



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Máirt, 15 Aibreán 2014*

*Tuesday, 15 April 2014*

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

*Paidir.*

*Prayer.*

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## Ceisteanna - Questions

### Priority Questions

#### Economic Competitiveness

98. **Deputy Dara Calleary** asked the Minister for Jobs, Enterprise and Innovation the measures he will take to implement the recent report of the National Competitiveness Council; and if he will make a statement on the matter. [17569/14]

**Deputy Dara Calleary:** I apologise in advance for myself and Deputy Tóibín as we are attending a committee meeting at which the CEOs of the banks are appearing, so we will be running over and back. Hopefully it will work out. The National Competitiveness Council report issued serious warnings about the increase in business costs. I know that the Minister acknowledged the report and welcomed it, but I want to know what he will do about it.

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The National Competitiveness Council published the Costs of Doing Business in Ireland 2014 report on 1 April 2014. The report compares Ireland's cost competitiveness to a number of other regions across a range of key business inputs. It also contains some key messages on Ireland's cost competitiveness.

The report finds that Ireland's costs base has improved across a range of metrics over the last number of years, making Irish firms more competitive internationally and making Ireland a more attractive location for firms to base their operations. However, the report also indicates that despite these improvements, Ireland is still a high cost location for a number of key business inputs. The council points to upward pressures emerging in a number of areas, including labour costs, industrial electricity prices, transport costs and a range of business services.

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The NCC emphasises the importance of Ireland's international cost competitiveness remaining a key priority for the Government and cautions that further structural change is required to ensure that costs do not escalate and erode the competitiveness gains which we have made in the last few years. The report also emphasises the importance of improving productivity performance.

The Action Plan for Jobs in 2014 introduced a new arrangement under which the Cabinet committee on economic recovery and jobs will review the competitiveness agenda on a quarterly basis and identify follow up actions to be taken in respect of both the ease of doing business and the wider competitiveness challenges. In this context, the Costs of Doing Business report was submitted to the Cabinet committee on economic recovery and jobs for its March meeting. A number of specific opportunities for improvement have been targeted for attention.

**Deputy Dara Calleary:** The Minister mentioned that a number of areas have been targeted for attention. Can I suggest that he might take a look around the Cabinet table? The report suggests that health insurance has been one of the big drivers of cost increases in recent times. I suggest that is completely down to the inability of the Minister, Deputy Reilly, to manage that problem. The report also focuses on the cost of utilities. Irish small and medium-sized enterprises have to pay the fifth highest electricity costs in the eurozone. Large users of electricity in this country have to pay the sixth highest costs. The Minister, Deputy Rabbitte, has been quiet on that. Reference should also be made to water costs in the context of the juggernaut that is Irish Water. The costs that are really affecting businesses are being primarily driven by the Government and its policies. The report identifies the impact that the potential shortage of office accommodation, particularly in Dublin city centre, will have on property costs and on job creation. That has been highlighted for two and a half or three years but very little has been done about it.

The Government has completely abandoned the commitment in the programme for Government to look at upward-only rent reviews. Many businesses are still paying Celtic tiger rents. That is another major cost. I remind the Minister that in response to the 2005 budget, he claimed that "the utilities, stealth taxes, rates and all the other burdens the State puts on ... companies have increased". He continued: "There is no tightening of belts when it comes to those delivering those services but the companies which have to compete ... are feeling the squeeze. Companies are leaving these shores to go to cheaper environments". The same thing is happening in 2014 on the Minister's watch. It is being driven by the Minister's colleagues.

**Deputy Richard Bruton:** I do not think that is a fair assessment. It is clear to those who have read the report that it mentions a number of areas in which we have improved our cost competitiveness. Indeed, we have improved our cost competitiveness in labour and property costs. We have reduced the rates burden. Most counties are reducing rates. As the Deputy said, the report alerts us to the need to make sure these gains are sustained and points to the fear that there will be an upward trend in costs when the recovery takes hold. That is why we will look carefully at specific areas in which we can make improvements. I have discussed this with my colleagues. I have asked the National Competitiveness Council to report each quarter on specific areas in which we could make changes with policy initiatives. Deputies are familiar with many of the areas in question, such as the question of access to credit, because we have discussed them here. The report provides us with a timely warning that companies should not push up their prices at the first sign of returning consumers.

**Deputy Dara Calleary:** Companies have no option other than to push up their prices in

light of the health insurance increases that are being driven by the Minister, Deputy Reilly, and by the tax increase imposed by the Minister, Deputy Noonan. They have to increase prices when they are being faced with water charges. The Minister suggested that the rates burden has been reduced in many counties. The burden on small businesses has not been reduced. Businesses in Waterford that are going through the rates revaluation process are being absolutely hammered. Most companies do not have an inability-to-pay mechanism for rates. They get nothing for rates. They do not get any local services for the rates they pay. Companies throughout the country feel it is a little rich that they are being told not to pass on increases that are coming from the Minister and his Government colleagues.

**Deputy Richard Bruton:** The report shows that consumer prices here have improved relative to Europe. That refers not solely to health insurance, but to the whole range of the package that workers have to pay. We are making improvements. The report recognises that we can make further changes in certain areas. As the Deputy knows, the Minister for Health has published a health reform document. There will be a widespread debate on how we can better configure our health services to get better efficiency and delivery. I think that is what the Minister is about. All the local authorities have taken out costs. They are passing on some of that in reduced rates. That is clear across the country. I do not have the data here. Virtually all of them have reduced their rate burdens. I recognise that we need to look at these different areas, identify areas that are within our control and make any possible changes that would improve efficiency. That is what the Cabinet committee will work on over the coming year.

### **Companies Law**

99. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation his views on whether it is acceptable for employers to reduce staff hours, place staff on temporary lay-off or make them redundant while at the same time establishing an identical company under a different name to employ workers on lower wages to provide the same services as their existing company, such as in the case of a company (details supplied) in Dublin and Wexford; and his views on whether the law needs to be changed to prevent employers from operating in this manner. [17739/14]

**Deputy Peadar Tóibín:** This question relates to the case of a qualified electrician, John Donnan, who was employed as an electrical fitter by a company called Jackson Power Systems Limited for approximately 15 years. He reached a wage of approximately €40,000. I have been told that as the recession hit his hours were reduced and he was put on temporary lay-off. I have also been told that a parallel company was set up and that it started to employ staff at lower wages. Will the Minister seek to ensure companies cannot be used to constructively dismiss staff in sister companies?

**(Deputy Richard Bruton):** Ireland has a robust suite of employment rights legislation. In addition, the State's industrial relations machinery, which is voluntary in nature, can support parties in their efforts to resolve their differences. In this specific case, both sides availed themselves of this machinery in 2012 when the Labour Court issued a recommendation. The court recommended that the parties bring their issues to the Labour Relations Commission for conciliation, and that, if not resolved at conciliation, they could be referred back to the court under section 20(2) of the Industrial Relations Act 1969, by which both parties could agree to be bound by the court's recommendation. I understand the parties attended the hearing of the

commission. The matter was not referred back to the Labour Court under section 20(2).

It is not clear, based on the information available to me, that this is a position of the same employer doing as the Deputy describes. I note that, while there is one individual in common, there are differences in the directorships of the legal entity that has reduced staff and the separate legal entities the Deputy indicates have taken on workers. Under company law, a company has a separate legal identity from its directors and shareholders. Any concern regarding corporate compliance may be brought to the attention of the Director of Corporate Enforcement.

In the absence of specifics, it is difficult to ascertain which employee protections may apply. However, the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 and the Employees (Provision of Information and Consultation) Act 2006 contain protections in the area of transfer of undertakings. A complaint may be brought to a rights commissioner who shall determine whether there was a breach of the regulations. The Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007 addresses the scenario whereby an employer seeks to replace existing employees with new employees working for lower pay or other less favourable terms and conditions. A complaint alleging a breach of this legislation may be referred to the Secretary General of my Department for consideration by the redundancy panel or the Labour Court.

Employees may be entitled to compensation pursuant to the Redundancy Payments Acts 1967 to 2013, which include provisions regarding lay-offs. Where an employer can prove to the satisfaction of the Department of Social Protection that it is unable to pay the statutory redundancy to its eligible employees, that Department will make lump sum payments directly to the employees.

**Deputy Peadar Tóibín:** If a firm allows a person to have statutory redundancy on having let him go over a period and then employs another individual to replace him, it is generally regarded as grounds for a case of constructive dismissal and against the law. If the Minister does not want to refer to the particulars in my question, he might simply refer to its spirit. As the law stands, an individual can set up a company and employ an individual to replace a member of staff let go in a parallel company and who was on a higher wage. This is effectively constructively dismissing the person being replaced. If the activity in the first example is wrong, surely the use of company law is wrong in the second example. Does the Minister not agree with me that both sets of circumstances exploit the worker?

**Deputy Richard Bruton:** I would have to see the circumstances of any individual case. I cannot judge this matter without seeing them. This has not been brought to the attention of any labour relations bodies, such as the National Employment Rights Authority. I have not got a briefing on this. If there is a deficiency in our employment or company law exposed by this case, I will certainly examine it.

Under general law, a company can close, for whatever reason, such as adverse trading conditions, and its owner can start a new business. There is no blanket ban on people involved in a company starting another business on its closure. It is quite right that there should be no such ban. Without seeing a case and determining whether there are weaknesses in legislation, it is very hard to judge.

**Deputy Peadar Tóibín:** We discuss general law here all the time without discussing the specifics of individual cases or concrete examples. I have given the Minister a concrete ex-

ample but he does not want to refer to that. I am just giving him the example of a staff member being let go and the same owners opening up a parallel company employing a person to do exactly the same job for half the wages. Is that exploitative or not? In my view, it is extremely exploitative. If the logic of protecting the worker's rights is there in the first case, then the logic of protecting the worker's rights is there in the parallel company also.

We had the Companies Bill go through the House. Over and over again, I asked the Minister of State, Deputy Sean Sherlock, to ensure that the Companies Bill was built in such a way as to protect employees' rights but he said employees' rights can be dealt with elsewhere. Absolutely not. This House should ensure that we proof every piece of legislation when it comes to employees' rights. If the Minister agrees with me that there are potential situations for employees to be exploited in the example of a parallel company, will he commit today to creating legislation to prevent that from happening in the future?

**Deputy Richard Bruton:** The situation is that if a company ceases trading, it has certain obligations to meet as result, in that it has to meet its Revenue obligations, its obligations to pay redundancy payments to workers and so on. If the company is unable to pay, it can apply to the Department of Social Protection to have its responsibilities to workers met from the redundancy insolvency fund. However, there is no general provision that, when a business gets into difficulty and closes down, the person cannot open up a fresh business. There is no such ban and there should not be. Companies can get into trading difficulties and are unable to continue, as has happened.

**Deputy Peadar Tóibín:** That provides for a loophole.

**Deputy Richard Bruton:** That is what I am saying. If it is being used as a loophole, let us look at the circumstances. However, under existing law, such an employer has an obligation to meet the redundancy payments and meet its obligations to the workers under all headings. If it transfers the business to a new unit which is doing the same business, that would be a transfer of undertakings and it has to maintain the same conditions. It hinges on what has happened in the individual case.

