Profit gets €71,520 annually per Member; the Socialist Party, with one Member, gets €71,520; Sinn Féin gets €67,433; Fianna Fáil gets €64,743; the Independents get €41,153; the Labour Party gets €36,639 in recognition of the fact we are part of the Government; and Fine Gael gets €27,858. Therefore, by a very significant margin, the headage payment, if one likes to use a crude term for this payment, payable to Fine Gael and the Labour Party is much less than that payable to the parties in opposition, and people have not argued against that. Therefore, the notion that we are equal with an equal mandate does not hold. I also reject the notion that somehow we are reducing the ability to function by not accepting these amendments. The amendments state that the money would revert to the State. That does not enhance or detract from the ability of anybody in this House to operate, in my judgment.

The point was made about parties merging. Parties can merge in the same way trade unions can merge, and where there is a merger of parties, the resources can be pulled and that is understood and provided for in law. However, that is different from an individual Member of the House making a personal decision. This is a party decision that would have to be endorsed by the party under its own constitutional provisions to merge, whether that is through a full conference, as in the case of my own party, or through whatever mechanism is available under the constitution of other parties. It is not a comparison.

In regard to the use of resources against Members, no public moneys can be used for electoral purposes and that would be improper. The moneys can only be expended in the ways set out by law.

As I said, I have listened to very long debates in both Houses on these issues. I know Deputies feel very strongly about these matters and some feel very hurt about the mechanism of their own exits from political parties, and I understand that too. However, we have to have a practical solution as well. Deputies leave and join parties. Deputy Ó Cuív lost the whip in his party and has come back again. Deputy Penrose, from my own party, was out of the party and is back again. One of the Sinn Féin Members left the party - who was it?

**Deputy Mary Lou McDonald:** Deputy Tóibín.

**Deputy Brendan Howlin:** Yes, and he came back again. Is the suggestion that the Member should lose or gain depending on how long the censure is or whether somebody applies to come back, and so on?

My basic thesis is a simple one and it is the way this has been crafted from the beginning. There is a snapshot in time, and that is the general election. The people determine that and they own the vote and the resources that attach to it. That is the way it should be. I am not minded to accept the amendments. I respect the views expressed; I simply do not agree with them.

**Deputy Denis Naughten:** We have a fundamental problem in our democracy in that we
have an Executive that is far too strong and that is not held to account by Parliament. The
Minister, Deputy Howlin, and myself have travelled to different parts of the world and we have
experience of new democracies developing in sub-Saharan Africa. We are the very ones who
encourage parliamentarians to question government. Here, we have a situation where, when
someone does question government, they end up, as the Minister puts it, being censured.

I found it interesting that the Minister eloquently made the argument that the money is not
allotted to an individual and he then subsequently undermined that argument by saying that the
amendment actually provides for the money to be returned to the Exchequer. It is either one
or the other. Our amendment states that it is wrong for political parties to receive money for
Members who are no longer in those parties.

I asked the Minister about former Deputy Nulty. The Minister might come back to me as to
whether he is receiving those moneys.

Deputy Brendan Howlin: Yes.

Deputy Denis Naughten: He might also say if the moneys for the Ceann Comhairle are
being received by the Fine Gael Party. I do not see how the Ceann Comhairle, as an office,
could be carrying out parliamentary activities and be provided with that allowance on behalf
of a party the Ceann Comhairle can no longer be a member of because of the way the structure
has been set up.

The Minister makes the argument that re-balancing is a normal thing when we are talking
about a change midstream in regard to by-elections, when there is a change of Government
without an election or where one party is amalgamated into another. However, where a substan-
tial number of Members are expelled from a party, the party continues to receive that money.

To conclude, the Minister made the point that people who are selected as candidates stand
by particular commitments, which is correct. In my case, I stood by the commitment that was
given by the Taoiseach and that is the reason I find myself on this side of the House.

Deputy Billy Timmins: I would like to have the Minister on my debating team because, in
fairness to him, he put up a good argument for a case that does not actually exist. With regard
to this not being part of the Bill, the Government has brought in several Bills that have com-
pletely unrelated pieces of legislation within them, for example, the Civil Law (Miscellaneous
Provisions) Bill, which included the good samaritan provisions, so there is precedent for that.

The Minister mentioned the disproportionate impact on the smaller parties. Is it not ironic
that the smallest party, which it has the greatest impact on, the Socialist Party, chose to give
back the money, when the bigger parties have not? This is at a time when we continually preach
about austerity, difficulties and the like.

Deputy Shortall referred to the concept of a review. The Minister said people could be gone
for six months or more, and asked where we would put the cut-off time. This could be done
through a 12-monthly review, with the funding for the 12-month period applied retrospectively
or into the future, based on what the projections are on a particular date, be it 1 January, 1 July
or otherwise.

The example the Minister gave of headage payments was very interesting. I get many
representations from farmers in my county, as does the Minister. If some of the cattle are not
there, the farmers will certainly not be getting a headage payment for them. If they stray off the land, not only will the farmers not get headage payments for them, they will get a penalty. If we apply the same criteria here, not only would the party be giving the money back, it would be penalised. In my case, I did not stray off the land. I was kicked off it for adhering to what I saw as the basic principles and core values of a party. I do not want to quote Neil Blaney but I would certainly see it differently. I did not stray off the land. I was kicked off it.

Finally, I plead with the Minister to look at bringing in a simple piece of legislation or amendment. He could do it on the floor of the House to review the funding, for example in 12 months’ time. He does not have to jump the fence today. I know he is probably under a lot of pressure behind the scenes from some of his more militant Cabinet colleagues. I think the Minister would like to accept such an amendment and bring forward such a proposal but perhaps there are forces elsewhere that are having an impact.

**Deputy Róisín Shortall:** The Minister is providing for this in this legislation - not for the first time obviously - but the section deals with amending the current system of funding of the parties, renaming the allowance and copper-fastening the arrangements which discriminate against Members who become Independent Members of this House. It is absolutely legitimate for us to make these arguments and seek to amend and improve the arrangements.

The Minister said the larger parties receive less. Yes, they do because there are economies of scale where there is one press office and a research unit that basically does the same regardless of whether one has six or 26 Members. That is obvious. The other point the Minister made related to Opposition parties receiving more. Again, that is obvious and that is what should happen because Government parties have access to the very considerable support and research provided by the Civil Service.

I again put it very strongly to the Minister that there is no basis for parties retaining funding for Members who are no longer members of those parties. It is receiving funding under false pretences. It is taxpayers’ money and parties should not be allowed to continue claiming it. There is no defence to that situation being allowed to continue. I ask the Minister sincerely to agree this amendment.

**Deputy Peter Mathews:** I welcome the Minister. I know we had a bit of tension in our contributions on this matter on Committee Stage. I appeal to the Minister to make a very big effort to ignore my personality, which might be an irritant, and look at the substance of the amendment. As Deputy Timmins pointed out, it is only right and proper that the clawback of what was called the leaders’ allowance in respect of Members of the House who have lost their party Whip should go back to the Exchequer if it does not stay with the Members. It is very simple and plain. Even the people of Ireland know this. There is no point in bringing them through the labyrinth and maze of what has been the tradition and how things arose. It is where we are today that counts.

It is very important that the increasing number of Independent Deputies in the House are well resourced to carry out their research and to have all the supporting work, which costs money, carried out for them. Even as we look at the preparation for the European elections and the amount of money to support the candidates, we can see that party members get two and a half times the donation allowance by law compared to Independents. That is extraordinary. The maximum donation from any source for an Independent is €1,000 while for a political party, it is €2,500. Parties have other sources of funding that blend in because there is no strict audit-
ing differentiation as to how funds should be applied when they come. Like the currents of the ocean, one cannot separate the waters. They get money from the European party groupings to which they belong. Average citizens Joe and Mary do not really know what is going on and that is why they are dissatisfied and disillusioned. We are not talking in plain, Monday-to-Sunday, ordinary English and simple, honest, transparent speech. Diversionary bones are thrown for people to get into a lather but it is very simple.

We could start with a clean slate, as I suggested on Committee Stage, and work it out. We could work out what amount of money for 166 Deputies doing a certain amount of work and working so many hours a day and so many months a year is estimated to be a reasonable amount for research and other related work. The Government calls it activity-based funding. We could then divide that money by 166. That is the fairest and most patently obvious starting place. I appeal to the Minister to do this.

Under the alternative before this can be put into place, and the Minister should not let it be a long delay, the Government should put the funding that has been pickpocketed from the people who now find themselves Independents and doubly and trebly disadvantaged into the Exchequer so it can go back to worthy expenditure on medical cards and disability services. Let us be simple and clear and do it. It is the honest and decent thing to do. Forget about sticky plastering through legislation and creating an amendment here. Let us start with a clean slate and make it simple. One page could do it. I challenge the Minister. He is a very able person. He could put it on one page.

**Deputy Brendan Howlin:** I will deal with the points made because we have a long debate and everybody’s position is very well enunciated. Perhaps I should start by surprising Deputy Naughten by saying that I strongly agree with him. The Executive is too strong and we need to rebalance. All my political life, I have wanted a stronger Parliament. I applaud some of the initiatives that are happening to make Parliament stronger. For the first time in my political life, the committee system is working in an effective way. It needs better resourcing but that is a debate for another day.

The Deputy asked me specific questions about Deputy Nulty. When a Deputy resigns, that money ends as soon as the Member is no longer a Member of the House. In the same way, as happened with our dearly loved departed colleague who died recently, that money obviously finishes with a person’s death. That is clear. After a by-election, that money recommences to the party or the individual who is re-elected. I take Deputy Timmins’s points about headage points. I should not have strayed into agricultural metaphors. It is not an area with which I am familiar enough to utilise properly.

**Deputy Denis Naughten:** What is the story with the Ceann Comhairle?

**An Leas-Cheann Comhairle:** It is not me anyway.

**Deputy Brendan Howlin:** I thought he was gone. The Ceann Comhairle is taken into account as part of the Fine Gael elected Members. It is the same argument and issue. It is not payable to an individual. Once the election is over, the number of people elected in each political party is the determining figure. Deputy Shortall reiterated her strong view that there is no basis for doing this. I think there is and that it is reasonable and fair. In everything I do, be it in opposition or as a member of the Government, I try to be as objective as I can but I have strong opinions, as do the Deputies opposite. The question of whether they are valid or not is a
matter for other people’s judgement. I happen to have the privilege of being in government so I have the force of argument on this side of the House but I must bring my parliamentary colleagues with me. It is instructive, when people talk about the rights of Independent Members, to note that the great bulk of the time on this issue has been taken up by the Members opposite arguing their side of the argument. I have talked to my parliamentary colleagues on this side of the House who support me. When a vote is called, the Deputies opposite will see that they will support me. However, they are not taking up the time in terms of the force of the argument. In terms of most debates, Members on the Government benches, particularly backbench Members, find it very difficult to get speaking time. That is something we might reflect on another time.

