



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 10 Aibreán 2014

Thursday, 10 April 2014

Chuaigh an Ceann Comhairle i gceannas ar 09.30 a.m.

Paidir.
Prayer.

Ceisteanna - Questions

Priority Questions

Sale of State Assets

1. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform the proceeds received to date from the sale of State assets; the number of jobs created from the investment of these proceeds; and if he will make a statement on the matter. [16918/14]

2. **Deputy Joe Higgins** asked the Minister for Public Expenditure and Reform the State assets that have been privatised under the terms of the troika memorandum of understanding; the funds that were realised by the State from these privatisations; where these funds have gone; and if he will make a statement on the matter. [16916/14]

4. **Deputy Joe Higgins** asked the Minister for Public Expenditure and Reform the assets the Government intends to privatise under the terms of the troika memorandum of understanding; the estimated amounts to be realised; and if he will make a statement on the matter. [16917/14]

Deputy Sean Fleming: I wish to ask the Minister for Public Expenditure and Reform about the proceeds received to date from the sale of State assets, such as those from Bord Gáis, the ESB, the national lottery and Irish Life, in addition to some financial shares that were held by the State, and the number of jobs created from investment of the proceeds.

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 1, 2 and 4 together.

The House will be aware from my announcement in February 2012 of the shape and scale of the State asset disposal programme that is being pursued. The asset disposal programme agreed

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at that time by the Government consists of the sale of Bord Gáis Éireann's energy business, not including its gas transmission and distribution systems or the two gas interconnectors, which will remain in State ownership; the sale of some of the ESB's non-strategic power generation capacity; and the disposal of the State's remaining shareholding in Aer Lingus, when market conditions are favourable in circumstances that accord with Government transport policy and at an acceptable price to the Government. After further consideration, and having ruled out the sale of Coillte's land holdings, the Government determined that a concession for harvesting rights to Coillte forests would be proposed for sale. I am pleased to report that significant progress has been made to date in this area.

On 24 March, Bord Gáis Éireann entered a definitive agreement to sell the Bord Gáis Energy business to a consortium comprising Centrica plc, Brookfield Renewable Energy Partners LP and iCON Infrastructure on the basis of an enterprise value of €1.1 billion. The final sale price and net receipts to the State will be subject to adjustments at completion for certain balance sheet items, such as net debt and working capital, and the level of certain of Bord Gáis Energy's earnings from 1 January 2014 to the completion of the transaction, the value of which will remain with Bord Gáis Energy. The board of BGE will then begin paying special dividends to the Exchequer, commencing immediately following the completion of the transaction, as funds are both available and required. It is currently expected that this transaction will be completed in the second quarter of this year.

The ESB announced in October 2012 that it would sell some of its non-strategic power generation assets on a phased basis, commencing last year. In February 2013, the ESB announced its intention to sell its 50% shareholding in each of its international tolling plants, Marchwood in the UK and Bizkaia Energia in the Basque country, and in October it announced that it is to sell its two peat stations, West Offaly Power and Lough Ree Power. The ESB completed the disposal of its interest in Marchwood last November for a price that was in excess of expectations. Approximately €153 million in dividends accrued to the Exchequer in January 2014 as a result. It is expected that the sale of Bizkaia Energia will be completed very shortly.

With regard to the two peat stations, the ESB is proposing to prospective buyers an arrangement under which it will continue to operate and maintain the stations, with all existing staff. The ESB has appointed financial and legal advisers to perform due diligence on this transaction. I am informed that this process is likely to conclude this year.

In regard to Coillte, the Government decided last June that it was not the appropriate time to proceed with the proposed sale of harvesting rights and that instead there should be a focus on restructuring of Coillte overseen by NewERA and the relevant stakeholder Departments. Work to give effect to this decision is proceeding. An evaluation of how to give effect to a beneficial merger of Coillte and Bord na Móna in the context of the programme for Government commitment to create a streamlined and refocused commercial State company in the bio-energy and forestry sectors is also being finalised.

Ryanair's 2012 bid for Aer Lingus, the subsequent investigations by the European Commission and the Competition Commission in the United Kingdom and the court cases being taken by Ryanair have complicated the planned disposal of the State's stake in the airline. However, the Government remains open to the sale of this stake when market conditions are favourable, a price acceptable to the Government can be achieved and, importantly, in circumstances that accord with Government transport policy. As I have informed the House on a number of occasions, the funds realised from asset disposals will, in one form or another, go towards support-

ing job creating initiatives in the economy. Some €110 million of the proceeds has already been factored into the budgetary figures for 2014. This is being used to meet up-front Exchequer costs associated with the new PPP programme. The Exchequer stimulus package which I announced last year will be encompassed in these moneys.

I have already indicated that additional capital investment has been authorised to deal with the flooding crisis and the determination of the amount of money available for further stimulus investment will be considered in this context. In addition, a review of the public capital programme, led by my Department, has recently commenced. This review will culminate in the setting of the Government's capital investment framework for the next five years. It is my intention that the use of further proceeds arising from the sale of assets over the course of the next few years will be considered as part of the review. The jobs impact of this investment is dependent on how the proceeds are reinvested. A 2009 survey, carried out by the Department of Finance, found that the labour intensity of capital projects generally fell within the range of eight to 12 jobs for every €1 million invested. While this estimate for labour intensity is used as a general rule of thumb, the exact employment impact varies from project to project, as different types of public construction project have different levels of labour intensity. For example, smaller scale projects tend to be more labour intensive than major national infrastructural projects. To get the maximum jobs impact from the reinvestment of proceeds, the main focus will be on such small scale and labour intensive works.

Deputy Sean Fleming: The essence of my question is the number of jobs created, but the Minister has not responded to it. While he provided a good summary in terms of the planned disposals and expected receipts, he did not provide information on the number of jobs created. He speculated about how many jobs could be created if €1 million was spent here or there. It should be possible for him to provide the information sought on a project by project basis. The task of doing so is not as difficult as his officials might pretend. The new PPP projects are specific and few in number. We will be lucky to have a few additional ones during the course of the year. I am sure that, as part of the tendering process, labour, materials and so on are factored in. It should be easy to also factor in job creation figures.

Deputy Brendan Howlin: I agree with the Deputy that the main dividend of the sale of State assets is having the capacity to reinvest in the economy. He has been critical of the reduction in the general capital programme, but we need investment. I have worked hard to find alternative sources of money to invest. I cannot provide a jobs tot because I will not have the money until this year. I announced and authorised the spending of money in last year's budget in the expectation that money would come on stream this year. I did so because I did not want to delay the advance preparation of PPPs. For example, to allow PPPs to hit the ground running, €25 million is being spent on advance works at Grangegorman. The same is happening in respect of road projects. I hope the second largest road project, the Tuam project, will be signed off on shortly. It will not be until I have sight of the total volume of money available and its phasing that I can give more information. As I have explained to the House previously, there are Government accounting issues in the phasing of the payment of money.

Deputy Sean Fleming: I draw the Minister's attention to a specific issue within the OPW which also comes within his remit. On 27 March the Department of Public Expenditure and Reform, through the Office of Public Works, sold approximately six or seven former Garda stations, from which the yield was €673,000. In response to a parliamentary question to the Minister recently on what the proceeds would be used for, he said half of the proceeds would go to the Department of Public Expenditure and Reform and that the other half would form part

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of the OPW's budget for next year. Moneys accruing from the sale of Garda stations should be reinvested in Garda resources such as vehicles and manpower. It is important that this money be reinvested in front-line services and the recruitment of more gardaí.

Deputy Brendan Howlin: The Deputy will be aware that only a small amount of money is accruing from the sale of Garda stations because, in many instances, closed Garda stations are being subsumed for community use which I am encouraging, rather than trying to extract commercial value from every Garda station. That is a good and proper approach to take in that regard. Separate from any money that will accrue from the sale of properties, Garda recruitment has recommenced this year for the first time in many years and I look forward to a significant intake of gardaí into the college in Templemore during 2014. Also, given the concern about the aging profile of some Garda vehicles, more than €9 million has been allocated for this purpose.

Deputy Joe Higgins: I would first like to put a general proposition to the Minister. Does he agree that the sale of publicly owned assets was and is an extremely short-sighted policy, one which was driven by the ruthless neoliberal outlook? Does he also agree that the troika's forcing of the people to sell their assets in order to pay bankers and bondholders debts, for which they had no responsibility, was a criminal abuse economically of the people?

I asked the Minister in my second question what funds had been realised by the State from these privatisations and where the funds had gone, but he did not answer that question comprehensively. Perhaps he might do so now.

With regard to the privatisation of Bord Gáis Energy, will the Minister set out the rationale for what has been agreed to in this regard? Will he also comment on an article in last Sunday's *Sunday Business Post* which stated the enterprise value of Bord Gáis Energy had been sold for €210 million, of which €60 million would have been available in the normal course of the sale of that section of the company, and that the book of 680,000 customers was valued at €110 million, leaving €40 million for the Whitegate power plant which was built a few years ago for €400 million. Will the Minister explain the incredible divergence?

Deputy Brendan Howlin: The Deputy has asked a number of questions. On his first question, I am not, as I have stated previously, an enthusiastic seller of State assets. It would not be the first place I would look, but we inherited a programme. It was explained to us by representatives of the troika that they expected State asset sales of €5 billion. Clearly, we are not going to go into that territory. More importantly, when the Government came into being, any sale of State assets was carefully parsed and focused to ensure it would fit into general economic policy. We are three years in government and, as the Deputy can see, the sale of State assets has been rather limited.

I will come back to the funds achieved and spent. The Deputy asked about the rationale for the sale of Bord Gáis Energy. As he is aware, the Government, in particular, the Minister for Communications, Energy and Natural Resources, Deputy Pat Rabbitte, resisted the break-up of the ESB, although it was one of the drivers from the Commission. We are preserving it as a vertically integrated company. Most importantly, we are keen to ensure we do not make the mistakes of a previous Administration by selling off vital national infrastructure. In the past when eircom was sold, the State had to move back into that area. The gas and electricity distribution systems are being held in public ownership. We are selling the energy generating capacity of BGE because we need to create more competition within the market. As the Deputy can see, in recent times there has been an opening of competition with a suite of new offers to

domestic and commercial energy users because of more players coming into the market. This was occurring before the sale was completed. There is a logic in this and a good reason for it.

I have set out the position on the funds achieved to date. However, until all of the processes are complete, I will be unable to give the Deputy a definitive account of how much in total we are to get or its phasing. However, I can give him some detail of how it is to be determined. As he is aware, under EUROSTAT, we cannot bring in the book value in one fell swoop. I will give him exact details of how we are to expend it: it is to be spent, largely, in the creation and maintenance of jobs in the construction sector.

Deputy Joe Higgins: Does the Minister agree with me that it is a fallacy to sell crucial State assets to create competition when, in fact, the State, especially if it restructured the boards of assets such as electricity generation and gas companies in a democratic way, could determine the price and a fair price for ordinary people could be achieved? He did not answer my question on Bord Gáis and I call on him to be specific in this regard. How on earth would he sign off on the sale of a facility-----

Deputy Brendan Howlin: I will come to that.

Deputy Joe Higgins: -----the Whitegate power plant which only came into commercial production four years ago, at a cost of €400 million? The calculation is that the Government realised €40 million for it in the sale.

Deputy Brendan Howlin: That is wrong and I will explain why.

Deputy Joe Higgins: I appeal to the Minister to explain it in some detail.

Deputy Brendan Howlin: Yes, I will.

Deputy Joe Higgins: The rationale for putting Uisce Éireann under the umbrella of Bord Gáis was so-called synergies and that Bord Gáis had a database of consumers and customers, etc. Where does the Government's sale leave that rationale?

Deputy Brendan Howlin: I omitted to answer the first question and will do so now. We decided to sell the BGE business in its entirety, rather than break it up and sell it in modules to maximise Exchequer receipts. EU rules for the separation of competitive energy businesses from strategic gas networks apply. Centrica, Brookfield and iCON as a consortium bid the highest price for the entire business and we have agreed to sell on that basis. We must sell to the highest bidder and that is our objective. It is not a matter of how they apportion the individual unit costs within the sale. How the individual members of the consortium, whether it be Centrica, Brookfield or iCON, distribute the assets between them and determine this contributes to the overall selling price is a matter exclusively for them. We are only interested in the net overall price.

Deputy Joe Higgins: Will the Minister give me a breakdown of the components?

Deputy Brendan Howlin: The bottom line is that it is not for us to break down the components. That is the point I am making. We are selling it as a unit and looking at the highest price. By any analysis, €1.1 billion, the total price paid, is a fair price. How it is apportioned among the bidders is nothing to do with the State.

Deputy Joe Higgins: That is incredible.

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Deputy Brendan Howlin: Does the Deputy not understand the net point? The total price the State is paid is what is of interest to us. We sold it as an entity. It was the block or bag of assets that was up for sale. Due process suggested a fair value would be in excess of €1 billion. We got €1.1 billion. Demonstrably, that is fair.

In the final part of his question the Deputy asked me about crucial State assets. Even for someone with his view of the State, how he can determine that Marchwood Power in the United Kingdom and half ownership of an energy plant in the Basque country are crucial State assets is beyond me.

Deputy Joe Higgins: If a farmer brings his or her herd of cattle to the mart, he or she knows the price of each one.

Public Sector Staff Recruitment

3. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform if he will issue guidelines to public sector bodies to prohibit the rehiring of former public servants on an employment contract or agency basis; and if he will make a statement on the matter. [16919/14]

Deputy Sean Fleming: Will the Minister issue guidelines to public sector bodies to deal with what is a serious issue for many, especially younger people looking for jobs? Will he issue guidelines to prohibit the rehiring of former public servants on employment contracts or an agency basis? There is a lacuna whereby people who have worked in the public service and retired on full gratuities, with lump sums and pensions can walk back in the following week through an agency or on a contract basis. This must stop.

Deputy Brendan Howlin: I thank the Deputy for his question. As Minister with responsibility for the public service and public expenditure, I have overall responsibility for employment and human resource policy for the public service as a whole. The Deputy will appreciate that the specific decisions made by public bodies on the re-engagement of former public servants reflect the particular circumstances applying in each case and are, in the first instance, for the employing bodies within the general policy framework set out. The overall policy approach is that all appropriate alternatives should be fully examined prior to the engagement of any retired public servant. Any re-engagement should only take place, in so far as is possible, on a limited and restricted basis and be related to a particular set of circumstances such as, for example, where a particular skill or experience is required on a short-term basis. In practice, in the light of the nature, complexity and specialist knowledge required in some particular instances, situations can arise - they have arisen - where the most appropriate and cost-effective way of meeting a specific skills need, for example, in a project environment, would be to appoint a person who has previously worked in that area and has a detailed understanding of the requirements of the role and how they can be met successfully.

The issue raised in the Deputy's question is relevant, in particular, to public service personnel who have, since 2010, been able to avail of several incentivised retirement schemes. These include the Civil Service incentivised early retirement, ISER, scheme, the Health Service Executive targeted voluntary early retirement and voluntary redundancy schemes and the Department of the Environment, Community and Local Government voluntary redundancy scheme. In June 2012 a collective agreement was reached between the Department of Public Expenditure and Reform and the public services committee of ICTU on *ex gratia* redundancy payments

to public servants. Staff applying for any of these schemes face significant restrictions on taking up any such position. These restrictions effectively debar them from re-employment in the public service, other than in exceptional circumstances governed by the conditions of each scheme.

Deputy Sean Fleming: The Minister might clarify what he said specifically and try to relate it to my question which essentially is about rehiring former public servants either on a contract or an agency basis.

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I accept the generality that people who retire do not come back into normal employment barring particular exceptions. We have had that in the OPW. We are now seeing the scandal of people who have retired from local authorities being taken on by Irish Water with their gratuities, pensions and lump sums moved into Irish Water to get a bonus on top of that. I know the Minister will tell me he cannot do anything about that, but somewhere along the line the Government needs to govern the country.

I have previously asked the Minister about agency staff. He will say that when an agency is involved he cannot control whom they bring in. The Minister should take legal advice about introducing regulations to oblige the agencies to give the PPS numbers to the HSE - or wherever they are working. That would allow us to establish the number of former employees back working in the same employment along with their former colleagues, but now employed through an agency. The Minister needs to deal with that issue, which he has so far avoided.

Deputy Brendan Howlin: I have not avoided it because we have dealt with this previously. I agree with the thrust of what the Deputy has said which is that people who have decent pensions should not come back and displace people who are looking for public service contracts of employment. By and large that should be and is the situation. However, there will be exceptional cases, either through an agency or a direct employment on a short-term basis, where a particular skillset is required which is not available except by rehiring somebody. That can arise, as the Deputy knows.

A unique set of circumstances pertains to Irish Water where a new public utility is being created and people were asked to migrate from the local government sector into it. Certain benefits to them arose to ensure the smooth transition and the smooth creation of what will be one of the most important public companies to be created in the State.

I understand the agency point the Deputy makes. However, all citizens have natural rights and it is not possible simply to debar people from employment, even on a temporary basis because they have worked previously in the public sector. It is possible to do that by way of writing a voluntary deal into the agreement and that is what we have done. As a general rule we need to be careful not to trample on people's constitutional and natural rights.

Deputy Sean Fleming: I understand what the Minister is saying. As a first step I would like to see some progress on this matter, notwithstanding that there might be a constitutional issue. However, we can do a considerable amount within the current Constitution. When agencies are providing staff for a public body, they should provide the details of the staff they are sending in to work in that public body because the public bodies are entitled to know who is coming in to work for them. They should be supplied with a short CV and a PPS number. At least let us establish the extent of the issue.

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The Minister keeps telling me that they should not be rehired except in exceptional circumstances. I believe that employment through agencies is far more widespread than simply based on exceptional circumstances. Let us at least gather the information so that we can have an informed debate. The refusal to make an attempt to quantify the extent of the issue indicates that the Minister does not want to do anything on the matter at all. We need to start by gathering the information. It might prove there is none out there but there could be tens of thousands of people and we are entitled to know that.

Deputy Brendan Howlin: I understand the point the Deputy is making, but I do not want to set up a new bureaucracy involving a new trawl of every agency or company that applies cleaning or catering facilities even on a short-term basis. We have reduced the number of people working in the public service and do not want to put new burdens on them unless there is an identifiable problem, which I do not believe is very widespread.

This happened in specific sectors. For example, in the education sector, many retired teachers were brought back. While one can understand them doing a day's substitution, recently retired teachers returning to cover for maternity leave when qualified young teachers were available is a different kettle of fish and I believe the Minister for Education and Skills has addressed those. In general terms I do not believe there is a widespread problem, but I will reflect on what the Deputy has said.

Question No. 4 answered with Question No. 1.

Other Questions

Haddington Road Agreement Review

5. **Deputy Joe Higgins** asked the Minister for Public Expenditure and Reform if he will report on the implementation of the Haddington Road agreement. [16812/14]

Deputy Joe Higgins: I ask the Minister for Public Expenditure and Reform to report on the implementation of the Haddington Road agreement and outline the real effects of that agreement.

Deputy Brendan Howlin: As the House will be aware, the measures negotiated under the Haddington Road agreement will deliver a further reduction of €1 billion in the public service pay and pensions bill by 2016. The focus of public service management is now firmly on the delivery of the required level of savings and there has been significant progress in the implementation of the agreement at various levels.

The Cabinet Committee on Public Service Reform, chaired by the Taoiseach, meets regularly to review, among other public service reform issues, progress on the implementation of the Haddington Road agreement. In addition, officials in my Department represent public service management on the agreement's oversight group, which is charged with addressing issues of

implementation and interpretation under the agreement as they arise.

In terms of cost reduction, almost €300 million in savings, arising from the implementation of various measures under the agreement, was incorporated into the various Votes in the context of the Revised Estimates for last year. The measures and reforms implemented helped to ensure that spending remained in line with profile and resulted in Ireland delivering on our fiscal targets for last year, enabling us to exit the troika programme.

Furthermore, the full-year impact of the measures implemented in 2013 has been incorporated into the respective Votes for 2014. In addition, a number of other measures which will deliver additional savings this year and beyond, such as the deferral of increment progression, have also been incorporated into all Votes as appropriate.

Deputy Joe Higgins: The effects of the Haddington Road agreement are now becoming obvious in the form of a deterioration of public services from the point of view of ordinary people and are destructive of public services. The recent Prime Time exposé of a crisis in the ambulance service shows that it is not possible to take thousands of workers from public services, including the health service, and still expect to have a comprehensive service for our people.

Does the Minister agree that trade unions now rue the collective agreements in the local authority sector under the Haddington Road agreement given that the Government is now taking hundreds of long-term unemployed people and will compel them into forced labour with local authorities through the gateway scheme, working 19.5 hours for €20 a week? They will earn €1.03 an hour doing crucial work, such as village enhancement schemes, landscaping, control of animals, libraries, which should be done by people with full-time properly paid jobs with decent conditions. Instead the Government is forcing people, who are unfortunate to be long-term unemployed because no real jobs are being created, into this type of forced labour.

Deputy Brendan Howlin: The Deputy asked about the effects of the Haddington Road agreement. Without the Haddington Road agreement we could not have had a budget that would have been acceptable and passed by this House last year. I do not believe we would have exited the bailout and there would be a crisis in the country.

That is why before the end of 2012 I opened the books to the trade unions. As a good employer I outlined the circumstances and options. I asked all public sector trade unions to engage with me and they did. It was a very difficult and stressful process for all concerned because we are asking people, who had already made a contribution in our national recovery and who rightly did not feel any responsibility for the calamity that befell the Exchequer, to make a further contribution. However, without exception every trade union did. I do not believe that they rue anything because every citizen, especially every public servant, has a real stake in the country's recovery.

The Deputy spoke about unemployment. When the Government came to office three years ago there was a real fear, in some cases an expectation, that unemployment would exceed 500,000 and social disintegration would follow. Unemployment has been falling for the past 18 months. The number of unemployed stands at 390,000 and IBEC expects the figure to decline to below 11% this year. I hope this expectation is realised. It was the actions of the government, all of them difficult and resisted by the Deputy, that led us to the better path of recovery, which will rebound to the benefit of every public servant and citizen.