## **Job Creation**

100. **Deputy Finian McGrath** asked the Minister for Jobs, Enterprise and Innovation if he will implement Social Justice Ireland's part-time job opportunities programme that could create 100,000 part-time jobs. [17469/14]

**Deputy Finian McGrath:** With regard to the issue of job creation, will the Minister implement Social Justice Ireland's part-time job opportunities programme, which could create in the region of 100,000 jobs? Is the Minister open to new ideas in regard to job creation? This is very important because there seems to be a mindset in this country at present that focuses on high quality, high education jobs while many of the long-term unemployed are being left behind.

**(Deputy Richard Bruton):** In May 2011, Social Justice Ireland outlined a proposal for a part-time job opportunities programme in its pre-budget policy briefing. It envisaged that placements for the long-term unemployed, which do not fall within my area of responsibility, would be made in the public sector and the community and voluntary sector. However, my colleagues, the Ministers for Education and Skills and Social Protection, have introduced a number

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of new programmes, including Momentum and Gateway, which complement the traditional community employment and Tús programmes. Together, these schemes provide capacity for almost 40,000 persons who are long-term unemployed.

As the Deputy will be aware, this Government has made job creation a key priority since it came into office. We have introduced the Action Plan for Jobs with the objective to support the creation of 100,000 net new jobs in the economy by 2016. I am glad to say we have seen an improvement in the employment situation since Social Justice Ireland made its proposal in 2011. The most recent employment figures published by the Central Statistics Office showed a year-on-year increase of 61,000 people in employment at the end of 2013, net of reductions in the public sector. This was the fifth quarter in succession where employment grew on an annual basis and almost 90% of the jobs created were in full-time employment.

Unemployment at the end of 2013 was down 41,400 over the year and 60,000 over the past two years. The number of persons who are long-term unemployed fell by 40,000 over the two years. However, we cannot be complacent. We will continue to tackle long-term unemployment through the twin strategies of Pathways to Work and the Action Plan for Jobs as we continue towards our objective of supporting the creation of 100,000 extra jobs in the economy. To answer the second question, we are certainly open to new ideas. Each year, the action plan evolves new proposals relating to suggestions or submissions made to us.

**Deputy Finian McGrath:** I am glad to hear the Minister say he is open to it because we all agree that job creation is a key priority. My question concerns the long-term unemployed. We must accept the reality that these 100,000 people have been forgotten. Market-based initiatives will not deal with many of the long-term unemployed. It is great to see jobs coming in, particularly for highly educated people, but we cannot take our eye off the ball in respect of the 100,000 people who are long-term unemployed.

The proposal is for real employment at the going hourly rate. A total of 100,000 people are available. It would be a major step in the right direction and create in the region of 100,000 part-time jobs for unemployed people who would be paid at the hourly rate and work up to a maximum of 19.5 hours per week. Access would be on a voluntary basis only. The jobs would be created in the public and community and voluntary sectors. I asked this question because the voluntary and community sector is often excluded and the focus is on all the highly educated whizz kids out there. We cannot forget the 100,000 people who are long-term unemployed.

**Deputy Richard Bruton:** The Deputy is missing the point. As I stated in my reply, we created 60,000 jobs. The live register came down by 60,000 in two years and 40,000 or two thirds of those people were long-term unemployed so the long-term unemployed are not people who do not respond to market opportunities. We are seeing a very significant reduction in the number of long-term unemployed people who are getting real jobs in the economy. Of course, we recognise the need for other measures for people who find it difficult which is why MOMENTUM, which is a part on-the-job and part off-the-job programme, was introduced. It is the reason why Gateway, which gives opportunities in local authorities, has been introduced and the reason why Tús has been expanded very substantially by the Minister for Social Protection. All of these programmes are targeted at people who are long-term unemployed but our objective is to get people back into the market economy.

**Deputy Finian McGrath:** My focus is on the other measures. I accept the Minister's point. This experiment was tried in 1994 in areas like Finglas, Blanchardstown and Clonmel. It ended

up creating in the region of 1,000 jobs in the community and voluntary sector. At the end of it, more than 500 people got real jobs and exited long-term unemployment. These are the other measures and we must focus on these issues. Additional funding in the region of €150 million would be required. Funding currently spent on social welfare payments to participants on this programme would be switched to their new employer. Participants would be paid principally through the reallocation of social welfare payments. I am encouraging the Minister to look constantly at new ideas about job creation and to keep his eye on the ball regarding the long-term unemployed.

**Deputy Richard Bruton:** I agree with that. However, the OECD produced a report on activation in the Irish labour market that came out very strongly against the kind of programme the Deputy is advocating and instead advocated in favour of the kind of programmes Ministers have introduced such as MOMENTUM and Gateway which have a very clear focus on activation and getting people back into the labour market. That is the direction policy is seeking to develop so that people are moved permanently into real jobs for the long term. That is the focus of the effort. As I said, 40,000 people are involved in community employment programmes that are not dissimilar to what the Deputy is advocating.

### **Local Enterprise Offices Remit**

101. **Deputy Dara Calleary** asked the Minister for Jobs, Enterprise and Innovation the progress being made to establish the local enterprise offices, if they will have a role in respect of the promotion of women entrepreneurs and local tourism projects; the way their role can be enhanced over and above the work done by county enterprise boards; and if he will make a statement on the matter. [17570/14]

**Deputy Dara Calleary:** The transition period from county enterprise boards to local enterprise offices, LEOs, is under way. I want to tease out the role of the LEOs. What will be their remit? I tabled a Parliamentary Question on 25 March 2014 and the response was pretty poor.

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry):** Today is a milestone as 31 local enterprise offices, LEOs, throughout the country are open for business. The LEOs represent a transformation of the support structure for micro and small enterprises across every county. The new service means that national enterprise policy and local business supports have been brought together to strengthen the local business culture and environment combining the best of the former county and city enterprise boards and the local authorities overseen by the centre of excellence in Enterprise Ireland. The new service means that national enterprise policy and local business supports have been brought together to strengthen the local business culture and environment, combining the best of the former county and city enterprise boards and the local authorities, overseen by the centre of excellence in Enterprise Ireland.

The 31 LEO offices are now the local hub for enterprise support and will deliver not just the existing range of supports that were available from the city and county enterprise board network, but in addition will provide the following: an enhanced advice and guidance service embracing all other local and national supports, backed by protocols relating to information exchange, mutual contacts and client referrals with other key agencies, including the Revenue Commissioners, the Department of Social Protection and the Credit Review Office; seamless progression of clients to Enterprise Ireland; direct referral to the Microfinance Ireland and loan



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guarantee schemes; and direct advice and guidance on local authority rates, procurement and regulations affecting business. They will have a particular mandate to promote entrepreneurship among groups who represent untapped potential including both women and young entrepreneurs.

The new model of enterprise support offers new ways to enhance the service. Guidance and direction will be provided by the centre of excellence in Enterprise Ireland to develop best practice ideas for the LEO network and to promote innovation among LEOs at local and regional level. Individual service level agreements between Enterprise Ireland and each local authority will offer a framework for periodic review to ensure that impact and value for money are being optimised via the LEO network. The partnership with local authorities offers the opportunity to use the considerable scale and reach of the local authorities to promote entrepreneurship. A larger LEO system supported by 170 dedicated staff as well as a further 40 local authority liaison staff will provide enterprises with very practical opportunities. Additional funding of €3.5million will be provided and a new graduate recruitment programme will take place shortly.

While the existing eligibility criteria for direct financial assistance - micro-enterprises with 10 employees or fewer - will carry forward to the LEOs, the availability of soft supports such as training, mentoring, advice, aiding access to finance and so forth will be expanded and will include local tourism projects.

**Deputy Dara Calleary:** Will the LEOs continue the work of the county enterprise boards, which were pioneers for encouraging female entrepreneurship? Will they be able to roll out programmes and grant-aid specific programmes aimed at attracting female entrepreneurs? The early-stage rate among men is 10.3% compared to 4.2% for females. The county enterprise boards were the leaders in that area for many years. Will the new LEOs be in a position to do that or will that be in the remit of Enterprise Ireland?

At the end of his response the Minister briefly mentioned tourism. What will be the specific role of the LEOs with regard to tourism? Will they be in a position to offer training or to grant-aid tourism projects? Will they be in a position to work with communities in economic units in the same way the county enterprise boards did?

**Deputy John Perry:** In response to the Deputy's last question on tourism, the answer is "Yes". Fáilte Ireland is the State agency charged with supporting the tourism sector but having said that, any viable business proposals, including those connected with the tourism sector and which fulfil the normal eligibility criteria for financial aid or soft supports, may have access to LEO funding. The LEO functions will rest legally with Enterprise Ireland, incorporating work with both women and young entrepreneurs, which is the key. The bulk of the 61,000 new jobs created in the last year were generated by companies which are less than five years old. The Minister for Jobs, Enterprise and Innovation will retain responsibility for policy. The LEOs will operate as part of the local authority structure in terms of administration, code of conduct, management and financial management. An evaluation and approval committee will be established in each LEO consisting of a chair, city or county manager, a representative of Enterprise Ireland and five local individuals with specific areas of business expertise. This will be very much a one-stop-shop for business, incorporating every aspect of business. It will facilitate female entrepreneurs and others. There will be clear evaluations for businesses on how they can deal with rates and the stacked-up costs of business. They will have autonomy from June next with the local authorities.

**Deputy Dara Calleary:** To focus again on my question - what role will the LEOs specifically have with regard to female entrepreneurship or will that be the remit of Enterprise Ireland? Will the LEOs be able to roll out programmes and give grant aid and training? On tourism, the Minister of State mentioned Fáilte Ireland which has moved away from training provision. We have a shortage of chefs in this economy. Will the LEOs be in a position to offer training? I ask the Minister of State to focus specifically on female entrepreneurship in his response.

**Deputy John Perry:** Currently the issues of women in business and female entrepreneurship are receiving a lot of attention through the European network office. I have attended several functions on women in business. Women are entitled to get the same support from the local authorities as anybody with a business idea. For the first time ever, we have a seamless approach from Enterprise Ireland, including expertise which will be embodied in local authorities. As the Taoiseach has said, this is about jobs. We are not distinguishing between men and women in business. We are talking about jobs and entrepreneurship, which are the future. To answer the Deputy's question directly as to whether there will be supports for women entrepreneurs in each local authority, yes, there will be.

### **Job Creation**

102. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation what is the euro per jobs ratio with regard to the Government's research and development and innovation budgets for each of the past five years; the way this compares with other EU countries for the same years; and if he will detail the level of research and development and innovation spend per county for the past five years. [17716/14]

**Deputy Peadar Tóibín:** It is generally understood that research, development and innovation are necessary for all companies. Large companies are great at ensuring all elements of the whole product life cycle are not left to chance. The effect of research and development on small and medium enterprises, and its use by them, is another question. Like everything else, we need to analyse the output obtained per euro invested. This question seeks to understand how our output compares with other European countries.

**Deputy Richard Bruton:** As part of the Forfás annual employment survey, the overall cost per job sustained is calculated each year by reference to the cost of jobs created in companies supported by the enterprise development agencies during, and sustained to the end of, a seven year period. This is calculated by taking into account all direct agency expenditure on all agency client companies in a seven year period, and it is not possible to disaggregate the research and development element. The latest figures available show that the cost per job sustained by IDA Ireland and Enterprise Ireland was €13,475 and €12,597, respectively.

It is not possible to disaggregate the levels of research, development and innovation spend per county. For example, the Science Foundation Ireland large-scale research centres and the EI-IDA technology centres involve collaboration between several higher education institutions, linking scientists and engineers in partnership with academia and industry across county boundaries to address crucial research questions.