Deputy Mathews made the general thesis point that we should simply determine what is an appropriate sum of money to be expended and divide it by 166. That negates the views of most people who believe we should not do that because it would hugely advantage very large parties. It would particularly advantage very large parties in Government, who also have the advantage of the resources of Government. We do not give the same proportion equally to every Deputy. We disadvantage those in Government for obvious reasons and then we taper the sums allocated to a political party downwards in terms of scale to ensure everybody has a-----

**Deputy Peter Mathews:** What about political donations?

**Deputy Brendan Howlin:** That is a different issue and has nothing to do with this Bill.

**Deputy Peter Mathews:** It has to do with political parties and is part of the issue.

**Deputy Brendan Howlin:** No, it has nothing to do with the Bill. Let us deal with the legislation before us. Deputy Mathews talked about research. He said that we should work out the number of hours of research and divide it-----

**Deputy Peter Mathews:** It is all part of the same argument.

**Deputy Brendan Howlin:** We are talking about this Bill and the amendment before us.

Finally, I hear what the Deputies have said and have no doubt that these matters will be debated again. These issues will come back and we will change things over time but I believe this is the right formula for now.

**An Leas-Cheann Comhairle:** Does Deputy Naughten wish to press the amendment?

**Deputy Denis Naughten:** Yes.

Amendment put:

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An leas-Cheann Comhairle: I call on Deputy Niall Collins who is sharing time with Deputies Barry Cowen, Willie O’Dea and Dara Calleary.

Deputy Niall Collins: I move:

That Dáil Éireann has no confidence in the Minister for Justice and Equality and Minister for Defence, Alan Shatter, T.D.

We also note the amendment that has been tabled by the Government and which was broadcast on the six o’clock news this evening.

The cornerstone of any functioning democracy is accountability and taking responsibility for one’s actions. Unfortunately, this has been sadly lacking in the Government. It has also been completely absent when it comes to the Minister taking responsibility for his stewardship
of the administration of justice and the Department of Justice and Equality.

The Minister will be well aware that this is the second occasion on which we have tabled a motion of no confidence in him. On the previous occasion we took issue with his policy and direction concerning the oversight of the roll-out of community policing across the country. Many communities are still feeling the adverse effects of the roll-out of that policy and in particular the closure of Garda stations.

Since the last motion, however, we have gone from crisis to crisis and under the Minister’s stewardship things have gone from bad to worse. Four separate investigations are currently going on under the Minister’s remit. Mr. Justice Cooke is looking into the GSOC bugging scandal. Senior Counsel, Seán Guerin, is looking into the whistleblower dossier that the Minister sat on for a number of months. That dossier contains some very serious information, including details of events. GSOC itself is looking into the whole penalty points issue. Thankfully, we have also had the report of the Comptroller and Auditor General.

There were calls from many people, including the Opposition, for separate investigations into those issues, yet the Minister, the Taoiseach and their Government colleagues steadfastly refused to accede to a commission of investigation into any of those. Lo and behold, however, we will now have a commission of investigation into the telephone recording incidents. All of this is occurring against a backdrop of other ongoing scandals. They include the Minister’s use live on RTE television of a confidential briefing he received on Deputy Mick Wallace. We now understand that is still subject to a ruling from the data commissioner. We have had the sacking of the confidential recipient and have heard nothing from the Minister about what the confidential recipient said about him to the whistleblowers. The Minister is refusing steadfastly to say anything about it and is remaining silent. That is very serious. We now have the departure of the former Garda Commissioner.

As is typical of the Government whenever someone raises questions about the Minister’s stewardship, it has sought to rubbish the Opposition, in this instance for tabling a motion of no confidence. We did not table the motion lightly. We are being repeatedly asked if we have confidence in the Minister and we now wish to outline why we have long lost confidence in him to oversee the administration of justice. We did not take the decision lightly yet the Government describes it as a pointless exercise and a waste of parliamentary time. We will use the time to provide the Government with an opportunity to explain the holes in its story over the last days and weeks. The Government has an opportunity to explain why the Garda Commissioner retired prematurely. The Government does not like to be accountable for its actions. We even had the Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, who was a hero a couple of weeks ago when he called it straight, turn into the bad cop yesterday when he sought to rubbish the former Garda Commissioner at Trinity College Dublin. He suggested that the former Garda Commissioner sought to destroy the tapes, which is completely untrue and must be corrected. What we expect and what the public expects is that over the course of tonight and tomorrow night the Minister, the Taoiseach and the rest of the Government will use the opportunity to address the holes in their narrative of the last number of days. They were skilfully placed in the narrative and the timeline. The Government must address the premature departure of the Garda Commissioner.

Let us recapitulate the timeline. On 16 June 2013, GSOC published a report into what is now known as the Waterford assault case - the Anthony Holness case. It was in the public domain and the report was ultimately published on the GSOC website. On 11 November 2013,
the former Garda Commissioner, Martin Callinan, informed the Attorney General about recordings and their potential impact on legal proceedings. On 26 November, the Ian Bailey civil case was reported on the RTE news, including the potential detail around telephone traffic. On 27 November 2013, the Garda Commissioner himself stopped the practice of telephone recordings except in the case of emergency 999 calls. On 28 February 2014, Department of Justice and Equality officials were informed of the implications of the recording practice for ongoing civil proceedings in the Bailey case. That was as part of a discovery order. On 10 March 2014, the Garda Commissioner wrote pursuant to section 41 of the Garda Síochána Act 2005 to the Secretary General of the Department of Justice and Equality, which correspondence the Government published this evening. The first line of the Commissioner’s letter included the words “Please inform the Minister”. On 24 March 2014, the Government claims, the Minister, Deputy Shatter, was not informed until 6 p.m. and the Taoiseach sent the Secretary General to meet the Garda Commissioner. We know what evolved from that. The following day, we had the resignation.

All of this happened conveniently at a time when the Minister was in the dock politically and the Government was at sixes and sevens on the contemptuous treatment of the whistleblowers. The Government was refusing steadfastly to apologise, yet conveniently it stated that new, important and grave information had come to its attention. All of that information was in the domain of the civil and public service and, indeed, in the public domain. Nevertheless, the Government conveniently said it came out of left field and took everybody by surprise. The public is not buying it and has made up its mind on the matter. Let us remember that it has been reported since that the former Garda Commissioner was minded to apologise, but the Government would not let him. The Government must address that.

There are questions which must be addressed over the course of tonight and tomorrow night. Why did it take until 24 March 2014 for the Minister to become aware of the telephone recording practice? Why did it take until 25 March 2014 for the Minister to physically see the letter dated 10 March 2014 to the Secretary General from the Garda Commissioner? Was the Minister made aware of the contents of the letter in advance of seeing it? That is very important. There was a series of meetings. Are we to believe that the content of the letter or the fact that the recordings were widespread were not discussed at previous meetings? The Attorney General or her office knew since last November. Is it the case that she did not see fit to inform the Minister, the Government or anybody about the scale and extent of it notwithstanding how grave the Government said it was in its statement of last Tuesday? The Attorney General attends Cabinet. Does she not provide regular briefings on sensitive cases in line with normal practice? Critically, why was the Minister not involved in the meeting between the Taoiseach and the Attorney General that took place on the Sunday? These people are all in Dublin within a couple of minutes of each other. It beggars belief that the Minister was not involved. If the Attorney General and the Minister’s Secretary General are involved in meetings, one would imagine the Minister would be involved.

On the Monday, there was a meeting involving the two Secretaries General, the Minister, the Taoiseach and the Attorney General but we are led to believe that the letter of 10 March was never raised. That is not plausible or credible. Brian Purcell left that meeting and went to the home of the Garda Commissioner. Are we to believe that what he was mandated to say was not discussed? Was there no discussion of the message he was to convey? We are told he conveyed the disquiet of Government and that the following morning the disquiet had not dissipated. Who knew what and when is not clear and the Government is not trying to make it clear. The Government is now being afforded an opportunity to do so. The public is appalled.
at the public shafting of the Garda Commissioner. The Garda Commissioner was shafted to save the Minister’s skin. It is as simple as that. We must hear from the Taoiseach and we must have real leadership.

Deputy Bernard J. Durkan: Tell them.

Deputy Niall Collins: One would have imagined that on the Sunday the Taoiseach would have got the Minister, the Attorney General, the Secretaries General and the Garda Commissioner around a table when everybody was available. It does not make sense and we need to hear the truth. The bottom line is that the public has lost confidence in the Minister. His own people are reporting it to him. Throughout the country, local election campaigns are under way and the feedback is that the public has lost confidence in Deputy Alan Shatter to oversee the administration of justice. We are taking our legitimate opportunity here in the Parliament to articulate that again.

Deputy Barry Cowen: This is not the sort of motion one necessarily enjoys having to speak to. We realise that on many occasions confidence motions have been used purely for political advantage and opportunity. Given the current arithmetic of the Dáil, a person would be forgiven for questioning our motives. However, it is necessary to remind ourselves of the commentary of many Members on the opposite side of the House prior to and on assuming office. The Taoiseach said Ministers would be measured by performance and results, there would be report card systems in place-----

Deputy Michael Healy-Rae: So much for that.

Deputy Barry Cowen: -----and those who failed to live up to expectations would be replaced.

Deputy Michael Healy-Rae: They would all be gone by now.

Deputy Barry Cowen: There would be a new politics. There would be reform in the House akin to a democratic revolution.

Deputy Bernard J. Durkan: The Deputy should have been here before.

Deputy Barry Cowen: The people would be kept in the loop, not out of it. When the Taoiseach said on election night that when Paddy needed to know, he indicated that he would inform Paddy. Recently, the Taoiseach addressed the public while speaking in the USA and said that if anyone had a suggestion, a question or a problem, that person should call him. He said his numbers were on the public record. I say to the Taoiseach that we have a problem. The people have a problem. Paddy has a problem and Paddy wants to know why, after the whistleblowers fiasco, the GSOC fiasco and the telephone-tapping fiasco, the Taoiseach has not disposed of Deputy Alan Shatter as a Minister. Paddy needs to know and Paddy must know.

I am sure Deputies will be aware of the baseball analogy and the “Three strikes and you are out” rule. While the Government has dropped report cards, new politics and the mantra of a democratic revolution, it has yet to drop the Minister for Justice and Equality, Deputy Shatter. The Fianna Fáil Party has been left with no option but to table this motion. While it may not succeed in its obvious intent, the motion offers the Government an opportunity to answer and to clarify many of the questions arising out of last week’s shenanigans in the Taoiseach’s office, the Cabinet and this Chamber. I remind Deputies of a comment made by the Minister for Com-
munications, Energy and Natural Resources, Deputy Rabbitte, at the weekend. In response to a question on the most recent issue to emerge, namely, the practice of taping telephone calls, he stated the issue became significant only when the Attorney General brought it to attention of the Taoiseach on Sunday, 23 March. Is the inference to be drawn from the Minister’s statement that everything that had occurred since the previous June was insignificant?

Deputy Bernard J. Durkan: Let us not forget the previous seven years.