Deputy Joe Higgins: The Minister raises fundamental issues when he states that without

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the Haddington Road agreement, we would not have had a budget. His argument is based on the acceptance of the troika programme of compelling Irish people to assume tens of billions of euro in debt that did not belong to them. The Government could have broken this cycle but decided instead to continue to sacrifice nurses, local authority workers and others on the altar of the financial markets. Does the Minister agree that this is the position?

Does the Minister also agree that the programme of austerity has seriously undermined employment creation and that it is by reinvestment, particularly major public investment, rather than repaying bondholders that the unemployment crisis will be resolved? It is shameful that he is party to a scheme that forces people who are unfortunate enough to be long-term unemployed off the dole and onto forced labour schemes.

Deputy Brendan Howlin: The Deputy's comments bring us to the heart of the matter. His basic thesis is that we should have reneged on the solemn commitments made by the previous Dáil, which I voted against, in respect of our requirements. What would have been the consequences if the Government had decided not to pay the debts in question? We would have defaulted and would not have had funding for public services, as the troika was the only funder available to us until the end of last year. Our public services would have collapsed as a result. This prospect may have suited the thesis of those who believe anarchy is the way to a new society. However, those of us who want to have decent public services and standards of living, as opposed to a collapse into anarchy, cannot afford to live in a fantasy world in which the nation can default without consequences. Most ordinary people fully understand that is fantasy land.

Public Sector Reform Implementation

6. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which specific reform proposals continue to deliver positively for the Exchequer in line with expectations and targets; if any revision or amendment is necessary; and if he will make a statement on the matter. [16728/14]

Deputy Bernard J. Durkan: This question relates to the extent to which budgetary projections remain on target. Based on the performance of the past three years, does the Minister believe we will achieve the targets set?

Deputy Brendan Howlin: The Government continues to make good progress in achieving its deficit targets and priorities. Since its peak in 2009, gross voted expenditure has been reduced by €10.1 billion, or 16%, from €63.1 billion in 2009 to just under €53 billion in 2014. Staff numbers have been reduced by more than 30,000 since the 2008 peak, even as demands on services increased.

In the context of bringing public expenditure back onto a sustainable path, meaningful reform of the public sector was essential to ensure we could maintain and improve services. In November 2011, we set out our programme of reforms in our first public service reform plan. In January this year, I published a report setting out the progress made under the first plan and published the Government's second public service reform plan, setting out our ambition for the next three years.

As well as enabling services to be maintained in the context of reduced resources and improving services, a number of reforms will continue to deliver cost savings. I will cite a number

of examples. The Croke Park agreement delivered €1.8 billion in pay and non-pay savings. The Haddington Road agreement sets out a number of measures to deliver further savings of €1 billion by 2016. We have undertaken a major review of public procurement and are implementing a radical overhaul of our approach, with the new office of public procurement targeting €500 million in savings in the next three years, of which €127 million will be achieved this year.

We are also introducing shared services for a range of back office functions to increase efficiency and integration across public sector organisations. For example, PeoplePoint, the Civil Service human resources and pensions shared service centre, will deliver savings estimated at €12.5 million annually. The use of innovative models of service delivery, greater use of technology and more efficient management of the State's property portfolio will also yield savings. Some of the savings made will be reinvested in front-line services in what I describe as a reform dividend. Public service reform will continue to be an important element of the Government's strategy for economic recovery.

Deputy Bernard J. Durkan: I thank the Minister for his comprehensive reply. Will it be possible, in preparing for the 2015 budget, to weigh up the arguments for reform versus expenditure cuts, with a view to determining which option will be more appropriate as the economic recovery unfolds?

Deputy Brendan Howlin: The Deputy asked a good question, which goes to the heart of the creation of my Department. In advance of entering government, the Deputy's party and my party had both reached the conclusion that to make the economic changes required, we needed to have a proactive reform agenda. This could only be driven by a Cabinet Minister who controlled the money, and the Department of Public Expenditure and Reform was established to that end. The Government set out a radical reform agenda, which has been embraced by the public sector. As I set out in the report I made to the Oireachtas in January, we have achieved more progress on reforming the public service in the past three years than had been made in the previous 30 years.

Reform is not a process that is required by a crisis. It should be a permanent feature of government. We should constantly re-examine how we deliver services and whether we can do so in a more proactive manner. One of the most important reforms is reform of the budget. I hope that in calmer times, when we are in an expansion rather than a retrenchment phase, Oireachtas committees will examine options, line by line and in advance of budgets, make recommendations to the Government and be truly part of the budgetary process.

Deputy Bernard J. Durkan: I congratulate the Minister on the performance of his Department, which has made extraordinary achievements, given the position we were in when the Government was formed. When the Government is considering future options, will it be possible to introduce guidelines on the long-term performance of the economy with a view to ensuring we do not revisit the circumstances we experienced a few years ago?

Deputy Brendan Howlin: The Deputy is well versed in developments in the European context in the past three years. Ireland has signed up to the Stability and Growth Pact, which has become part of the constitutional architecture of the State. Eurozone countries have mutual oversight of their budgets to ensure the common currency is protected and countries such as Germany, Greece, France and Italy do not engage in profligacy that will have an impact on us and our capacity. Similarly, other eurozone countries have oversight of our budget in a new set of mechanisms known as the six-pack and two-pack. These will ensure the disastrous mistakes

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that led Ireland to the brink of economic collapse will not be repeated. The Oireachtas must take these developments to heart by allowing much more transparency in the way in which the budgetary process and cycle evolve. We must break the tendency of Governments to spend money in the run-up to general elections and act in a more parsimonious manner immediately thereafter. Real analysis of public expenditure is needed to put taxpayers in the picture.

Public Expenditure

7. Deputy Bernard J. Durkan asked the Minister for Public Expenditure and Reform the extent to which budgetary projections in respect of public expenditure continue to remain on target and in line with expectations; if any specific areas have exceeded expectations or fallen behind; the implications in the event of any such movement; and if he will make a statement on the matter. [16727/14]

An Ceann Comhairle: Question No. 7 is also in the name of Deputy Durkan. I suggest he buy a lottery ticket.

Deputy Bernard J. Durkan: This question is similar to my previous question. I seek information on the performance of individual Departments or their subsidiaries, with particular reference to the need to keep in mind that some Departments are demand- or consumer-driven. To what extent does the Minister envisage those Departments being able to cope within budget at the moment and in the future?

Deputy Brendan Howlin: The Deputy asked a very profound question. Gross voted expenditure has been reduced from its peak of €63.1 billion in 2009 to just under €53 billion in 2014. This represents a reduction of 16% between 2009 and 2014 and will help us meet our general Government deficit target of 4.8%, which is still very large, for 2014. The radical improvement in the sustainability of the public finances has helped to achieve our exit from the EU-IMF programme of financial assistance.

Managing the delivery of public services within agreed budgetary allocations is a key responsibility of each Minister and Department and several measures are in place to help ensure that these set targets continue to be met. My Department is in regular communication with all Departments and offices to ensure that expenditure is being managed within agreed allocations and we monitor their draw down of funds from the Exchequer on a monthly basis. Where necessary, my Department also meets line Departments to review financial and budgetary management. I report to Government regularly on spending trends and we publish information each month as part of the Exchequer statement.

The end of December Exchequer returns outlined that voted expenditure was well within budget for 2013. Overall net voted expenditure of €43.1 billion was €300 million or 0.7% below the budget profile for 2013. This represented a decrease of almost €1.9 billion or 4.2% when compared to 2012 so the trajectory is being well managed. Any overruns in any individual Department that is demand-led is more than compensated by savings we can allocate that Department from other Departments. These figures demonstrate the ongoing effective management of expenditure to ensure that Government can achieve its fiscal objectives while meeting increased demands for delivery of good quality public services for citizens is under way.

Additional information not given on the floor of the House

This effective management and delivery of savings is continuing in 2014 with the latest data on expenditure to end-March 2014 indicating that overall net voted expenditure was €261 million or 2.5% behind profile, a year-on-year decrease of €631 million or 5.8%. In gross terms voted expenditure was €164 million or 1.2% behind profile and was €452 million or 5.7% lower than the same period last year. The reduction in expenditure compared with the first quarter in 2013 illustrates that

Departments are working to deliver the savings measures outlined in budget 2014 and that the Government is firmly committed to meeting our deficit targets.

Deputy Bernard J. Durkan: I thank the Minister for his comprehensive reply. To what extent does he see Ireland's performance remaining on target following its exit from the bailout? To what extent will that new scenario impact in a positive or negative way on the Minister's budgetary projections and his ability to achieve similar savings in the future?

Deputy Brendan Howlin: Again, the Deputy asks a very good question. There is a view that having gone through such a painful and difficult period of expenditure, we can somehow take our foot off the pedal. Even if we achieve all our targets, and we are determined we will, the fact that our deficit is expected to be of the order of 4.8% this year shows that we are still not out of the woods. We need to get to our agreed target of a deficit below 3% of GDP next year. There are positive signs. The Deputy saw the first quarter figures in terms of taxes which are above profile. This shows a healthy and growing economy, particularly the employment figures. Both employment and employment revenues such as PRSI indicate a recovery. However, we cannot slacken on discipline in terms of ensuring that the profiles we have set out are maintained. I know all my colleagues around the Cabinet table understand that fully and will maintain the discipline that has brought us to the good place we are now in.

Deputy Bernard J. Durkan: Given the Minister's exchange of views with his EU colleagues, how does this country's credibility rating internationally fare? To what extent does he see further improvements in the various agencies in their appraisal of this country arising from the performance to date?

Deputy Brendan Howlin: We have made remarkable progress on almost every level in respect of the external overview of this country. Even the most jaundiced of analysts in the rating agencies have a more positive view of Ireland, which has helped us in terms of the bond yields for our ten-year debt. When we came into Government, Ireland was basically rated as junk and we could not sell our bonds. There was no point in putting them out because the interest rate demanded would have been so punitive. The most recent bond sale indicated that we can now sell ten-year bonds at in or around 3% and marginally below that on the secondary market on occasions. This means that people have long-term confidence in our capacity as an economy to pay back those loans and as a result, they are not demanding punitive interest rates.

There is a very positive view of Ireland in the European Commission and the Council of Ministers, which helps in terms of inward investment. The flow of foreign direct investment is very strong and we hope this will continue. We have a transformation in the external perception of Ireland as a country that is determined to recover and build a new economic platform on the basis of goods and services that people want to buy and sell. It is a good place in which to invest.

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Regional Development

8. **Deputy Joe Higgins** asked the Minister for Public Expenditure and Reform if he will report on his meeting with the delegation from the European Parliament's committee on regional development last month. [16814/14]

Deputy Joe Higgins: Could the Minister report on the meeting with a delegation from the European Parliament's committee on regional development?

Deputy Brendan Howlin: On 26 March 2014, I met a delegation from the European Parliament's committee on regional development, REGI, to discuss the next round of Structural Funds spending in Ireland. I was accompanied at the meeting by Minister of State, Deputy Brian Hayes. The REGI committee is a key committee of the European Parliament that is responsible for regional and cohesion policy, including the European regional development fund and other instruments of the

Union's regional policy. It was on a three-day visit to Ireland that included a meeting with the Chair of the Joint Committee on Finance, Public Expenditure and Reform and visits to Waterford and Kilkenny where the delegation had an opportunity to see how Structural Funds are being spent on the ground.

During our meeting, I briefed the committee on preparations for the next round of structural funds spending in Ireland. As the Deputy may be aware, Ireland was successful in securing €1.2 billion of cohesion policy funding from the European regional development fund and the European social fund for the period 2014-2020. This represents an increase of 8% in real terms over the 2007-2013 programming period at a time when the overall EU budget for cohesion policy has been reduced by 8%. It includes special allocations for the BMW region and towards a new Northern Ireland PEACE programme.

I discussed with the committee how funding from the European social fund and the European regional development fund will be targeted at combating long-term and youth unemployment and social exclusion, as well as promoting research and development investment, the competitiveness of the business sector and an environmentally-friendly and resource-efficient economy. The funding will complement the Government's jobs and growth agenda.

The committee acknowledged the key role that Ireland had played last year during our Presidency of the Council of Ministers towards brokering an agreement on the package of regulations that will govern the next round of structural funds across Europe. For my part, I thanked the committee for its constructive engagement in the complex and lengthy negotiations and acknowledged the role of the European Parliament in setting the legislative framework for a wide range of key policy areas and in particular for its contribution to the development of cohesion policy for the 2014-2020 round.

Additional information not given on the floor of the House

The Minister of State and I also briefed the committee on the progress the Government is making in repairing the economy and returning it to growth. We discussed the contribution Structural Funds can make to that process. The REGI committee appreciates the importance of the European structural and investment funds for a country like Ireland and was keen to hear how we propose to maximise the value of available funding.

Deputy Joe Higgins: Would the Minister agree that it is a tragedy and a shame to see the effect of the economic crisis and the baleful effects of austerity, particularly in regional areas and rural Ireland? This is iconically illustrated by the inability of local GAA clubs and possibly other sports to field teams because young people are forced out through lack of employment. Does the Minister agree that balanced regional development is crucial? What key proposals does he envisage between 2014 and 2020 with regard to the regional funds? What proposals and job creation figures does he envisage coming from that? Mindful of the fact that unemployment is tragically and unacceptably high in Dublin, what are the implications for working-class people who are in difficulty or people who are unemployed there?

Deputy Brendan Howlin: The Deputy is touching on a very important point. We are experiencing recovery in this country but it is not a balanced recovery, as the Deputy rightly said. It is clear that parts of our main cities are doing very well now but other parts are not and rural areas, small rural towns in particular, have yet to feel the real impact of recovery. That is a work in progress. The Government has proposed a number of initiatives and if Deputy Higgins reads the comprehensive nature of the jobs strategy outlined by the Minister for Jobs, Enterprise and Employment he will see specific balancing initiatives in the package to ensure that every place is impacted upon positively.

We had a comprehensive rural support system through Leader in the past and I wish to have an analogous system to support inner city areas where there are real pockets of inequality and underdevelopment. I hope that can be manifest as well. We want to front-load the funding to deal with the themes we set out during our Presidency - youth unemployment and the youth guarantee - because Deputy Higgins is correct that the most important element is getting people back to work.

Deputy Joe Higgins: I put it to the Minister that the recovery is more apparent than real. Ordinary people do not feel the recovery in their daily lives, in their pockets and in the availability of enough jobs. I put it to the Minister that inner city Dublin needs attention but so too do the suburbs where there is very high unemployment, many problems and a huge housing crisis. A resolution of those problems is required. It is crucial that critical funding is made available. We cannot be convinced by the EU, which has taken so much through forcing the Irish people to take on debts of bondholders and bankers that were not there and then pretending to make up in this particular way.

As a Labour Minister, Deputy Howlin should be concerned by the figures for housing which I read the other day. In the 1970s the State was building between 7,000 and 8,000 local authority houses per year, whereas now the Government is building a few hundred. Could the Minister comment on the matter in terms of the funding that is available?

Deputy Brendan Howlin: Neither the European Regional Development Fund, ERDF, nor the Energy Efficiency Finance Facility, EEFF, will fund local authority houses. That is a different issue. We must find the resources to do that. I recommend to the Deputy a very fine document published by the Labour Parliamentary Party last week on the housing crisis. I accept there is an issue in that regard and perhaps we could have common cause in addressing some aspects of it.

I do not accept Deputy Higgins's assertion that the recovery is not real. The recovery is happening. Unemployment is falling. Instead of heading towards the 0.5 million mark, as it was when we came into government, it is falling month on month. I hope the trend will continue.

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A total of 60,000 additional jobs was created last year. It is said that emigration is impacting on the figure but in fact more people are now at work. There are 1.91 million people at work, which is back to the level it was at in 2009. However, we need to do an awful lot more, which is why the Taoiseach has designated this year as the year of jobs. Getting people back to work is the most important element in providing the feeling of recovery in every household. We must continue to work at that.

In terms of the very valid point Deputy Higgins made, a lot of people have had a lot of money taken out of their pockets. We have increased taxation and people are squeezed in terms of their wage rates, in particular in the public sector. Until we get out of that situation and people have more money in their pocket we will not lift that sense of the impact on families and individuals given the awful period we have come through that has manifested itself in so many Irish households.

An Ceann Comhairle: The Deputy is not present for Question No. 9.

Question No. 9 replied to with Written Answers.

Deputy Joe Higgins: A Cheann Comhairle, would you consider taking No. 22 with No. 10 as it is essentially the same subject?

An Ceann Comhairle: I am afraid it is not up to me. That is a matter for the Minister. I do not make those decisions.

Deputy Joe Higgins: Both questions deal with the same subject. Deputy Ó Cuív kindly told me he would not object.

An Ceann Comhairle: I do not have a problem if the Minister is prepared to do that.

Deputy Brendan Howlin: I do not have a problem with that.

Deputy Joe Higgins: Tá sé sin ceart go leor.

Straitéis 20 Bliain don Ghaeilge

10. D'fhiafraigh **Deputy Éamon Ó Cuív** den an Aire Caiteachais Phoiblí agus Athchóirithe cad iad na pleananna atá aige chun líon na státseirbhíseach atá cumasach lena ngnó a dhéanamh trí Ghaeilge a mhéadú; cén scrúdú atá déanta aige ar an gcur chuige i ndlínsí eile ina bhfuil dhá theanga oifigiúla; agus an ndéanfaidh sé ráiteas ina thaobh. [16616/14]

22. **Deputy Joe Higgins** asked the Minister for Public Expenditure and Reform if he will report on the implementation of the 20 year strategy for the Irish language by his Department; and if he will make a statement on the matter. [16816/14]

Deputy Éamon Ó Cuív: Mar is eol don Aire, ní féidir seirbhísí trí Ghaeilge a chur ar fáil mura mbeidh daoine ann a bhfuil eolas acu ar an teanga. Tá mo cheist ag iarraidh a fháil amach céard iad na pleananna atá ag an Aire le déanamh cinnte go mbeidh daoine le Gaeilge ann. Freisin, cén staidéar atá déanta ar an gcur chuige i ndlínsí eile ina bhfuil dhá theanga oifigiúla le déanamh cinnte go mbeidh daoine in ann seirbhís a chur ar fáil sa dá theanga oifigiúla sna tíortha sin?

(Deputy Brendan Howlin): I propose to take Questions Nos. 10 and 22 together.

Gabhaim buíochas leis an Teachta as an cheist sin a ardú. As the Deputy is aware, the Government approved the introduction of a new approach to ensure that there is a sufficient number of civil servants who are able to perform their duties through Irish. These new arrangements were put in place in the context of replacing the policy of awarding bonus marks for Irish language proficiency in Civil Service recruitment and promotion competitions which was not meeting the Government's or this House's objective of having bilingualism in the public service.

Under the new approach measures are being introduced to increase the cohort of functional bilinguals in the Civil Service in order to reflect a more competency-based approach to recruitment and, where appropriate, promotion. In future, in the context of workforce planning frameworks, Departments will be required to identify the posts or areas of work requiring functional bilinguals and to include those in their workforce action plans. Having regard to the implementation of the Gaeltacht Act 2012, Departments will be asked to pay particular attention to posts that are located in, or that are serving, Gaeltacht areas. The process will be central to ensuring that future recruitment and interdepartmental promotion competitions run by the Public Appointments Service, PAS, make sufficient provision for appointments to posts requiring functional bilinguals. In the case of departmental recruitment and promotion competitions, an assessment will be made of the requirement for functional bilinguals and, where necessary and appropriate, a sub-panel of functional bilinguals will be put in place.

The new arrangements replace the scheme of bonus marks for Irish, introduced nearly 40 years ago following the abolition of compulsory Irish for entry to the Civil Service. Under the new arrangements, where a post in a Department is identified as requiring proficiency in Irish, the intention is that it should be filled by someone who demonstrably is functionally bilingual.

As a first step, the arrangements will be piloted in the upcoming executive officer, EO, recruitment competition, which it is planned will take place shortly. It is proposed that a sub-panel of Irish language functional bilinguals comprising up to 6% of the overall EO panel size, will be created. The timing of the EO competition is under consideration in the context of an overall approach to recruitment.

My officials have written to Departments notifying them of the new arrangements. Departments have been requested to review the workforce planning frameworks previously submitted and to identify specific posts or areas of work under their remit which require functional bilingualism and to include those in a revised workforce action plan.

In developing this new, innovative and positive approach, my officials took account of the supports and incentives applied in other jurisdictions such as, for example, the Basque Autonomous Community and Canada. The model now being adopted for the Civil Service draws on lessons learned in those jurisdictions and others, as well as our national experience and has the objective of increasing the cohort of functional bilinguals in the Civil Service. It is based on good practice by reflecting a more competency-based approach and assigning responsibility to Departments in identifying posts where functional bilingual skills are required. The new model will be tested on a pilot basis, as described, and revised as necessary in the context of the experience with its implementation. I would very much welcome the input of Members of the House and committees of the House on those matters.

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Deputy Éamon Ó Cuív: I welcome the idea of identifying the posts but the Minister must accept that functional bilinguals will not necessarily take posts where Irish is a requirement. There is a career path in the Civil Service. Does the Minister accept that not every functional bilingual will be in a job identified by the Department as requiring such language proficiency? Will he accept that in other jurisdictions there is outside independent verification that the person concerned has the language competency to carry out his or her duties within the specified languages, in this case Irish and English?

The Minister mentioned that a panel of bilinguals comprising up to 6% of the EO panel would be established. Working on the basis of full replacement of staff in the Civil Service, would he accept that approximately 3% of the total number of civil servants are recruited each year? Would he agree that 0.18% of the increase - minus those who leave the service in any given year - would consist of functional bilinguals? Would he accept that currently, approximately 2% of the public service are functional bilinguals? After ten years of this policy, we would be lucky to have 3.5% functional bilinguals in the system. Does the Minister consider 3.5% adequate to provide services for people across a wide range of areas?

Deputy Brendan Howlin: The Deputy asked three distinct questions. In regard to his first question, I agree with the Deputy that there will be functional bilinguals who have absolute proficiency in Irish and English working in areas other than the defined posts or geographical areas that would require it and are designated. I hope there will be a much broader spread of people who are proficient to handle any case in either Irish or English. Most people in the public service - that is, anybody who has gone through the Irish education system - will have a reasonable grasp of Irish, but that has been the problem. In the past we had the notion that we would get an extra few marks for being able to perform as Gaeilge on a particular day. We need to move away from that. If we consider what is happening in Canada and in other areas, we need to put in place provision for real proficiency in Irish for people to be able to deal in a comprehensive way with citizens who want to transact all their business as Gaeilge, as is their constitutional right.