In comparing our research, development and innovation spend against that of our EU partners, the most useful measurement is the research intensity target which is calculated as our gross expenditure on research and development as a percentage of our gross national product

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and gross domestic product. This has been confirmed for 2012 at 2.13% of GNP or 1.72% of GDP. The EU average, according to the recently published innovation union competitiveness report, is 2.02% of GDP.

The annual European Commission's innovation union scoreboard provides a comparative assessment of the research and innovation performance of the EU member states. It was most encouraging to see that the 2014 scoreboard, published in March, showed Ireland increasing its position from tenth to ninth in the overall ranking of 28 EU member states. It is particularly encouraging to see that Ireland is the overall leader in the indicator of the economic effects of innovation. This captures the economic success of innovation in employment in knowledge intensive activities and other areas. The evidence shows we are investing smartly in innovation and that our investment is delivering jobs.

**Deputy Peadar Tóibín:** I am supportive of research, development and innovation, which are important elements of the economy. There is an understanding that investment in research and development allows foreign direct investment to be tied closer to the local economy. In addition, it allows for the development of products and services in future which are most likely to be created locally. I understand that research and development is used to a lesser extent by SMEs, which puts them at a competitive disadvantage to the FDI sector.

I am opposed to the Government's nebulous understanding of research and development. One cannot manage if one cannot measure. I have asked about the jobs ratio per euro invested in research, development and innovation, but the Minister said he does not know. That is quite shocking given the hundreds of millions of euro the Government is giving in grants and tax breaks for research and development. Surely the output of every euro spent should be known.

**Deputy Richard Bruton:** This is a challenge that bedevils virtually every country in trying to measure the impact of research and development. I can give the Deputy a few measures, although I will not give them all together. We compare countries that do research and development with those that do not. Those that do research and development fare much better on exports and employment growth. Where SFI invests in research and development, we measure, as an indication of its relevance, the extent to which it can attract private funding to match research and development investment. We also look at the participation of SMEs in technology centres and the number of IDA projects connected to our research and development spend. Approximately 50% of IDA projects in recent years have been won on foot of the research and development cluster or base which we have created. It is not a simple matter of running a slide rule and saying every €1 invested creates a specific number of jobs. We must consider a range of measures across, for example, licences, patents and spin-outs. There is a suite of measures and we can provide the Deputy with details of them. It is not a simple matter of a single number measure. We would all like that but it eludes every country.

**Deputy Peadar Tóibín:** The application form for a research and development grant or tax break should require companies to identify, in a logical manner, supported by information, the number of jobs and output they expect to deliver. When the investment is subsequently made, companies should have a responsibility to communicate to the Department the number of jobs created and the turnover increases which have resulted. Those types of slide rule are used in many grant funding application forms.

I have regularly been in the House to discuss the regions. A two-tier economy is developing in the State. Of all new IDA investment last year, 70% was in County Dublin, which has 25%

of the population. Everyone agrees that research and development and innovation investment kick-start an economy. If we cannot measure the amount of research and development investment in the regions and the resulting outputs in job creation and turnover increases, it puts us at a significant disadvantage in the context of proper strategic spatial development nationally.

**Deputy Richard Bruton:** The IDA and Enterprise Ireland look at the impact of job creation proposals, which is where the €12,000 per job statistic comes from. It refers to jobs sustained. One cannot pull out the research and development element from the Lean management development programme and other elements of the package that is put together. One cannot relate research and development spend to job impact on its own. Usually, a suite of measures is put in place to assist a company to develop.

The 70% statistic refers to Dublin and Cork, to correct the Deputy. I can send the Deputy material but note that it is not a simple matter of being able to say that a particular innovation voucher or plan created a particular number of jobs. Generally, such measures are part of a broader company development programme approved by Enterprise Ireland. I note, however, that according to international rankings, our research and development spend is having a greater economic impact than that of our European counterparts.

*Questions Nos. 103 and 104 replied to with Written Answers.*

### **Other Questions**

**An Leas-Cheann Comhairle:** As Deputies Éamon Ó Cuív, Maureen O'Sullivan, Dara Calleary, Sean Fleming, Thomas P. Broughan, Mick Wallace, Clare Daly, Patrick O'Donovan, Seán Kyne, Michael McGrath, Pat Deering, Bernard J. Durkan, Charlie McConalogue, Catherine Murphy and Richard Boyd Barrett are not in the Chamber, we will move on to Question No. 130 in the name of Deputy Peadar Tóibín.

### **Small and Medium Enterprises Supports**

130. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation his views on the increased number of small and medium enterprises which are dissatisfied with the Government's enterprise policy. [17715/14]

**Deputy Peadar Tóibín:** What is unfolding here highlights the ludicrous scenario that Question Time has become, whereby Opposition spokespersons such as Deputy Calleary and me, who are tasked to hold the Government to account, have seen a reduction in the number of questions we can submit to Ministers while Government Deputies are being given a stronger opportunity to do so. It is obvious that Members on the other side of the House are likely to be less critical and less rigorous in holding Ministers to account. As we are seeing, some Government Deputies are not even bothering to turn up in the Chamber to put the questions they have tabled. For Opposition Deputies to have their ability to question Ministers reduced shows there is a need for reform of this procedure. I ask the Leas-Cheann Comhairle to raise this issue with the powers that be so it can be resolved.

**An Leas-Cheann Comhairle:** I will do so. Will the Deputy introduce his question?

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**Deputy John Perry:** To clarify, it is not just Government Deputies who are absent from the Chamber. In fact, most of these questions were tabled by Opposition Members. Deputy Tóibín's comment is very unfair. It is quite appalling that people put down questions and do not attend Question Time.

**Deputy Dara Calleary:** This situation is a consequence of the new rules brought in by the Government in order to avoid scrutiny.

**Deputy John Perry:** Most of the questions were tabled by Opposition Deputies who are not in the Chamber.

**Deputy Dara Calleary:** The Government took the decision not to permit Opposition spokespersons to put colleagues' questions in the House.

**An Leas-Cheann Comhairle:** This issue can be dealt with by the Ceann Comhairle and the Committee on Procedure and Privileges.

**Deputy John Perry:** Opposition Members are not here to put their questions. Deputy Tóibín is inferring these questions were all tabled by Deputies on this side of the House. That is incorrect.

**Deputy Peadar Tóibín:** I am not making excuses for any Opposition Deputy who fails to turn up in this Chamber. The Minister of State is trying to deflect attention from his own Deputies who failed to turn up. The critical point is that the new rules have reduced the Opposition's opportunity to hold Ministers to account.

**Deputy John Perry:** Most of the questions are from Opposition Members. That is a fact.

**An Leas-Cheann Comhairle:** Will Deputy Tóibín introduce Question No. 130?

**Deputy Peadar Tóibín:** A recent report indicated that owners of small and medium enterprises are becoming increasingly dissatisfied with the Government's SME policies. There has been an overall reduction in the level of credit afforded to small businesses in their efforts to grow. Will the Minister give his view on why the SME sector is becoming increasingly divergent from the Government's policies in this area?

**Deputy Richard Bruton:** I do not accept the Deputy's contention that small and medium enterprises are becoming increasingly unhappy. While I recognise that this sector has suffered difficult times, the data indicate that it accounts for the bulk of employment growth. There has been strong growth in the past 12 months in a number of sectors typified by small business, including the tourism and food sectors. There is a broad spread.

The needs of small business in terms of access to credit are regularly reviewed. A broad suite of measures, totalling €2.5 billion, has been introduced to assist small and medium enterprises, including the microenterprise and loan guarantee schemes. Each year, prior to the putting in place of the Action Plan for Jobs, consultative sessions are held with small and medium enterprises to ensure we are addressing their needs.

**Deputy Peadar Tóibín:** It is not my contention but that of the survey that the small and medium enterprise sector is becoming increasingly dissatisfied with the Government's progress on this issue. In this regard, the survey cites the lack of and reduction in credit over the past year and the procurement rules operated by this State, including the continuing policy of roll-

ing up procurement in this State which makes it inaccessible to SMEs. I have tabled numerous questions to the Minister's Department on the issue but they are continually deflected.

The SME sector is also dissatisfied with the creeping increases in costs here, including the price of diesel, the cost of which in Ireland is the fourth highest in the EU, electricity costs and upward only rents, which issue the Government continues to fail to address. On the issue of rates, businesses want rates to be progressive and to reflect the profitability of a business but there is no effort on the part of Government to try to create a progressive rate to allow this to happen. These are the issues that the business community is focused on. I would encourage the Government to listen to it and to try to resolve those issues.

**Deputy Richard Bruton:** I agree that there are issues to be resolved. However, the Deputy needs to reflect on the changes that have been made by Government, including the reduction in the VAT level, travel tax and PRSI, all of which are geared towards meeting the needs of small business. Other new initiatives such as the microfinance and loan guarantee schemes-----

**Deputy Dara Calleary:** They are a flop.

**Deputy Richard Bruton:** -----are aimed at meeting the needs of small business. Also, under JobsPlus a €72 per week subsidy is available to a business that recruits from the live register. These initiatives are very much targeted at the needs of businesses that are small in scale. We regularly review those needs. Another new initiative is the introduction of a first-time exporters scheme to support small business used to trading domestically but now wishing to export. We are currently rolling out a system to assist more businesses get online so that they can have outreach to the broader market. There are a lot of new initiatives taking place.

I accept the Deputy's point in relation to procurement. There is a genuine dilemma in this area. By centralising procurement, real savings and better value can be achieved for the Exchequer but this may mean that small and medium-sized enterprises are squeezed out. The new director of public procurement meets regularly with small businesses, is currently reviewing the code of practice and is introducing pilot systems to consult with small business regarding its experience. There is an openness to small business in the public procurement arena. There is no doubt but that central procurement achieves savings. At a time when the alternative is cuts in real service delivery, one has to review areas such as procurement. There is a balance to be struck.

**An Leas-Cheann Comhairle:** As other Deputies have joined us, I propose to return to Question No. 105, which is in the name of Deputy Calleary. We will then take questions in the names of Deputies Sean Fleming, Clare Daly, and Thomas P. Broughan.

### **Horizon 2020 Strategy Funding**

105. **Deputy Dara Calleary** asked the Minister for Jobs, Enterprise and Innovation how Ireland will be able to maximise funding for research and development under the Horizon 2020 plan; and if he will make a statement on the matter. [17458/14]

**Deputy Dara Calleary:** I thank the Leas-Cheann Comhairle for facilitating us. I must point out that we were elsewhere on the premises dealing with other business.

Horizon 2020 is hugely important for this country. The Minister of State, Deputy Sherlock,

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has indicated that a potential gain of €1.1 billion over the next ten years has been identified. How is it intended to pursue this funding and, in particular, how will SMEs - as opposed to third level institutions - be able to access it?

**Deputy John Perry:** Horizon 2020, with a budget of just under €80 billion and covering the period 2014 to 2020, is the European Union's largest ever research and innovation programme. It is also the largest such programme worldwide. Horizon 2020 is a core part of the Europe 2020 strategy, the innovation union and the European research area and is responding to the economic crisis in Europe by investing in future jobs and growth, addressing people's concerns about their livelihoods, safety and environment and strengthening the EU's global position in research, innovation and technology. Under the seventh framework programme for research, technological development and innovation 2007-13, Ireland secured almost €600 million and thereby achieved the national target set for Irish participation.