Deputy Barry Cowen: That appears to be the opinion of the Minister and his colleagues in government. Incidentally, utterances made by other Cabinet members on this issue since last week appear to have had the blessing of the Taoiseach, whereas only a week previously all comments were to be made in the privacy of the Cabinet room. Unfortunately, public comments made by the Ministers for Finance, Communications, Energy and Natural Resources and Transport, Tourism and Sport, Deputies Noonan, Rabbitte and Varadkar, respectively, have done nothing but raise further questions.

To return to the nub of the issue, namely, the timeline of events in the fateful weekend before last, are we to believe, and is Paddy to believe, the coincidence that this issue landed in the lap of the Taoiseach on the Sunday before a Cabinet meeting which had, at its centre, the future of the Garda Commissioner and Minister for Justice and Equality? Are we to believe, and is Paddy to believe, that the Taoiseach, when briefed by the Attorney General on the Sunday in question, did not believe it would be worthwhile to telephone the Minister for Justice and Equality, supposedly the hardest working, most reforming Minister in Cabinet? Despite the Minister having more legislation, acumen and intelligence than any other Minister in the Cabinet, the Taoiseach did not believe it necessary to contact him. Instead, we are to believe that the Taoiseach saw fit to sleep on the matter.

We are led to believe the following scenario occurred the next morning. The Taoiseach again decided not to consult the Minister for Justice and Equality, officials in the Department of the Taoiseach, the Tánaiste or the leader of the Labour Party, his partner in government in whom he has little faith, and instead called in the Secretary General of the Department of Justice and Equality who is supposedly answerable to the Minister for Justice and Equality, who had not yet arrived. The Secretary General, Mr. Brian Purcell, is the person to whom the then Garda Commissioner, Mr. Callinan, had written two weeks previously asking that he inform the Minister about the issue. Moreover, the Minister’s staff had been engaged on this very issue with staff in the Office of the Attorney General since the previous June. Until that point, of course, the issue had been deemed insignificant. The Taoiseach then decided to despatch the Secretary General, the most senior official in the Department of the Minister, Deputy Shatter, to the home of the Garda Commissioner. Was this decision taken with the consent and agreement of the Minister? Was it the case that an official of the Department of Justice and Equality was sent because only a Minister in that Department can sack a Garda Commissioner? Given that the Taoiseach cannot do so, as he informed us last week, perhaps there was method in his madness as a visit from a Secretary General of the Department of Justice and Equality has an obvious inference.

Deputy Mattie McGrath: The heavy gang is back.

Deputy Barry Cowen: On the morning of Tuesday, 25 March, the Taoiseach will have faced his Cabinet meeting in the belief that he had solved all his problems and averted an imminent collision with his Labour Party colleagues in government. In any event, the Labour Party
Ministers sealed the fate of the Garda Commissioner the previous week when they declined to give him public support. The Taoiseach will have informed the Cabinet that the Garda Commissioner was out of the way and asked if that was agreed. Once agreed, he could tick a box. He will then have stated that the Minister for Justice and Equality, Deputy Shatter, was to give an apology to save his skin. Having obtained the agreement of his Cabinet colleagues, the Taoiseach could tick another box. He will then have asked for agreement to place on the agenda the issue of establishing a Garda authority because, while not included in the programme for Government, the measure would, given the circumstances, have to be agreed. He could then tick another box. The Taoiseach will then have asked for agreement regarding the establishment of a commission of inquiry, which made an insignificant matter into a very significant matter. Once that was agreed, he could tick another box. He will have asked if his Ministers agreed he was in full and total control of the meeting and, once agreed, he could tick the relevant box. Having replaced the old crisis with a new one and silenced the Minister for Tourism, Transport and Sport, Deputy Varadkar, who no longer had the podium and the ear of the people, he could tick another box.

This approach succeeded for a few hours until chaos broke out, holes emerged and suspicions were raised. The decision to send the Minister for Finance, Deputy Noonan, to appear on “Prime Time” that night backfired. During the course of that programme, the sure-footed, wise and confident Minister for Finance became the bungling and inept Minister for Health whom we knew from yesteryear. Similar comments made by various Ministers have only added to confusion, notwithstanding their efforts to defend the Taoiseach, Attorney General, Secretary General of the Department of Justice and Equality and Minister for Justice.

The initial public perception that the issue may have been a conspiracy theory has begun to unravel and a belief is emerging that the real scenario was that one crisis was created to avert another crisis. The policy and manner in which the Government has dealt with this issue have backfired to such an extent that the Labour Party needs to revert to type, as the Minister for Finance did on “Prime Time” last week. This will mean the Labour Party returning to a practice in which it has much form, namely, seeking heads, as the Minister for Education and Skills will attest. Let us see it revert to type. To return to the three strikes and you are out rule, the Minister has had four or five strikes in respect of his handling of various affairs, as highlighted by Deputy Niall Collins. On that basis, the Government must realise that, unfortunately, the Minister is not capable of administering justice in the Department to which he had the privilege of being appointed. I ask that the House confirm this.

**Deputy Finian McGrath:** Paddy is not happy.

**Deputy Willie O’Dea:** I do not wish to travel over ground which has been comprehensively covered by my colleagues. Last Wednesday, after two weeks of uncharacteristic silence during which he studiously avoided the media, the Minister addressed the House on two occasions. He devoted a great deal of his first speech to lavishing praise on the former Garda Commissioner, the very man he had colluded with the Taoiseach to shaft the day previously to save his skin. He then provided statistics on the fight against crime, fraud prosecutions, gangland operations, theft, murder, etc., all of which were very interesting, except that we could have obtained them with a few clicks of a mouse.

What the Minister told us was dwarfed by what he did not tell us. He did not speak a word about the confidential recipient, Mr. Oliver Connolly, and whether he was speaking on his behalf when he threatened a whistleblower. He did not utter a word about the circumstances of
the Secretary General’s visit to the home of the Garda Commissioner or the reason the Attorney General sat on information for four months. He did not say a word about when he was first consulted about a section 41 letter or the reason it took ten days to reach his desk.

8 o’clock

This is the performance in relation to the most serious issues imaginable from a Government that promised a constitutional revolution. It is not a constitutional revolution or even a constitutional pitch fight, it is a constitutional storm in a tea cup. I have often wondered why if the Minister for Justice and Equality, who is being lauded as some sort of reforming hyperactive genius, is so brilliant everything he has touched in relation to the most critical aspect of the administration of his Department turned to dust. Why has everything turned into an omnishambles? Why, less than six weeks ago, did the Minister for Justice and Equality come into this House and, in my opinion, mislead it-----

Deputy Mattie McGrath: Arrogance.

Deputy Willie O’Dea: -----telling us there was nothing to see and we should move on? Why are there now no less than four inquiries into alleged maladministration, all centring on how the Minister handled these vital issues? Perhaps the clue can be found in an article in last Saturday’s Irish Independent by Fionnan Sheehan in which he stated that not a member of the Opposition, a journalist or other outside commentator but a Fine Gael TD, unnamed of course, said, referring to the Minister, Deputy Shatter: “It’s his personality that’s destroying him.”

Deputy Mattie McGrath: I did not know he had one.

Deputy Eric Byrne: We would all be in trouble if that were the case.

Deputy Willie O’Dea: The problem is that the Minister, Deputy Shatter, does not deal with people on an equal basis. He sees everybody at a distance from the towering heights of his own regard.

Deputy Bernard J. Durkan: Do not go there

Deputy Willie O’Dea: The history books tell us that Joan of Arc was influenced by voices. The only voice to which the Minister, Deputy Shatter, ever listens is his own.

Deputy Mattie McGrath: Mighty Mo.

Deputy Eric Byrne: Deputy O’Dea should not be feeling so inferior.

An leas-Cheann Comhairle: Order, please.

Deputy Willie O’Dea: The only voice to which the Minister, Deputy Shatter, ever listens is his own.

Deputy Mattie McGrath: Hear, hear.

Deputy Willie O’Dea: He does not do humility either. He cannot even fake that. Having refused for six months to apologise for the slurs on the characters of two honourable men, which he deliberately cast across the floor of this House and repeated elsewhere, an apology was dragged out of him by his colleagues in Government of both parties, who made it clear to him that he apologise or else. Reluctantly, the words were put in place-----
Deputy Mattie McGrath: Mealy mouthed.

Deputy Willie O’Dea: I sat here while the Minister was delivering those words. He delivered them with all the enthusiasm of Munster supporters cheering on Leinster in a Heineken Cup final.

I know that my colleagues on this side of the House intend to appeal to the almost absent Labour Party - the only member of that party here is a former member of Democratic Left - to do the decent thing.

(Interruptions).

An Leas-Cheann Comhairle: Order, please.

Deputy Willie O’Dea: I do not wish to dissuade them but I do not intend to hold my breath either.

Deputy Paul J. Connaughton: There is half an Independent sitting beside Deputy O’Dea.

Deputy Willie O’Dea: I cannot help feeling like the Greek philosopher Diogenes, who, when found begging alms from a statue said that he was practising disappointment.

(Interruptions).

Deputy Willie O’Dea: I recall the febrile atmosphere of December 1993 and the ferocious head hunters arriving in the Taoiseach’s office saying they would be satisfied with nothing less than a head. They had no intention of leaving the building without a head and did not particularly care whose head it was.

Deputy Eric Byrne: Did Deputy O’Dea not feel nervous at that time?

Deputy Willie O’Dea: It is sad to see the ferocious head hunters of 1993 have been reduced to the chinless wonders of 2014.

Deputy Kevin Humphreys: Does Deputy O’Dea recall what Fianna Fáil did in 1993?

Deputy Eric Byrne: The sound of the gunfire deafened him.

Deputy Mattie McGrath: Deputy Byrne would know all about that.

Deputy Willie O’Dea: The Labour Party tells us it must be satisfied in relation to the timelines. When stripped down, this means that it does not matter what the Minister, Deputy Shatter, did or did not do once he did so or did not do so within the timelines mentioned. For example, the Minister has told us that it took four months from the time the Attorney General received the information for it to be reported to the Taoiseach. The clear implication is that if the Minister happened to be wrong and timeline in that regard only took three months then the Labour Party might have a problem with that. What a pathetic position.

Deputy Niall Collins: Exactly.

Deputy Willie O’Dea: What a pathetic position for a once proud party.

Deputy Eric Byrne: The Deputy is the most pathetic member of the House.
Deputy Willie O’Dea: Deputy Byrne’s party has all the credibility of Oscar Pistorius’s defence.

Deputy Bernard J. Durkan: What about 1993?

An Leas-Cheann Comhairle: Order, please.

Deputy Willie O’Dea: In the miasma of fog, spin, obfuscation, misrepresentation and innuendo two things are clear. First, the administration of justice in this country has been reduced to a shambles. Second, the man who presided over that process is not the man to turn the tide. That is a fact.

I have nothing personal against the Minister, Deputy Shatter. The best thing he can do-----

Deputy Eric Byrne: Is to not listen to Deputy O’Dea.