I will briefly deal with the Deputy's two other questions. First, independent verification is something that I can look at. Second, I do not agree with the Deputy's mathematical formula. He is right in terms of the 6% figure in that we could pick a number, but let us see how this particular policy works. I am absolutely open to any inputs the Deputy might want to make in regard to it but I think it is an innovation that is worth trying.

Deputy Éamon Ó Cuív: I am fascinated with the Minister's statement that he does not agree with my mathematics. As Minister for Public Expenditure and Reform, he spends all day, every day working with figures.

Deputy Brendan Howlin: That is true.

Deputy Éamon Ó Cuív: Allowing that the average period a person spends in the public service is 30 years, the replacement percentage would be approximately 3% if every person leaving was to be replaced, which is not the case at present, and 6% of 3% is 0.18%, but we must allow for the fact that some of the people leaving will be functional bilinguals. Therefore, the incremental increase will be very small. Where are the mathematics wrong in that? The Minister would have to say it was probably wrong, because it is way too generous compared to the increase we are going to get.

Has the Minister any idea of the number of functional bilinguals up to the standard he mentioned, which is the only correct standard - that is, people who do their business, as I do, in Irish or English, according to the customer's needs, with equal facility? Will the Minister agree that the number is approximately 2% and in some Departments it is less? Therefore, will he not agree that his policy would leave less than 3% capable of fulfilling these positions in the foreseeable future? What proportion of the public service should be sufficiently competent in Irish to provide a wide range of front-line services to the public in that language? What percentage does the Minister think reasonable?

Deputy Brendan Howlin: The reason I disagree with the Deputy's mathematics is that it is too sterile an approach. The issue is whether we are going to recruit to try to change and transform the Civil Service immediately.

Deputy Éamon Ó Cuív: Or ever.

An Ceann Comhairle: Please, Deputy.

Deputy Brendan Howlin: I do not believe that the current policy, which we have all stood over - particularly Deputy Ó Cuív, who was in government for much of the last decade - has worked, so we need a change. We need to say that we will have a change. I am saying we need functional bilinguals. We have to set a reasonable number for that. Is the Deputy suggesting that everybody we recruit when are recruiting 3% should be a functional bilingual?

Deputy Éamon Ó Cuív: No.

An Ceann Comhairle: Please, Deputy.

Deputy Éamon Ó Cuív: The Minister asked me a question.

Deputy Brendan Howlin: That would not be fair.

The Deputy asked two other questions. I cannot answer one of them now but I will ask whether we have any data on the number of functional bilinguals that are currently employed.

Deputy Éamon Ó Cuív: That is there.

An Ceann Comhairle: Please, Deputy.

Deputy Brendan Howlin: A related and relevant point is how many people seek to do their business with State agencies trí Ghaeilge. That would be an interesting number. There is no point, as we have done in the past, in providing Irish translations of documentation and so on that nobody asks for. We need to match the demand with the provisions.

Deputy Joe Higgins: Is é seo an rud is bunúsaí. Nuair a theastaíonn ó mhuintir na Gaeltachta, nó lucht labhartha na Gaeilge in aon áit sa tír, a gcuid gnó a dhéanamh leis an tseirbhís phoiblí trí Ghaeilge, ba cheart go mbeadh duine éigin ann chun labhairt leo ar an bpointe. Ní chóir go mbeidís ag feitheamh le duine éigin glaoch a chur orthu an lá ina dhiaidh sin. Is é sin an rud is tábhachtaí agus is praiticiúla. An bhfuil go leor daoine sa Roinn Caiteachais Phoiblí agus Athchóirithe i láthair na huaire chun labhairt - ar an bpointe - leo siúd a chuireann glaoch ar an Roinn agus a theastaíonn uathu a gcuid gnó a dhéanamh as Gaeilge? An bhfuil an cheist sin soiléir?

Deputy Brendan Howlin: Tá. Aontaím leis an Teachta. Ba chóir go mbeadh sé ar chumas

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saoránach ar bith a gnó nó a ghnó a dhéanamh trí Ghaeilge más mian leis nó léi, cibé Roinn atá i gceist. Tá mé sásta go bhfuil sé ar chumas muintir mo Roinne a gcuid gnó a dhéanamh as Gaeilge más gá.

An Ceann Comhairle: Question No. 11 in the name of Deputy Broughan cannot be taken as the Deputy is not present.

Question No. 11 answered with Written Answers.

An Ceann Comhairle: We will move on to Question No. 12 in the name of Deputy Ó Cuív.

Deputy Pádraig Mac Lochlainn: Is Question Time running on?

An Ceann Comhairle: No. We were delayed in starting and an hour and a quarter is allowed for Question Time.

Departmental Expenditure

12. **Deputy Éamon Ó Cuív** asked the Minister for Public Expenditure and Reform the gross voted current expenditure for 2007 and 2011; the estimated gross voted expenditure for 2014; and if he will make a statement on the matter. [16615/14]

Deputy Éamon Ó Cuív: Tá mé ag iarraidh eolas a fháil maidir le hollchaitheachas an Stáit i mblianta éagsúla. Is dóigh liom go bhfuil an cheist thar a bheith soiléir.

(Deputy Brendan Howlin): Gross voted total expenditure in 2007 was €56.4 billion, in 2011 it was €57.4 billion, and for 2014 the estimate is just under €53 billion. Gross voted current expenditure in 2007 was €48.6 billion, in 2011 it was €52.8 billion, and the estimate for 2014 is €49.6 billion, as I have stated previously.

The Deputy is specifically asking about expenditure in 2007, 2011 and 2014. Any analysis focusing solely on those particular years masks expenditure trends in the period, but I think the Deputy knows that. In particular, there were large increases in expenditure between 2007 and 2009 and very challenging fiscal corrections have been required since then which necessitated significant expenditure consolidation. Voted spending has been reduced by more than €10 billion from the 2009 peak of over €63 billion to the present level of €53 billion. The consolidation measures this Government has introduced have ensured Ireland's successful exit from the EU-IMF programme of financial support last year. This consolidation has been achieved while responding to increased needs for public services and supports - and this is evident across the three largest-spending sectors of welfare, health and education.

The live register increased from 159,000 in January 2007 to 470,000 at its peak in July 2011, and we have now seen a reduction of that level to just over 390,000 in March 2014. There has also been increased pressure on other primary social protection payments such as pensions, working age income supports, working age employment supports and illness supports. These pressures are reflected in the allocation of €19.6 billion for social protection in 2014, which is €4.2 billion above the amount required in 2007.

Consolidation of health expenditure has taken place in a context of significant demands for services. The numbers of medical and GP cards have increased from more than 1.2 million

cards in 2007 to an expected outturn of 2 million at the end of last year, a significant increase of 700,000 cards.

Additional information not given on the floor of the House

While funding for the Department of Education and Skills Vote increased between 2007 and 2014 by €700 million, this is primarily due to the national training fund and FÁS transferring to the Vote in 2011. Over this period there have been increased demographic pressures on services, with the number of students at primary and secondary school increasing from approximately 814,000 in 2007 to almost 890,000 in 2013.

The efforts of all Ministers and Departments to ensure expenditure targets continue to be met, and that public expenditure remains sustainable, have enabled the Government to focus on protecting and improving public services within the constraints set by the overall national and EU level fiscal frameworks.

Deputy Éamon Ó Cuív: What the Minister has basically told me is that whereas the Government always speaks about a huge increase in expenditure, by the time it came into office the hard decisions had already been made to pull it back to €52 billion. Is this correct? The Government only had to make decisions to reduce it to €49 billion. The Minister gave me a whole lot of information I had not sought. When the Government took over the reins its challenge was to bring it from €52 billion to €49 billion and not from the peak figure because we had already addressed this issue. It is still higher than the 2007 figure. Does the Minister accept this?

Deputy Brendan Howlin: For the second occasion the Deputy wants to play with figures. In 2007, as I told him, voted current expenditure was €48.6 billion at a time when unemployment payments totalled €159 million.

Deputy Éamon Ó Cuív: That was not the question I asked.

Deputy Brendan Howlin: This is the reality. Unemployment figures were marching towards 500,000 when the previous Government marched out of office. Needless to say we had to pay for this, and because people's incomes had collapsed the number of medical cards increased from 1.2 million to 2 million and we had to provide money for this also. The Deputy stated the previous Government had done the heavy lifting in 2011. We were in government in 2011. The previous Government passed a budget and then marched out the door. Who implemented it? Who had to do the heavy lifting on that very difficult budget, and argue it and go through it? We had to make all the difficult decisions at the same time as preserving basic services for people. The representation of the truth in the fashion the Deputy wants will not cut any ice with the citizenry in the country.

Deputy Éamon Ó Cuív: We will see on 24 May.

Deputy Brendan Howlin: Do not count chickens.

An Ceann Comhairle: We will now move on to deal with amendments from the Seanad to the Fines (Payment and Recovery) Bill 2013.

Deputy Alan Shatter: I understood I was to conclude Second Stage of the Irish Human Rights and Equality Commission Bill 2014.

An Ceann Comhairle: Not at this point.

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Deputy Alan Shatter: Very well

Deputy Pádraig Mac Lochlainn: When will Second Stage of the Irish Human Rights and Equality Commission Bill 2014 be wrapped up?

An Leas-Cheann Comhairle: After this.

Written Answers follow Adjournment.

Fines (Payment and Recovery) Bill 2013: From the Seanad

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

An Leas-Cheann Comhairle: Seanad amendments Nos. 1 and 2 are related and may be discussed together.

Seanad amendment No. 1:

Section 6: In page 9, line 37, to delete “Subject to *paragraph (b)*, the option” and substitute “The option”.

Minister for Justice and Equality (Deputy Alan Shatter): These amendments deal with the value of fines eligible to be paid in instalments under the Bill. In the Bill as it stands only fines greater than €100 in value can be paid by instalment. However under section 6(5)(b) where more than one fine is imposed at a court sitting these fines can be added together and if the total exceeds €100 they can be paid by instalment. Having considered this provision in further consultation with the Courts Service I proposed replacement of section 6(5)(b). Seanad amendments Nos. 1 and 2 provide instead that where a number of fines are imposed which do not qualify to be paid by instalment the judge can take this fact into account when fixing the due date for payment. If a fine of less than €100 is imposed there is no change and it cannot be paid by instalment, but if two €60 fines are imposed the judge can fix a later due date for payment than he or she would otherwise have fixed if only one fine of €120 was ordered which could be paid by instalment.

Seanad amendment agreed to.

Seanad amendment No. 2:

Section 6: In page 10, to delete lines 2 to 4 and substitute the following:

“(b) Where 2 or more fines are imposed on a person at a court sitting and the option to pay any one or more of those fines by instalments is not available because of the operation of *paragraph (a)*, the court may, in its order specifying the date by which such a fine is required to be paid in respect of which such option is not available, specify, if it thinks it appropriate in all the circumstances, a date that is later than the date it would have specified if that option had been available in respect of that fine but not taken by the fined person.”.

Seanad amendment agreed to.

An Leas-Cheann Comhairle: Seanad amendments Nos. 3, 4 and 6 are related and may be discussed together.

Seanad amendment No. 3:

Section 7: In page 10, to delete lines 16 to 21 and substitute the following:

“(a) subject to *subsection (2)*, make a recovery order,

(b) make an attachment order, or

(c) make a community service order if section 4 of the Act of 1983 has been complied with.

(2) The court shall not make a recovery order in respect of the fined person (not being a body corporate) unless the fine or, as may be appropriate, that part of the fine that remains unpaid—

(a) exceeds such amount greater than €500 as may be prescribed, or

(b) if no such amount stands prescribed, exceeds €500.”.

Deputy Alan Shatter: These three amendments concern recovery orders and amend sections 7 and 20 of the Bill. Seanad amendment No. 3 has the effect of limiting the making of recovery orders to fines greater than €500 except where the fined person is a company. This would have the effect of excluding 90% of fines imposed from the recovery provisions. Recovery is a relatively cumbersome procedure and to my mind should only be used where it makes sense to do so. Dispatching receivers to people’s houses to recover property worth €100 does not make much sense, which is why I propose the new higher threshold for the making of such orders.

Seanad amendment No. 4 addresses the sequence in which the court is to consider which order to make in default. Under the Bill as passed in this House the court was first to consider making either an attachment order or a recovery order and only to proceed to consider a community service order where it determined that neither of the other orders should be made. Seanad amendment No. 4 changes this sequence and instead a court will first have to consider making an attachment order. If it decides against making an attachment order it then moves to consider making either a recovery order or a community service order. The court has a free choice in deciding whether to impose a recovery or community service order except, following Seanad amendment No. 3, if the fine is less than €500 the court may only make a community service order assuming it is able to do so.

Seanad amendment No. 6 is a consequential amendment to Seanad amendment No. 3 on the making of recovery orders where the fined person is a body corporate. Under section 2(2) of the Courts (No. 2) Act 1986 where a company defaults of a fine the fine is to be recovered by the seizure and disposal of the company’s goods. Seanad amendment No. 6 repeals this provision so companies will now be dealt with in accordance with the provisions of section 7 which allows for the appointment of a receiver to recover the fine. Without this amendment two systems would effectively be in place to deal with default by bodies corporate.

To put it simply, the overall effect of Seanad amendments Nos. 3, 4 and 6 is to exclude

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the making of recovery orders in respect of small fines, to prioritise the making of attachment orders where a person is in employment and to put recovery and community service orders on an equal footing so a court can impose whichever it decides is the more appropriate in any particular case. These three amendments improve the Bill and will avoid the making of recovery orders where it would be better for all concerned if the person was required to do some community service which would benefit the person and the community. These changes are in line with changes I detailed to be under consideration when the Bill was before the House.

Seanad amendment agreed to.

Seanad amendment No. 4:

Section 7: In page 10, to delete lines 35 to 38 and substitute the following:

“(4) (a) The court shall, after considering a statement provided to it pursuant to *subsection (3)* in deciding what order to make under *subsection (1)*—

(i) first, give consideration to making an attachment order in respect of the fined person, and

(ii) second, if it is satisfied that it would not be appropriate for it to make an attachment order in respect of the fined person, give consideration to making, subject to *subsection (2)*, a recovery order or community service order in respect of the fined person.

(b) Where the court is satisfied that it would not be appropriate for it to make an attachment order, recovery order or community service order in respect of the fined person, it may commit the person to prison in accordance with section 2 or 2A of the Act of 1986.”.

Seanad amendment agreed to.

Seanad amendment No. 5:

Section 8: In page 11, line 25, to delete “*subsection (4)*” and substitute “*section 7(2)*”.

Deputy Alan Shatter: This amendment corrects an error in the Bill where there is an incorrect cross-reference to subsection 4 at the start of section 8(1)(a). The amendment corrects the reference which should be to section 7(2).

Seanad amendment agreed to.

Seanad amendment No. 6:

Section 20: In page 24, between lines 27 and 28, to insert the following:

“(iii) by deleting subsection (2),”.

Seanad amendment agreed to.

11 o'clock

Deputy Alan Shatter: I thank Deputies for the support they have given to the Bill since its publication and the highly constructive discussions on it in the House. I also thank Senators for

the discussions in the other House. In so far as possible, I have tried to take on board comments and suggestions made and believe the Bill, as amended, is the better for it. When work started on it, the initial intention was to amend the Fines Act 2010 simply to provide for the making of attachment of earnings orders. However, as work progressed, it became clear that the entire fines payment and recovery system needed to be reviewed to ensure all of the pieces worked together as an integrated whole. With the passage of the Bill, all of the provisions are now to be found in one place and I am confident that the Bill will provide an appropriate response to the twin problems of the refusal or failure of some people to pay fines imposed on them and the inappropriateness of imprisonment as the automatic response where this happens.

This reform has been necessary for a great many years. There will now be a system in place that is logical and proportionate. Fines will be set at a level that takes into account a person's financial circumstances. All fines of more than €100 can be paid by instalments. Where a person defaults, he or she will be brought back to court where the judge will, first, consider making an attachment of earnings order. Where it is not appropriate to make such an order, the judge will be able to either make a recovery order where the fine is more than €500 or a community service order. Where either an attachment order or a recovery order is made and the fine is still not recovered in full, the court will still have available to it the possibility of making a community service order. Ultimately, imprisonment will only apply where it is not possible to make a community service order or one has been made and the individual required to undertake community service fails to comply with the order made.

Last year more than 8,000 people were imprisoned for the non-payment of fines. I am confident that with the changes to the fines system that will flow from the implementation of this Bill, this number will be greatly reduced. Moreover, as everyone is aware, a system developed during the years under which, in practical terms, few people served any lengthy sentence for the non-payment of fines. The continuation of the current system would bring the law into disrepute and is unfair to individuals who comply with their legal obligations. There will now be in place comprehensive provisions that guarantee the integrity of court orders made, which uphold the justice system in a manner that is appropriate and which seek to ensure individuals who are fined and fail to comply with their legal obligations ultimately will be required to do so. No individual should, through financial difficulty, have a major problem in discharging a fine in circumstances where the level of fine imposed must take into account his or her financial circumstances and in circumstances where fines of more than €100 can be paid by way of instalments.

This is a comprehensive reform of a law that had remained substantially unchanged for well over 150 years in practical terms. It is bringing modern thinking and mechanisms into play, particularly the attachment of earnings process that has proved successful for many years in the family law area where individuals default on maintenance payments, as well as the community service order system in order that those who fail to comply with the law in meeting their financial obligations to pay a fine will be required to pay back to the community something for the crime for which they have been convicted by way of undertaking community service. This will save Garda resources, as well as resources within the Irish Prison Service, and be a far more efficient and effective method to ensure the integrity of court orders when fines are imposed. It is my intention that the provisions of the Bill will become operational as soon as possible. The Courts Service expects to be in a position to accept instalment payments in the autumn and the other provisions such as attachment, recovery and community service will kick in once the default provisions are engaged, probably towards the end of the year or early next year. In the

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context of implementing the Bill, software and computer changes are being made in the Courts Service to be able to track fine orders made and instalments resulting therefrom.

This is an historic day for the fines payment system. As I stated, for well over a century one either paid a fine or one went to prison for default. That system will end once the Bill is signed by the President and commenced. It will be replaced by a system that is in tune with contemporary Ireland, amenable to the deployment of the latest technologies and, above all, effective.

I again thank Members of this House for the constructive contributions they have made to the debate and the discussions that took place on the Bill. I also thank members of the Oireachtas justice committee for their contributions on Committee Stage and look forward to the Bill coming fully into force.

Seanad amendments reported.

Irish Human Rights and Equality Commission Bill 2014: Second Stage (Resumed)

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

An Leas-Cheann Comhairle: The Minister for Justice and Equality, Deputy Alan Shatter, will resume his reply to the debate.

Minister for Justice and Equality (Deputy Alan Shatter): I began my reply yesterday to the contributions made by Deputies on all sides of the House. I thank all those who have expressed support for the Bill, recognised its important role in the protection of human rights and that this is truly a reforming measure that will enhance the powers available to address issues both of human rights and equality in the context of the new provisions contained in the Bill which were not reflected or contained in the legislation that applied to the Irish Human Rights Commission or the Equality Authority. As I stated yesterday, I wish to reflect on the contributions made by Deputies on the Bill. I will reflect on the suggestions made concerning improvements that might be made to the Bill as it proceeds to Committee Stage, as I will on submissions received from members of the Irish Human Rights Commission and the Equality Authority, as well as from others outside the House. My intention is to have in place the best possible provisions in this legislation to have an effective human rights and equality commission.

I wish to touch on some of the issues raised in the debate and hope Deputies will forgive me if, within the limited time available to me, I do not address all of the various matters raised, some of which are of importance and to which, as indicated, I will give consideration. Initially, I wish to deal with some issues raised by way of criticism of the Bill. I will take the contributions of some Deputies without, I hope, upsetting those to whose contributions I do not refer.

Deputy Niall Collins made the predictable contribution of seeking an easy soundbite with which to criticise the Bill in the context of funding for the human rights and equality authority. Other Deputies generally made the case in a more detailed way. It is, of course, important for the human rights and equality commission to undertake its work, that it be adequately resourced and staffed and not impeded in that context. It is a bit much for Deputy Niall Collins to raise that issue. Fianna Fáil in government at a very early stage, that is, in 2007 or 2008, effectively sought to defenestrate both organisations. Substantial reductions of a very dramatic nature

were imposed on the Irish Human Rights Commission, in particular, in its funding. I do not believe the percentage reduction was reflected in any other agency in the State. Moreover, in the years up to and including 2011, the funding was grossly inadequate, the number of staff in both bodies was reduced substantially and in 2011 I inherited a situation, by virtue of the outgoing Government's budget, where, frankly, there was inadequate funding for either agency. This was an issue about which I had great concern.

In the context of the appointment of the new members of the commission, I asked them to present a business case on what they had identified as being their needs and requirements. Arising therefrom, as I mentioned in my opening contribution, I obtained sanction for an increase in staffing levels that was sanctioned by the Minister for Public Expenditure and Reform, Deputy Brendan Howlin. This is a very important increase. It is a work in progress in that once the new staff identified as necessary are recruited I have given an assurance that within 12 months we will review where matters stand and if additional staffing resources are required I will fight at Cabinet to ensure these are provided. I managed to secure agreement with my colleague, the Minister, Deputy Howlin, for an additional €2 million to be made available this year to the new organisation. This is a very substantial sum which is €2 million more than the outgoing Fianna Fáil Government allocated at the end of 2010 for the year 2011 for the relevant bodies. It is a bit rich for Deputy Niall Collins to play a political game around resources when there was no question of his party in Government having any commitment of any description to properly resourcing either body and in particular the Irish Human Rights Commission, with whom it seemed to have a very strange relationship in the sense that rather than seeing it as an assistance to Government in ensuring we protect the rights of citizens, it seemed to be a body that was generally disapproved of by the outgoing Government.

I have always been an enthusiast for the Irish Human Rights Commission and for the Equality Authority. They are both bodies that have performed very important functions. I see this new body as a significant opportunity to ensure that we have a structure of very great importance.