The objectives of Horizon 2020 are to enable the creation of a world-class research system for Europe, support European leadership in industrial development and address grand challenges affecting society. My Department, building on the performance under the seventh framework programme, has been instrumental in putting in place an all-of-Government strategy to maximise the funding available to Ireland. In December 2013, the Government approved a national strategy for participation in Horizon 2020 and set an ambitious target of €1.25 billion - a huge amount - in respect of funding to Ireland over the lifetime of the programme. The strategy sets out a comprehensive range of actions designed to maximise Ireland's participation in the programme and achieve the target involved.

A Horizon 2020 high level group, under the chairmanship of the Department of Jobs, Enterprise and Innovation, has been established and its work will include identifying key areas of opportunity where Irish researchers, agencies and companies - the latter is important in the context of the Deputy's question - can maximise their participation. A support network of national contact points co-ordinated by Enterprise Ireland has been established. This network comprises knowledgeable and experienced practitioners from relevant Departments who have been charged with the job of delivery. The national strategy for Horizon 2020 also provides for all relevant Government Departments and agencies to allocate the necessary resources for its full implementation. The high level group will monitor Ireland's participation under the programme, as well as implementation of the national strategy.

**Deputy Dara Calleary:** Will the Minister of State confirm whether a plan has been prepared? If the answer is in the negative, will he indicate when one will be prepared and submitted to the Commission for consideration? The role played by Ms Máire Geoghegan-Quinn, our Commissioner to the EU, in respect of this matter should be acknowledged. This is the only area in respect of which an increase has been achieved under the new EU budget. The Commissioner will remain in Europe for a few months more and it would be a shame if we did not use her skills - particularly as I cannot see her being replaced by anyone of equivalent ability - in order to maximise opportunities for Ireland under Horizon 2020. We should also use her expertise afterwards.

In specific terms the question must be asked, is there a plan? If there is not, when will one be prepared and submitted? Will there be opportunities through, for example, the local enterprise office, LEO, network for funding to be provided to SMEs which may not be linked to third level institutions or their PhD programmes but which may want to expand their operations by using opportunities available under Horizon 2020?

**Deputy John Perry:** There is a central office within Enterprise Ireland, which is under the management of Ms Julie Sinnamon, and I have no doubt it will make plans to maximise the amount of funding to be obtained by Ireland. The Deputy must remember that the Government approved a national strategy for participation in Horizon 2020 and set an ambitious target of €1.25 billion in respect of funding to Ireland over the lifetime of the programme. Ireland was successful in achieving its target of €600 million in respect of the seventh framework programme and the target for Horizon 2020 represents a doubling of this. It was determined that an ambitious but realistic target be set in order to drive the fullest engagement on the part of both the public and private sectors. It must be noted that there is private sector involvement and that it is not all public. Science Foundation Ireland also has its own plan.

A high level group on Horizon 2020, under the chairmanship of the Department of Jobs, Enterprise and Innovation and with Enterprise Ireland to the fore, has been established to oversee the national strategy. In the context of encouraging the application of competitive advantage, opportunities for Ireland exist across many areas of the Horizon 2020. The network of national contact points, comprising experts from all key Departments, is working to maximise these opportunities and to support applicants. The high level group responsible for overseeing the implementation of the national strategy will carry out strategic assessments in respect of the opportunities to which I refer.

In the context of the LEOs, there is money available under the programme for the competitiveness of enterprises and small and medium-sized enterprises, COSME, fund. This is the first time ever that the Government has secured funding for business. The LEOs will be able to access the COSME, which provides many cross-Border supports and other funding opportunities.

**Deputy Dara Calleary:** COSME is completely separate from Horizon 2020. I must again ask if there is a national plan in respect of how we are going to obtain the €1.25 billion targeted in the context of Horizon 2020. What is the precise role of the high level group, particularly in the context of the national strategy to which the Minister of State referred? If there is a plan in existence, has it been published and will it be submitted to Brussels for consideration?

**Deputy John Perry:** This Government has the plans. It not only about having plans. The Government will have actions, straight talk and delivery. The previous Administration had many plans but no delivery. We intend to draw down this funding.

**Deputy Dara Calleary:** There is no plan.

**Deputy John Perry:** We have a plan.

**Deputy Dara Calleary:** Where is it?

**Deputy John Perry:** All the plans must be delivered and tendered for. They are not going to dish out money without a plan. Surely Deputy Calleary does not expect that to happen.

## **Regional Aid**

106. **Deputy Sean Fleming** asked the Minister for Jobs, Enterprise and Innovation to set out his priorities in respect of the regional aid map recently submitted to the European Commission; and if he will make a statement on the matter. [17461/14]



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**Deputy Sean Fleming:** Will the Minister set out his priorities in respect of the regional aid map submitted to the European Commission? The relevance of this is to ensure IDA Ireland, Enterprise Ireland and other agencies prioritise disadvantaged areas.

**Deputy John Perry:** The regional aid guidelines established enable the State's industrial development agencies to pay grants at enhanced rates to businesses to support new investment and employment in productive projects in Ireland's most disadvantaged regions. All such grants come from the Exchequer. The priorities during the regional aid guidelines negotiation process were to maintain population coverage, ensure aid could be given to all categories of companies regardless of their size and to maintain aid intensity rates.

The initial proposal from the Commission presented significant challenges for Ireland. The proposal prohibited aid to large enterprises, but the Minister, Deputy Bruton, got this changed. It reduced our population coverage from 50% to 25% and reduced aid intensity rates. Following sustained engagement with the Commission and like-minded member states at all levels, Ireland secured entitlement to increase regional aid qualification to 51.25% of the country's population. Another issue in the negotiations was the prospect of not being allowed to grant aid large enterprises. Ireland was part of a group of member states which successfully negotiated a compromise whereby it will be possible to provide investment to large enterprises.

My Department is tasked with developing a single regional aid map applicable from July 2014 to December 2020. An inter-agency group has been working since 2011 to develop an overall position and to assess the implications of any proposed changes. The process is now complete and my Department has issued the proposed regional aid map for Ireland to the Commission for consideration and approval. The Department will publish the results of this submission once the Commission has finalised its consideration of the matter. In essence, the final version of the regional aid guidelines represents an important step in ensuring Ireland, along with the EU in general, is positioned to maintain the ability to strengthen the EU economy and to promote cohesion between regions.

**Deputy Sean Fleming:** Will the Minister of State publish the submission as urgently as possible? I realise it is under consideration at European level but perhaps we could see the submission. In essence, the most important people to whom the Minister should talk about the regional aid map are the representatives of IDA Ireland and Enterprise Ireland. I met senior executives of both at the Committee of Public Accounts recently. When we asked about regional development, they almost looked down their snooty noses at people, as if to suggest we simply wanted something for our county or region. They said we had to look at Ireland in a certain context. They have zero interest in regional development. They want big projects in the big cities and that is the beginning and the end of it because they want jobs. There is proof of what I am saying in the number of visits last year to the Border, midlands and western, BMW, region, which represents almost half the counties of Ireland. Approximately 58 out of the 300 visits which took place last year, that is, 20%, were to this region. Fully 80% of the visits took place outside the BMW region. Reference was made to job creation in the regions. A total of 7,071 jobs were created in 2013, only 20% of which were in the BMW region. Will the Minister of State ensure IDA Ireland and Enterprise Ireland consider the regions? Europe is not the problem.

**Deputy John Perry:** Given the presence of local enterprise officers and local county boards, there will be a regional structure. The Minister, Deputy Bruton, is formulating a regional structure. We should remember that aid intensity rates will be maintained at the current levels. It is

important to put this on the record.

The current regional aid guidelines and the upcoming 2014 outline suggest that aid intensity in Ireland must not exceed 30% for small enterprises, 20% for medium-sized enterprises and 10% after that. These rates are the same as currently available in Ireland, apart from the BMW region, for which an additional 5% is currently available. However, this was a transition period in which the BMW region moved ahead of the A status which refers to being among the most deprived areas.

One of the key issues for Ireland in securing this deal was that whereas the backdrop was that investment aid to large enterprises had to be prohibited, population coverage had to be reduced from 50% to 25% and aid intensity rates had to be reduced dramatically, the Minister secured outcomes whereby large enterprises would be allowed new activities, population coverage would be maintained and aid intensity would be maintained. We are altogether committed. Let us consider the larger companies.

*3 o'clock*

The level of foreign direct investment, FDI, by larger companies has been high. It is the choice of the company entering Ireland. The IDA cannot direct companies to go to Sligo, Kilkenny or anywhere else.

**Deputy Sean Fleming:** The Minister of State is saying that all of these maps count for nothing.

**Deputy John Perry:** I did not say that at all.

**Deputy Sean Fleming:** It is down to the big shots in some other country to decide where a company goes. The purpose of the IDA and Enterprise Ireland is to support balanced regional development but the Minister of State has let the cat out of the bag. The purpose of the incentives is to encourage companies to set up in counties where they might not otherwise go. I do not expect them to set up in areas where there is not sufficient infrastructure.

At Europe, the Minister for Jobs, Enterprise and Innovation secured the *status quo*. The large companies will still get the large grants and half the population of Ireland - the big cities - will be prioritised again. If he had allowed 25% of the population to be incentivised geographically as opposed to the 75% who are currently better off, there was a chance that areas like the BMW region would have received a reasonable level of investment. The current arrangement has delivered 80% of investment for the well-off counties and 20% for the remainder. The Minister is propagating that situation.

**Deputy John Perry:** The Deputy has misread the situation entirely. If he had listened to the reply, he would have heard that the larger cities did not get the aid. For example, a large number of companies have entered Sligo and the Border region. The Deputy can shake his head as much as he likes, but that is a fact.

The Government secured a good deal on regional aid. The Government's job is to work with the IDA and Enterprise Ireland. It has been successful, although investment has not been seen in every region. The next tranche of the Government's strategy is to encourage enterprise. The regional aid should be a major help in that regard. Large cities are not getting the aid. That is a fact.

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**An Leas-Cheann Comhairle:** Deputy Broughan has the next question.

**Deputy Peadar Tóibín:** May I contribute on this question? I raised my hand.

**An Leas-Cheann Comhairle:** I am sorry, but we are out of time. We have only six minutes per question. I must go on to-----

**Deputy Peadar Tóibín:** I want to contribute. I have an entitlement to speak on this question.

**An Leas-Cheann Comhairle:** If we had time, of course, but we only have six minutes per question and two Deputies will contribute on the next question.

### **Employment Data**

107. **Deputy Thomas P. Broughan** asked the Minister for Jobs, Enterprise and Innovation further to Parliamentary Question No. 469 of 25 March 2014, the manner in which his Department is keeping the use of zero-hour contracts under review. [17403/14]

**Deputy Thomas P. Broughan:** Last month, Deputy Wallace and I asked the Minister about zero-hour contracts, which are prevalent in the fast food, health care, home care and retail industries. To form a basic point of departure, we asked him to start collecting statistics on zero-hour contracts through the Central Statistics Office, CSO. I asked the Taoiseach the same question. Many people consider these contracts to be a form of bonded labour, as employees have no choice whatsoever. They are unsure of which days they will work or for how many hours. They are at the whim of employers. The Minister is presiding over this situation.

**Deputy Richard Bruton:** Zero-hour contracts are matters of contract law. They must be entered into freely by the employer and employee and cannot be forced on an employee. While the CSO does not collect data on zero-hour contracts, this does not mean that there is no information available regarding them.