Deputy Willie O’Dea: -----for his party, the Government and for the people, to whom all of us here are supposed to be beholden, is, having exhausted all other possibilities, do the right thing and hand in his seal of office. Frankly, he is finished as Minister for Justice and Equality. He is holed below the water line. He has lost all confidence and trust and can never do anything to restore it.


Deputy Willie O’Dea: There is a village somewhere looking for an idiot.

Deputy Dara Calleary: I thank Deputy Niall Collins for tabling this motion. It is extraordinary to think that a week ago a Garda Commissioner left office or was pushed out of office yet no opportunity was given to debate it. Were it not for the opportunity presented to us by the tabling of this motion we would not have a chance to do that. It is evident from the heckles that the press office has supplied the scripts and backbenchers propose to troop in and vote confidence in the Minister. However, what Members opposite will not see in the scripts or briefings provided to them are issues on which they need to reflect. In voting confidence in the Minister, they vote absolute confidence in the manner in which issues in the Department of Justice and Equality have been handled not alone in the past few weeks but in the past three years since the Minister, Deputy Shatter, took office.

The first question Members opposite should ask themselves relates to the actions of the Taoiseach. Why, when the Taoiseach learned last Sunday from the Attorney General about one of the biggest challenges of all time to the Department of Justice and Equality did he consider it not appropriate to involve the Minister, Deputy Shatter, in his discussions and research for 24 hours? They should also question why the Attorney General felt it necessary to say to the Taoiseach that she did not want to discuss the issue on the phone and wanted to see him face to face. What does that say about the Attorney General’s confidence in terms of the security of her communications? They should also question why the Taoiseach then spent the following day consulting with the Secretary General of the Department of Justice and Equality and convened a meeting in his office at 6 p.m. that evening to which the Minister, Deputy Shatter, was invited, at which he laid out a course of events involving the Secretary General being dispatched to the Garda Commissioner to tell him of Cabinet unease despite no Cabinet meeting having been held. The Taoiseach also did not consult the Tánaiste at any stage during the 24 hours before he dispatched the Secretary General of the Department of Justice and Equality to
tell the Garda Commissioner to walk the plank. He did not consider it necessary to speak to the Minister for Justice and Equality or the Tánaiste. What does that say about relationships within government?

We are asked to believe that at that meeting the Secretary General of the Department of Justice and Equality, who on 10 March had received a letter from the Garda Commissioner in relation to the issue which was the only item for discussion, did not think it appropriate to point out that he had received a letter from the Garda Commissioner in relation to that issue and that even when the Taoiseach told the Secretary General to go to the Commissioner’s home to inform him that he was not happy, the Secretary General still did not tell the Taoiseach the Garda Commissioner had written to him on 10 March. The Taoiseach clearly does not have operational confidence in the Minister for Justice and Equality when he spent a full day researching an issue without involving him. One must also question the level of confidence the Secretary General of the Department has in the Minister, particularly when a letter of that importance - delivered by law - was not brought to the attention of either the Taoiseach or the Minister at the meeting in question. A week has passed since this happened and the Taoiseach has had every opportunity to explain why he excluded the Minister and the Tánaiste from his negotiations. However, he has engaged in obfuscation at every turn and has not indicated why he failed to involve the Minister. We must deduce from the lack of a response that while the Taoiseach might express confidence in the Minister, he does not have confidence in him.

We are expected to believe that the Minister, Deputy Shatter, is the greatest Minister since Ministers began - that is the way it will be spun during this debate - that he is the best Minister in “Ministerland”, that we should all bow down before him, that he is the great reformer and that they will probably write songs about him in the future. One of the great reforms that will be trumpeted relates to independent oversight in respect of An Garda Síochána. Only a few weeks ago, however, the Minister stated: “I have no plans to introduce a Garda authority and there is no such commitment in the programme for Government.” He also stated: “To pass control of such matters to an unelected body beyond the executive and the legislature is untenable.” Those were the words of the Minister a few short weeks ago in response to a parliamentary question.

Deputy Mattie McGrath: Expediency.

Deputy Dara Calleary: What has happened since is that control of the Department of Justice and Equality has been taken from him. The Minister is like a learner driver - he is at the steering wheel but somebody else is in control. That is another reason that every Deputy intent on voting confidence in him tomorrow evening should be wary of doing so because he or she will be voting confidence in a Minister who is not in control of his own Department. Deputies are being asked to vote confidence in the Minister on the same day the Taoiseach appointed a committee to review his Department. The latter will be a Cabinet committee consisting of the Taoiseach, the Tánaiste and the Minister who, I presume, will be responsible for making the tea. It will be the “Alan Shatter oversight committee” or ASOC. It will be a case of ASOC meeting GSOC. I hope ASOC has better luck than GSOC.

The Taoiseach is going to ask all Government Deputies to come into the House tonight and tomorrow night and speak in favour of and then vote confidence in the Minister at a time when he would not involve him in the biggest issue facing his Department. Today, the Taoiseach felt it necessary to establish an oversight committee - involving the Tánaiste and one week after this matter first came to light - to review the running of the Department. Again, the Taoiseach says he has confidence in the Minister but it is those opposite who are being asked to express
their confidence in him. They will be asked to put their reputations on the line tomorrow by pressing the relevant button and voting confidence in the Minister, Deputy Shatter, while the generals who lead them will probably not be here to do so. They are being asked to vote confidence in a Minister in respect of whose brief some four inquiries are under way, with regard to whose Department an oversight committee has been appointed and who abused his office by sharing information on penalty points relating to a Member of this House on live television and has since shown little remorse for doing so. Confidence indicates that one supports, that one believes in and that one approves of the someone’s style of operating. Those opposite are being asked to express such confidence.

Almost one year on from the previous motion of confidence in respect of this Minister, are Government Deputies of the view that his way of operating has improved? Do they believe things are now better in the Department of Justice and Equality? The Government’s amendment to the motion is quite astonishing. It is four pages of an homage to the Minister. The only thing missing from it is a nomination for the Nobel Prize for literature for his novel. Are the ladies and gentlemen opposite absolutely sure that when they vote confidence in the Minister, Deputy Shatter, and give him their political and personal endorsement, he will not drop the ball once more or let them, as parliamentarians, down again? Are they sure that a situation will not arise where, following the publication of the findings from one of the four inquiries to which I refer, the Taoiseach might lose confidence in the Minister and, as was the case with Mr. Flannery and the former Garda Commissioner, say, “There is unease in Cabinet about you, Alan”? If the latter happens, that will be it and the Minister will be gone.

The Taoiseach will not have put his name to the amended motion but all of those opposite will have done so. They will cheerfully put their names to it in the next 24 hours. However, they must ask themselves a number of questions between now and 9 p.m. tomorrow. If the Taoiseach is so confident in his Minister, why did he exclude him from dealing with the biggest issue facing the Department of Justice and Equality in 30 years? Why did he put in place an oversight committee in respect of the Department earlier today? Why did he finally give the Labour Party some involvement in respect of that Department? Why is it that nine months later we are again debating confidence in the Minister, Deputy Shatter? If those opposite can comfortably answer all of those questions, then they should go ahead and express their confidence. If they have any doubts, they should remember that it is their personal and political reputations they are putting on the line.

An Leas-Cheann Comhairle: I call the Minister for Justice and Equality, Deputy Shatter, who is sharing time with the Ministers for Agriculture, Food and the Marine and Communications, Energy and Natural Resources, Deputies Coveney and Rabbitte.

Minister for Justice and Equality (Deputy Alan Shatter): I move amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

“commends the Minister for Justice and Equality and Minister for Defence, Deputy Alan Shatter, on the extensive and ongoing programme of modernisation and reform being led by him across all of his areas of ministerial responsibility;

supports, in particular, the Minister’s major programme of reform to the criminal and civil law, including the:

— Personal Insolvency Act 2012 and the establishment by the Minister of the Insol-
vency Service of Ireland to fundamentally reform the State’s insolvency and bankruptcy law to support people experiencing severe financial difficulties;

— Legal Services Regulation Bill 2011, a far-reaching and overdue reform of the regulation of the legal profession;

— Irish Human Rights and Equality Commission Bill 2014 to strengthen and enhance Ireland’s institutions for protection of equality and human rights;

— extremely significant Criminal Justice (Forensic Evidence and DNA Database System) Bill 2013, which will provide for a DNA database, to assist the Garda Síochána in the investigation of serious crime and in identifying serial offenders across a broad range of types of criminality;

— Criminal Law (Defence and the Dwelling) Act 2011 to clarify the right of a person to use reasonable force to defend themselves in their home;

— Criminal Justice Act 2011 to provide improved powers for the Garda Síochána in combating white collar crime;

— proposed child and family relationships Bill 2014 to significantly reform family law and the protection of children in a range of family forms;

— Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 dealing with the disclosure of information about serious offences committed against children or vulnerable adults;

— National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to provide a mandatory vetting system for persons working with children or vulnerable adults;

— Fines (Payment and Recovery) Bill 2013 providing for a new payment and recovery system, including the introduction of attachment of earnings for unpaid fines, in keeping with a commitment in the programme for Government;

— Twenty-ninth Amendment of the Constitution (Judges’ Remuneration) Act 2011 to enable salary reductions to be applied to the Judiciary;

— Thirty-third Amendment of the Constitution to establish a Court of Appeal which will be one of the most significant developments in the justice system since the foundation of the State, leading to efficiencies and improved access to justice;

— Courts and Civil Law (Miscellaneous Provisions) Act 2013, which introduced mechanisms for the attendance of the press in certain circumstances to shed light on family law and child care proceedings, provisions for the appointment of extra jurors in lengthy complex criminal trials, and to permit the appointment of two additional Supreme Court judges to tackle the delay in cases before that court and the Court of Criminal Appeal;

— Defence Forces (Second World War Amnesty and Immunity) Act 2013 to provide for a pardon and apology for the 5,000 Irish soldiers who fought for the Allies in the Second World War;

— Criminal Justice (Community Service) (Amendment) Act 2011, which promotes
the use of community service rather than imprisonment in appropriate cases;

— Criminal Law (Human Trafficking) (Amendment) Act 2013 to strengthen the law in relation to the important issue of human trafficking and provide for the first time a definition of ‘forced labour’ in Irish legislation;

— Criminal Justice (Spent Convictions) Bill 2012, which facilitates the rehabilitation of offenders; and