Much has been made of the Paris Principles and the suggestion that there is something in this Bill that could violate the Paris Principles. In the context of the Irish Human Rights Commission and the legislation that currently applies to it compared to this new legislation, the new body will be even more independent in practical terms than the outgoing body. The Government is less engaged than the previous Government would have been in appointing members. There is an independent process for the selection of individuals to be appointed to the body in the future. There was an independent process with regard to the appointment of the new current members who will be carried over into the new body. Members cannot be appointed to this body even when recommended by Government without the agreement and a resolution of both Houses of the Oireachtas. Contrary to what was suggested quite wrongly during the debate, there is no question of any description of Government exercising any control over the work of the Irish Human Rights and Equality Commission.

The Bill provides for it to have a discretion invested in it to take up a consideration of any issue that falls within the ambit of its area of work. It does not require a government commission nor my permission nor the permission of any future Minister for Justice and it would be quite wrong if it did. This body has enhanced independence, improved provisions for the appointment of its membership, a wider remit than its predecessor. The benefit of a single body rather than two bodies is that the overlapping jurisdictions that previously existed can be avoided. A single body will be able to work in a coherent way to address issues of human rights and issues

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of discrimination and seek to ensure that some of the broad range of areas of concern to Deputies on both sides of the House that were raised in the contributions, can be addressed. I regard this Bill as very exciting and important legislation. I am looking forward to seeing it enacted and the new body effectively created having the appropriate legal status that is necessary to facilitate it doing its work.

The current Irish Human Rights Commission would normally have been dealing with re-accreditation to the Paris Principles during the course of 2014. I am very hopeful that the new body when in place will retain the “A” status under the Paris Principles. The consultative process in which we have engaged with regard to the putting in place of this legislation has included dealing with relevant agencies outside the State and discussions with regard to ensuring that we have a body whose independence cannot be disputed. I believe we will have a body whose legislative architecture and framework may well provide a prototype for other states looking at how they may consider reforming their legislation in this area. It is important to emphasise that the independence of this body cannot be questioned. Anyone who does a fair comparison between the legislation originally enacted to create the Irish Human Rights Commission and the legislation before us, leaving aside the usual political accusations made across the floor of the House, could not fairly reach any conclusion other than this body has enhanced independence and is further disconnected from Government than our existing body which has “A” status and which fully complies with the Paris Principles.

Deputy MacLochlainn in his contribution raised the very important issue of the Good Friday Agreement, the relationship between our human rights commission and its sister or brother organisation in Northern Ireland and our obligations in that regard. I am afraid he is mistaken in what he said in suggesting that these arrangements are in any way in violation of the Good Friday Agreement or create any particular difficulty in that regard. The commitment given was that this State would have equivalent protection of human rights. This is a matter of substantive human rights legislation. Having a human rights commission that also has a remit for equality is a positive step. It does not change our human rights approach which is also a priority nor does it change our obligations in that area. In particular, I draw the Deputy’s attention to section 10(2)(p) of the Bill which describes one of the functions of the commission:

to participate in the Joint Committee with the Northern Ireland Human Rights Commission in accordance with the Multi-Party Agreement annexed to the British-Irish Agreement (within the meaning of the British-Irish Agreement Act 1999);

We have been very careful to ensure that we meet our obligations in this regard, that nothing of any nature is done that could give rise to any difficulty. The Bill provides explicitly for a continuation of the work that has been underway and in which both the Irish Human Rights Commission and the human rights body in Northern Ireland is engaged. To suggest otherwise is simply party political point-scoring; it is not the reality and it would be unfortunate if the Bill were to be misrepresented in this way.

Both Deputy MacLochlainn and Deputy Niall Collins said that they are opposed to the merger. In other EU countries there is currently a move to merging both such bodies. In my view, the legislative architecture, subject to any improvements we can make, will provide a very important prototype. It seems to me that Deputy Collins’s view is simply that we should preserve the existing bodies, effect no change, not provide the wider remit that exists and not prescribe the additional levels of independence that will attach to the appointment of individuals and to the work of the bodies. I have to reject that view and I cannot accept it because it is

a misrepresentation of what is a very detailed and important piece of legislation.

Many contributions from other Deputies particularly addressed individual human rights issues of importance. Each of us has views in these areas. In my opening contribution on Second State I dealt with the particular principles that are to apply when the commission exercises its functions. The Bill has multiple functions detailed in section 10. I will not delay the House by going through all of them but it is important to put on the record the particular functions in section 10(1), which recite as follows:

The functions of the Commission shall be—

- (a) to protect and promote human rights and equality,
- (b) to encourage the development of a culture of respect for human rights, equality, and inter-cultural understanding in the State,
- (c) to promote understanding and awareness of the importance of human rights and equality in the State,
- (d) to encourage good practice in inter-cultural relations and to promote tolerance and acceptance of diversity in the State, and
- (e) to work towards the elimination of human rights abuses, discrimination and prohibited conduct, while respecting diversity and the freedom and dignity of each person.

I would hope they are all functions that all of us across all sides of the House can agree with, and they are broad-ranging. The commission, as an independent body, has vested in it in this legislation all of the independence and discretion it needs to perform those functions and to identify areas it should address.

I want to particularly reference the speech by the Chairman of the Oireachtas Joint Committee on Justice, Defence and Equality, Deputy David Stanton. I again thank the justice committee for its constructive engagement with the legislation and for recognising the fact that after the publication of the heads of a Bill, the consultative process enabled the committee, prior to publication of the Bill in its current form, to considerate it, receive submissions and make proposals, many of which have been incorporated in the Bill.

Some criticism was voiced from across the floor of the House as to the length of time it has taken for this Bill to be published. The reason for that length of time was that there is a huge interest among civil society, non-governmental organisations, the current membership of the Human Rights Commission and a broad range of individuals, in this particular piece of legislation, and I was anxious, in accordance with the approach that is now recommended in the context of the Paris Principles, that we have a broad-ranging consultative process before the Bill was published in its current form. I was also anxious that Members of this House would have the opportunity to contribute to that process. The process took somewhat longer than I had anticipated, but it was a worthwhile, constructive process and I hope those who contributed to it feel that the views they expressed have been taken into account. It is not always possible to incorporate every view, and some of the views expressed to us on the legislation would have been conflicting, so judgments had to be made in that regard. I greatly value the input of everyone who has engaged in the consultative process, and I acknowledge and particularly value the contribution of the Oireachtas joint justice committee and its members in the work that was

undertaken.

If I was to enter into further discussion on the range of issues the commission might take up or consider, I have no doubt someone would accuse me of trying to interfere with the independence of the commission on its appointment, but I am sure members of the commission will have regard to issues Deputies in this House have mentioned as being of interest, and I look forward to a constructive engagement from time to time between the Irish Human Rights and Equality Commission membership and Members of this House generally on issues of interest and concern.

In the context of the inquiry process, some criticism was voiced with regard to the provisions in the Bill, which have taken account of the creation of a legislative bedrock that will facilitate the undertaking of inquiries in appropriate circumstances within the constitutional parameters prescribed in judgments delivered by the courts, particularly the Supreme Court. The inquiry power includes the compellability of witnesses, and compellability powers cannot be used lightly. There are court judgments in regard to circumstances in which such powers can be undertaken, and it is of great importance that there are effective measures in this Bill. The power of inquiry as envisaged in the original legislation on the Human Rights Commission has not been invoked as frequently as might have been anticipated or with regard to issues in which it could have been invoked. I have particular issues in mind that might have been dealt with differently and more comprehensively had the provisions in this Bill been contained in the original legislation applicable to the Human Rights Commission, but I will not enter into that particular issue. It is important that we recognise that the power of inquiry is a very important power to be used for issues of particular seriousness, but where it is invoked, the commission has vested in it all the powers necessary to facilitate it in properly undertaking an inquiry in a manner that is constitutionally appropriate.

There was a reference to the commission promoting programmes to do with integration. My Department is engaged in that at the moment. We have advertised. We want to put together a new programme in that regard and we are seeking to review the integration strategy. An inter-departmental committee has been created in this context. We advertised for submissions within the last two to three weeks, and I hope we will have a substantial contribution.

With regard to the new communities in Ireland, those who have come to reside here permanently from abroad and acquired Irish citizenship - I remarked at another event yesterday that almost 70,000 people have become new Irish citizens in the three years so far of this Government's life - it is very important we adopt an inclusive approach, that people feel part of the communities within which they are living, that their backgrounds, cultures and perceptions of the world and people in authority are understood by the State and all State agencies, and that regard is had to issues that are of concern to them and that create difficulties for them.

In the context of matters that have personally affected me in recent days, one of the issues of huge importance is to ensure that members of minority communities in this State, whether they have been minority communities for many years or new communities that are now part of a new Ireland, are not targeted by hate speech, discriminated against or affected by prejudice. I repeat my welcome for the campaign launched on Dublin transport in recent days. Far too many people coming from different backgrounds are subjected to racial abuse on our transport system. On too many occasions, when that occurs, ordinary, decent people who are listening to what is taking place are fearful to put a stop to it in case they are attacked by those who are prejudiced and targeting people in a manner that is utterly unacceptable. We have to bring an

end to that. We cannot have a situation in this State in which Irish society is contaminated by the type of prejudice that has created difficulties in other European countries. We should never regard such behaviour as acceptable. My Department is examining what steps can be taken to engage with our new communities - those who originate from different backgrounds, cultures and countries who are now very much part and parcel of this country and who are entitled to go about their daily lives with the same peace of mind the rest of us would like to have without feeling under threat or at risk of racist abuse.

There is much more we need to do now in that area. I instanced deliberately, and will revert to it, the corrosive impact of some of the material available on the web, which seems to, and is designed to, instigate or provoke racist sentiment or attack and targets individuals. This is an area of particular difficulty because we all recognise and accept the great value of the web and social media. It is part and parcel of the democratic nature of the State. Freedom of expression is of great importance. The debate we had many years ago on our equality and incitement to hatred legislation centred on where was the dividing line between freedom of speech and those who sought to incite hatred, target minorities or people whom they perceived to be different for a broad range of reasons, be it gender, sexual orientation, racial or religious background or ethnicity. I hope this is an issue - I am merely expressing the hope as this is the only one I am referencing - the new commission may consider worthy of its engagement at some stage in the future.

Deputy Jerry Buttimer raised an issue of policy - not an internal but an external one - to which we need to give greater consideration, namely, the substantial number of Christian communities across the globe which were victims of persecution. This is an issue that does not seem to receive much attention on the international stage. Just as it is important that we engage internationally in addressing racism or discriminatory legislation against and attacks on gay people, there is a growing issue in different parts of the world of Christian communities being persecuted and not allowed to live in peace. That issue has received little attention in this parliament. It is one to which perhaps some attention should be given. Some consideration should be given to what could be done on the international stage, not just by the Government but also by Deputies in the context of the international organisations of which they are part.

I again thank Deputies for their contributions. I look forward to moving to Committee Stage and seeing constructive amendments that may be proposed. I hope that, by the time we get to the summer, we will have enacted new and important legislation that will form part of our human rights and equality architecture.

Question put:

<i>The Dáil divided: Tá, 61; Níl, 31.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Bruton, Richard.</i>	<i>Boyd Barrett, Richard.</i>
<i>Burton, Joan.</i>	<i>Browne, John.</i>
<i>Buttimer, Jerry.</i>	<i>Calleary, Dara.</i>
<i>Byrne, Catherine.</i>	<i>Collins, Niall.</i>
<i>Byrne, Eric.</i>	<i>Colreavy, Michael.</i>
<i>Cannon, Ciarán.</i>	<i>Cowen, Barry.</i>
<i>Carey, Joe.</i>	<i>Daly, Clare.</i>

<i>Coffey, Paudie.</i>	<i>Doherty, Pearse.</i>
<i>Collins, Áine.</i>	<i>Donnelly, Stephen S.</i>
<i>Conaghan, Michael.</i>	<i>Dooley, Timmy.</i>
<i>Connaughton, Paul J.</i>	<i>Ellis, Dessie.</i>
<i>Conway, Ciara.</i>	<i>Ferris, Martin.</i>
<i>Costello, Joe.</i>	<i>Fleming, Tom.</i>
<i>Coveney, Simon.</i>	<i>Halligan, John.</i>
<i>Creed, Michael.</i>	<i>Healy, Seamus.</i>
<i>Daly, Jim.</i>	<i>Higgins, Joe.</i>
<i>Deasy, John.</i>	<i>Kelleher, Billy.</i>
<i>Deering, Pat.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Doherty, Regina.</i>	<i>McConalogue, Charlie.</i>
<i>Doyle, Andrew.</i>	<i>McGrath, Finian.</i>
<i>Durkan, Bernard J.</i>	<i>McLellan, Sandra.</i>
<i>Farrell, Alan.</i>	<i>Mathews, Peter.</i>
<i>Fitzpatrick, Peter.</i>	<i>Moynihan, Michael.</i>
<i>Flanagan, Terence.</i>	<i>Murphy, Catherine.</i>
<i>Harrington, Noel.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Heydon, Martin.</i>	<i>Ó Fearghail, Seán.</i>
<i>Hogan, Phil.</i>	<i>Pringle, Thomas.</i>
<i>Humphreys, Kevin.</i>	<i>Smith, Brendan.</i>
<i>Keaveney, Colm.</i>	<i>Stanley, Brian.</i>
<i>Kehoe, Paul.</i>	<i>Tóibín, Peadar.</i>
<i>Kenny, Seán.</i>	<i>Wallace, Mick.</i>
<i>Lynch, Ciarán.</i>	
<i>Lyons, John.</i>	
<i>McEntee, Helen.</i>	
<i>Maloney, Eamonn.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mulherin, Michelle.</i>	
<i>Murphy, Dara.</i>	
<i>Murphy, Eoghan.</i>	
<i>Nash, Gerald.</i>	
<i>Naughten, Denis.</i>	
<i>Neville, Dan.</i>	
<i>Nolan, Derek.</i>	
<i>Ó Ríordáin, Aodhán.</i>	
<i>O'Mahony, John.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Penrose, Willie.</i>	
<i>Perry, John.</i>	
<i>Phelan, Ann.</i>	
<i>Phelan, John Paul.</i>	

<i>Rabbitte, Pat.</i>	
<i>Reilly, James.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Shatter, Alan.</i>	
<i>Sherlock, Sean.</i>	
<i>Stagg, Emmet.</i>	
<i>Timmins, Billy.</i>	
<i>Tuffy, Joanna.</i>	
<i>Twomey, Liam.</i>	
<i>Wall, Jack.</i>	

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Martin Ferris and Seán Ó Feargháil.

Question declared carried.

Irish Human Rights and Equality Commission Bill 2014: Referral to Select Committee

Minister for Justice and Equality (Deputy Alan Shatter): I move:

That the Bill be referred to the Select Committee on Justice, Defence and Equality, pursuant to 82A3(a) and 126(1) of the Standing Orders relative to Public Business and paragraph (8) of the Orders of Reference of Select Committees.

Question put and agreed to.

Electoral (Amendment) (No. 2) Bill 2014: Order for Second Stage

Bill entitled an Act to amend the Electoral Act 1992 and the European Parliament Elections Act 1997; and to provide for related matters.

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I move: "That Second Stage be taken now."

Question put and agreed to.

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Electoral (Amendment) (No. 2) Bill 2014: Second Stage

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I move: “That the Bill be now read a Second Time.”

The Electoral (Amendment) (No. 2) Bill 2014 is a short but important Bill. It provides for the repeal of the bankruptcy disqualifications for election to and membership of the Dáil and the European Parliament. The bankruptcy disqualification has been in place in Ireland since 1923 and it was there before that under the Westminster administration. The disqualification was removed for local elections in 1974. My Department has made inquiries of other EU member states and confirmed that it is not a disqualification for elections to the national or European Parliament in at least 18 member states.

Anomalies exist under the current legislation whereby although an Irish citizen adjudicated bankrupt in another jurisdiction is eligible for election to the Dáil or the European Parliament to represent Ireland, an Irish citizen adjudicated bankrupt in Ireland is not eligible for election to either. Similarly, while a Deputy or MEP who is adjudicated bankrupt in Ireland ceases to be a Member, if a Member is adjudicated bankrupt in another jurisdiction a vacancy in the Dáil or European Parliament does not arise.

It is difficult in the 21st century to identify a valid reason for retaining this disqualification. When the provision was originally introduced, well over 100 years ago, there seem to have been valid reasons. This is not the case now having regard to recent insolvency legislation in Ireland and the altered view of bankruptcy as a protection or remedy rather than a punishment. There was a commitment in this Government’s programme for Government to reform our bankruptcy legislation to bring us into line with best international standards. This reform has been delivered in the Personal Insolvency Act 2012 which amended the Bankruptcy Act 1988 to provide for a more enlightened, less punitive and costly approach to bankruptcy. Those amendments continued the reform of bankruptcy law which was started in the Civil Law (Miscellaneous Provisions) Act 2011.

We have taken a 21st century look at the relevant parts of our electoral law and decided it, too, needs to be changed. In the past, the disqualification from election to or holding elected public office by dint of being an undischarged bankrupt partly reflected a concern that a person in such circumstances could be more susceptible to inappropriate influence. This might have had some validity when the provision was originally conceived in a previous era, in another century. However, we need to consider the disqualification provision in the present day taking into account the legislative framework that exists to guard against corruption, to uphold ethics in public office and to restrict the potential for inappropriate influence of private and corporate political funding.

Between 1889 and 2010 seven separate Prevention of Corruption Acts were enacted, along with a range of other criminal justice legislation that addresses corruption. Further significant reforms are planned. When enacted, the Criminal Justice (Corruption) Bill being developed by my colleague the Minister for Justice and Equality, Deputy Alan Shatter, will not simply be a consolidation of the existing legislation. It will clarify and strengthen the main corruption provisions and offences. Head 18 of the general scheme makes provision for the courts to remove from office Irish public officials who are found guilty of corruption. This includes members of the Oireachtas and of the European Parliament. The Bill is being drafted and it is hoped that it will be ready for publication in the coming months. We have an ethics framework covering

public office holders, as set out in the Ethics Act 1995 and the Standards in Public Office Act 2001. The requirements of this legislation are overseen by the Standards in Public Office Commission.

The comprehensive legislative code covering political donations has been substantially strengthened by this Government through the Electoral (Amendment) (Political Funding) Act in 2012. Corporate donations are now restricted. The maximum political donation that an individual can receive was reduced to €1,000 and every donation above €600 must be reported, with details of the donor published. Cash donations above €200 are now banned, as are anonymous donations above €100. Experience in the past has, unfortunately, shown that some individuals are willing and capable of circumventing the rules, and that bankruptcy is no predictor of such behaviour.

No system will guard against every possibility and there is a constant need for us to be vigilant in reforming our laws and regulations to appropriate and proportionate effect. However, an absolute ban on bankrupt persons standing for election can be regarded as a disproportionate measure with questionable justification. There are better and more targeted ways of dealing with concerns about the inappropriate influence of office holders. These should apply whether a person happens to be bankrupt or not. This approach is reflected in the range of necessary laws and regulations dealing with political funding, ethics in public office and anti-corruption measures. In these circumstances, it is right and reasonable that the bankruptcy disqualification be repealed.

The following are the main provisions of the Bill. Section 1 amends the Electoral Act 1992, providing for the removal of the disqualification of bankruptcy for election to the Dáil by repealing paragraph (k) of section 41 of the Act and the removal of the disqualification of bankruptcy for membership of the Dáil by repealing subsection (3) of section 42 of the Act. Section 2 amends the European Parliament Elections Act 1997, providing for the repeal of the bankruptcy disqualification for election to the European Parliament by removing the reference, in section 11(2)(a), to paragraph (k) of section 41 of the Electoral Act 1992.

No amendment is required to remove the bankruptcy disqualification for membership of the European Parliament because section 11(5)(a) of the European Parliament Elections Act 1997 provides that a person shall cease to be a member of the European Parliament if they become subject to any of the disqualifications referred to in subsection (2)(a) of section 11. Section 3 contains standard provisions dealing with short title, construction and collective citations.

Although the bankruptcy disqualification also applies to Members of Seanad Éireann, the Bill does not provide for amendment to Seanad electoral law. Article 18.2 of the Constitution states that “A person to be eligible for membership of Seanad Éireann must be eligible to become a member of Dáil Éireann”. Section 16(2) of the Seanad (University Members) Act 1937 provides that “No person who is for the time being disqualified from or incapable of being elected as a member of Dáil Éireann shall be a candidate at an election in a university constituency”. Having regard to these cross references to the Dáil provisions the bankruptcy disqualification will be removed for the Seanad as a consequence of the amendments in the Bill.

As I noted earlier, the bankruptcy disqualification was removed for local elections in 1974; that is 40 years ago. We are only now removing it for general elections and for European elections. This is something that could have been done, and probably should have been done, long ago. This Government is taking action to repeal a provision that is disproportionate and no

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longer necessary. Voters will elect the representative of their choice. I commend the Bill to the House.

An Leas-Cheann Comhairle: We have only four minutes until Leaders' Questions.

Deputy Finian McGrath: Give it welly.

Deputy Mick Wallace: I will give Deputy Cowen a minute.

Deputy Barry Cowen: As the Minister said, the Bill is important and we agree it must provide for the repeal of the bankruptcy disqualification for election to the Dáil and the European Parliament. While the disqualification has been in place and served the State reasonably well since 1923, it came, as the Minister said, from the Westminster administration. The disqualification was removed for local elections in 1974 and it needs to be revisited. Recent years have provided for a mechanism whereby many members of the public who have gone through the process during the downturn have gained much experience, if nothing else, of the difficulties and perils of business life, let alone home life. It offers them an opportunity to put in practice rectification measures in the manner in which they would become part of the legislative process. There should be no bar on a person going before the public and seeking approval for his or her candidacy. A bar of this nature, especially in the present circumstances and considering our most recent past in this economy, allows us the opportunity to examine that legislation in a new light.