The National Employment Rights Authority, NERA, which is within the remit of my Department, has a team of inspectors who enter workplaces on a daily basis. NERA also has an information service that provides information in response to queries from employees and employers on issues of concern. My officials are in regular contact with NERA with a view to ascertaining emerging issues that may need to be addressed from a policy perspective. Zero-hour contracts have not arisen as an issue in this context.

It must be noted that much of the media coverage regarding zero-hour contracts relates to the situation in the UK. It is possible to distinguish the position in Ireland on zero-hour contracts from that of the UK by virtue of the fact that, in section 18 of the Organisation of Working Time Act, we have a specific protection for employees on zero-hour contracts. There is no equivalent provision in UK legislation. In the UK, employees on zero-hour contracts are only paid for time spent working. If they are not given hours by their employers, they receive no compensation.

In Ireland, the zero-hour protection set out in section 18 covers situations where, for example, an employee is sent home if work is quiet or is requested to be available for work and is not, on the day, asked to work. Where an employee suffers a loss by not working hours he or

she was requested to work or to be available to work, the zero-hour provisions of the Act ensure that he or she is compensated for 25% of the time that he or she is required to be available or 15 hours, whichever is the lesser. Of course, the level of compensation available under section 18 may be impacted if the employee gets some work.

In addition to protections under section 18, the protections in the Protection of Employees (Part-Time Work) Act 2001 and other employment rights legislation that apply to part-time employees also apply to employees on zero-hour contracts.

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

The foregoing demonstrates that existing protections in Irish employment rights legislation for persons on zero hours contracts are better than protections in some other EU countries. Finally, it is worth noting that under EU law, zero hours contracts are in themselves permitted as long as they are used in a way that respects the relevant provisions of EU law, with particular reference to workers' health and safety.

**Deputy Thomas P. Broughan:** With regard to section 18, the Minister has given me practically the same reply as he gave a month ago. This is a very flimsy protection, if any. Most employees in those circumstances will not wish to go to a rights commissioner or go through that process. The Minister cannot present figures to the House on how many people on zero hour contracts felt they were badly treated or treated at a whim by an employer. He has no figures whatsoever to show what the situation is. I asked him to collect statistics and he was asked by other Deputies, such as Deputy Wallace, to start collecting statistics on the situation with zero hours contracts, but he has refused to do so. We were referred to the Quarterly National Household Survey but that gives no information on how these operate. In a similar sized economy such as Scotland there are 85,000 to 100,000 workers in this situation and in the UK there are approximately 1 million workers on these contracts.

There has been an explosion of developments in the home care industry, for example, which are totally based on zero hour contracts. People are working broken shifts and at the whim of an employer, very often for the minimum wage. They are doing extremely important work for this community. The Minister has not taken responsibility for this. In fact, he is not interested in the rights of these workers or in protecting them. It is not on his agenda at all.

**Deputy Richard Bruton:** On the issue of data, NERA carried out an inspection in respect of one of the companies to which the Deputy and others have referred. In that inspection none of the staff was on a zero hour contract when the inspection was carried out. It is not that nothing is happening to identify the situation; things are happening.

Regarding the other issue of people in the caring community, the Labour Court issued a recommendation last September concerning home helps employed by the HSE. This recommendation was accepted by both sides as a binding recommendation of the court. The HSE is proceeding to give effect to the recommendation, which will result in approximately 10,000 home helps receiving annualised hour contracts from the HSE in place of zero hour contracts.

**Deputy Thomas P. Broughan:** Will that include subcontractors? There is a huge range of subcontractors across the home care sector and I have received complaints about the conditions of those workers. At the very least, could the Minister and the Taoiseach, with whom I have also raised this matter, not begin to collect the statistics and give us the facts? As a result we would know what the position is not just in one company or in one instance, but across the

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economy, and how many workers are on zero hour contracts and the conditions under which they are working. Then, perhaps, the Minister could bring legislation to the House.

**Deputy Richard Bruton:** I will have to find out for the Deputy whether that ruling of the Labour Court applies to the people who are contracted by the HSE. I do not have that information to hand.

Collecting data is a matter for the Central Statistics Office, CSO. It surveys full-time and part-time employment. Of the 61,000 additional people at work, 90% are in full-time employment. There is a pattern. Early in the recovery we saw a large number of part-time positions being filled but more recently, as progress is being made, predominantly full-time jobs are being created across all sectors of the economy. There is some data from the CSO on part-time working, but not specifically on zero hour contract working.

### Employment Rights Issues

108. **Deputy Mick Wallace** asked the Minister for Jobs, Enterprise and Innovation when stakeholder discussions on collective bargaining are expected to conclude; if he will reform the current law on employees' right to engage in collective bargaining in 2014; and if he will make a statement on the matter. [17417/14]

**Deputy Mick Wallace:** The question refers to a programme for Government commitment which has still not been implemented after three years. Does the Minister plan to reform the law on collective bargaining before the end of 2014?

**Deputy Richard Bruton:** It has been the consistent policy of successive Irish Governments to promote collective bargaining through the laws of this country and through the development of an institutional framework supportive of a voluntary system of industrial relations that is premised upon freedom of contract and freedom of association. An extensive range of statutory provisions has been put in place designed to provide the legislative support for such a framework. By its nature, such a framework evolves in response to changing social, economic and legal circumstances.

The programme for Government contained a commitment to "reform the current law on employees' rights to engage in collective bargaining (the Industrial Relations (Amendment) Act 2001, so as to ensure compliance by the State with recent judgments of the European Court of Human Rights". Both the Industrial Relations Act 2001 and its associated Act of 2004 were enacted to provide a mechanism by which the fairness of the employment conditions of workers in their totality could be assessed and to provide protection for employees initiating action in this regard. However, the 2007 decision of the Supreme Court in *Ryanair v. the Labour Court* cast doubt on the functionality of the Acts and had a chilling effect on their usage.

In addition, following the publication of the programme, the ILO Committee on Freedom of Association issued its report in response to a complaint referred to it by ICTU and IMPACT, arising from the *Ryanair* Supreme Court judgment. As part of my response to the ILO, I indicated that these matters would be addressed in the context of a review of the operation of the Acts. Acting on the commitment in the programme has required consultation with stakeholders, including employer and worker representatives in the context of their experience of the operation of the existing legislative framework. In late 2012, I requested key stakeholders

to make submissions on the matter. Over the course of the last year several comprehensive submissions and presentations have been received from a range of interested parties, ranging from trade union representatives, employer representatives, State bodies and others. These submissions contained a range of often conflicting but rationally espoused positions submitted constructively in response to my invitation.

Further engagement between my officials and stakeholders is under way, with a view to developing proposals to bring to the Cabinet shortly. I hope to be in a position to bring forward legislative proposals in the very near future.

**Deputy Mick Wallace:** Ireland is probably the dearest little country in which to live and survive. Given that there has been a huge increase in what can only be described as precarious work, the great majority of the new jobs created in the last couple of years have been low paid and many of them are temporary as well, with very poor working conditions in many cases. It has reached a stage where the worker does not have as many protections as he used to have. Given the fact that the unions sold out a while ago, there is nobody to represent the workers now. It would be good if the Government would take the side of the workers and introduce extra protections for them when they are in difficult circumstances with their employers.

The bargaining position of the worker has never been as weak with the employer, due to the scarcity of work. Does the Minister not think that the State itself should be taking more proactive measures to protect the workers?

**Deputy Richard Bruton:** I agree with the Deputy. We have done a number of things to try to protect workers. We increased the minimum wage, which was one of the first steps taken when we returned to office. The courts struck down the joint labour committees and registered employment agreements, but we have already passed legislation on JLCs and we will be reinstating the REAs. We also introduced agency worker legislation based on EU provisions.

It is not true that most of the jobs are precarious and low paid. The reality is that the recovery is now broad based. The Deputy's colleague, Deputy Finian McGrath, complained earlier that all the jobs were for high flyers and that there were no jobs at modest levels.

**Deputy Niall Collins:** He is a high flyer himself.

**Deputy Richard Bruton:** The truth is that there is a spread of employment opportunities.

**Deputy Finian McGrath:** I will look after the unemployed of Dublin Bay North.

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

**Deputy Richard Bruton:** Employment has expanded across all occupations at skilled, unskilled and highly skilled levels. There is a balanced recovery under way.

**Deputy Mick Wallace:** Perhaps I do not have well-off friends like Deputy McGrath but for a large number of workers in the low-paid sector it has reached a point where people with jobs are suffering deprivation. The Minister states that the Government increased the minimum wage, and it was good that this happened, but the minimum wage is too low for people to have a decent standard of living in this dear country. Some interesting research carried out in America showed that the low wages paid by the likes of McDonalds and Walmart have led to the taxpayer subsidising their wages indirectly in order for them to survive. If we carried out the same research here, would we find that the State is supplementing low wages that the private sector

pays to some of these workers?

**Deputy Richard Bruton:** As I have already indicated, we did restore the minimum wage. People employed on a full-time basis on the minimum wage have substantially more than they get on the live register. As I said to Deputy Broughan, 90% of those obtaining employment now are in full-time positions. We are seeking to ensure that vulnerable workers will be protected by the restoration of REAs and JLCs, which were the traditional mechanisms for protecting workers. We will be reinstating those legislative provisions with a view to protecting those who would be vulnerable.

The payment of family income supplement has long been recognised as a justifiable intervention because it recognises that large families need additional support. Such payments are a good and progressive measure.

*Questions Nos. 109 to 129, inclusive, replied to with Written Answers.*

### Topical Issue Matters

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Seán Kyne - that mountain and lowlands rescue teams are exempt from VAT for the purchase and procurement of equipment; (2) Deputy Noel Harrington - the implications of mackerel quotas for those operating in polyvalent and pelagic sectors of the fishing industry; (3) Deputy Finian McGrath - the funding crisis at the Darndale-Belcamp integrated child-care service, Dublin 17 and the urgent need to save 100 jobs; (4) Deputy Peter Fitzpatrick - the closure of the Women's Aid refuge in Dundalk, County Louth;

(5) Deputy Aengus Ó Snodaigh - the need to ensure the continuation of the Bringing It All Back Home programme in the Inchicore area, Dublin; (6) Deputy Dominic Hannigan - the youth guarantee scheme for people under 25 in County Meath; (7) Deputy Michelle Mulherin - the need for the Minister for Transport, Tourism and Sport to fund the "Monasteries of the Moy" greenway proposed to run from Ballina to Killala; (8) Deputy Dara Calleary - the recently introduced changes to regulations concerning the operation of community employment schemes in the west and their effect on local community services; (9) Deputy Pat Deering - the length of time it takes to process medical card applications; (10) Deputy Michael McNamara -

the failure of Irish Water to provide answers to questions from elected representatives; (11) Deputy Seán Ó Fearghaíl - the need for the Minister for Arts, Heritage and the Gaeltacht to discuss the need to provide public artistic space in Ireland; (12) Deputy Catherine Murphy - the extra charging of families by some nursing homes for the provision of basic equipment and medical supplies; (13) Deputy Brendan Smith - the need for the Tánaiste and Minister for Foreign Affairs and Trade to discuss the escalating crisis in Ukraine; (14) Deputy Anthony Lawlor - to ask the Minister for Health to outline details of the current process for medical card applications, the length of time it takes to complete same and how frequently medical card reviews are undertaken; (15) Deputy Thomas P. Broughan - the urgent need for the Minister for the Environment, Community and Local Government and the Minister for Arts, Heritage and the Gaeltacht to ensure that the special amenity area status of Howth Peninsula is fully protected, including all of the historic walkways and rights of way on the peninsula and the wonderful amenity and wilderness areas of Howth and Sutton; and to examine local proposals

to strengthen the protected status of these amenities in the near future; (16) Deputy Michael McGrath - to ask the Minister for Finance to clarify the administrative arrangements that local authorities must comply with, including any Revenue deadline, if they wish to vary the local property tax rate by 15% for the calendar year 2015;

(17) Deputy Michael Moynihan - the need for the Minister for Communications, Energy and Natural Resources to discuss the wind energy strategy in Ireland;

(18) Deputy Clare Daly - to discuss the need for the State to cast the vote of its shareholding against the bonus of the chief executive at the Aer Lingus AGM next week, as this payment was linked to resolution of the pension crisis which has not been resolved; (19) Deputy Mick Wallace - to discuss the escalating crisis in Ukraine; (20) Deputy Dessie Ellis - to discuss the increasing demand on mental health services at Connolly Hospital and the Dublin region generally; and

(21) Deputy Martin Heydon - the time taken to process medical card applications.