— work under way to bring forward further legislation in such important and diverse fields as the law on criminal procedure, sexual offences, corruption, child and family law, civil liability, immigration, residence and protection, mediation, and land and tenant law;

looks forward to further legislative reforms in these and other areas;

welcomes the reduction of 6.6% in recorded crimes in 2013 and the 16% overall reduction in recorded crimes since 2010;

welcomes the securing, in consultation with the Minister for Public Expenditure and Reform, of sanction to commence the first Garda recruitment since 2009 and €19 million investment in new Garda vehicles;

notes secured agreement for targeted Garda strength of 13,000;

notes the steps taken by the Minister to develop and implement proposals to bring into effect the Charities Act 2009, including the establishment of the new independent regulatory body, the charities regulatory authority, during 2014;

supports further measures under way to modernise the courts system, including planning for a new family court and a review of the judicial appointments process;

welcomes the work under way to prepare the wording for the proposed constitutional amendment relating to marriage equality;

acknowledges the establishment by the Minister of the Property Services Regulatory Authority to set and enforce standards in the provision of property services and to provide redress mechanisms for consumers;

acknowledges the ongoing initiatives of the Minister and the Garda Síochána in tackling crime and improving community safety, noting in particular the continued success of Operation Fiacla in tackling burglary;

notes the successes of actions taken against organised crime in the State, resulting in significant drug, illicit tobacco and laundered fuel seizures;

supports the Minister’s ongoing and significant programme of investment in, and reform of, the prison system and the sentencing and management of offenders, including:

— introducing structured programmes of temporary release, including the community return programme and community support schemes which have achieved 90% compliance rates;
— requiring the courts to consider community service options for non-violent and less serious offenders;

— the introduction of an incentivised regimes scheme to incentivise better behaviour by prisoners;

— a programme to end the practice of sending children to St. Patrick’s Institution;

— the reduction in the number of committals to prisons by 7.6% since 2011 and the average daily numbers of prisoners by 5.8% in 2013;

— the provision of additional prison spaces and the upgrading of existing prison facilities including the provision of in-cell sanitation resulting in a 70% reduction in the number of prisoners without such facilities since 2011; and

— the improvement of the independent oversight of prisons and of prisoner complaints mechanisms and the establishment of the Penal Policy Review Group;

commends the Minister’s ongoing engagement with his counterparts in Northern Ireland and Britain in maintaining resolute opposition to the criminal terrorists opposed to peace on the island, and in developing and enhancing North-South co-operation in criminal justice and policing with the aim of improving community safety on the island of Ireland;

recognises the contribution of the Minister at an EU level in the field of justice and home affairs and defence, and in particular in the course of the Irish Presidency, the important progress made in such areas as data protection, measures to tackle organised crime, drugs and terrorism, cyber-security and action taken to address across the EU xenophobia, racism, anti-Semitism and homophobia;

welcomes the streamlined immigration and citizenship procedures in order to support the State’s economic recovery and promote better integration for non-nationals resident here, noting in particular:

— the immigrant investor and start-up entrepreneur programmes;

— the new visa waiver programme;

— a historic inter-governmental agreement with the UK on the operation of the common travel area leading to the development of ground-breaking reciprocal visa arrangements; and

— the clearing of the backlog of 22,000 applications for citizenship, the new citizenship ceremony and the granting of citizenship to 68,000 applicants;

commends the Minister’s initiative to establish the inter-departmental committee, chaired by Senator Martin McAleese, to investigate and to set out the facts of the State’s involvement with the Magdalen laundries, his decision to establish a scheme to provide supports for the women involved, to accept the recommendations of Mr. Justice Quirke in that regard, and the work which is under way to implement those recommendations, with priority being given to processing applications and making lump sum payments;

approves the Minister’s commitment to the refugee resettlement programme, despite the challenging economic circumstances, and notes the Minister’s initiative to establish the
welcomes publication by the Minister of a Green Paper on Defence in 2013;

commends the Minister on the significant achievements made in overseeing the development of a newly organised Defence Forces, stabilising the strength of those forces at 9,500; securing sanction for recruitment to achieve this; and in particular targeting female recruits and recognising the changing nature of Irish society generally;

welcomes the priority assigned to funding and support for key equipment requirements, with the first of two new naval vessels due for delivery in the coming weeks;

supports Ireland’s continued representation in a range of UN peacekeeping missions with over 400 personnel deployed in 14 locations;

notes the major re-organisation of the Reserve Defence Forces initiated by the Minister, delivering significant efficiencies and dovetailing with the re-organised Permanent Defence Force;

recognises the Minister’s very active approach to emergency planning through his chairmanship of the Government task force, with the Office of Emergency Planning being central to the response to recent emergency events, including flooding and severe weather;

recognises the comprehensive steps being taken to address issues of concern which have arisen;

approves the Minister’s decision to request the Garda Inspectorate to examine and report on the fixed charge processing system and welcomes the decision by the Government to implement all of the 37 recommendations contained in its report;

welcomes and awaits the outcome of independent reviews of certain allegations of wrongdoing in relation to the Garda Síochána and in relation to allegations of surveillance of the Garda Síochána Ombudsman Commission;

notes the Government’s announcement of a commission of investigation in relation to the recording of phone calls in Garda stations;

notes the Government’s commitment to the reform of Garda oversight and accountability, which will include the establishment of an independent Garda authority, appropriate to Ireland’s needs and which will maintain appropriate democratic accountability to the Houses of the Oireachtas;

notes the intention of the Minister, in co-operation with the Minister for Public Expenditure and Reform, to enhance the legislative arrangements for whistleblowing in the Garda Síochána;

notes that arrangements will be put in place for an open competition for a permanent appointment to the post of Garda Commissioner as soon as possible;

welcomes consideration by the Joint Committee on Justice, Defence and Equality of the powers of the Garda Síochána Ombudsman Commission;

welcomes the review of the Garda Síochána which is currently under way under the
Haddington Road agreement; and expresses full confidence in the Minister for Justice and Equality and Minister for Defence, Deputy Alan Shatter.

I thank the Deputies opposite for their contributions to the debate so far, for not addressing a single item in the Government’s amendment to the motion and for not being able to point to any inaccuracies in it.

I will begin my contribution by referring to some matters of relevance to where I personally find myself this evening. As a young law student, I, along with others, spent a great deal of time between 1971 and 1975 doing voluntary work in the free legal advice centre at St. Agnes’s convent in Crumlin in Dublin. It was a great training ground and I saw, at that sharp end, how often the law failed people who needed its help, how people in poor financial circumstances were not assisted by the State in obtaining legal advice or representation when required and how much worse the situation for them was made by a legal and court systems that were out of touch with reality. In those days we did our best to help. We provided legal advice to people, as individuals, and we campaigned, together with other voluntary organisations, for major reform of our legal system. Some things did change in the 1970s and early 1980s but much more was needed. Too little was done during that period.

I absolutely believe that our legal system should be as humane and responsive as possible. The interest in human and constitutional rights I developed as a law student and my passion to make positive change happen in this State still drive me as Minister for Justice and Equality. In the context of the office I hold, I have the privilege and opportunity to help to improve the lives of people. I am able to do this with the support of my Fine Gael and Labour Party colleagues. What needs to be done is virtually all present in the programme for Government. I refer to initiatives to be taken, policies to be implemented and legislation to be enacted. Much of the latter should have been enacted years, if not decades, ago. As we move through our term in government, we are identifying other areas which are crying out for change and which must be addressed. As a Government, we are facing up to doing that. As Minister, it is my obligation and privilege to be able to contribute to the process in this regard.

I could not do what I do, as Minister for Justice and Equality, without the strong support of Fine Gael and Labour Party colleagues, both within and outside Cabinet. Like everyone else in this House, I do not get everything right. It is extraordinary how people think that an individual can never make a mistake or that he or she can never be forgiven for making that mistake.

Deputy Jerry Buttimer: Hear, hear.

Deputy Alan Shatter: I do not have a monopoly of wisdom and neither does anyone else. I have stated as much on many occasions in the House. We all get some things wrong sometimes. If we do not address issues which require to be dealt with and if we simply remain paralysed when confronted with difficulties, however, then nothing would ever change. The status quo would continue to obtain to the detriment of people in this State. I will continue to do the best job I can as Minister for Justice and Equality.

In the context of this evening’s commentary, a constant refrain has been employed. I refer to the fact that I am continually accused - in a very personalised way - of a variety of different failures. None of us is perfect. If I attempt to respond in kind in this House to the manner in which I am treated, I am labelled as being arrogant and overbearing. Apparently it is not acceptable, in any circumstances ever, for me to respond to some of the taunts and vilification directed at me.
Listening to the Members opposite, one would think that I was public enemy No. 1. One would also believe that the issues we have been addressing in recent weeks only arose since 9 March 2011. Every Member of this House, including those opposite, know that is not true. The Guerin inquiry is examining a whole range of allegations relating to court cases, Garda matters, matters relating to the Garda Síochána Ombudsman Commission, all of which occurred during the lifetime of the previous Government. The Members opposite want to maintain the continuing fiction, the basis of which is that if one says it frequently enough then it becomes the narrative that everyone believes. I keep on hearing it broadcast back to me that when all of those issues were brought to my attention I ignored them, rather than the truth which is that within 24 hours of learning of them we proceeded to act and to seek responses on all of these issues.

Deputy Barry Cowen: Who is we? It was the Taoiseach.

Deputy Alan Shatter: Now, they are being independently examined. We are now dealing with an issue of great seriousness relating to taping within An Garda Síochána and the recording of telephone calls. I find it extraordinary that the main focus of attention on this issue has been overwhelmingly on the fact that officials in the Department of Justice and Equality failed to give me a letter received from the Garda Commissioner on Monday, 10 March 2014 and that I did not receive it until 25 March 2014. What purpose would there be, if I had received it any earlier, in concealing that fact? What purpose would there have been to do nothing about it? Do the Deputies opposite think anyone in this House wished yet another area of difficulty to arise in respect of An Garda Síochána? Do they think there was any interest in not addressing issues when they first arose? Of course there was not. However, what Members opposite are deliberately doing to distract from the real issues is focusing on process as opposed to substance. What they are doing is creating a distraction from the reality that this was a problem created many years ago. The issue of taping of telephone conversations, the recording of telephone conversations and the background circumstances, none of which is fully clear yet, first occurred some 25 to 30 years ago. The last occasion when the system was apparently upgraded was 2008. No Members opposite want to say that there was a problem during their time in government.

What are we doing? What we have done is that as soon as the problem became fully identified we agreed to a statutory inquiry being put in place. I find it strange as someone deeply interested in human rights and constitutional law that the focus is on the particular minute when someone got a letter. Why is that not as important as the Deputies opposite believe it to be? Why? It is because apparently whatever was happening in this area was stopped in November 2013. Why is it important that we get to know what it is about? It is because this substantially has the potential - I am saying “potential” because I have no wish to prejudge the statutory inquiry - to have been a serious invasion of citizens’ rights to privacy. Clearly, there is an issue relating to whether data protection legislation was violated. There is an issue surrounding the legality of the taping and recording of calls. For example, we do not know whether on some occasions conversations between lawyers and their clients were recorded. We do not know whether data was accessed if that ever happened. I cannot say definitively that it happened. We do not know whether there is on those tapes information of crucial importance and relevance to criminal prosecutions long since completed or to new prosecutions pending. We do not know, beyond one particular important set of civil proceedings, whether there could be information of relevance to litigants currently before the courts or before the courts in times past.