I join with the Minister and the Government in seeking to create and amend legislation to allow members of the public of all backgrounds, persuasions and hues the opportunity, in the first instance, to put their names before the electorate. The ultimate responsibility will lie with the public to elect those they see fit, who they feel have the life experiences and relevant qualifications to be what they want them to be in our Dáil, namely, parliamentarians of whom they can be proud and who they feel will enact legislation which reflects the times in which we live and the difficulties of our economy for various businesses. There should be no bar based on candidates' financial predicaments immediately prior to an election. I hope all parties will see the legislation in that light and against that background. I hope that, where they see fit, they will promote the thrust of the legislation. Proceedings are being taken by members of the public regarding the existing laws on this. It is therefore a timely move by the Government to seek to enact legislation so candidates will be given enough time to lead into the most immediate elections facing us.

Debate adjourned.

Deputy Brendan Howlin: One of the big issues we need to deal with as a people is to create proper infrastructure. Nothing is more important for our people's health and well-being, and for those who might invest in our State, than to have a decent water system. I do not for a second believe the Opposition Members believe the current system provided by 34 local authorities, in which one third of the wastewater plants are suspect and where 18,000 people are subject to boil water notices is adequate. Is that their position? After the boom times when, apparently, we were awash with money, as one member of the former Cabinet said, we still have that dreadful infrastructural deficit. We will deal with that. We have said we would.

To deal with the specific point the Deputy raised, my understanding is that the regulator began the process in April. It is a two-phase process. There will be inputs from Government but we have to await a determination from our soundings with EUROSTAT of how much money

will ensure this State company remains off balance sheet. The Deputy knows that full well.

Deputy Peadar Tóibín: Of the expanding number of crises emerging from this Government the most life-threatening is the ambulance crisis. Two weeks ago “Prime Time” broadcast an excellent programme on the collapsing ambulance service. The details were shocking. In 2008 there were 320 ambulances in this State. Last year that dropped to 265, only 137 during the day and 113 at night. That is when the staff are there to drive them. In 2012, a total of 21,000 shift hours were dropped and 14,500 last year. The State has half the number of paramedics *per capita* compared to the North or Scotland. The National Ambulance Service is failing miserably to meet its Health Information and Quality Authority, HIQA, targets. Last year fewer than 30% of people with life-threatening conditions received an on time response. This compares with 75% in England and Scotland. Ambulance staff regularly have to go out on their own which leads to poor outcomes and injury to themselves. Gardaí are now being asked to go to emergencies and ascertain whether there is a need for an ambulance. These are people who may have had first aid training in Templemore 20 years ago and are now being asked to make a clinical decision on whether they must rush an individual to hospital in their cars or wait for an ambulance.

In the past 12 months I have received approximately 35 reports in my county of the ambulance being late for people in serious emergency situations. I reckon that other Deputies have heard similar reports. Seven of these people died. Will the Minister agree that a person dying for an hour on the roadside while waiting for an ambulance is unacceptable? Will he confirm his commitment to making sure these cuts are reversed? How many deaths will it take before the Government reverses the cuts?

Deputy Brendan Howlin: This Government is determined to ensure people get medical treatment as swiftly, effectively and efficiently as possible. Since 2011 a major programme of change has been under way to reconfigure totally the way pre-hospital emergency care services are managed and delivered. In my three years as Minister for Public Expenditure and Reform the absolute resistance of the Deputies opposite to any change has been abundantly clear. They always talk about cuts, as if the measurement of inputs as opposed to outcomes was all that mattered. When this Government came into office in 2011, almost exactly three years ago, there were no targets set for the ambulance service. The Minister for Health, Deputy Reilly, has raised the bar annually for response times and for 2014 a new target of 80% of life-threatening calls to be responded to in under 19 minutes has been set. We are measuring it now. We did not know what it was pre-2011.

The emergency services in Dublin are provided by Dublin Fire Brigade through an arrangement between Dublin City Council and the Health Service Executive. The National Ambulance Service is working to modernise and reconfigure its service to ensure emergency pre-hospital care is delivered in an appropriate and timely manner. In particular a single national control system is being developed. That will be in operation next year. Significant change is happening. The review was expected to be completed in early summer but the timescale has now been revised in order to allow the results of the National Ambulance Service capacity review to inform the recommendations. We are having, regardless of Government, changes to what is happening on the ground. We are changing and reconfiguring the delivery model for health services to make sure the outcomes for people, their life chances, are better, so that when the first responder arrives treatment can start on the spot. That is what is important to people.

The Deputy should not always measure inputs in every situation, whether health or educa-

tion or anything else and say the more we spend the better. Let us start measuring the outputs of our systems to ensure they are reconfigured, refined and improved to have a better quality of outcome for our citizens.

Deputy Peadar Tóibín: I am not sure the Minister heard me. I did discuss outputs. I indicated that 30% of people in life-threatening situations are receiving ambulances on time in this State, under this Government. That is an output. The Minister talks about change. There is change. Access to the health service is constricted at every level, including the ambulance service. The Minister also talked about what things are like on the ground: the “Prime Time” programme indicated what things are like on the ground. Despite the life-threatening absence of ambulances around the State, 60 senior management drive home, for their own purposes, in fully kitted-out ambulances worth €100,000. These vehicles lie mostly idle outside their houses for weeks at a time. We, the taxpayers, are filling their tanks. Taxpayers’ money in this sector is intended to save people’s lives but it is being siphoned off to blue light senior managers on their way home.

This smacks to me of the culture of entitlement that was rife under the Fianna Fáil regime and is still coming to light with regard to the Central Remedial Clinic, CRC, and Rehab. Is the Minister happy that 60 managers drive home in fully kitted-out emergency response vehicles worth €100,000, and that those vehicles are not used for their intended purpose? Will the Minister admit this is mismanagement under the remit of the Minister for Health, Deputy Reilly? Will he commit today to making sure this does not happen in future?

Deputy Brendan Howlin: In respect of outcomes, we need to have a system where we measure the quality of service to the citizen. At present if an ambulance responds to a life-threatening incident in under 19 minutes but the patient passes away, that is regarded as the ambulance meeting its targets. If the ambulance arrives one minute later and saves the life of that person and the person makes a full recovery that is recorded as missing the target. We need to have targets geared to ensure the impact-----

Deputy Peadar Tóibín: These targets take that into consideration.

Deputy Brendan Howlin: -----of our health service on citizens. That is what the HIQA process that has commenced will do, measuring not only the time it takes to arrive but also the outcome, and what happens in the interim where ongoing advice is given to the caller so that the treatment can commence as soon as the call is made.

The Department of Health is reviewing the matter the Deputy raises about officers. We need to ensure that we have an open mind, and with the resources available, which the Deputy knows are and will be constrained, that we configure a service that is as efficient as we can make it, that takes account of best international practice and with a focus on the best outcome for the people who depend on our health service.

Deputy Seamus Healy: The Minister has been inviting us to consider outcomes. Maybe we should examine some of the outcomes of the social and economic policy of this Government. The gap between rich and poor in Ireland is now four times the Organisation for Economic Cooperation and Development, OECD, average. Incomes in the average Irish household have fallen by 50% and low income households lost a greater proportion of their income than the better off. The number of those in poverty has risen and the level of the poverty has deepened.

That is the view expressed recently by the OECD which confirmed the ESRI’s finding that

budget 2014 had had the greatest impact on low income groups, the incomes of which had declined by 2%, and supported the claim by Social Justice Ireland that budget 2013 had been unjust and regressive. Social Justice Ireland stated:

For the second year in a row this Government has introduced a Budget that is deeply regressive, both socially and economically ... Socially it hits people on low incomes, including the working poor, more than it hits the better off.

That is the result of the Government, the Labour Party in particular, reneging on the commitments given in the programme for Government and during the 2011 general election. One of the most blatant examples is the cut in child benefit. During the 2011 general election the Labour Party took out Tesco-like advertisements and at every door its candidates told voters that Fine Gael wanted to cut child benefit.

Deputy Brendan Howlin: Is there a question or is this a speech?

Deputy Seamus Healy: Labour Party candidates asked the public to vote for them in order to stop child benefit cuts. The public put its trust in the Labour Party and what happened? The party has supported cuts in child benefit every year since it entered government.

An Ceann Comhairle: I ask the Deputy to, please, put his question.

Deputy Seamus Healy: My question for the Minister-----

Deputy Brendan Howlin: The Deputy has a question.

Deputy Seamus Healy: My question for the Minister, if he will listen, is whether he will reverse the social welfare cuts, including, in particular, the cuts in child benefit, heating, fuel and telephone allowances for elderly people and the carer's allowance. Is the Labour Party not ashamed, in this the centenary year of the 1913 Lockout and the party's foundation-----

An Ceann Comhairle: I am sorry, but the Deputy is over time.

Deputy Brendan Howlin: He is well over time.

Deputy Seamus Healy: ----- that it is introducing budgets that hit the low-paid rather than the super rich and the very wealthy?

Deputy Brendan Howlin: I have listened to the usual political drivel from the Deputy opposite.

Deputy Seamus Healy: It is true.

Deputy Brendan Howlin: It may have escaped the Deputy - perhaps his salary and other supports are too healthy - that we have just gone through the worst economic crisis in the history of the State. The Government has managed to pick up the broken pieces of a shattered economy and returned it to growth. The critical criteria people will consider are fundamental issues such as employment. How many people have jobs? When we entered government, the unemployment figure was heading towards 500,000. The Deputy is not interested in listening to me. He is fumbling with his papers.

Deputy Kathleen Lynch: He is preparing his second speech.

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Deputy Brendan Howlin: The unemployment rate is now falling. It is still too high, at 290,000, but we expect it to fall below 11% this year. Nobody would have believed this a few years ago. We have stabilised our budgets and torn up the prom note, that despicable arrangement made by the previous Administration. We have brought confidence back to the economy. That is the judgment people will make.

The Deputy referred to commitments made by my party. He may not have noticed that it is not in a single party Government. We did not win an overall majority in the last general election. We negotiated a programme for Government with a party which had won significantly more seats than we had. However, if one considers the balance between all of the commitments made by my party and Fine Gael to the people, one will see that the vast bulk have been delivered on. For some Deputies opposite, the very prospect of recovery and renewal is anathema to their political outlook. There are Deputies on the Opposition side who revel in the misfortune of the people and the State because they think they can make political capital from it.

Deputy Seamus Healy: The policy of the Government is to make the poor and the less well-off pay.

Deputy Brendan Howlin: That is a lie.

Deputy Seamus Healy: It made promises with full knowledge of the situation in 2011. The assets of the super rich are back above peak levels in 2006, according to the Central Statistics Office.

Deputy Brendan Howlin: What does that mean?

Deputy Seamus Healy: It means that there are very wealthy people in this country.

An Ceann Comhairle: I am sorry, Deputy, but we are dealing with Leaders' Questions.

Deputy Seamus Healy: The Government has chosen not to make them pay their fair share.

Deputy Paul Kehoe: The Deputy claims only to represent the poor. How many pensions is he getting?

An Ceann Comhairle: What is Deputy Seamus Healy's supplementary question?

Deputy Seamus Healy: The Government has chosen not to impose an asset or wealth tax on the super rich. However, it is hitting poor and less well-off families.

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

Deputy Seamus Healy: There is wealth in this country that is not being taxed by the Government. Will the Minister introduce a tax on wealth and assets to ensure the very wealthy in society, that is, those who earn €595,000 a year and those who have significant assets, pay their fair share of taxes?

Deputy Brendan Howlin: The Deputy is probably aware that we have one of the most progressive income tax regimes in the world. Aside from only one country in the OECD, our progressive tax rate is the best.

Deputy Seamus Healy: Will the Government introduce a wealth or an asset tax?

An Ceann Comhairle: Please allow the Minister to reply.

Deputy Brendan Howlin: Deputy Seamus Healy does not want to hear the reply.

Deputy Seamus Healy: I just want the Minister to answer the question.

An Ceann Comhairle: Everybody in the House wants to hear the reply. The Deputy has had his say.

Deputy Brendan Howlin: He had his say, but I am afraid that he just reads his script and is not interested in the reply. We have the second most progressive income tax regime, with a high marginal rate of tax, that we have defended because the crisis in the country requires everyone to make an appropriate contribution.

Deputy Seamus Healy: I am asking about a wealth or an asset tax.

Deputy Brendan Howlin: When we introduce asset taxes, for example, a local property tax which is regarded as the norm among social democratic parties, the Deputy opposite opposes them. He is only in favour of fantasy taxes on fantasy people.

Deputy Seamus Healy: A Fine Gael Minister did it in the past.

Deputy Brendan Howlin: If we were to impose a tax on those earning in excess of €590,000, as the Deputy suggests, how many people would it cover and how much would accrue to the State?

Deputy Seamus Healy: There are 10,000 such individuals.

An Ceann Comhairle: I guarantee the Deputy silence when he is asking a question. Will he, please, respect the respondent?

Deputy Seamus Healy: I would like an answer.

An Ceann Comhairle: Please stay quiet.

Deputy Brendan Howlin: Deputy Seamus Healy is not interested in the answer. He is only interested in making a stump speech. His greatest regret is that the Government's economic policies are driving recovery and job creation and bringing investment into the State.

Order of Business

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): It is proposed to take No. 4a, Electoral (Amendment) (No. 2) Bill 2014 - Second Stage (resumed). Tomorrow's fortnightly Friday business shall be No. 46, Broadcasting (Amendment) Bill 2014 - Second Stage; and No. 47, Land and Conveyancing Law Reform (Amendment) Bill 2013 - Second Stage.

An Ceann Comhairle: There are no proposals to be put to the House.

Deputy Barry Cowen: In response to frequent questions from this side of the House on the

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housing (miscellaneous provisions) Bill, Government Members have assured us that it will be forthcoming this session. Given that the session will end in July, will the Minister for Public Expenditure and Reform be more specific than those who have responded on this issue? The Minister of State at the Department of the Environment, Community and Local Government, Deputy Jan O'Sullivan, has indicated that she is committed to addressing the crisis for local authorities. It is necessary for the Minister to be more specific in order that we can prepare our amendments to the Bill.

Deputy Brendan Howlin: I am informed by the Minister of State, Deputy Jan O'Sullivan, that the Bill will be published in the next couple of weeks and debated in the House before the summer recess.

Deputy Peadar Tóibín: The programme for Government commits to early intervention for people with mental illness problems and to the detection and treatment of people at risk of suicide. According to figures published by Pieta House yesterday, ten people take their own lives every week in the State. It calls for suicide to be given the same attention as road deaths. Will the Government now resource and prioritise this issue as it has committed to do in the programme for Government?

Deputy Brendan Howlin: Suicide is one of the most challenging and real social problems we face and suicide prevention and mental health are priorities for the Government since coming to office. Not only have we provided and protected the funding allocated to the mental health sector, we have provided an additional €90 million to date and an additional 1,150 posts in both adult and child mental health services over the past few years. I am minded of the views of the Deputy. It is an issue for which we must have careful regard and even when other areas are under pressure, it is an area that we are determined to protect.

Deputy Dessie Ellis: There is chaos out there in the accident and emergency departments.

An Ceann Comhairle: Will Deputy Ellis settle down?

Deputy Dessie Ellis: People are getting turned away in the mental health.

Deputy Kathleen Lynch: That is not true.

An Ceann Comhairle: Settle down, please.

Deputy Dessie Ellis: That is a ridiculous answer.

An Ceann Comhairle: Will Deputy Ellis settle down?

Deputy Dessie Ellis: There is chaos in mental health.

Deputy Kathleen Lynch: That is not true.

An Ceann Comhairle: Would Deputy Ellis mind? One does not shout across the floor.

Deputy Dessie Ellis: They are being turned away.

An Ceann Comhairle: I call Deputy Ó Feargháil.

Deputy Kathleen Lynch: That is not true.

Deputy Dessie Ellis: It is true. I was in the hospital myself. It is true.

Deputy Kathleen Lynch: It is not true.

An Ceann Comhairle: Will Deputy Ellis resume his seat and not behave like that in the Chamber?

Deputy Seán Ó Feargháil: Yesterday I raised the question of the planning Bill, listed 86 on the Government legislation programme, in the context of a dilemma that exists whereby the Planning and Development Act 2000 states that local authorities, when taking estates in charge, must take all services in charge whereas the Act establishing Irish Water gives Irish Water responsibility for the water services. The result of the dilemma currently is that local authorities, such as that in County Kildare, are not taking estates in charge at all. Will that lacuna in the law be addressed via the planning Bill or will there be a protocol brought forward by Government as a matter of urgency to address the difficulty?

An Ceann Comhairle: One cannot discuss the content of a Bill. Can the Minister tell me when the planning Bill is due?

Deputy Brendan Howlin: There is not yet a date, as Deputy Ó Feargháil was informed, for its publication but I will ask the Minister for the Environment, Community and Local Government to communicate directly with him on the other matter he raised.

Deputy Dominic Hannigan: It may be that the Member for Laois-Offaly has already raised this; I am not quite sure. I wanted to ask the Minister about the housing (miscellaneous provisions) Bill. I now gather it was what Deputy Cowen raised and we got an answer. It is something that my constituents in Meath are concerned about.

Deputy Brendan Howlin: Before the summer.

Deputy Dominic Hannigan: I look forward to its publication in July.

Deputy Brendan Howlin: It will be published within two weeks.

Deputy Dominic Hannigan: That is great. I thank the Minister.

Deputy Noel Harrington: When will the health (transport supports) Bill will come before the House to provide for the restoration of the mobility grants to the disability sector?

Deputy Brendan Howlin: The heads have not yet come to Cabinet. I will ask the Minister to update the Deputy directly.

Deputy Bernard J. Durkan: What is the progress in preparing the personal injuries assessment board (amendment) Bill to come before the House? Have the heads been approved by Cabinet and when is it expected the Second Reading will take place?

Similarly, have the heads of the teaching council (vetting and protection of children and vulnerable persons) Bill been approved by Cabinet and when is it likely to come before the House?

Deputy Brendan Howlin: Deputy Durkan was lucky in the lotto for questions today, but not so lucky, unfortunately, in the Bills he has selected. Neither of those Bills, the PIAB Bill or the teaching council Bill, has yet come to Government and there is no set date when the Bills might be published.

An Ceann Comhairle: Deputy Durkan is a man of great patience.

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Deputy Michael P. Kitt: Tá ceist agat faoi Bille na dteangacha oifigiúla (leasú), the official language (amendment) Bill. One of the recommendations of this Bill was to merge the functions of the Language Commissioner and the Ombudsman's office, among other issues. It was also going to abolish the Placenames Commission. I understand the merging of the Coimisinéir Teanga and the Ombudsman's office is not going ahead, and I welcome that. I do not know why the Government ever decided to try to merge those two bodies.

Deputy Brendan Howlin: It was recommended by a committee that you set up.

Deputy Michael P. Kitt: Me personally.

Deputy Brendan Howlin: No, Deputy Kitt's party in government.

Deputy Michael P. Kitt: I ask the Minister whether, now that the Government has decided not to merge the Coimisinéir Teanga and the Ombudsman's office, this will further delay the taking of this Bill.

Deputy Brendan Howlin: The heads were cleared by Government on 4 April and we had a debate on that issue. I did not resist much in taking responsibility for answering to the Dáil for the Coimisinéir Teanga and it is appropriately left with an tAire Ealaíon, Oidhreacht agus Gaeltachta, where it will stay. That amendment will not delay the presentation of the Bill to the House.

Deputy Michael P. Kitt: When will it be taken?

Deputy Brendan Howlin: Hopefully, before the summer session.

Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Richard Boyd Barrett - the need to establish a commission of investigation into the case of Ms Cynthia Owen and the death of her child, Ms Noleen Murphy; (2) Deputy Dan Neville - the suicide rates for young persons here; (3) Deputy Jim Daly - the need to restructure and target road tax revenue at repairing the current road network; (4) Deputy Ann Phelan - the need to re-examine the area of voluntary pension contributions for the self-employed; (5) Deputy Maureen O'Sullivan - the outstanding issues between Croke Park and residents; (6) Deputy Aengus Ó Snodaigh - the need to ensure continuation of the ground-breaking early childhood intervention programme, Bringing It All Back Home programme in the Inchicore area; (7) Deputy Sean Fleming - the need to ensure that financial supports are in place to ensure that people on CE schemes in County Laois can undertake training to improve their qualifications for working in child care; (8) Deputy Thomas Pringle - the need to address the funding crisis of the Donegal youth service; (9) Deputy Peter Fitzpatrick - the closure of the Women's Aid refuge in Dundalk, County Louth; (10) Deputy Aodhán Ó Ríordáin - the urgent need to discuss the ongoing pension issue in Aer Lingus with the Minister for Transport, Tourism and Sport; (11) Deputy Stephen S. Donnelly - the inclusion of performing loans in the recent loan book sale by IBRC to Oaktree and Lone Star; (12) Deputy Clare Daly - racial profiling by gardaí; (13) Deputy Seán Ó Fearghaíl - exposure to asbestos on Naval Service vessels; (14) Deputy Mick

Wallace - the allegations of racial profiling of the Traveller and Roma communities by members of An Garda Síochána; (15) Deputy Dessie Ellis - the shortage of beds and staff to deal with the number of patients presenting in need of mental health admission at James Connolly Hospital, Blanchardstown; and (16) Deputy Dominic Hannigan - when the youth guarantee scheme will be implemented for those under 25 in Meath.

The matters raised by Deputies Dan Neville, Jim Daly, Maureen O'Sullivan and Seán Ó Fearghaíl have been selected for discussion.

Electoral (Amendment) (No. 2) Bill 2014: Second Stage (Resumed)

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

Deputy Barry Coven: The principles at stake are equality, voter freedom of choice and discrimination because of socioeconomic status. These are all essential components of the Constitution and have to be addressed before the 28 April deadline.

Removing the ban would bring Ireland into line with the European norm in this area. Bankruptcy bans are more prevalent in common law countries inspired by the United Kingdom model. Traditionally, in Ireland, the ban was viewed through a moral prism which shaped previous debates on the matter. This perspective has moved on, particularly, as I stated earlier, because of the impact of the crisis.

The Bill takes on further importance against the backdrop of the economic crisis and severe financial pressure increasing numbers are under. The reform of the personal insolvency legislation in the State will see a significant increase in bankruptcy numbers in Ireland. This is despite the onerous three-year long period and additional financial drawdown length which will alienate people from the process.