The matters raised by Deputies Seán Kyne, Noel Harrington, Aengus Ó Snodaigh and Dominic Hannigan have been selected for discussion.

### **Leaders' Questions**

**Deputy Micheál Martin:** Irish Water has confirmed a story in the *Irish Independent* that it has sought the introduction of a standing charge of €100 for all householders. This has shocked many people and has caused a considerable degree of disquiet and anxiety with the public. The Taoiseach promised previously in the House that he would publish, before the local elections, all details on the water tax and the bills that people could expect. People were also promised that there would be a free allowance in advance of any tax coming their way. Many people see the standing charge proposal as a blatant breaking of that promise on a free allowance. The Taoiseach also said in the House that the matter was under consideration by the Government, yet we discover from two Ministers, Deputy Rabbitte and Deputy Burton, that the matter has not even been discussed at the Cabinet since last January. All of that confirms a view that the delay in sending the Government's proposals to the regulator and the delay by the Minister in giving out his instructions is delaying the regulator's timeline for finalising and publishing the water tax bill per household. That is the key point. The idea that people have to pay a standing charge runs contrary to the whole idea of the regime being about the conservation of water, as opposed to just another method of collecting a tax and collecting money. One must now take the view that this is more about collecting money than with the conservation of water or water usage.

Will there be a standing charge in the regime imposed on all homeowners? When will the Government tell the people the truth about all of this? When will the Government publish its proposals on water tax? Will there be a recognition in those proposals of a person's ability to pay?

**The Taoiseach:** I saw the report in one of the newspapers in the last couple of days. My understanding is that it arose from a draft memo submitted by Irish Water. As I have already pointed out, the Government has not signed off on the level of subvention or the average metered charge that will apply. It will do so shortly. As I have said previously, the information



will be published before the local elections.

**Deputy Finian McGrath:** The councillors will love that.

**The Taoiseach:** Some of the media reports might be based on a draft memo from Irish Water. The Government will shortly consider a memo from the Minister. As Deputy Martin is aware, there is a process to be gone through. It will be followed carefully. The Government's intention is that the water charge will be as fair and as affordable as possible. Clearly, it has to give careful consideration to the various categories of people who are in different circumstances. As the Deputy knows, there are people with small families, no families and large families. There are people with particular medical needs and requirements.

There is one undoubted fact in this regard. It is clear, in light of the various reports on climate change etc., that this country has not invested sufficient finance in the provision of proper infrastructure to consumers, business and people all over the country. The concept underpinning Irish Water, which will be able to borrow money for infrastructural development, is that the new body will co-ordinate such development in a proper fashion so that a platform for the supply of top quality water to consumers, businesses and industries will be put in place for the next 50 years.

Deputy Martin is well aware from his previous experience that part of the attractiveness of this country is the quantity and high volume of quality water that is available for industry. We need to enhance that. Irish Water will be able to do that. There has been a great deal of economic analysis of what is involved here. The Government will consider it shortly. The people will know in good time. I have already given a commitment to that effect.

**Deputy Micheál Martin:** The Taoiseach has been saying "the Government will consider it shortly" since January of this year. We have been told that the Government will publish something in two weeks or a couple of weeks. The Taoiseach said the same thing in February and in March. We are now in April. Next month is May. When will this happen? There are five weeks to go until the local elections. One has to come to the conclusion that the only delay here is the delay from the Government. The Ministers, Deputies Rabbitte and Burton, said they have heard nothing about this. They said it has not been discussed at all at Cabinet level. The regulator said he was hoping to publish the domestic tariff structure, the non-domestic tariff structure, the connection-changing policy and the water customer handbook in April as part of the water charges plan for consultation. None of these has been published. They were all supposed to be published in April as part of the ongoing process of consultation and public discourse on the matter. There is a clear strategy of keeping people in the dark.

**Deputy Ray Butler:** The Deputy was an expert at that.

**Deputy Micheál Martin:** Even though Irish Water has employed three public relations companies, according to *The Sunday Times*, the level of information we are getting in this regard is very scarce. I do not doubt that the Taoiseach will defend such spending, just as he defended the expenditure of €180 million to set up an entity that will get the same people - local authority personnel - to deliver the same service. In essence, the savings that the Taoiseach keeps going on about are equal to the taxes that people will have to pay. The only difference is that over the next few years, people will be paying significant taxes that will ultimately result in the savings the Taoiseach keeps going on about. The bottom line is that the Taoiseach needs to be upfront about the publication of the set of proposals he said he would publish. He has

delayed the publication of those proposals repeatedly with one purpose in mind. He has done so on the basis of electoral considerations and nothing else. People out there want to know.

**Deputy Finian McGrath:** Paddy wants to know.

**Deputy Micheál Martin:** The Taoiseach once said that Paddy wants to know. Very few people out there know anything at all about this.

**Deputy Finian McGrath:** The Taoiseach will tell us on 24 May.

**The Taoiseach:** I agree with the Deputy's sentiment that it is important for people to be given information on foot of Government decisions. In this case, the Government has to take a range of things into account before it arrives at a decision.

**Deputy Timmy Dooley:** It has to take the results of the election into account.

**The Taoiseach:** It is not a case of taking electoral considerations into account. People are going to do what they wish to do in any event. That is their absolute choice. That is their right under this country's democracy. It is important for the decision the Government makes in this regard to be fair, equitable and workable.

**Deputy Barry Cowen:** It has taken two years for the decision to be made.

**The Taoiseach:** It must take account of the various strands and categories of people and the circumstances they find themselves in. There is no basis for suggesting that a standing charge of the order of what I saw printed will apply here.

**Deputy Micheál Martin:** Will there be a standing charge?

**The Taoiseach:** The Government will make decisions on all of these things. They will all be published before the local elections, which will take place on 23 May. I believe that people need to know. If they do not know, it gives rise to wild speculation, as the Deputy will appreciate. According to reports I saw, the deputy leader of his party told people in the heart of Connemara that it would cost €20,000 to desludge a septic tank. He called monster meetings of people who now have to pay just €5 for that service.

**Deputy Timmy Dooley:** The Government backed down on that one.

**The Taoiseach:** For that reason, I advise Deputy Martin not to jump to too many conclusions. The people will be informed of the Government's decision in good time. The Government will issue policy directions to the regulator, which will set the standing charge. That charge will depend on the level of subvention made available in respect of this matter by the Government. As I have said to Deputy Martin previously, that is what will determine what the average meter charge is. The rate of metering is very substantial. I understand that approximately 35,000 meters have been installed in the last month. This is moving very swiftly. People will have their information all in good time.

**Deputy Barry Cowen:** The Taoiseach's attitude is "do not worry" and "no harm done".

**Deputy Timmy Dooley:** Paddy does not need to know.

**Deputy Finian McGrath:** I remind the Government not to forget the leaks.

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**The Taoiseach:** Our collective hope is that we can have it as fair and as equitable as possible. I ask Deputies to take account of what the future holds, through Irish Water being able to provide major water infrastructure all over the country.

**Deputy Barry Cowen:** The message is “relax - whatever will happen, will happen”.

**The Taoiseach:** We cannot do that at present because the taxpayer does not have the resources to provide that level of finance for that necessary infrastructure.

**Deputy Timmy Dooley:** It sounds like Paddy had better sink his own well.

**The Taoiseach:** The Deputy might like to talk about fracking in the Burren.

**Deputy Gerry Adams:** I think that on top of the other difficulties, the problem is that the Taoiseach, on behalf of the Government, gives very opaque and obscure answers to very straight questions. If Deputies will pardon the pun, there seems to be a drip, drip, drip attitude to our attempts to get answers. Contrary to what the Government is saying, we know that Uisce Éireann is seeking to impose a standing charge of one third of its water bill. That is what it is looking for. We know that is very high by comparison with charges in other states. This charge is as low as 10% elsewhere. This is about the introduction of another tax. The introduction of water charges is entirely a revenue-raising exercise and nothing less. We have seen estimates suggesting that the average water bill could be as high as €300. That would be on top of all the other bills people have to face. The Taoiseach knows that many people are struggling and are angry that Uisce Éireann gave €86 million of taxpayers’ money to consultants.

The Government told citizens from the very beginning that this whole issue was about conserving water. It said that most of the water bill of each citizen would be based on the amount of water used. The idea was that this would be an incentive to control water use. I am sure the Taoiseach will agree that the higher the standing charge, the worse it is for water conservation and for householders. There can be no doubt that Uisce Éireann is looking for this standing charge of one third. That is a fact. Can the Taoiseach assure the Dáil that this is unacceptable? Does he agree with me that this proposal should be rejected by the energy regulator? Can he not tell us here and now when the Dáil and householders will be given a clear idea of how much they will have to pay in water charges?

**Deputy Finian McGrath:** They will know on 24 May.

**The Taoiseach:** As I said to Deputy Martin, Uisce Éireann is not the Government.

**Deputy Barry Cowen:** It must be Fianna Fáil.

**The Taoiseach:** The figures I have heard-----

**Deputy Finian McGrath:** This is just like the HSE.

**The Taoiseach:** I will be very clear with Deputy Adams. He said he was fed up of opaque answers.

**Deputy Micheál Martin:** The Taoiseach is 100% clear about that.

**Deputy Brian Stanley:** He is picking up where Bertie left off.

**The Taoiseach:** Uisce Éireann does not set the level of charge here.

**Deputy Brian Stanley:** He is following in Bertie's footsteps.

**The Taoiseach:** It is perfectly entitled to send draft memos to the regulator if it so wishes. As I have said before - I hope this is clear - the level of subvention provided by the Government will determine the average metered charge that people will pay.

**Deputy Barry Cowen:** That will be in addition to the standing charge.

**The Taoiseach:** The Government has not yet decided what that level of subvention will be. Various matters, such as the weight of metering, have to be taken into consideration. There is a need for a fair assessment of the water usage of houses that are not metered. Consideration must be given to categories of personnel in particular circumstances, such as people with particular medical conditions who need a certain kind of attention. What the Government set out to do was afford a new opportunity to provide water infrastructure throughout the country, including in towns, villages and cities. As the Deputy knows, 40% of treated water leaks away into the ground, and 18,000 people are subject to boil water notices constantly. There is very much inferior pipework in various parts of the country. These matters all need to be attended to.