One serious issue in this context is the need to ensure that the rights to privacy of our citizens are protected, that the Garda always operates within the law, that there is appropriate oversight in this area and that we get to the true story. Is it the rights of citizens, the rights to privacy or
the substantive issues that Members opposite have been talking about? We had Leaders’ Questions in the House today. On what did the leaders of Fianna Fáil and Sinn Féin focus? They said they did not believe that I, the Minister, did not get the letter on 10 March until the date when I actually received it, which was the Tuesday, which, from recollection, was 25 March. The Secretary General of my Department has issued a statement this evening confirming the truth of that. It should not have occurred and he would be the first to acknowledge it, but that is not the central issue. Why is that issue pursued?

Deputy Mattie McGrath: It is because of incompetence.

Deputy Alan Shatter: It is pursued for no reason other than because it is politically opportunist for the Members opposite to do so. What is of real, great and crucial importance is that the public continue to maintain confidence in An Garda Síochána.

Deputy Mattie McGrath: That is despite the Minister’s best efforts.

Deputy Alan Shatter: Despite all of these issues that have arisen - all of which must be properly addressed and following which action must be taken to ensure that they are not repeated - action is being taken in the context of following up the recommendations of the Garda Inspectorate’s report. Again, one of the fallacies is that I did not take seriously the allegations of the whistleblowers as opposed to commissioning three different reports which have produced recommendations all of which have been accepted by the Government.

Deputy Billy Kelleher: Eventually.

Deputy Alan Shatter: One of the crucial issues is to ensure that public respect for the Garda Síochána is maintained. We have a substantial number in the force. The overwhelming majority of members of the Garda force are fine men and women doing their public duty, seeking to protect the community against crime, investigating crime and ensuring evidence is available to facilitate the prosecution of cases before our courts.

What was the big issue in this House some years ago? Since we have been consolidating Garda stations we have been told that crime would be rampant throughout the country and that individuals were seriously at risk.

Deputy Mattie McGrath: It is.

Deputy Alan Shatter: In fact, the situation is that there has been a reduction in crime from the year 2010, as certified by independent statistics. This is not something I have invented, before there is another suggestion that I might be misleading people.

Deputy Mattie McGrath: The figures have been manicured.

(Interruptions).

Deputy Patrick O’Donovan: They have been manicured.

Deputy Alan Shatter: The reality is-----

Deputy Jerry Buttimer: Deputy Mattie McGrath is looking after the pedicures and manicures.

Deputy Alan Shatter: The reality is-----
Deputy Jerry Buttimer: Did Deputy Mattie McGrath get a manicure?

Deputy Alan Shatter: The reality is that there has been a 16%------

A Deputy: Put him out.

Acting Chairman (Deputy Bernard J. Durkan): There is no provision in Standing Orders for a running commentary, Deputy McGrath. Please observe the rules.

Deputy Dara Calleary: You should observe them yourself.

Deputy Jerry Buttimer: Give him a pedicure.

Deputy Alan Shatter: The reality is that there has been a 16% drop in crime from 2010 to 2013. In total, there were 272,632 criminal offences recorded in the State in 2010 and in 2013 fully 229,308 were recorded.

Deputy Mattie McGrath: No one believes the Minister.

Deputy Alan Shatter: It is unfortunate and that is the narrative of every issue that I raise: I am supposed to be always telling untruths.

(Interruptions).

Deputy Alan Shatter: The unfortunate-----

Acting Chairman (Deputy Bernard J. Durkan): I am sorry, Minister.

There is no provision in Standing Orders for a running commentary. Your commentary has been noted, Deputy Mattie McGrath. Please remain quiet and allow the Minister to reply. That applies to the rest of you as well and to those on the Government side.

Deputy Alan Shatter: The unfortunate reality is that the Deputies opposite are not willing to accept the successful engagement of An Garda Síochána in the interests of the wider community despite the controversies that have arisen. I believe that as we investigate these issues and as they are resolved it is of major importance that we stand behind the Garda force but that we ask the hard questions, ensure that these issues are dealt with appropriately in the context of inquiries being conducted and that recommendations emerging from them are dealt with.

In my remaining time I wish to touch briefly on certain issues. Reference was made today to difficulties that have now arisen in our prison system. As I understand it, they arose because following the revelations of Garda recording, the director of the Prison Service made inquiries about the telephone systems that apply throughout the Prison Service. Furthermore, as I understand it, a full statement is being issued this evening by the director of the Prison Service clarifying those matters.

For my part, I want to say this: it is not possible this evening in a brief contribution to address all of the relevant issues that fall within my brief. I appreciate the fact that no criticisms have been voiced opposite about anything that has been done or engaged in as Minister for Defence. For my part, I am committed to the reforming agenda that we have in government. I am committed to ensuring that we enact the Criminal Justice (Forensic Evidence and DNA Database System) Bill, which is probably the most important Bill in the context of an An Garda Síochána that will be enacted during the lifetime of this Government. I am absolutely com-
mitted to the children and family relationships Bill, currently before the joint Oireachtas committee for its comments. The human rights and equality commission Bill, a Bill of enormous importance published ten days ago, has been lost in all of the commentary in these areas. It is one of the biggest reforms in the area of human rights implemented in over a decade. Talking about the administration of justice, the court of appeal Bill is a major reform and radical change in our court system of great importance. The victims rights Bill will be published to protect the victims of crime and ensure they are fully informed of issues early next year. All of these matters are under preparation in my Department. Could I particularly also mention the work that is now being undertaken for a marriage equality referendum?

We have an enormous programme of reform derived from the programme for Government as well as the important reform to provide the police authority. Why do we need that authority? It is because it is absolutely clear in the context of the revelations-----

Deputy Billy Kelleher: To keep the Government intact.

Deputy Alan Shatter: -----of recent days that there is a need to put in place-----

Deputy Billy Kelleher: The Minister said an authority would be undemocratic a couple of months ago.

Deputy Alan Shatter: -----new oversight structures-----

Deputy Billy Kelleher: He should read his own Dáil replies.

Deputy Alan Shatter: -----so the sort of problems that developed during the lifetime of the party opposite in government-----

Deputy Billy Kelleher: It was to keep the Ministers happy.

Deputy Alan Shatter: -----never again occur no matter what party is in government.

Deputies: Hear, hear.

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I am happy to take the opportunity to defend the Minister for Justice and Equality against the latest political attacks coming from the parties opposite. For some time, Deputies have been attempting to use a series of difficult-to-manage circumstances in our justice system to claim a political scalp instead of focusing on the reform and decisions needed to provide solutions for the future. It is all about playing the man for them. Their sole political focus remains on bringing down a Minister at whatever cost. If necessary, they disregard the facts-----

Deputy Jerry Buttimer: Hear, hear.

Deputy Simon Coveney: -----or, in the absence of clear facts, promote assumptions of dishonesty or something worse.

I sit next to Deputy Shatter in Cabinet and I have got to know him well in recent years. Any fair-minded person who has followed his three years in government knows him to be reforming, intelligent, extremely hard working, at times combative and, most importantly, willing to take on significant social and justice reforms that successive Fianna Fáil Governments ignored to the detriment of the public.
There has been a series of difficult issues to handle in the Department of Justice and Equality since the beginning of the year. Serious accusations were made by credible whistleblowers about the fixed notice and penalty points system and other legal issues. We have had a GSOC scandal, with accusations of bugging. Now we have very serious issues around the recording of conversations in Garda stations and, as of today, prisons. These have potential implications for certain legal cases.

None of these issues was of the Minister’s making. Where he has made mistakes, he has apologised and, in the case of whistleblowers, corrected the record last week. Apart from that, he has focused on getting to the truth of each issue by making statements in the Dáil and at Oireachtas committees and by setting up a combination of investigations, inquiries and now a commission of inquiry in the case of the recordings.

While Fianna Fáil uses its time in the House to continue targeting a Minister, the priority for the Government is to deal with the unfolding Garda recordings issue. As the House knows, the Government has taken decisions on this issue. We have decided to establish a statutory commission of inquiry and have appointed Mr. Justice Nial Fennelly as its chair. The terms of reference will be finalised shortly. We will ensure the retention and preservation of all tapes and access to those tapes will be in accordance with the law. We expect the Cooke and Guerin inquiries to be completed later this month. A Cabinet committee on justice reform will be established immediately to reinforce the importance of this issue to the Government collectively as well as to the Minister, Deputy Shatter.

**Deputy Mattie McGrath:** To keep an eye on him.

**Deputy Simon Coveney:** We have agreed to the appointment of a new Garda Commissioner by open competition, which is a major reform, and to the establishment of a new independent policing authority, which had been agreed in 2006 in the Mullingar accord between Fine Gael and Labour and which is now more necessary than ever.

While all of these decisions are being made, Fianna Fáil’s response is not to focus on getting the decisions or the reform right. What it regards as a good outcome from this crisis in the justice system is the resignation of a Minister. That is the end it wants.

If one considers the Minister’s record in a broader sense, his legislative record it is remarkable. Since coming to office, he has enacted 21 Bills, is currently overseeing five Bills that are being progressed through the Houses and is drafting a further 14 Bills, some of which he has mentioned. He has tackled difficult and pressing issues head on like personal insolvency and the Magdalen laundrys; he has dealt with two referenda on judicial pay and the court of appeal, both of which were passed by substantial majorities; he has begun a programme aimed at modernising our prison system, ending the practice of sending children to St Patrick’s Institution and securing Government approval for a new prison in Cork and the refurbishment of Mountjoy Prison; he has introduced significant reform in the justice system, especially by establishing a court of appeal; and he has introduced an innovative citizenship ceremony and cleared the backlog of applications that were left in limbo by the previous Government. As he stated, there has been a reduction of 16% in crime across the State since he took office. In addition to this significant work record, the Minister has tackled vested interests head on that Fianna Fáil never had the courage to take on while it was in government.

This Government has confidence in the Minister and his ability to continue the reform pro-
cess, which is vital if we are to ensure that our gardaí have the confidence of the people and are equipped to meet the challenges of the future. That is our priority and we will not be distracted by Fianna Fáil’s political gamesmanship.

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): In the short time available, I want to say, first, why my party continues to support and have confidence in the Minister for Justice and Equality and, second, why the outcome of recent weeks will be one of the most productive episodes in terms of implementing long-overdue reforms of policing.

The Government has agreed a package of radical reforms such as have eluded all Governments to date. These will include the establishment of a Garda authority; an open competition for Commissioner of An Garda Síochána; legislative powers for GSOC to enable it to discharge its oversight functions properly; direct access by serving gardaí to the ombudsman, thereby replacing the absurd office of confidential recipient; a commission of investigation chaired by Mr. Justice Nial Fennelly of the Supreme Court to establish the truth about current matters; legislative protection for whistleblowers; and an extension of the Freedom of Information Act to the Garda save for specified exceptions, such as security.

It was Mr. Rahm Emanuel who said: “You never want a serious crisis to go to waste.” He elaborated by saying: “And what I mean by that is an opportunity to do things you think you could not do before.” This Minister and Government have certainly confronted issues that previous Governments have avoided. We have seized the opportunity to do important things.

Deputy Jerry Buttimer: Hear, hear.