This issue has been thrown into stark relief by the mounting numbers struggling to meet their debts. Today and yesterday, Dáil committees focused on the mortgage crisis that is consuming the lives of more than 100,000 families in Ireland. They belong to a generation defined by the economic crisis. How can we deny those who are no longer able to make ends meet their voice in the national parliament? Surely their opinions are needed to shape the laws that will affect them? With 100,000 homes in mortgage arrears and significant numbers fleeing to the UK to seek bankruptcy, this is a real and present problem in Irish life. These people should not be excluded from a political process that needs to address these problems.

Even if one stands by the dubious principle of the law as it stands, it has fundamental inconsistencies and shortcomings. By its own logic, it simply does not work. Currently the law denies those declared bankrupt in Ireland the right to contest elections. However, if the bankruptcy was pursued elsewhere and in countries where the period is significantly shorter, the ban does not apply. This means the underlying rationale behind the law that bankrupts were incapable of being representatives due to moral or judgmental failures has been essentially bypassed.

The numbers fleeing abroad to avail of less onerous bankruptcy rules are also enjoying an amnesty from the harsh Irish political laws. It is time to challenge this unfairness and the unjustifiable morality behind the law as it stands. If financial mistakes are unacceptable, why

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not other misjudgments often beyond our own power of influence? The Victorian era sense of priggishness is not sustainable in this day in age.

The prevalence of bankruptcy bans in Commonwealth countries displays that displaced sense of morality where financial difficulties are viewed as a failing. This is not the case in the majority of EU countries. By removing the ban, Ireland will be brought into the international norm.

By denying bankrupts from contesting elections, the principle of equality in political representation is completely undermined. Those seeking bankruptcy tend to be drawn from embattled socioeconomic groups who are unable to meet their financial obligations. This means that a section of society is penalised for its financial problems.

Working men and women who bought at the peak and were caught out by the collapse of prices and the unemployment crisis are further marginalised by a political process that penalises them for availing of one of their few options. It is a further punishment for events that have often been far beyond their control. A democracy has to be better than this. It must reflect, not exclude, the experience of the people under its rule and this law moves towards this. The Bill, while dangerously rushed, is a welcome measure towards including greater numbers in the democratic process. We have taken strides in Dáil Éireann through gender quota laws to encompass a broader range of members of society in our ranks. This will enhance legislation, heighten scrutiny and bring fresh ideas to the table. The lessons of the past few years have shown the limits of group think and the need for challenging voices. Removing the bankruptcy ban will usher in another part of Irish life that needs to be heard in these Chambers and local authorities and at the heart of Europe. The underlying morality behind the ban does not reflect the reality of modern Ireland. It excludes the people worst affected by the crisis that has defined the past five years. We need to move on from this and put in place legislation that mirrors the kind of country we have. A Dáil that is removed from the people is not worthy of the name. Ultimately, it will be up to the people to decide who goes forward to carry their message in these fora. The Bill gives the citizens of Ireland that choice. We support its thrust and will help in so far as we can to provide for its clear and safe passage through the House.

Deputy Brian Stanley: I am happy to support the Bill which will remove what is probably an outdated ban on persons who have been declared bankrupt in putting themselves forward for election. It also redresses the anomaly whereby people can contest local elections if bankrupt but not elections to this House or the European Parliament. Thankfully, the law barring people from standing for the local elections was changed 40 years ago. Being without it for 40 years has done no damage to local authorities or representation at that level. At one time bankruptcy was probably a fairly exotic condition, but we have seen many people being declared or declaring themselves bankrupt during the fallout from the economic crash and financial crisis that brought an end to the so-called Celtic tiger. There are, undoubtedly, cases where certain individuals and institutions were to blame for much of the collapse and a number of related cases are proceeding in the courts. It could be argued that it is expedient for certain people to declare themselves bankrupt in this or other jurisdictions in order to save some of their other assets. I regard some of the individuals and institutions such as Anglo Irish Bank in a different light from people who found themselves bankrupt from causes beyond their control while trying to run a business, buying a house or putting a roof over their family's head. That is very different and we all know of people who found themselves in that position in recent times. Many of them lost businesses, farms and homes and found themselves bankrupt as a consequence. A huge section of Irish society may not be legally bankrupt but are in a perilous economic state. It has

never been known before for people to be in such debt. Never in the history of the State has the level of debt been so high. There is potentially a huge number of people who could be made bankrupt.

The legislation is motivated by the case taken by Ms Jillian Godsil whose home was repossessed and who has expressed an interest in contesting the forthcoming European elections. It would be unjust to deny her that opportunity, especially, as I understand it, she wants to run to highlight the plight of people who have had their homes repossessed as part of the fallout from the Celtic tiger and the economic crash. The issue at stake is whether people who have been declared bankrupt ought to be denied exercising one of the fundamental rights of any citizen in a democracy, the right to stand for election and represent one's peers. Members may question the sanity of people who want to subject themselves to running for election, but it is a right that should only be removed in particular and extraordinary circumstances. Is it right, for example, that someone who is bankrupt should be denied the right to run for election, while former prisoners are, rightly, not denied such a right? Had they been so denied in the State, a huge number of people - some on this side and a few on the Government side - would not have been allowed to run and take up office. We have moved beyond that position.

There is something Victorian in highlighting bankruptcy as a sin to be particularly reviled. The ban on bankrupts contesting elections is a hangover from the pre-revolutionary period. The implication is that someone who cannot manage his or her financial affairs is unable to manage the finances of the State and should not be trusted with legislation. Many who are not bankrupt have played a huge role in bringing the State to the edge of bankruptcy and causing the economic crash of recent years. They will never be declared bankrupt as they are high and dry and safe.

The most famous case of someone being barred from the House as a result of bankruptcy was Big Jim Larkin. He was elected in 1927, but he was disqualified in 1928 for being an undischarged bankrupt. Interestingly, he ran again in the by-election in 1928 but failed to keep his seat; I am not certain, therefore, how he would have fared. He would have been barred had he been successful.

I will take the opportunity to address other issues in the electoral laws. It would be a good idea to have people automatically listed on the electoral register once they have a PPS number and reached the age of 18 years. That would do away with many cases of people not being registered to vote in elections when they should be eligible to vote. It would also do away with cases of people being registered two or three times. People who house move do not change their registration details. The list is linked solely by address and people of the same name may live at the same address. A father, son, mother or daughter may be removed from the list because two people with the same name live at the same address. A council official will see Mary listed twice in a house and, thinking there is something wrong, knock off one of the names.

There are also cases of people being on the list a number of times. Notwithstanding data protection issues, there must be a way to address the issue of people not being on the electoral register. The first time I ran for election, I learned a lesson. People went to vote for me and a small handful - no more than four or five - who would have got me over the line were not on the register of electors. We must try to have the electoral register in good shape. Candidates, councillors and local authority staff help, but the problem is that electoral registers are, at best, 60% or 70% accurate. I raised this issue with Laois County Council at the last local election. In some cases, there were seven adults registered where two adults lived. It is a serious issue, but

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it could not be addressed because of the construction of the electoral registers and the timeline involved. A special meeting of Laois County Council was called to address the matter. We are talking about barring people from standing but people are barred if the electoral register is skewed. Individuals who campaign to the best of their ability can only canvass the people who live in a house. If five people are registered at an address but do not live in that house, it is fair only to one person, namely, the person playing that for an advantage. The other 15 candidates are disadvantaged. Some 27 people were registered as living in a house in Monaghan. It was a derelict house. The Sinn Féin party complained about it, and rightly so. When Sinn Féin started to do well in the North there were allegations of electoral fraud. There is electoral fraud in every jurisdiction. Sinn Féin is the first party to support the reform of the electoral register because we do not have anything to fear from it. Some might say we have the most to gain from having an accurate electoral register. It is a fact that many working class people who might vote for Sinn Féin might not be on the register. I accept that the debacle of the electronic voting machines was not the Government's fault. We have not been good at using technology for elections, but there must be some way to address the issue of the electoral register. When I was a councillor the prevailing view was that one was doing well to get 80% or 85% accuracy in a given street. It was very good to get 90% accuracy. I often said to local authority officials that a person had moved house or was not living at a certain address any more, or I would encourage someone who was not on the electoral register to fill out a form for it. We must address the situation. It would require significant resources for local authorities to address it using the current system.

The Minister for Public Expenditure and Reform, Deputy Howlin, has just left the Chamber. The Constitutional Convention was considering the possibility of giving votes to emigrants and people in Northern Ireland. Sinn Féin supports both initiatives.

We must get a more accurate register. At the moment the register could seriously skew the outcome of any election. It is a serious problem and we must find a better way to approach the compilation of the register. There are opportunities in schools, particularly through civics classes, to encourage young people to get on the electoral register. All such initiatives should be used, but they are not enough. The approach is patchy and no matter how hard people try – officials, elected members of local authorities, or others – we still end up with an incomplete register.

I am aware of two elderly people who went to vote for me, or so they told me anyway.

Deputy Finian McGrath: Deputy Stanley should be careful. We all hear that.

Deputy Brian Stanley: They had been living at the same address for the past 40 to 50 years. They went to vote as normal but were told they were not on the electoral register. They only discovered it on the day of the election. One can tell people as many times as one likes to check the electoral register in a Garda station, but some people are never in a Garda station. One would not check anything in the post office in Portlaoise because one would have to queue for half an hour or three quarters of an hour to get into it, and if one goes on pension day one could be longer.

We must make electoral registration easier. PPS numbers are used across Departments and could act as the key to the drawer, so to speak. There must be a way for people to get on the electoral register using their PPS number that does not show the number on the system. I believe showing the PPS number on the register of electors would give rise to data protection

issues. There must be a way of getting a person onto the register by means of the PPS number and then producing the paper copy without showing the PPS number.

Sinn Féin would like to see a change in the qualifying age for voting purposes. The Government is moving to reduce the age to 17, which is to be welcomed. Sinn Féin would also like to see a change in the franchise for presidential elections to allow all Irish people North and South to vote. Uachtarán na hÉireann is across the water this week proudly representing all Irish citizens. While that is to be welcomed, it is unfortunate that people in the Six Counties cannot vote for a person of their choice to become Uachtarán na hÉireann. We urge that the matter be examined as well as the wider issue of Irish citizens abroad. As a former emigrant I am aware that Irish people living in England will be very proud to see the President there, with the Tricolour flying, and also to get the long-overdue acknowledgement of their contribution to English society and to England, Scotland and Wales, which they built after the war. We should allow Irish citizens abroad to vote. It cannot be beyond us to find a mechanism to allow them to vote in presidential elections. I hope the issues I raised will be addressed by a future constitutional convention. In the meantime, I am happy to support the Bill, which addresses and removes one of the existing flaws in the electoral system. A growing number of people, unfortunately, have been caught - in most cases through no fault of their own - and have been declared bankrupt. Such people will now be able to contest elections to this House.

Deputy Catherine Murphy: As has been noted by other Deputies this Bill responds to the case of Ms Jillian Godsil *v.* the Attorney General. Although the hearing is not expected until July, the Government is moving to address the issue. In his opening remarks the Minister set out why it would not be advisable to allow the case to proceed to the courts. It is clear there is not an arguable case given the comparisons with other European countries.

Deputy Finian McGrath, the Member for Dublin Bay North, and I took a constitutional challenge in 2007. We did not want to do it but we felt we had to do it. Taking a constitutional challenge is not for the faint-hearted.

Deputy Finian McGrath: I nearly lost my house.

Deputy Catherine Murphy: We did it because the preliminary figures from the census of population were not used, and very often there was a long time lag between the redrawing of constituencies, often missing out on the next general election. Deputy Finian McGrath and I believed that because the issue was not being addressed, it was a type of gerrymandering. We would have preferred it to be addressed in the way the issue before us is being addressed, in advance of the election and the court case, based on an acceptance of the issue at stake.

Bankruptcy was an issue for the Victorians. It was people of property who contested elections, and to fail and leave debts to people of the same class was a major issue of shame. Society has changed considerably, and while in this country it is still very difficult for anyone going through bankruptcy, the term was recently reduced from 12 years to three years. The concept of bankruptcy is not considered as shameful or catastrophic a personal failure as it would have been in Victorian times. Large numbers of people will potentially end up being bankrupt. There is less sympathy for people with large amounts of money who have moved their centres of interest and become bankrupt in another jurisdiction. While the law at present disbars a bankrupt person from running for office or holding office, people who declare bankruptcy in the UK or other jurisdictions are not excluded. It is a particular group of people who are affected in this country and not the people who would predominantly have used bankruptcy as a vehicle

to get back into the action.

1 o'clock

One aspect of the people being sovereign is the principle underpinning that concept. It should be the people who make the decision and that includes a decision on a person who has a chequered economic history. It is entirely up to the citizens to make a decision on who they believe would best represent them, as it should be. I do not often like, and for many years have not liked, the results that have been often thrown up the electorate but as a democrat I always felt I had to accept them even when it was pretty painful and I had not done well in an election.

I accept the provisions of this Bill but I would have liked it to cover another issue that should be dealt with in a timely fashion for this election and I will table an amendment to it when the opportunity presents in the next week. I have published a Bill on this subject recently. I was not expecting this legislation to arise. I am referring to the issue of how we present as Independents on the ballot paper. It is timely and important that this be addressed in advance of the local and European elections.

An Independent candidate may only describe himself or herself as “Non-Party” or leave the space blank. If one is non-party, that is perceived as a negative in that one is obviously without something but many of us do not see ourselves in that light, we see being Independent as a very positive thing.

Deputy Finian McGrath: Hear, hear.

Deputy Catherine Murphy: Essentially, that is how we feel we can genuinely represent what we are to the electorate. We go through great efforts to make sure photographs are on the ballot paper to cover issues such as literacy and we make sure that people describe themselves as they are commonly known. People have changed their name, with Seán Dublin Bay Rockall Loftus being the most celebrated case. Essentially, there is no reason we should not be permitted to put on the ballot paper exactly what we are, and we are Independents. That needs to be addressed in advance of the local and European elections. I hope the Minister will accept such an amendment or advance a measure from the Department’s side because, for many of us, it is not acceptable not to be properly represented on the ballot paper.

I also wish to deal with the wider issue of how we conduct our electoral politics. Reform in this area has been very much piecemeal and that trend, which is very evident, can be similar in other countries. We do not get radical change from the inside and we need to change the way in which we do things. We need a functioning electoral commission that is in place all of the time. We need different architecture in regard to matters of ethics, funding and the register of electors, to which Deputy Stanley referred. After every election we hear complaints about the mistakes on the register ranging from people who are on it who do not live at an address, people who are on it who have since died to people who have been taken on it for a long time whose names were taken off it in advance of the election. We need to get to grips with these issues and we need a truly independent electoral commission. That is vital if we are to have change. Regardless of whether parties are on this side of the House for one term or on the other side of it for another term, that does not seem to make any difference with regard to bringing about change. It has been described as a party cartel where things are divided up among the parties who contest the election and we find that Opposition parties, over the decades, will have been party to that. That issue will be dealt with in the context of this legislation but an early change

in the way we do business in the form of an independent, functioning electoral commission, is something we must have because it would be good for our democracy and appreciated by the public in terms of the type of reform anticipated when this Government came to office.

Given the time factor, I hope the inclusion of the word “Independent” on the ballot paper, or making provision to allow people to describe themselves as such, will be included because if we are to introduce a measure to ensure people declare their candidacy for the European or local elections on time, I ask the Government to accept that the other issue, to which I referred, must be addressed also in a timely fashion.

Deputy Finian McGrath: I welcome the opportunity to speak on the Electoral (Amendment) (No. 2) Bill. I welcome the debate as it provides all of us with an opportunity to constantly examine and reform our electoral system, both nationally and at local government level. I welcome the Bill as a disqualification should not apply for election to the National Parliament or European Parliament, as in the case of 18 other European Union states. I support this legislation but I want to use this debate to move forward the reform issue. I challenge the Minister, as we face into the local and European elections on 23 May, to explain the reason he is discriminating against Independent candidates, as Deputy Catherine Murphy stated and which she references in her prepared legislation. Many members of the public do not realise that the word “Independent” cannot be used on the ballot paper. We are excluded, and that is not acceptable. We must use the term “Non-Party” or we have the opportunity, as the late former Deputy Tony Gregory used to do, to leave the box blank. That is not acceptable. We are not allowed to use the term “Independent”. The Minister of State should go back to the Cabinet and the Minister for the Environment, Community and Local Government and try to end that blatant exclusion of Independent candidates throughout the country. It is time for the Government to get off the fence and do that in the interests of democracy. I know they have all been very busy over the last few days talking to the Royals and developing the peace process, which I welcome.

Deputy Jan O’Sullivan: We have been over here.

Deputy Finian McGrath: I was referring to the Minister of State’s colleagues in government. Let us move away from the monarchists for a while and get back to building a democratic, inclusive republic which respects all our citizens, including Independent candidates. That is a very important reform that should be put down.

Some of us have checked up on this issue on the legal side. The Electoral (Amendment) Act 2007, in its amendment of section 46(8) of the principal Act, deals with the issue in terms of specifying the term “Non-Party”, and the same is the case in respect of the Electoral Act of 1992. The Supreme Court found that the description of Independent as non-party was not misleading and there was nothing wrong with its use. On the basis, Acts have continued to use the term “Non-Party”. However, while the term might not be misleading or particularly wrong in the eyes of the court, it does not mean that it is any more accurate than using the term “Independent”. Therefore there is nothing in the Supreme Court decision that binds or forces a Government to use the term “Non-Party”. It is instead a matter of choice for the Government, and that is the legal advice. In my view the best way to approach it is to pitch it as a tidying up exercise intended to create consistency and simplification. A Bill like Deputy Catherine Murphy’s could be drafted to change the term “Non-Party” and also to use the word “Independent”, and that is important. If we are serious about reform, democracy and inclusion, the Minister will have to wake up and respect Independent candidates throughout the country, such as Councillor Damien O’Farrell in Dublin Bay North, and other councillors in the constituency

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of Carlow-Kilkenny or Limerick. They must be respected. The Minister should consider the Electoral (Amendment) Act 2007 and respect the people involved in this issue. Several weeks ago I asked the Minister, Deputy Hogan, about this and the answer he gave me was that paragraph 14(6) of the 1995 local elections regulations provides that where a candidate is not the candidate of a registered political party contesting the local elections, the candidate may include on his or her nomination paper the expression “non-party”.

Deputy Phil Hogan: Which party is the Deputy with?

Deputy Finian McGrath: I am an independent candidate, as the Minister knows very well. The expression will also be specified with regard to the candidate on all ballot papers and notices. This regulation is based on the premise that “non-party” on the ballot paper indicates adequately that a person does not belong to a political party. There are no proposals for legislative change in this regard. This is what the Minister told me on Tuesday, 1 April. It was April fools’ day. The Minister needs to up his game. We need reform and respect for independent candidates. Local and European elections will take place and Minister is trying to sideline us. I challenge him here today in the Dáil because it is important to highlight this issue.

A number of my colleagues spoke about reform. We must also deal with the many people who are not registered and the major mistakes made regularly in this regard. We must also deal with voter turnout at elections. Approximately 30% in some constituencies never vote, and in other constituencies this figure is higher. This is because of cynicism, apathy and the negative image of politics. We must face up to this. Members of the House must decide to increase interest in politics in Ireland. I favour compulsory voting as is done in other jurisdictions. It is essential that people vote in elections. I do not accept some of the points made that it is a choice not to turn out to vote in an election. The people have plenty of choice on the ballot paper and some excellent independent candidates are running in the local elections, such as councillor Damien O’Farrell in Dublin Bay North and Seán Tyrrell in Ballymun. They work very hard in their communities and make a massive contribution to this country.

I would not like to stray from the legislation so I will return to the main issue. The purpose of the Bill is to repeal the provisions in the Electoral Act 1992 to disqualify an undischarged bankrupt from eligibility for election or membership of the Dáil and the European Parliament. I listened to the Minister earlier and I agree with this legislation. I will support it, in case the Minister missed that point. I also welcome some of the other provisions mentioned by the Minister. He spoke about the criminal justice (corruption) Bill being developed by his best friend and colleague, the Minister, Deputy Shatter. We all agree with this. Head 8 of the general scheme makes provision for the courts to remove from office Irish public officials who are found guilty of corruption. This is very positive and it will receive much support from this side of the House.

The issue of donations has been dealt with. Every donation above €600 must be reported, and I welcome this. Cash donations above €200 have been banned, as have anonymous donations of more than €100.

We must deal with people who genuinely get into trouble financially and who are bankrupt. We cannot exclude them from involvement in democracy. The amendment to the bankruptcy disqualification will also apply to Members of Seanad Éireann, and I welcome this. I agree with the points made earlier on the Government’s need for action, as it is disproportionate and no longer necessary in this day and age. We need to make decisions to elect candidates.

I urge everybody to go out on 23 May and give their number one vote to the independent candidates throughout the country. It is very important. These people are involved in their communities and in voluntary and community groups. They have made a massive contribution to their country and I urge everyone to go out on 23 May to vote for these genuinely credible independent candidates. I welcome the legislation and I will support it.

Deputy Mick Wallace: I welcome the Bill. The idea of this House being unavailable to those who have run into financial problems in this climate and in this day and age is a bit on the harsh side. Bankruptcy is very strange. We have had an economic collapse of a sort in Ireland, and some people who have lost hundreds of millions, and some who have cost the State hundreds of millions, will not go bankrupt while some people who have lost money will want to go bankrupt and others who do not want to be bankrupt will go bankrupt.

I checked the code of conduct for Members of the Dáil Éireann a few minutes ago. It states that a conflict of interest exists where a Member participates in or makes a decision in the execution of his or her office knowing that it will improperly and dishonestly further his or her private financial interests or another person's private financial interests directly or indirectly. On such a basis I will not be allowed to vote on the Bill because I am dealing with four different banks and one of them refuses to confirm that it will not bankrupt me. I could be accused of having a vested interest in voting for the Bill, but I do welcome it.

My company owed the VAT man €1.4 million but we could not pay it so we went out of business. We were not allowed to trade, which is fair enough. I did not get quite as well treated by some banks as others did. Independent News and Media, which loves to call me a tax cheat, got a bailout of approximately €138 million from the banks, more than €50 million of which has fallen on the Irish taxpayer, but Mick Wallace is the tax cheat because he owes VAT of €1.4 million which his business could not pay. In our last ten years of trading we paid €15 million. I often wonder what the guys who call me a tax cheat paid in the past ten years but I will probably never get the answer to it.