Over recent years, Governments have been investing an average of €300 million in trying to maintain creaking or leaking infrastructure. The Government needs to have at its disposal €600 million to €700 million per annum for investment in proper infrastructure. This is not the case but it will be under Irish Water, which will be able to borrow itself.

The Government stated there would be a free allowance for each household and that a charge would apply when one exceeded it. Family circumstances and the number of children in families must be considered. The Government must consider all such matters before making the final decision. The regulator sets the standing charge and that is dependent on the level of subvention provided by the Government. We will make these decisions in good time, and people will be absolutely clear as to what their average standing charge will be.

**Deputy Gerry Adams:** Every so often, the Taoiseach is very clear, and every so often he gives an answer that everyone here can understand.

**The Taoiseach:** A bit like the Deputy; "I was not a member."

**Deputy Gerry Adams:** The only thing I understand from what the Taoiseach told me, and for which news I am really grateful, is that Uisce Éireann is not the Government. I thank the Taoiseach for that. Nothing else gives this House any insight into what the Government has been doing, except the wee remark towards the end of the Taoiseach's contribution indicating the regulator will set a standing charge. Now we can deduce that there will be a standing charge. The Taoiseach provided no evidence at all that wastage, leakage and other problems could not have been better addressed by leaving responsibility for the service in the hands of democratically elected local authorities.

I remember the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, saying Irish Water would lead to savings for the taxpayer of €2 billion. Where is the evidence of that? Let us just consider what this is all about. I ask the Taoiseach to give me a straight answer to this question. Is this not all a prelude to the privatisation of what should be a public service? Is this all preparatory work being done to impose yet another burden on members of the public, including working families and struggling householders? If the Taoiseach is to give the Dáil and citizens information before the local government elections, it defies

logic that he does not have it now. Will the Taoiseach own up to the fact that this is subterfuge to privatise our public water service?

**The Taoiseach:** Let me give the Deputy four clear answers. First, no decision has been made by the Government on the level of water charges. No decision has been made by the Government on the level of subvention. No decision has been made by the Government on any standing charge. The Deputy can take it that a decision has been made by the Government that this is not the privatisation of water services.

**Deputy Barry Cowen:** Does the Taoiseach believe he might get around to it some day?

**Deputy Patrick O'Donovan:** The Deputy should talk to his brother about that.

**Deputy Barry Cowen:** Has the Deputy any brothers?

*(Interruptions).*

**Deputy Seamus Healy:** Approximately three weeks ago, on 25 March, I raised with the Taoiseach the absolutely unacceptable number of patients on trolleys and chairs in the accident and emergency department in South Tipperary General Hospital. I described the conditions on that day as reminiscent of those in the Third World. I make no apology for this. Three weeks later, nothing has been done, despite requests from hospital staff and management and the HSE south east management. Today, there is a full-blown crisis in the accident and emergency department. The emergency requires emergency action from the Taoiseach. There were 29 patients on trolleys in the hospital this morning. They are in the accident and emergency department, the corridors of the department, the corridors of the rest of the hospital and along the main public thoroughfare of the hospital. An individual sent me a photograph of a relative who is recovering from a subarachnoid haemorrhage but who is on a trolley in the main public thoroughfare of the hospital, up against a bank of vending machines. Patients have absolutely no privacy. The bathroom and toilet facilities for patients are either totally inadequate or non-existent. This is absolutely unacceptable and outrageous.

The number of patients on trolleys in the hospital increased from 750 in 2011, when the current Government came to power, to 3,100 in 2013. The hospital budget has been cut by €11 million, or nearly 25%, and more than 100 staff have been lost. The hospital is now working at 120% capacity every day of the year. Hospital staff simply cannot cope and, despite their working above and beyond the call of duty, they are struggling to provide a safe service.

**An Ceann Comhairle:** Has the Deputy a question?

**Deputy Seamus Healy:** The HSE, the Department of Health and the Minister for Health have failed the patients in the hospital. We require emergency action today. I ask the Taoiseach to take charge of this matter personally and approve additional medical, nursing and support staff for the emergency department in the hospital. I want him to approve additional beds and open additional step-down beds for the hospital.

**The Taoiseach:** Deputy Healy raised this a number of weeks ago. No less than anyone else, I feel for patients who must go to hospital and those who find themselves in circumstances that are not at a premium level or who are not in the best facilities. I do not have the details Deputy Healy read out, although he raised this three weeks ago. I undertake to ask the Minister for Health for a report on the facts the Deputy mentioned in respect of South Tipperary General

Hospital, and I will advise the Deputy on the official response.

The Deputy is well aware of the action taken by the Minister at national level in respect of reducing trolley numbers in recent years. This action has been quite successful. Obviously, there seem to be circumstances in the Deputy's local hospital that are not conducive to providing care of the best level, as the Deputy pointed out. I will undertake to seek a report from the Minister, through the HSE, on the facts the Deputy outlined in his question today.

**Deputy Seamus Healy:** There is a crisis in the hospital today. It is all very well producing reports but we need action today. There are 29 patients on trolleys in the hospital, which amounts to ten more than three weeks ago when I raised this issue originally. The HSE is well aware of the matter, as are the Department of Health and the Minister. The Taoiseach is aware of it because I raised it with him in the House three weeks ago. I ask the Taoiseach to take action on this crisis in his capacity as Taoiseach and leader of the Government and country. There is a way to do so, as I told him three weeks ago. There is provision in the HSE national service plan, under "Critical Service Priorities", to have €30 million just for situations like this. I asked the Taoiseach three weeks ago and I ask him again today to initiate moneys from that section of the national service plan to provide additional staff at the Department and to open additional beds in the hospital and also step-down beds. As I said, this is an emergency situation and it requires emergency action. All else has failed. It is now Deputy Kenny's responsibility, as Taoiseach and as leader of this country, to make the necessary decisions and to approve what I have just requested.

**The Taoiseach:** Deputy Healy is well aware that when we were spending €16 billion on the health system, the numbers on trolleys and the situation in hospital wards throughout the country were in very poor shape. Money is not the answer here.

**Deputy Seamus Healy:** The Government has the money.

**The Taoiseach:** An agreement has been set out under Haddington Road for rostering and for changes in regard to all of these things. I have not had a report from-----

**Deputy Seamus Healy:** The numbers on trolleys have quadrupled since they came into government.

**An Ceann Comhairle:** Sorry, Deputy. You have had your say.

**The Taoiseach:** I have not had a report from the manager in South Tipperary General Hospital. There has to be a reason for the excess numbers who are on trolleys, as the Deputy pointed out.

**Deputy Seamus Healy:** €11 million in cuts is the reason.

**The Taoiseach:** I do not know if it is a particular issue with the health of some people in the area or what the reasons are for having 29 patients on trolleys. I have offered to find out for the Deputy but he should not expect me to say that we can employ X number of extra people tonight or tomorrow or that we can open beds.

**Deputy Seamus Healy:** The management in the south east have already asked for this.

**The Taoiseach:** The Deputy is not dealing with reality there. There has to be a reason for this. The management of the beds in every hospital is a matter for the hospital chief executive

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and the hospital manager. I do not have a report from them in respect of what the Deputy raises here. I have undertaken to find out for the Deputy from the Minister of Health, through the HSE, what the exact situation is and I will advise Deputy Healy of that.

**Deputy Seamus Healy:** That is not good enough.

## **Ceisteanna - Questions (Resumed)**

### **Government Information Service**

1. **Deputy Micheál Martin** asked the Taoiseach if his Department has a policy on Government information services sending out reports or press releases on St. Stephen's Day; and if he will make a statement on the matter. [2209/14]

**The Taoiseach:** The Government Information Service does not have a policy on issuing reports or press releases on St. Stephen's Day.

**Deputy Micheál Martin:** I thank the Taoiseach for his reply. The reason I tabled the question is that a major report on private health insurance was issued by the Government on 26 December last. The one and only reason this was done, of course, was to try to bury it, and it would appear to me that was a clear policy decision. No Government which wants to respond to questions or wants to engage with the public on issues would publish a comprehensive and substantive report on such an important issue on St. Stephen's Day. It seems to be a clear and obvious abuse in itself.

As the Taoiseach knows, people had seen and are seeing massive increases in their insurance premiums, and tens of thousands of people over the last two years have dropped their insurance. Many have done so since the budget, and the Taoiseach will remember the very controversial decision that was taken in the budget two or three months before this report was published. In essence, the report painted a very stark picture of the future for health insurance in this country and essentially suggested it was coming very close to a tipping point in terms of its sustainability into the future.

Does the Taoiseach think it acceptable behaviour that the Minister should publish such an important report on St. Stephen's Day, knowing full well there would be no public discussion around it and that people would not have the facility or the capacity, given the day that was in it, to have the kind of serious debate the report warranted on its publication? In recent weeks we have had the publication of the universal health insurance document, with all of its lack of detail. It raises more questions than it answers and, again, it states that more legal and policy analysis has to be undertaken on the key issue of the market rate, despite the fact it is a White Paper. There is no detail in that paper as to the cost and pricing package that people will have to endure.

Given the Government's track record on health, and that of the Minister in particular, it seems to me the whole agenda, from the publication of that report on St. Stephen's Day, has been to avoid public debate on these issues and to delay substantive and penetrative debate

where we get real answers. In particular, the publication of that report on St. Stephen's Day is an illustration of how far this Government goes to talk itself up when it wants to, but also to hide the unpalatable when it wants to. Publishing a major report on St. Stephen's Day was a new milestone in this regard. Would the Taoiseach accept that?

**Deputy Gerry Adams:** I have always tried to be fair here when I am dealing with the Government. Without being at all patronising, I think there are many challenges facing the Government and issues after issues after issues. However, the Taoiseach did promise a new way of doing business, he promised transparency, he promised clarity and he promised a democratic revolution. This report contained 32 recommendations. It is a very important issue for many hundreds of citizens who have private health insurance, which the Minister has acknowledged. Why publish it on St. Stephen's Day, when there is a minimum of media coverage and reporting and, in any case, who is listening to the news on St. Stephen's Day? It is a tactic used by other Governments to bury unpopular news in the middle of or on the eve of a holiday period.

This is a report which, I am sure the Taoiseach would acknowledge, requires the maximum distribution and the maximum information. Information is power; it is about empowering citizens. Therefore, not to give the people that information is to disempower them, which is the exact opposite of the reasoning given by the Taoiseach as to how his Government does its business. Would the Taoiseach not acknowledge it was a mistake to publish this on St. Stephen's Day when, clearly, the whole intention was to bury it as opposed to having debate, discussion and clarity about it?

**The Taoiseach:** The question I was asked by Deputy Martin was if the Government has a policy of the Government Information Service sending out reports or press releases on St. Stephen's Day, and if I would make a statement on the matter. I have answered that by saying there are no policy issues in that regard.

This was the report entitled Review of Measures to Reduce Costs in the Private Health Insurance Market 2013. There was an imperative on the Department of Health to publish it before the end of last year, and it let it out on St. Stephen's Day or the day after that. The document is the first of two reports produced by the author, Pat McLoughlin, and the second will be published in 2014. The health insurance companies, to be honest, were very keen for its publication and, far from burying it where it would not be seen, it was expected that the report would be of interest to a lot of people out there and to the media itself.