Deputy Pat Rabbitte: The reform of Garda oversight and accountability is not just in the public interest, but in the interests of An Garda Síochána. All my political lifetime, the perennial question of who guards the guardians - quīs custodiet ipsos custodes - has been on or near the political agenda, but the political system has failed up to now to address it adequately. I put that failure largely down not just to a lack of political will, but to a lack of confidence and a belief that we must turn a blind eye when rule enforcers break the rules because they cannot succeed without the unquestioning support of the so-called right-thinking people. The occasional former Minister for justice attempted one or other aspect of the reform package now being advanced, but was unable to bring it over the line. The establishment of a Garda authority will interpose between Minister and Commissioner and will set the broad policy goals for policing and be seen to hold the Garda Commissioner to account.

Perhaps the bravest and most significant decision taken regarding the Garda Síochána was the first, to disarm the successors to the old Royal Irish Constabulary. The first Garda Commissioner, Michael Staines, said at the time: “the Garda Síochána will succeed not by force of arms or numbers, but on their moral authority as servants of the people”. Moral authority is the most precious asset in the Garda inventory but it is also the one most easily dissipated.

I believe the steps we have now taken will contribute to a restoration of faith in the integrity of our policing service and can only assist, in the longer term, in the discharge of the Garda functions of preserving the peace, protecting life and property, vindicating human rights, protecting the security of the State, preventing crime and bringing criminals to justice. It is these reforms that will endure long after the who-said-what-when frenzy abates.

Neither this debate in the House nor interviews outside of the House can answer all of the
questions generated by recent extraordinary events. That is the reason the Government decided, on the advice of the Taoiseach, to establish a commission of investigation under a Supreme Court judge. Let the inquiry answer the outstanding questions. I cannot answer why it took 15 days to bring a section 41 letter to the attention of the Minister, nor can I say why the letter was not directly addressed to the Minister as envisaged by the section. However, I believe the Minister when he says he did not receive the letter until 12.40 p.m. on Tuesday, 25 March. This debate, therefore, can clear up some of the questions but, by reason of the nature of this controversy, there are other questions that must be left to the statutory inquiry.

One question we can clear up with certainty is that the former Garda Commissioner never met the Attorney General on this issue. When he met with the unit in her office that interacts with the Garda Síochána on 11 November 2013, it concerned a data retention issue brought to light by a prominent case now in the news. There was no suggestion of unlawful interception of calls. There never was a working party comprising the Garda Commissioner and the Attorney General on this matter or a working party involving the Commissioner and any staff of the Office of the Attorney General.

Much of the public dissatisfaction with how these events have unfolded has been legitimate, although some of it has been stoked up by groundless and alarmist speculation and the type of grandstanding we have seen here this evening. The Government must reflect on this and on the root causes for public unease, and we must learn our lesson. The controversy concerning the whistleblowers was unnecessarily allowed to go on for too long. I said on the radio more than five weeks ago, on 21 February, that the Minister, Deputy Shatter, would correct the record if he had been misadvised or found that he was mistaken. He did correct the record, but after an unconscionably long time. Anyway, the wisdom of an earlier ministerial apology now seems a relatively minor controversy when compared to what came to light over the weekend of 22 and 23 March. The Minister, Deputy Shatter, is not responsible for putting in place a systemic and unlawful capture of telephone exchanges in and out of Garda stations. How and why this matter was eventually exposed bears close scrutiny and, in my view, must be captured by the terms of reference of the inquiry.

I believe the authors of tonight’s motion appreciate the gravity for confidence in the administration of justice of what came to light on the weekend of 23 and 24 March. However, Fianna Fáil clearly believes that if it did not go through the motions, it would be beaten to the punch by Sinn Féin. While Fianna Fáil and Sinn Féin compete for who can make the most noise, the Government has decided to leave what happened to an independent statutory inquiry and to press ahead, in parallel, with the most far-reaching package of reforms of policing in recent decades. A glance at the Government’s amendment shows the body of work addressed by the Minister, Deputy Shatter, since taking office. No Minister for Justice and Equality, without exception, has implemented such an extensive reform programme in three years or taken so many novel initiatives. It is important that this Minister be allowed to complete his programme. Those who would obstruct him would be wise to await the outcome of the inquiries now being commenced.

I can understand why people might be baffled by the recent series of events, but I am confident that the public will understand why the Government has taken the decisions it has taken when findings of fact are made by the independent inquiry. In the meantime, I and my colleagues in the Labour Party have full confidence in the Minister for Justice and Equality.

Deputy Pádraig Mac Lochlainn: Earlier during Leaders’ Questions, my party leader, Dep-
uty Adams, asked the Taoiseach if the Minister for Justice and Equality would clarify tonight his role in overseeing the Ian Bailey case over the last number of years and, in particular, if he would deal with the correspondence that was sent to him by Ian Bailey and a legal team in 2012 about their concerns relating to the failure of the Garda Commissioner to co-operate fully with, and give documentation to, the Garda Síochána Ombudsman Commission. It is very disappointing that the Taoiseach has not ensured that the Minister would avail of the opportunity to clarify his role in that. I will take the Minister through it when I can get his attention.

Deputy Alan Shatter: The Deputy has my attention.

Acting Chairman (Deputy Bernard J. Durkan): I remind the Deputy, in keeping with Standing Orders, that with regard to information not contained in the motion before the House, the Minister or person responding has a right to have prior knowledge of your intention to introduce it.

Deputy Pádraig Mac Lochlainn: That is hardly a new fact. I will continue and recap the Ian Bailey case. The Minister is remarkable, he is incredible. What the Taoiseach says is true - he is the greatest Minister in the history of all mankind. He can actually have a conversation with somebody else and listen to a debate. His skills are remarkable. They are never-ending.

Deputy Alan Shatter: I heard every word the Deputy said. He is getting more abusive every week.

Acting Chairman (Deputy Bernard J. Durkan): I will chair the proceedings. The Deputy can continue but he should keep Standing Order 59 in mind, which I mentioned earlier.

Deputy Pádraig Mac Lochlainn: I appreciate the Chair’s guidance.

I will recap the Ian Bailey case. This State handed over the Garda investigation files to the French authorities. That was deemed to be the thing to do. It was a remarkable decision because An Garda Síochána is not co-operating with requests from the ombudsman’s office in the North regarding the killings of Denis Donaldson in Donegal and Councillor Eddie Fullerton, yet it did co-operate with this. That is the Minister’s wisdom. It is a remarkable thing to do, and the Minister did it.

On foot of that, as the Minister knows, the French authorities have established a magistrate’s hearing. Their representatives have been to this State investigating witnesses and they have requested that Ian Bailey be extradited to France. Indeed, our High Court agreed to extradite Ian Bailey to France for prosecution there. However, in November 2011 this State passed over documentation to Ian Bailey’s legal team and among that documentation was a damning 44 page report from the Director of Public Prosecutions, DPP, from 2001 which clearly stipulated that there were no grounds for prosecution of Ian Bailey. That documentation was a game changer. In the subsequent Supreme Court hearing it was decided not to extradite Ian Bailey to France.

Acting Chairman (Deputy Bernard Durkan): I again have to intervene-----

Deputy Pádraig Mac Lochlainn: I must protest. These are all matters on the public record.

Acting Chairman (Deputy Bernard Durkan): In a motion of confidence or no confidence, the rules are that the wording of the motion is seen as the guiding principle for the debate. For specific issues arising after that, it is in order to refer to the reasons a Member has no confidence in the Minister or Ministers as the case may be.
Deputy Pádraig Mac Lochlainn: I will get to that if the Acting Chairman lets me.

Acting Chairman (Deputy Bernard Durkan): However, if it is intended to run a case in the House that is in the public arena at the moment, the Deputy is out of order.

Deputy Pádraig Mac Lochlainn: I will get to that in a minute. I hope someone is going to stop the clock. The Acting Chairman has taken a minute of my time with his interventions.

Acting Chairman (Deputy Bernard Durkan): I brought it to the Deputy’s attention on more than one occasion.

Deputy Pádraig Mac Lochlainn: Grand, we will move on. Getting to the point the Acting Chairman wants, in March 2012, after the Supreme Court ruling, the Minister confirmed he would be in consultation with the Attorney General about the implications of the Supreme Court hearing and the documentation that was handed over to the legal team. He confirmed it again in a response to a parliamentary question. If we jump forward from the confirmation that he is in dialogue with the Attorney General about this, 18 months later the Office of the Attorney General is informed by the Garda Commissioner’s office that there are tapes in respect of the Ian Bailey case and the Commissioner’s office is concerned and is seeking advice on them. Is it not extraordinary-----

Acting Chairman (Deputy Bernard Durkan): I am sorry, Deputy. To be fair to previous speakers, every one of them-----

Deputy Pádraig Mac Lochlainn: This is outrageous. I am clear in speaking about the issues that are leading to the Minister. The Acting Chairman has taken up about a minute and a half of my time with pure bluster.

Acting Chairman (Deputy Bernard Durkan): I ask the Deputy to withdraw that remark.

Deputy Pádraig Mac Lochlainn: Absolutely not.

Acting Chairman (Deputy Bernard Durkan): I drew to the Deputy’s attention, as is written in Standing Order 59, that it is quite in order to use the wording of the motion as a reason for having no confidence in a person or persons, and the Deputy is entitled to do that. He is not entitled to run a case currently before the courts on appeal.

Deputy Pádraig Mac Lochlainn: Okay, I will continue. Why did the Attorney General not deem it necessary to inform the Minister of those developments, given that he was in dialogue with the Attorney General on this case? Can the Minister outline his involvement in overseeing this case? This is one of the issues that has led to this motion of no confidence.

Acting Chairman (Deputy Bernard Durkan): The Deputy should go back to the motion of confidence and away from the case, please.

Deputy Pádraig Mac Lochlainn: It is clear where I am going. Can the Acting Chairman please stop interrupting me? The continued interruptions and bluster are outrageous.

Acting Chairman (Deputy Bernard Durkan): I am not interrupting the Deputy. I am intervening to bring to his attention the need to comply with Standing Orders.

Deputy Gerry Adams: You are out of order.
Acting Chairman (Deputy Bernard Durkan): I could have done that to the other speakers, but they did not breach Standing Orders. Again I bring to the Deputy’s attention that if it is his proposal to run in the House a case that is currently before the courts, he is not in order.

Deputy Pádraig Mac Lochlainn: The Acting Chairman is absolutely shocking. He has let himself down a bagful there. We will move on. The Minister’s Department is currently defending a civil action taken by Ian Bailey and his legal team. Is it not incredible that the Attorney General did not deem it necessary to bring this to the Minister’s attention, considering his early confirmation of consultation with her office about this case, and the fact he is currently defending a civil action? It has been said that he has not been consulted about this, but I must say it is remarkable if that did not happen.

We will move on. I might get an extra minute and a half.

Acting Chairman (Deputy Bernard Durkan): The Deputy does not get an extra minute, because he is deliberately being way out of order.