In the United States, millionaires go bankrupt on average 3.5 times. It is interesting to note that only one in ten millionaires who go broke during a recession ever go bankrupt again. Recessions are very educational and people who get burned good learn much from them. These are very interesting statistics.

One sometimes wonders how a guy can lose so much money, but business is strange that way. If houses or apartments are to be built someone must do it, and more often than not a person must borrow money to do so, and so the person is taking a certain risk. Very often the risk works out well and money is made by all concerned. This includes the developer, the builder and the bank.

Before the recession I understood I had a relationship with some of the banks I dealt with and that we were in it together. Generally we used to meet on my terms and got on really well, and they were very glad to be doing business with me. They probably charged me a little above the norm in the interest rates. The fact I did not wear a suit, cut my hair or join a political party probably did not help me in any way. I used to get money out of them anyway. However, when trouble arrived, I noticed that I was the only one who was wrong. I had been dull enough to borrow serious money, but the idea that the bank had also taken a risk in the project in which we both had been involved was lost. Judgments are given in the commercial courts on a regular basis in which consideration is not given to the fact that the bank also has a liability. It also took

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a gamble and it would be useful if a rather more rational view was taken in that regard. Those who had borrowed the money became the next thing to criminals, while the banks that had cost taxpayers throughout the world an absolute fortune were the goodies, which was a strange notion. I welcome the Bill which constitutes a sensible move.

Deputy Eoghan Murphy: I congratulate the Minister on introducing this amendment to the Electoral Acts, which I welcome. In the context of the Title of the Bill, Electoral (Amendment) (No. 2) Bill 2014, and given the Minister's presence in the Chamber, I wish to raise the issue of the proposed plebiscite of the people of Dublin on a directly elected mayor for Dublin. It is disgraceful that a minority of elected representatives acted in an anti-democratic fashion and chose to deny all the people of Dublin, not just those whom they represented, a say in this matter. The outcome of the vote in Fingal should be ignored and a plebiscite put to all the people of Dublin on whether they wish to have a directly elected mayor for the city. To those who claim such a decision by the Minister would be anti-democratic, it is undemocratic to give elected members in Fingal a say over councils, constituencies and people they do not represent, as Fingal County Council should recognise. As councillors in Fingal have no mandate in Dublin city, why should they have a say over the people of Dublin city? The people of Fingal should have a say over Fingal County Council and on whether the Dublin region should have its own mayor. Fingal County Council should have let this pass and allowed the plebiscite to be put to the people. Now that the Minister has consulted all councillors in the region and has a clear view of what the majority of them wish - 75% are in favour - he should proceed with a ballot of the people of Dublin on whether they would like to have a directly elected mayor for the city region. This ballot should take place on 23 May, as originally proposed. The Minister has introduced many excellent reforms within a brief period, but, if implemented, this could be his most important yet.

Deputy Peter Fitzpatrick: The Bill amends the Electoral Act 1992 and the European Elections Act 1997 with the effect that a person who was declared bankrupt will no longer be disqualified from membership of the Dáil, the Seanad and the European Parliament. Furthermore, it provides that a person who was declared bankrupt while serving as a Member of the Dáil, the Seanad or the European Parliament shall not cease to be a Member as a result of his or her bankruptcy. Under existing law, a person who is an undischarged bankrupt under adjudication by a court of competent jurisdiction in the State is not eligible for election to the Dáil or the European Parliament. An MEP who becomes subject to this disqualification ceases to be a Member of the European Parliament. Where a Deputy has been declared bankrupt and the adjudication order is not annulled within six months of the date of the order, a vacancy arises in the Dáil.

Certain categories of people are ineligible for candidacy or membership of the Dáil. They include a person who is not a citizen of Ireland, who will not reach the age of 21 years on polling day or, if there is no polling day in respect of the constituency concerned by reason of the operation of section 58(b) of the Electoral Act 1992, as amended, the day which is polling day generally throughout the State in respect of the election concerned, who is a member of the Commission of the European Communities, who is a judge, an advocate general or a registrar of the Court of Justice of the European Communities, who is a member of the Court of Auditors of the European Communities, who is a member of the Garda Síochána or a whole-time member of the Defence Forces as defined in section 11(4) of the Electoral Act 1992, as amended, who is a civil servant who is not, by the terms of his or her employment, expressly permitted to be a Member of the Dáil, who is a person of unsound mind, who is undergoing a sentence of imprisonment for any term exceeding six months imposed by a court of competent jurisdiction in the

State or who is a directly elected cathaoirleach of a local authority.

There is no amendment to Seanad electoral law in the Bill. To be eligible for membership of Seanad Éireann, a person must be eligible to become a Member of Dáil Éireann and, consequently, the bankruptcy qualification automatically will be removed for the Seanad. The Minister has argued that the current law applies only to those who were declared bankrupt by a competent Irish court. Consequently, an Irish citizen who has been declared bankrupt in the United Kingdom, the United States of America or in any other country is not subject to disqualification. The proposed Bill is one way to address this anomaly by removing the disqualification of undischarged bankrupts, as well as the inherent unfairness these anomalies present. An amendment to legislation to include competent courts in other jurisdictions would be another possibility in this regard.

For the European elections to be held on 23 May, the earliest date for receipt of nominations by returning officers is 10 April. The latest date for receipt of nominations from candidates who are nationals of European Union member states other than Ireland or the United Kingdom is Thursday, 17 April. The latest date for receipt of nominations from candidates who are Irish or British citizens is Tuesday, 28 April. Early consideration of the Bill will provide certainty for prospective candidates at the forthcoming European elections as to the eligibility requirement for election. Ideally, the Bill will go through the Oireachtas in good time before 17 April.

Deputy John Paul Phelan: I add my voice in support of this legislation the Minister has introduced. As previous speakers noted, when the original provision was introduced to bar people from membership of what was a different Parliament, it was during the Victorian era when a rather Dickensian view of bankruptcy was held by all and the idea of debtors' prisons was current. I was struck by Deputy Catherine Murphy's comment when she noted how in those days people of property contested elections. In fact, in those days it also was people of property who voted in elections. At the time, there were strict restrictions on those who could cast a ballot. The Reform Act 1832 was the first to extend substantially the franchise and it was not until 1867 that many categories of working people were given the franchise. In 1918 the Representation of the People Act extended voting rights to women in a limited way in that while every man over the age of 21 years had a vote, women did not get the vote until they were over the age of 30 years. A few more years elapsed before that rule was changed. Consequently, this amendment is to be welcomed. I am aware that a case is before the courts and this legislation has been introduced with a view to dealing with some of the contents of that action. It is appropriate that this rule be amended.

I wish to use the bulk of the time available to me to add my voice to others, in particular that of Deputy Brian Stanley, with whom I do not often agree. However, he raised the issue of the need for the establishment of a permanent electoral commission. This is a matter to which the Minister has given consideration. It should be introduced as the conditions in the old days, whereby rate collectors were familiar with who was over the age of 18 years and who could keep electoral registers up to date nationwide, no longer obtain. In many parts of the country, electoral registers are significantly out of date and do not reflect the people living in that area who are eligible under the terms of legislation to be on that register. Many people who make the effort to vote only find this out on polling day. All Members will have encountered cases, perhaps of friends and neighbours, who had previously been on the register but found, in attempting to cast their ballots, that this was no longer the case. The existing system in updating the electoral register is inadequate in this day and age. The amount of local knowledge that used to be available previously in updating electoral registers is no longer available. As a re-

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sult of a change in the way society works, people are not as familiar with their own neighbours and communities as would have been the case in the past. Many of those older rate collectors have retired and their expertise and knowledge has gone with them. As a result, electoral registers in many parts of the country - in most parts of County Kilkenny the electoral register is pretty good - are not as accurate as they should or could be. One of the benefits of an electoral commission would be permanent responsibility for the redrafting of electoral boundaries. I refer to the recent farcical situation in which the Minister was attacked by the Leader of the Opposition about the matter of local electoral boundaries in a desperate attempt to hide his own embarrassment before the upcoming elections. Several members of the independently appointed commission had to state publicly that their decisions were completely removed from any intervention by the Minister or the Department of the Environment, Community and Local Government. Its decisions were enforced uniformly across the country without regard to any other external interests. In the future, the establishment of a permanent electoral commission could provide a mechanism for the upgrading and the renewal of electoral boundaries for local, European and general elections and also for the upkeep of electoral registers. I suggest that the Minister consider introducing that reform over the course of the next couple of years.

Deputy John Browne: I welcome the Bill. Our spokesperson, Deputy Barry Cowen, has signalled that Fianna Fáil will support it. In 1974 the bankruptcy disqualification was removed in the case of local elections. It is difficult to understand why this ruling did not extend to European and general elections. We have moved on since then. Changing the electoral law in light of the ongoing legal action reflects the principles of equality and representation enshrined in the Constitution. Allowing undischarged bankrupts to contest elections brings Ireland into line with most member states of the European Union. It also mirrors broader changes in Ireland with regard to the issue of bankruptcy, which has been highlighted in the current economic crisis that has affected almost every household in the country. Bankruptcy should not be regarded as a moral failure but rather as a financial decision. The Minister wants to pass this Bill as quickly as possible and it will enable undischarged bankrupts to contest the local and European elections in May, as well as future Dáil and Seanad elections.

The Bill arises from an action before the High Court. Ms Jillian Godsil has brought a case arguing that the legislation banning her from contesting elections as an undischarged bankrupt is unconstitutional. The case will be heard in full in July but this Bill, if enacted, will remove the need for a legal dispute and potential financial repercussions for the State in the future. The principles at stake are equality, in the form of freedom of choice, and discrimination because of socioeconomic status, both of which are components of the Constitution. Removing the ban would bring Ireland into line with the European norm. Bankruptcy bans are more prevalent in common law countries. Traditionally in Ireland the ban was viewed as being a moral issue. The impact of the economic crisis has caused this perspective to shift, and the Minister's Bill reflects this change.

The removal of the personal insolvency legislation will result in a significant increase in bankruptcy numbers in the State despite the onerous three-year period and additional financial draw-down time which will alienate people from the process. The elections will be held on 23 May and the Minister wants to ensure that the Bill passes all stages by that time. The cut-off date for nominations is 28 April. If passed, this Bill will allow those in financial difficulties and bankruptcy to contest the election.

Currently, the law denies people who are declared bankrupt the right to contest elections. However, if the bankruptcy is pursued elsewhere, and in countries where the period of bank-

ruptcy is significantly shorter, the ban does not apply. The rationale behind the law that bankrupts are incapable of being representatives due to a moral or judgmental failure has been bypassed. By denying bankrupts from contesting elections, the principle of equality and political representation is completely undermined. People seeking bankruptcy tend to be drawn from embattled socioeconomic groups who are unable to meet their financial obligations. As the Minister pointed out, this would mean a section of society is penalised for its financial problems. Ordinary business people in every community and county are facing financial difficulties and are engaged in processes with banks. In many cases the banks are very reluctant to do deals or to work out a suitable repayment schedule. This aspect has been debated in committee and in this House. There seems to be no solution on offer to the current mortgage crisis. I hope the Minister and the Government will do everything possible to bring the banks into line to ensure they do deals for people who are in a position to make some repayments, including interest-only repayments if they are not in a position to make a full repayment. The banks should be prepared to meet them halfway and to devise solutions.

The prevalence of bankruptcy bans in common law countries displays a displaced sense of morality where financial difficulties are viewed as a failing. This is not the case in the majority of EU countries. By removing the ban, Ireland will be brought in line with the international norm. Changes to Irish bankruptcy laws mean that greater numbers of people will move through the system. While still onerous, this should lead to more pressure for change in order to mirror the deeper changes. This Bill will remove the need for the pursuit of the court case in July and any possible costly civil or European actions that may arise.

Fianna Fáil will support the Bill. Deputy Cowen may put forward amendments on Committee Stage, although the Bill is straightforward and it will result in significant change for those who are declared bankrupt. As the Minister noted in his contribution, it is farcical that people can be declared bankrupt in other countries and still contest elections in this country. I do not understand why in 1974 the ban was removed in the case of local elections but this was not extended to included Dáil, Seanad or European elections. There was a reason, but it would have made sense to have changed the regulation. The economic crisis has brought this issue to the fore and the Minister has acted as quickly as possible to deal with the court case, which would have been one of many in advance of the general election in two years' time. I welcome the Bill, which I hope will be enacted before the declaration date this month.

Deputy Eamonn Maloney: Deputy Browne has alluded to the current situation. Under normal circumstances I would be opposed to this Bill, for two principal reasons. Two types of person, or perhaps more, suffered as a result of the fallout from this country's economic collapse. Those who fall into the first category are what I would call small borrowers, namely, people who had small businesses. They might be contractors or owners of heating companies, electric companies, etc., who in some cases borrowed modestly to extend their businesses during the false boom. There is another category, however, whose members share more of the blame for this country's economic collapse, and I do not evaluate them in the same way I do the small borrowers. I refer to the great and the good who had so much money that apart from buying up Ireland they were buying yachts, racehorses and so on. I am convinced they have a different responsibility in terms of their borrowings than the ordinary men or women running small businesses who took a risk, albeit a more modest risk.

I listened to the contributions of some of the previous speakers. It is sometimes forgotten that when things went pear-shaped for many of the substantial borrowers in the construction industry - developers, etc. - they brought down many innocent small subcontractors who lost

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their livelihoods and whose employees lost their jobs. In some cases workers lost their pension rights. That was widespread.

I always qualify the argument about developers by saying that not all developers were engaged in this activity, in the same way that not all bankers were involved in the frenzy of throwing money at people. There were decent people in banks who should not be put into that category, but there is a view that they have some responsibility, similar to those who borrowed in an insatiable way.

I heard the Minister's contribution earlier and I understand the point about letting the people decide whether these people should be allowed to contest local or European elections, but I would argue that we as legislators should make a stand regarding the so-called great and the good who made the decisions about borrowing that we are now discussing. What is morally right about someone who caused the demise of half a dozen contracting firms and, in some cases, caused hundreds of workers to lose their jobs running for election? What moral argument can be made that we as legislators should allow those people to run for Parliament or in local authority elections? That is not right. We should take a lead in this matter. That is what legislators are supposed to do, not to follow events as they happen.

In his presentation - other people have made this point also - the Minister stated that 18 EU countries had augmented their legislation to the effect that those who become bankrupt have the right to run in these elections. That may be so, but it does not make it right. None of those 18 countries had this country's experience in terms of economic collapse and what our people have suffered through emigration, which thankfully is improving due to the measures this Government is taking. The people I refer to have committed many sins. I do not believe they are fit to go before the people, and legislators should say that.

On reading the 1992 Electoral Act, a particular subsection caught my eye. It refers to persons of unsound mind. It does not give a definition of "unsound mind" but if the Minister and I scratch our heads we might come up with a definition. Are those in the banking institutions who went crazy and threw money at people of sound mind? I would argue they are not, and I doubt if anyone would argue that they are of sound mind. Are those who were running construction companies and borrowed money they did not need to do what I referred to earlier - namely, to buy racehorses, etc. - of sound mind? Of course they are not of sound mind. They should never have been let get away with that.

Without meaning to give him any more coverage, I heard a former guru in this country on a radio programme advocating that those people in financial difficulty should head off to another jurisdiction, live there for a while, come back to this domain and live happily ever after. I disagree with that. The majority of us are tax compliant but in many cases those people owe the people money through the Revenue Commissioners, and I take exception to the idea that their slates can be wiped clean. It proves the point that the great and the good in most of these matters can walk away unscathed. I do not agree with that.

As I said at the outset, I understand the legal implications of the case that has been referred to, but if it stood on its own, the Minister and I would not be in agreement on this legislation.

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I thank Deputies for their contributions to the debate on this short but important Bill. I will not go into the details of matters concerning other items of legislation, on which people got

some latitude, but I note what Deputy Maloney has just said. One never knows. We could have been on the same side of the argument but there are circumstances in which we have to look at matters legally in a broader way and how we can harmonise them to the extent necessary, particularly in the context of legal advice we get on matters currently before the courts or whatever.

I thank the Opposition Members for their support for this legislation also.

Question put and agreed to.

An Leas-Cheann Comhairle: When is it proposed to take Committee Stage?

Deputy Phil Hogan: Next week.

Committee Stage ordered for Tuesday, 15 April 2013.

Topical Issue Debate

Suicide Incidence

Deputy Dan Neville: I thank the Ceann Comhairle for giving me the opportunity to refer to the recent report by the European Child Safety Alliance on national action to address the issue of child intentional injury. The report shows that Ireland has the highest rate of suicide among young females under 20 years of age, 2.5 times the European average, and the second highest rate of youth suicide among males, 5.12 per 100,000, compared to the European average of 2.39. Lithuania is the only country ahead of us when it comes to male youth suicide. These are unacceptable levels and urgently need to be addressed. These findings also confirm the findings of research conducted by the World Health Organization on the issue of youth suicide in Ireland.

Research shows that the reasons children and young people die by suicide are complex, often involving an interconnection of different factors and events. Difficulties in relationships either with a partner or a family member are a commonly cited reason for youth suicide. Parental conflict and rigid family systems can be factors influencing suicide behaviour.

Events that have an impact on a young person's identity, autonomy and independence can also play a part, with depression, hopelessness and a history of sexual abuse. These factors are present more in young people who make more serious suicide attempts. Substance misuse, aggression, risky sexual behaviour and health problems have been found to be related to suicidality. A negative perception of body image and a lack of attention to their own physical needs are seen as risks for suicidal behaviour in some young people.

Research also found that knowing someone who had attempted suicide, having symptoms of depression, alcohol misuse, violence and lesbian, gay, bisexual and transgender relationships were associated with an increased risk of suicide. A number of studies have looked at factors that make people more vulnerable to repeating a suicide attempt. These include low self-esteem, early puberty, relationship difficulties, being physically impaired owing to illness or injury or substance or alcohol misuse, hopelessness, a previous suicide attempt or a recent

suicide attempt by a friend.

Studies of suicides of homeless young people found that they had reported feeling trapped by their experiences. Factors that had made them vulnerable to suicide were drug use, experiencing familial abuse as a child, low self-esteem and feeling lonely.

Family functioning is more important than family structure. The way a family functions in particular relationships with parents can both be a protective and a vulnerability factor.

The effect of the media is often open to question, with some studies reporting that young people and adults were less likely to have copycat effects, but it is thought that reports of suicide among teenagers may be an influence in imitative behaviour.

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I thank the Deputy for raising this issue for discussion. I am taking it on behalf of my colleague, the Minister for Health, Deputy James Reilly.

I welcome the national action to address child intentional injury 2014 report of the European Child Safety Alliance, published in late March. The report which examines the policy measures in place to address intentional injury to children in over 25 member states is being considered in the Department of Health. In Ireland the Government's policy on deliberate self-harm and suicide prevention is guided by the national strategy, Reach Out, which makes several recommendations to fast-track referrals to community-based mental health services, an effective response to deliberate self-harm, training, reducing stigma, promoting positive mental health and research. Reach Out recognises the youth sector as a high risk group and sets out several specific actions. Dealing with the current high levels of suicide and deliberate self-harm is a priority for the Government.

The Health Service Executive's National Office for Suicide Prevention has primary responsibility for the implementation of Reach Out. Consequently, the office has developed a range of initiatives aimed specifically at supporting young people who are suicidal, as well as supporting their peers in recognising and responding appropriately to signs of emotional distress and suicidal thoughts.

A wide range of awareness and training programmes are available in the area of mental health promotion and suicide prevention. Several media awareness campaigns focused specifically on young people have been run in recent years and guidelines for mental health promotion and suicide prevention in post-primary schools have also been developed. Since 2012 the Government provided €90 million and 1,100 additional posts primarily to develop community mental health teams and suicide prevention resources. Some 230 of these posts were allocated to child and adolescent mental health services, CAMHS, teams and all posts are targeted to be in place by end of June 2014. Young people, children and their families have access to a range of mental health services within CAMHS teams. In addition, 37 new clinical nurse specialist posts have been created to provide additional clinical support for persons presenting with self-harm in emergency departments.

In 2014 the Department of Health and the Health Service Executive have committed to developing a new strategic framework for suicide prevention, building on the comprehensive work delivered under the current Reach Out strategy. The framework will present the key priorities to be addressed from 2015 to 2018. The aim of the new strategy will be to support population health approaches and interventions that will assist in reducing the loss of life through

suicide. The new framework, expected to be published in late 2014, will build on and learn from the experience of implementing Reach Out which continues to be relevant.

The recommendations made in the national action to address child intentional injury 2014 report will also be considered in the context of the development of the new framework. The findings of the report give cause of concern and will be considered by a research advisory group recently established as part of the development of the new framework for suicide prevention.

Deputy Dan Neville: The new framework being developed by the National Office for Suicide Prevention should provide for a specific examination of youth suicide among both males and females. It is important to note that funding for the office has doubled from €4 million to €8 million.

2 o'clock

I understand the Government is allocating an extra €1 million this year. However, the service is still under-resourced and needs further investment to allow it to have a greater impact on the whole area of suicide, including on research, prevention and postvention.

I accept that increases in resources must be made on a phased basis to allow development to take place in an orderly fashion. However, it should be borne in mind that comparisons are often made between resources provided to the National Roads Authority, at over €30 million, and those provided to the National Office for Suicide Prevention, approximately €9 million now. Some 600 people die by suicide each year, while fewer than 200 - although it is too many - die as a result of road accidents. I support ongoing and further support to the Road Safety Authority to continue its excellent work. Its great success should be a template for suicide reduction, although we know that suicide prevention is totally different. There is little similarity between preventing accidents and preventing suicide, which is a highly complex area in the context of what brings people to take their lives and the consequences of the tragedy for the bereaved. The factors surrounding suicide are very different. The expertise exists nationally and internationally and is available to us to impart through any programmes the National Office for Suicide Prevention develops in all areas. I urge the Government to continue to develop the office by ensuring that the resources required are made available.

Deputy Phil Hogan: I am conscious of the important work Deputy Neville and others have been doing over the years in regard to this important issue. I assure him that the recently published report from the European Child Safety Alliance, National Action to Address Child Intentional Injury, is another opportunity for us to focus on the measures the Government is taking and how it can do more to ensure all of these issues in regard to young people are better understood. Also, the research office looking at the reports by the Department of Health will provide an additional opportunity to continue the good work necessary to understand the complex reasons people, particularly young people, engage in unfortunate practices such as self-harm. This work will continue to be funded and supported by the Government.

Local Government Fund

Deputy Jim Daly: Cuirim fáilte roimh an deis labhartha ar an ábhar seo sa Teach inniu. I thank the Minister for coming to the House to deal with this issue.

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This concerns an issue that has been ongoing for some time. Currently, Cork motorists are subsidising road repairs in other counties throughout Ireland, while our own crumbling network is in crisis because of the depletion of resources for all local authorities and increasing challenges in maintaining the road network. In 2012, some €130 million was collected in road tax in County Cork, between the city and county councils. The moneys collected in road tax are sent straight to the Department every evening at 5 p.m. In return, general purpose grants come from the Department to each of the local authorities. In 2013, my calculation is that a sum total of €53.9 million was returned to Cork through general purpose grants, which was 8.4% of the total. This amount was then shared among Cork County Council, Cork City Council and the nine town councils. They got 8.4% of the general purpose grants, versus the 12.25% they contribute through road tax.

County Cork cannot afford this. We have the largest road network in the country and cannot afford to be subsidising motorists using roads in other counties. It is very different for a county such as Dublin, which has a massive population but a very small road network. It can certainly afford to spread some of the spoils, but we cannot. I plead with the Minister to take up this issue. I thank him for coming into the House to hear me make this plea. I call on the Department to look again at the allocation of the moneys collected and to arrange that moneys collected in County Cork from road tax be sent back to County Cork for the maintenance of roads. The local authorities are failing in the battle to maintain the roads and motorists' frustration has increased year by year. It is at tipping point now and it is high time we made a serious effort to address the issue. We have 10,320 km of local county roads in County Cork.

I support the argument that more money is not always the solution to these problems. The problem must also be addressed by the local authority in the context of choosing what to do with the moneys provided by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport, which gave €330 million to local authorities this year to carry out work on road networks. The local authorities still refuse to deal with the issue of water on the roads, but they must address the issue of drainage by whatever means are necessary, even if this means they must bring in private contractors. I have been in contact with the Minister and the Secretary General of the Department of Transport, Tourism and Sport and I hope that they and the Minister here will send some instruction to local authorities to ensure a qualifying clause is included with any future allocations of moneys insisting that drainage works are carried out on roads. The waste of money currently is appalling.

I would appreciate it if the Minister would address the main issue I raise today, namely the unfairness to Cork motorists of having to subsidise motorists in other counties at a time when the largest road network in the country, that of County Cork, at 10,320 km, is crumbling.

Deputy Phil Hogan: I thank the Deputy for giving me the opportunity to outline for the House today the importance of motor tax revenue in supporting local government in general and particularly in providing funding in respect of the local and regional road network.

The estimated income to the local government fund in 2014, as set out in the Revised Estimates for Public Services 2014, published by the Department of Public Expenditure and Reform, is €1.71 billion. This includes motor tax receipts of €1.16 billion, which will contribute over two-thirds of the fund's estimated income in 2014. The balance of the fund's income will be made up by local property tax received in 2014 and interest earned from local government fund moneys invested with the National Treasury Management Agency.

A number of factors have an impact on the level of motor tax revenue collected each year. The Non-Use of Motor Vehicles Act 2013, which came into effect on 1 July 2013, introduced new arrangements which only allow for prospective off-road declarations by vehicle owners; these have been fully in force since 1 October 2013. The primary purpose of this legislation is to provide for a system of declaring vehicles off the road in advance for motor tax purposes. This closed a loophole whereby owners could declare retrospectively that a vehicle had not been in use on the public road, which was unverifiable.

Other factors that determine the level of motor tax revenue include the increase in rates announced in the December 2012 budget and the year-on-year reduction in income arising from the private vehicle fleet due to the switch-over from motor tax based on engine capacity to that based on CO2 emissions, given that vehicles taxed under the latter regime carry a lower average annual tax rate. Motor tax income in 2013 was €1.13 billion, compared to an estimated expected level of income of €1.16 billion in 2014. I will consider, in conjunction with the Minister for Transport, Tourism and Sport, measures to evaluate the effectiveness of the new provisions for off-road declarations in due course.

In respect of expenditure from the local government fund, an amount of €363.9 million has been allocated to the Department of Transport, Tourism and Sport from the fund for 2014 for roads and public transport infrastructure. With effect from 1 January 2008, responsibility for regional and local roads was transferred to that Department and it now has responsibility for the allocation of regional and local road grants to local authorities. A further €12.5 million is allocated from the fund to the Minister for Transport, Tourism and Sport for management of the national vehicle and driver file.

The local government fund provides general purpose grants to local authorities to support their general operational activities. It is estimated that €281 million will be provided in 2014. I also expect that the fund will provide up to €486.5 million to Irish Water in 2014. This amount will fund the water-related expenditures incurred heretofore by local authorities and met by them from their own resources and general purpose grants. The total estimated expenditure from the local government fund in 2014 also includes a payment of €600 million to the Central Fund and a further €35 million for other local authority projects including shared services.

Local authorities have statutory responsibility for regional and local roads with funding being substantially met from grant programmes administered by the Department of Transport, Tourism and Sport. However, current overall funding requirements are met from both grants and local authorities' resources. It is a matter for each local authority to determine its spending priorities in the context of its annual budgetary process having regard to both locally identified needs and available resources. The elected members of a local authority have direct responsibility in law for all reserved functions of the authority, including adopting the annual budget, and are democratically accountable for all expenditure by the local authority. Councillors, by reserve function, adopt their annual budgets based on what they see as their local priorities.

The Government continues to be committed to maximising the funding available to local authorities from the local government fund to support the provision of local services to our communities, including the maintenance of the regional and local roads network. The National Roads Authority's primary function is to secure the provision of a safe and efficient network of national roads. I take on board Deputy Jim Daly's message that when people see the money from their area going into the Central Fund the large counties are often expected, in the interest of the common good, to take up some of the financial obligation of small local authorities or

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areas with small populations. The same argument could be made about the local property tax. That was always the case and it is a difficult matter for the counties involved. It is for Cork County Council to prioritise local roads, the drainage works required to alleviate the storm damage of recent months and the programmes that are available in addition to the allocations to Cork County Council, and ensure personnel are on the roads dealing with the particular drainage problems he identified.

Deputy Jim Daly: I thank the Minister for his response. There is a saying, “If one always does what one has always done, one always gets what one has always got”. We cannot kick the can any further down the road. I have been raising this and other issues regarding roads for three years since I entered this House in March 2011. I have constantly been pushed from Billy to Jack, from Department to Department or local authority. It is time we had a fresh look at how we deal with our roads. There are two fundamental issues. One is the unfairness of the amount of money collected in County Cork. The Minister referred to the larger counties supplementing the smaller ones. That does not wash because the larger counties have larger road networks. Areas with a critical mass of population should subvent more rural areas, and in County Cork we struggle with many areas that are sparsely populated. The size of the county does not mean we can afford to give more money to other counties. I hope the Minister will take that point on board.

We contributed 12.25% of the motor tax and received only 8.4% back in the general purpose grants. The Department has a responsibility when it allocates hundreds of millions of euro to do more than just say it is up to the council to ensure we get value for money. Given that the country is at crisis point financially, Departments must step up to the mark, take responsibility and ensure value for the money they allocate is delivered to the taxpayer. The Department owes that to the taxpayer. As a representative I have a responsibility to the taxpayer to ensure accountability comes from the top down and that the Government is not fudging, kicking the can down the road or passing it from Department to Department and to the local authority.

I plead with the Minister, with his Department and Secretary General, to take a step back from this and examine the two principal issues I raised, namely, the unfairness of the amount of road tax collected in County Cork and the wastage of money. The local authorities are throwing tar into pot holes and repairing roads year on year at enormous cost and spending up to 65% of the money allocated by the Departments on wages. That is not value for money and does not make sense. Somebody somewhere must stand up and be counted for this and ensure the taxpayer gets the value for money they rightly deserve.

Deputy Phil Hogan: I am surprised the Deputy did not mention the major changes we made in the Local Government Act, which will put a considerable focus on locally elected members and ensure they will have to stand up and be counted and take responsibility for all the budgets they adopt. When local authorities receive block grants from the Minister for Transport, Tourism and Sport it is a matter for them to see how much money they have at local level to match that and prioritise the important programmes. The Department of Social Protection operates many schemes which could provide a much needed human resource element to this debate. Cork County Council has a considerable number of opportunities and measures available that, perhaps, it is not taking, particularly in the human resource area through programmes such as Gateway and community employment schemes. We could do much more regarding the environment, local roads and dealing with the ongoing drainage issues if we had a little more joined-up thinking by all local authorities on these matters.

“Devolution” is the word I am very anxious to ensure we follow. After the local elections on 23 May it will be up to the councillors elected to Cork County Council to represent the needs of their constituents and ensure they prioritise roads. I will establish a national oversight audit commission to ensure best practice is implemented and to drill down, in specific terms, into the waste of money about which the Deputy spoke in general terms, and ensure it is not the order of the day. I remind the Deputy that there has been a reduction of 25% in the number of people employed by all local authorities and they are expected to do more with less. Such are the difficulties in which we have found ourselves over the last couple of years regarding making ends meet. The Minister for Transport, Tourism and Sport will have allocated €517 million on roads through local authorities between the NRA and his Department. It is up to everybody at local level to ensure, operationally, that they get good value for money.

Planning Issues

Deputy Maureen O’Sullivan: I am very glad of this opportunity to bring this matter into the Chamber and address some of the grievances experienced by the communities and residents who live near Croke Park, particularly those who live within the cordon area. I am delighted the Minister is here because these issues touch on each aspect of his role, relating to the environment, local government and community. I distinguish between Croke Park, which is a corporate, profit-making entity, and the GAA. I totally support the great work the GAA does throughout the country, particularly with young people. However, over some time there have been very fractious relationships between the communities and Croke Park.

There are three types of issues. First, there are long-standing issues regarding events in Croke Park. They relate to access for people to and from their homes on match days, residents’ fears as to whether there is an adequate evacuation plan in the event of an emergency, litter and anti-social behaviour. Second, Croke Park is suing members of the handball and community centre. As that is a legal matter, I will park it. Third, there is an issue with the concerts. I accept the business aspect of this and that small businesses such as hotels, bars and restaurants are delighted with an influx of 400,000 Garth Brooks fans who will descend on the area. However, there are major issues for the residents.

Some time ago an agreement was made between Croke Park and the residents committing to three concerts. I saw the agreement. Three concerts were arranged for May this year for a group called One Direction. Those concerts will interfere with the local and European elections. One of the polling stations is close to Croke Park, so people will be discommoded. As well as those three concerts, an American football match has been planned and residents have learned that there will be five concerts by Garth Brooks. Nobody objects to the fact that it is Garth Brooks, but to the fact that there are five concerts one after the other. The residents heard about it through the media. First there were to be two concerts, then three, four and five. A sixth concert could have been scheduled but for the outcry by people about this.

As well as the five concerts in a row, the set up and tear down of the equipment will take several days. It is ironic that people from Croke Park are coming on the radio and television saying they want to be good neighbours with the residents, and this is how they show it. There is no meaningful consultation with the residents and they had to find out about the concerts from radio and television. There are issues relating to the environment, community and local government.

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There is also the issue of the licence, although I know this is a local government matter. Under what sort of system are tickets sold for a concert before a licence is granted, as it does not seem to make sense? This is not sour grapes on the part of people who live there and we should put ourselves in their position. Some people bought their houses in the area when Croke Park had a capacity of 45,000 or 50,000. They are now living beside a stadium with a capacity of 83,000 and although it is magnificent, it is a venue for concerts and other events. One must come to the conclusion that this is pure profit making and greed on behalf of the corporate entity of Croke Park.

Deputy Phil Hogan: I thank the Deputy for raising this matter which is the subject of much media attention. As she may be aware, An Bord Pleanála granted planning permission for the redevelopment of Croke Park stadium on 9 March 1993. Condition No. 11 attached to the planning permission allows for the holding of three special events such as concerts in the stadium each calendar year, subject to the approval of an event management plan which must be submitted by way of compliance submission to the planning department of Dublin City Council. Any additional event proposed to be held in Croke Park in excess of the three events permitted per calendar year must be approved by way of a public event licence application to Dublin City Council under the provisions of section 230 of the Planning and Development Act 2000, as amended. Any application under these provisions which can be for one or more events must be submitted at least ten weeks prior to the date of the first event.

The pop group One Direction is holding three concerts in Croke Park on successive days between 23 and 25 May and it is my understanding these concerts are taking place under the terms of condition No. 11 attached to the 1993 planning permission granted by An Bord Pleanála. It is also my understanding approval of the event management plan for these concerts will be issued by Dublin City Council next week. The five concerts to be undertaken by Garth Brooks on successive dates at the end of July are required to be separately approved by means of obtaining a public event licence under the terms of section 230 of the Planning and Development Act. In this regard, Dublin City Council has not received an application for a public event licence for these concerts to date. However, as I have indicated, event organisers have until ten weeks prior to the date of the first concert to submit an application for a public event licence.

Under the public event licensing provisions contained in section 230 of the Planning and Development Act 2000, any third party can make observations on the application within five weeks of the date of lodgement of the public event licence application with the relevant authority. With regard to the proposed five Garth Brooks concerts at the end of July, it will be a matter for Dublin City Council to assess the application for the public event licence when it is received, taking account of third party observations. It will, of course, be open to residents in the vicinity of the Croke Park stadium to submit written observations to Dublin City Council during the period open for the submission of such observations.

Deputy Maureen O'Sullivan: I thank the Minister for the answer and have absolutely no doubt many of the residents will make submissions. The point is that the problem could have been pre-empted if a different system had been in place under which a licence would be applied for first and conditions could be attached. There could also be better relations between the parties running Croke Park stadium and residents. Those running Croke Park stadium could take on board the genuine grievances and issues of residents. Those running Croke Park stadium are in receipt of considerable Government funding and surely there is a way by which they could be answerable to the Government on the matter. Is the Minister stating there is absolutely no role for him in this matter? Nobody wants to see what is happening. I recently attended a com-

munity meeting at which much anger was expressed because this is another stage in the difficult relationship between the people running Croke Park stadium and residents. It would be good to have another move towards bringing about a resolution. This will require more pressure and another intervention in order that those running Croke Park stadium will participate in taking a common-sense approach and take on board what is happening in the surrounding area.

Deputy Phil Hogan: I hope the Deputy knows that, according to planning legislation, I am the only person in the House who cannot intervene in the planning process. We would like to help if we could, but, legally, I am precluded from doing so. Politically, Deputies in this House have got into a fair amount of trouble during the years for intervening in planning matters which did not get us anywhere. I understand the sentiments being expressed by the Deputy on behalf of her constituents. I have, however, outlined the process which must take its course. There is a fairly rigorous application procedure laid down under law in respect of licences that must be granted to allow the concerts to proceed. I advise those involved to go through these processes. This is primarily a matter for the planning department of Dublin City Council, to which written submissions can be sent. The case outlined by the Deputy on behalf of her constituents can be made as robustly as possible.

Naval Service Vessels

Deputy Seán Ó Fearghail: I am grateful to the Ceann Comhairle for selecting this matter for discussion and perhaps it is fortuitous that the Minister for the Environment, Community and Local Government is here to take it as he has some responsibility in dealing with the matter of asbestos. We are grateful to Mr. Seán O'Riordan and the *Irish Examiner* for today reporting that asbestos was discovered on two Naval Service ships, the *LE Orla* and the *LE Ciara*. If we are grateful to him, we are enormously surprised to discover that approximately 18 personnel, nine from the Naval Service and perhaps as many civilians, were assigned to carry out work aboard the *LE Ciara* which involved removing asbestos from the sub-funnel area. The activity involved cutting, breaking and transporting the asbestos from on board ship while a number of civilian workers were in the vicinity. I understand no risk assessment was carried out before the work commenced and no advice was obtained from the Health and Safety Authority or consultants specialising in asbestos removal.

In 1999 and 2000 the Department of Defence commissioned consultants to examine naval equipment and instalments, as well as other departmental facilities. Asbestos was identified on the *LE Deirdre*, the *LE Emer*, the *LE Aoife* and the *LE Aisling* and at the time the offending material was appropriately removed. A clean air certificate was given thereafter given in respect of all other facilities. I understand the plans for these ships, the *LE Ciara* and the *LE Orla*, show specifically that asbestos was in place.

A number of questions arise. Why were the naval authorities not aware asbestos was present and why were the consultants used in 2000 able to provide a clean air certificate in respect of these two ships? What will be done by the Department of Defence and the naval authorities to provide for ongoing health screening for those exposed to asbestos? We know about the enormous dangers that arise from exposure to asbestos; whatever about the material in a dormant form, transporting it having been broken and exposed to the air puts people at risk. It can manifest initially in pleural plaques in human lungs and be expressed at a later point in the development of asbestosis in its worst form. Heaven prevent this from happening to anyone

affected by this issue.

We are seeking an assurance from the Minister for Defence that there will be proper health screening of all those affected and their families who may also have been exposed to the material. Given that it can take a long time for asbestos infection to manifest, we also seek a commitment to provide for ongoing screening of those who have been exposed to this material.

Deputy Phil Hogan: At the outset I would like to assure the House that the safety and well-being of the individuals involved in this incident are the primary concern of my colleague, the Minister for Defence, who has responsibility for the Naval Service. I am advised by the Naval Service that it is following all Health and Safety Authority, HSA, guidelines while dealing with the current situation.

While *LE Orla* was in dry dock at Cork dockyard, work was being carried out in the engine room spaces. During the removal of a gasket head, Cork Dockyard Ltd., CDL, identified material which it suspected as being asbestos. CDL informed the Naval Service. The Naval Service advised that all work should cease and that the material be analysed. CDL got an outside contractor in to get the material analysed. The outside contractor confirmed that the material was asbestos, a particular type of white asbestos. CDL has since sealed the area and is awaiting a surveyor's report. Once it receives the report it will get the asbestos removed and disposed of in accordance with the guidelines and procedures set by the HSA and the Environmental Protection Agency, EPA.

LE Ciara, a sister ship of the *LE Orla*, had had similar work completed while alongside in the naval dockyard. Following notification from CDL of the discovery of suspect material on *LE Orla*, the Naval Service immediately suspended work on *LE Ciara*. The Naval Service has called in external expertise to carry out a full survey and analysis of the ship.

The areas of concern on both ships are currently under quarantine until the analysis and remedial work is completed. No personnel are allowed entry into the engine room spaces and suspected contaminated areas. The Naval Service contacted the HSA and the EPA. The HSA has launched its own investigation into the incident and this is ongoing. A company has been contracted independently by the HSA to analyse the material on board *LE Ciara*.

Since the discovery of asbestos, air sampling and monitoring has been conducted by an external contractor on both ships and the samples taken were found to be safe. All staff on board *LE Ciara* and at the dockyard have been briefed on the situation to date. Health surveillance has been offered to all the relevant personnel.

No asbestos risk assessment or asbestos management plan was put in place prior to this work commencing on board either ship because a survey carried out by an external surveyor on *LE Orla* in 2000 stated that there was no asbestos on board the vessel. While all types of asbestos share similar hazards, they have varying degrees of risk. The risk from white asbestos is at the lower end of the scale. Moreover, the length of exposure is also a key factor, and generally, a once-off short-term exposure is unlikely to be of concern.

Medical assessments are ongoing with the naval medical officer for those who were working in the areas at the time and the situation is being monitored on an ongoing basis. To date, there have been no reports of adverse health effects. Should anyone have concerns or show symptoms, they are being advised to highlight this immediately to Defence Forces medical staff.

I am advised by the Naval Service that a full audit of all ships in the fleet will be completed shortly. While the two vessels have been withdrawn from service, this was part of a scheduled maintenance plan for the vessels. As a result, the current quarantine of these vessels will not affect the overall operational plans of the Naval Service.

Deputy Seán Ó Fearghail: I thank the Minister for his response. We need assurances that something will be done in respect of the firm of consultants that gave an undertaking that *LE Ciara* and *LE Orla* were asbestos-free. One cannot engage and pay consultants substantial fees only to find that their advice is fundamentally wrong. There is also an issue in respect of the Naval Service. I am informed - I will be corrected if I am wrong - that the plans for the ships show quite clearly that asbestos was present in the locations where it was found.

The Minister stated that there are no health implications at present and that there are no obvious symptoms. There would not be. Short-term exposure to asbestos when the material is dormant is not likely to cause problems. The problem here is that the material was disturbed and broken and presumably dust was released, which may have been inhaled. Risks arise when the material is so disturbed. I am concerned, and I believe the Permanent Defence Force Other Ranks Representative Association, PDFORRA, has expressed its concern to the Department of Defence and the Minister. The very least we expect now is that all the personnel who have been needlessly exposed to this risk due to the incompetence of the consultants engaged to deal with this and to a level of incompetence on the part of the Naval Service and the Department of Defence, will be assured of ongoing health surveillance to ensure that no problems arise down the line.

Deputy Phil Hogan: The Deputy is a bit harsh on the Naval Service. When these matters were discovered something was done about them. Work stopped on the ships and immediately the proper procedures were followed. It is a bit early to come to conclusions on what an external contractor found or did not find arising from the work done. Assumptions were made that may not have been correct at the time when work was being done on one ship that the same applied to the other ship, where it was done to the same specification. The logic was taken on board and it was assumed that the certificate on asbestos could apply equally to both vessels and therefore the same status applied.

My initial answer to Deputy Ó Fearghail stated that the EPA, the HSA and the medical staff of the Defence Forces are doing everything they possibly could to ensure the safety and health of the individuals concerned, and to monitor the potential health risks associated with this exposure, notwithstanding that white asbestos is at the low end of the danger range for asbestos. The matters are being taken seriously. I thank the Deputy for raising them and I will certainly convey his views to the Minister for Defence.

The Dáil adjourned at 2.35 p.m. until 10 a.m. on Friday, 11 April 2014.