Deputy Pádraig Mac Lochlainn: That is fine. Let us just recap on all the issues that have led to this, including the Minister’s presiding of the Ian Bailey case, which will be a scandal of huge proportions that will damage our international reputation immensely. That is becoming clearer by the day and the Minister needs to clarify his role in that. It is one of the reasons my party has no confidence in him. Let us go through the others, from the handling of the penalty points issue, the procrastination from the moment the whistleblowers went to the Garda confidential recipient, through to the decision to go for an internal Garda investigation, the repeated attempts to discredit the Garda whistleblowers, to the two year delay in referring the decision of the report to the Garda Síochána Ombudsman Commission when it became a crisis before the Committee of Public Accounts, and then to the apology that was dragged out of him last Thursday by his colleague sitting next to him and others.

The other issue relates to how the Minister dealt with allegations that the offices of the Garda Síochána Ombudsman Commission were bugged. I do not need to rehearse that again because it is so well known how he has handled that. There was also the sacking of the confidential recipient due to what he said to Sergeant Maurice McCabe about the Minister, his relationship with the Garda Commissioner and the way he does his business. Finally, there was the vote of no confidence from the Opposition in respect of events concerning Deputy Wallace, and the Minister’s decision to use confidential information given to him inappropriately by the Garda Commissioner to attempt to discredit political opponents in front of hundreds of thousands of people on television. For all those reasons, we have no confidence in the Minister.

We are trying to move to the next steps, which deal with restoring public confidence in the administration of justice, with the establishment of an independent Garda authority, something the Minister refused to examine until it was dragged out of him, and with a freshly empowered Garda Síochána Ombudsman Commission. After the massive damage done, people in every village, street, town and townland are talking about the need for the Minister to go. Every Minister for Justice and Equality is a reforming Minister. That is part of their job description, but for all those new beginnings to take place, this Minister needs to step aside and let us get on with it.

Deputy Mary Lou McDonald: I note the length of the amendment tabled by the Government to the motion of no confidence. It probably should be recorded in the Guinness Book of
Records for the world’s longest amendment. The Minister challenged people to take issue with this lengthy opus, this accolade from his Government colleagues. I do not have the time to go through it point by point, but I would like to take issue with the commendation afforded to him on the manner of his handling of the Magdalen laundries issue. Far from being comprehensive or conclusive, it was shambolic and the bare minimum that could have been delivered. That is not just my assessment of that episode. He was criticised recently by the United Nations for precisely the same reason in respect of those women.

The accusation stands that the Opposition is playing the man rather than the ball. The accusation from the Minister is that the Opposition is not interested in dealing with the substantive issues, so let us set them out. There is the substantive issue of public confidence in the senior management of An Garda Síochána, as well as confidence of rank and file gardaí in their own senior management; shattered public confidence in protections for whistleblowers within An Garda Síochána; issues of public confidence around the operation of GSOC and public concerns about possible surveillance of the Garda ombudsman; public alarm at the prospect of illegal taping of telephone conversations to and from Garda stations; public alarm that privileged communications between solicitors and persons in custody may have been illegally recorded; public alarm that those illegal tapes may have compromised court proceedings; and public alarm that perhaps sentences handed down may have to be revisited, or in the worst-case scenario, miscarriages of justice identified. These are the substantive issues at play and they are the very reasons the Minister faces a motion of no confidence in the Chamber.

The Minister argues, with some merit, that many of the issues and dilemmas within the operation of An Garda Síochána are not new. They have their genesis in the past and the fact previous Ministers for Justice failed to tackle them. That may be the case, but the fact remains also that the Minister has been a central actor in exacerbating the public alarm and the damage done to confidence in the proper administration of justice in this State. That is how seriously he has damaged the apparatus of justice in this State.

My colleague has referred to the Minister’s position in respect of the whistleblowers. We have heard a great deal of revisionism from the Government benches in that regard. The Minister took a deliberate decision to abuse and attack those men. He misled the Dáil. He allowed false statements to stand on the record of the House. He did not correct the record until it became politically expedient for him to do so. The Minister sought to minimise the concerns that were expressed about the possible surveillance of GSOC. He pointed the finger of blame at GSOC itself in the first instance. In one celebrated episode, he almost tried to portray this affair as a form of comedy by suggesting that the clients of a coffee shop may have been listening in on GSOC. All of the time, he was facing away from the issues at play. Rather than reforming, he was dead set on protecting the status quo he now claims to be set to overturn. He did this deliberately. It is clear from his record that he is not a reforming Minister when it comes to the Garda Síochána.

The Minister suggested in his opening remarks that “I could not do what I do... without the strong support of Fine Gael and Labour Party colleagues, both within and outside Cabinet”. That is probably the only statement he made this evening with which I can agree. Frankly, I am baffled that the Taoiseach, and perhaps more particularly the Tánaiste, can stand shoulder to shoulder with the Minister when it is so apparent that he is part of the problem in this scenario. He is not some reforming Minister who has just been unfortunate. In many ways, he is the author of his own misfortune. Certainly, he is the author of the damage that has been done to the Garda Síochána and to the administration of justice.
Other people have faced the consequences of the Minister’s litany of catastrophes. The Minister sacked the confidential recipient. The Garda Commissioner is gone. A question mark is emerging with regard to the Secretary General of the Department of Justice and Equality. The Minister has claimed that the Secretary General did not bring this letter to his attention. As recently as this morning, the Taoiseach sought to point the finger of blame at the former Garda Commissioner by suggesting that he should have written not just to the Secretary General of the Department of Justice and Equality, but also directly to the Minister. It is not as if those on the Government benches are afraid to apportion blame. They have done that quite liberally. They are certainly not prepared to attach any level of blame to the Minister as the central actor and dynamic in this catastrophe. They are certainly not prepared to seek from him a level of accountability at the most basic level that one would expect from a Minister for Justice and Equality.

The Minister, Deputy Rabbitte, was absolutely correct when he referred to the “moral authority” that is necessary if the Garda Síochána is to operate. However, he must understand that the authority of the Garda has been damaged. More to the point, the authority and credibility of the Minister, Deputy Shatter, is now set at zero. The dogs on the street know that. I fail to see how that is not recognised by those on the Labour Party and Fine Gael benches as well.

9 o’clock

**Deputy Maureen O’Sullivan:** I would like to share time with Deputy Pringle.

**Acting Chairman (Deputy Bernard J. Durkan):** Is that agreed? Agreed.

**Deputy Maureen O’Sullivan:** A list of issues has emerged in recent times. The penalty points issue involved the Garda Síochána Ombudsman Commission. We are familiar with the whistleblower tapes. The source of the information that the Minister, Deputy Shatter, had on Deputy Wallace was very suspicious. Issues have emerged regarding the Secretary General of the Department of Justice and Equality, the Attorney General and the departure of the Garda Commissioner Callinan. A series of questions have been asked about who said what to whom and when they said it. The whole issue of justice being delayed and denied to individuals and families, who were seriously let down by this country’s lack of a fair, objective and transparent system of justice, is a far more important one.

I would like to point out that these issues did not appear overnight or during the reign of the current Minister. They are part of an unfair and unjust system that has been allowed to fester under successive Governments. As far as I am concerned, a vote of no confidence in the Minister should also be a vote of no confidence in the system we have had in this country for many years. Successive justice Ministers, including the Minister, Deputy Shatter, have questions to answer. An article by Fiach Kelly in *The Irish Times* this week reminded me that in 2006, the late Tony Gregory asked the then Minister for Justice, Equality and Law Reform, Michael McDowell, a parliamentary question about “the recording of all telephone calls to Garda stations”. The then Minister said in his replay that he was “not aware of any plans to record all telephone calls to Garda stations”. The Minister, Deputy Shatter, has said that recordings have taken place for 30 years.

I want to acknowledge the work of Deputies Clare Daly and Mick Wallace. Without them, there would have been no exposure of these injustices. I missed much of this debate because I was at a community meeting, but I presume their role was acknowledged. If they had not
brought these matters into the public domain, we would not have had the initiatives that were outlined this evening. A couple of weeks ago, Deputies Daly and Wallace invited all Members of the Oireachtas to attend a presentation given by Ian Bailey and his partner. They had an opportunity to present their story to everyone here. The level of interest that Members showed in the presentation, which was horrifying and disturbing, can be judged by examining how many of them were in attendance. Apart from Deputies Daly and Wallace, Deputy Luke ‘Ming’ Flanagan and I were the only two people to show up. I think there is a whole issue to be explored regarding the secrecy and undercover practices associated with this country’s system.

I would like to conclude by pointing out that the constituency I represent, Dublin Central, once had a fractured and difficult relationship with the Garda Síochána. Twenty years of really serious community policing and work by community activists restored the community’s good working relationship with the force. When this relationship of trust was built up, people had enough confidence in the Garda to allow them to make calls to Garda stations. That has been undermined now. I do not think this motion of no confidence will make a blind bit of difference. It is more important for us to reform the system because it is not fit for purpose.

Deputy Thomas Pringle: I welcome the opportunity to contribute to this debate. Many Deputies have outlined a litany of instances that have caused us to believe the Minister, Deputy Shatter, should resign. For the same reasons, the Dáil should vote no confidence in him. It is well worth mentioning them again. I think everybody should put them on the record. They include the manner in which the penalty points scandal was dealt with by the Minister and the Garda Commissioner. The Minister made allegations about Deputy Wallace and disclosed confidential information about him that he had received from the Garda Commissioner. The Minister dealt with the Garda Síochána Ombudsman Commission bugging scandal in a way that reflected the way the Garda Commissioner responded to it. The Minister sacked the confidential recipient because he would not deny that a conversation which showed the Minister in a bad light had taken place. Last week, the Garda Commissioner was sacked, retired, asked to retire or asked to do the good thing and turn the gun on himself. The most recent scandal relates to the bugging of Garda stations.

This evening, the Department of Justice and Equality published on its website a letter that the former Garda Commissioner wrote to the Minister on 10 March last. For various reasons, I believe the Garda Commissioner should have gone before that letter was sent - I refer to his handling of the penalty points scandal and the GSOC affair, for example - but having read the letter on the Department’s website, I do not think anything in it would have warranted the Garda Commissioner being forced to resign. This makes one wonder why he was forced to resign at that time. Questions have to be asked about the timing of that decision. It must be very reassuring for the Minister that the Taoiseach has expressed confidence in him in the Dáil on a number of occasions in recent weeks. It is clear from the timescale of how things developed that for 24 hours after he became aware of the taping allegations, the Taoiseach did not have enough confidence in the Minister to consult him on the matter. The Taoiseach decided to seek reputable legal advice on the implications of the taping before discussing it with the Minister. Although the Minister is a solicitor and apparently has some legal expertise, it seems that the Taoiseach did not have sufficient confidence in him to consult him on this issue. Given that the Taoiseach has shown that he does not have confidence in the Minister for Justice and Equality, I believe this House should not have confidence in him either.

Debate adjourned.
The Dáil adjourned at 9.10 p.m. until 9.30 a.m. on Wednesday, 2 April 2014.