As the Deputies know, last year Christmas fell in the middle of the week. Consideration was given to the fact a document published on St. Stephen's Day would be of interest and would be the subject of considerable commentary in the post-Christmas period. It was not a case of showing it off on a shelf where it would not be seen. The report was produced for public discourse and, accordingly, the health insurance companies and the author were alerted to the intention to publish the document on St. Stephen's Day. It was the subject of a number of news reports.

As the Deputies are aware, the phase 1 report which was published contained 32 recommendations under nine different headings. These were about reducing costs of private health insurance and dealt with the following: controlling costs in private health insurance; care settings and use of resources; the age structure of the market; clinical audit and utilisation management; industry approach to private psychiatry; fraud, waste and abuse; chronic disease management; claims processing; and admission and discharge procedures and processes. Most of the recommendations in phase 1 could be implemented on an administrative basis, while a small number,



if adopted, would require legislation. There were also a number of key recommendations to drive down costs.

The report, far from being hidden, is absolutely relevant in order to ensure that patients are treated at the lowest possible level consistent with quality, and insurers should use existing information on the appropriate treatment locations for individual procedures. It recommended that insurers use information of this kind to query cases claimed as an inpatient which might have been carried out on a day basis. In other words, was the right treatment provided? It recommended that insurers provide data to aid a more detailed analysis of the drivers behind the rising costs in the private health insurance. A template to be agreed with the industry is to be completed within the next six weeks to aid further analysis for the phase 2 report. It recommended that in future, the Health Insurance Authority collect these data from insurers regularly to make matters even clearer. It also recommended that the current clinical audit and utilisation arrangements by insurers be assessed in phase 2 to determine whether they are in line with the robustness of international practice; that the extent of clinical audit being carried out by each insurer be independently evaluated in phase 2 of this work; that in line with the plans for implementing money follows the patient, case-based charging be implemented using diagnosis related groups, DRGs, which would mean a fixed, pre-established payment for each case or patient episode, which did not happen previously; that health insurers publicly acknowledge that fraud and malpractice exist and publish data on the extent of moneys recovered from hospitals and consultants; and that the Minister for Health consider introducing measures to encourage younger members into the market and discourage, by means of a financial penalty, people who take out health insurance for the first time after the age of 30. This is known as lifetime community rating.

To recap, there is no policy of issuing reports on St. Stephen's Day, Easter Sunday or Easter Monday. This report was due out before the end of the year. It is an important report that contained clear recommendations for driving down costs in everyone's interest. If Christmas Day was at the beginning or end of the week, it might be different. It was in the middle of the week and that decision was taken. I assure the Deputy that there was no intention of hiding the report or deciding we would publish it and no one would read it. The report contains important recommendations that are in the interests of the patient and driving down the costs of private health insurance.

**An Ceann Comhairle:** We will move on to Question No. 2.

**Deputy Micheál Martin:** Could I add something?

**An Ceann Comhairle:** We have spent ten minutes on this question.

**Deputy Micheál Martin:** I have only one question. Deputy Adams had the same time as me and he did not even table the question.

**An Ceann Comhairle:** This is a straightforward question.

**Deputy Micheál Martin:** I just want to ask a very straightforward supplementary.

**An Ceann Comhairle:** We have spent ten minutes on it.

**Deputy Micheál Martin:** In fairness, I did not take up the ten minutes.

**An Ceann Comhairle:** There are 97 questions for the Taoiseach. We will never get through

them.

**Deputy Micheál Martin:** I did not speak for ten minutes the first time.

**An Ceann Comhairle:** We cannot get into the content of the report.

**Deputy Micheál Martin:** I am not going to do that.

**An Ceann Comhairle:** Go ahead.

**Deputy Micheál Martin:** Does the Taoiseach agree there was a policy and this is why this report was published? Will he give instructions to his Ministers not to engage in such a practice again? Most people would say that the reason this report was not published earlier was because of the budget decision on tax relief for health insurance, which hammered health insurance, the flak that would flow from the report, and the degree to which the report confirms the error that was made in the budget decision relating to health insurance and the successive decisions the Government has taken in respect of that issue. That is the point and that is why it was published on St. Stephen's Day. It was published to bury it and ensure it would not embarrass the Government given the earlier decisions it took in the budget.

**The Taoiseach:** The question was whether there is a policy on the part of the Government Information Service of publishing documents on St. Stephen's Day. I have answered clearly that there is no such policy. If such a policy existed, Deputy Martin would say we should have published half a dozen reports last week when the President was on a state visit to the United Kingdom. This is a very important report with all these recommendations for reducing costs for patients with private health insurance. The Deputy knows this as a former Minister. These things are pointed out here as being-----

**Deputy Micheál Martin:** I would not publish something on St. Stephen's Day.

**The Taoiseach:** It is out there and it is also online. People can read it. We did not say we published it but no one read it. It is clearly in the interests of patients in respect of private health insurance costs.

### **Climate Change Policy**

2. **Deputy Gerry Adams** asked the Taoiseach when the Cabinet committee on climate change and the green economy last met. [2240/14]

3. **Deputy Gerry Adams** asked the Taoiseach the number of times the Cabinet committee on climate change and the green economy has met in the past 12 months. [2241/14]

4. **Deputy Joe Higgins** asked the Taoiseach if he will report on the times the Cabinet committee on climate change and the green economy met in the past year. [7498/14]

5. **Deputy Gerry Adams** asked the Taoiseach if the Cabinet committee on climate change and the green economy has met since Christmas. [8948/14]

6. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the number of times the Cabinet committee on climate change met last year. [16187/14]

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**The Taoiseach:** I propose to take Questions Nos. 2 to 6, inclusive, together.

The Cabinet committee on climate change and the green economy has met on two occasions in the past year, on 25 November 2013 and 24 February 2014. In addition, the associated senior officials group meets as appropriate throughout the year to ensure a co-ordinated approach to the Government's priorities in this area, including work on preparing the climate action and low carbon development Bill; preparation of the national low carbon roadmap to 2050 with inputs from the relevant sectors; preparation of Ireland's input to EU discussions on a 2030 climate and energy framework; preparation of Ireland's input to international climate change negotiations under the UN Framework Convention on Climate Change; and implementation of a range of actions to support jobs and growth in the green economy. The Cabinet committee will meet again during the coming year, as required.

**Deputy Gerry Adams:** Former President Mary Robinson has warned that world leaders have at best two decades to save the planet from the devastating impact of climate change. Her warning follows the latest UN report of the Intergovernmental Panel on Climate Change, IPCC which it described as a final wake-up call. Mary Robinson has urged world governments to implement major shifts in environmental and climate policy. The UN report warns that current efforts to cut carbon emissions have fallen significantly short of what is needed. In a previous report published just before Christmas, the IPCC concluded that humankind is to blame for global warming and warned that the planet will see increasingly extreme weather events unless governments take strong action. That report, which is entitled *Climate Change 2013: The Physical Science Basis*, stated that the past decade was the warmest on record and that much of this is down to the increase in the burning of fossil fuels. Foilsíodh an dara thuairisc inné and this tuairisc says that effects are already occurring on all continents and across all oceans.

We have seen it here. Mar is eol don Taoiseach, ag tús na bliana bhí neart stoirm againn ar fud na tíre. We know from our own experience, including that of the west and the south east, that businesses and family homes were flooded, roads were blocked and there was massive destruction. According to the Marine Institute, 230,000 farmed salmon were lost off the west Cork coast as a result of just one of nine storms to batter this island. Last year, unusually long periods of dry weather followed by periods of torrential rain left many farmers short of essential feed. The winter has been the wettest since records were first kept in 1866. I could give the Taoiseach more data. I am sure he is conversant with them. I visited King's Island in County Limerick and saw the devastation wreaked upon that small working class community and which has still to be rectified. We are now being told that extreme weather events will be more common and severe. Has the Government's climate change committee discussed the IPCC, the impact of climate change on agriculture and communities, the impact of the recent storms and their implications for the future?

The Government has yet to publish a full cost-benefit analysis to show how the State can benefit in terms of plans to generate electricity from renewable sources. There does not appear to be a comprehensive Government energy strategy that would encompass all the alternatives and renewable sources instead of focusing solely on wind power. There was to have been a Green Paper on this but it has not materialised so far. In light of these alarming UN reports and our own experience, when will the Government publish the Green Paper? I commend the thousands who turned out at the protest today against wind turbines and pylons.

*4 o'clock*

I was there myself today at the protest. I note that the Sinn Féin Private Members' Bill introduced last week was not opposed by the Government. I encourage the Taoiseach not just to allow the Bill to pass to the next Stage, but actually to act on it. Given what we now know and given the way the future is looking in terms of all of these climate reports, would it not be a good thing that this Bill be passed into law to allow for the most comprehensive strategy possible on energy? This is now essential.

**The Taoiseach:** That is a good question. It is finally dawning on people that this is a matter of exceptional importance. I would heed the warning given by former President Robinson who has a great deal of expertise in this area. Whether the timescale is as brief as she points out is something I cannot judge but clearly when one looks at weather patterns all over the world, one can see the changing nature of the ferocity of nature and its impact on water levels and human life in various parts of the world. Clearly, a pretty serious change has taken place in the last number of years.

The Government has made a clear commitment in the programme for Government to develop a national position on climate change, including introducing legislation. The officials have met on a regular basis and the Minister for the Environment, Community and Local Government, Deputy Hogan, is now in a position, having concluded his Bill on climate action and low-carbon development, to publish it very shortly. I expect that is a matter which will take some considerable discussion here. Ireland's greenhouse gas emissions reduction targets for 2020 are set by the 2009 EU effort-sharing decision. Ireland's target for the non-emissions trading sectors is to limit its growth of greenhouse gas emissions to 20% below 2005 levels in the period from 2013 to 2020. The non-emissions trading sectors cover sectors which are outside the EU emissions trading scheme and include the agriculture, transport, residential and waste sectors. Deputy Adams will be aware of the challenge this presents to Ireland in the context of the removal of milk quotas in 2015, when we will become one of the most heavily productive areas on the planet in the agri sector. It is an ambitious and challenging target from an Irish perspective, particularly given the scale of the agricultural sector here and the scale of emissions associated with it, as well as the limited mitigation potential in the sector. Obviously, it is a challenge. Last year's update from the Environmental Protection Agency showed that Ireland remains on course to comply with its mitigation trajectory in the first half of the compliance period up to 2016. Compliance in the subsequent years, 2017 to 2020, is more challenging. There will need to be a range of legislative issues and policy responses to deal with the scale of that challenge.

In respect of the report from the Intergovernmental Panel on Climate Change, IPCC, I met Dr. Rajendra Pachouri when he was here in 2012. In recent weeks, the IPCC issued the second and third instalments of the fifth assessment report. These publications are to be welcomed and I expect that they will have an important bearing on international climate change negotiations and on a new climate treaty by the end of 2015. No more than the comments of former President Robinson, these reports are a stark reminder of the challenges facing humanity *vis-à-vis* the climate change issue. The latest IPCC working group report assesses mitigation options for different sectors of the economy, including energy supply, transport, human settlements, urbanisation and planning, agriculture and forestry. It highlights that international co-operation is required to effectively mitigate greenhouse gas emissions on the scale required and to address other climate change issues. It tells us that in the years 2000 to 2010, total anthropogenic greenhouse gas emissions were the highest in human history, with carbon dioxide emissions from fossil fuels and industry contributing 78% of that total. Continued greenhouse gas emissions

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at current levels are now projected to increase the global mean surface temperature from 3.7° to 4.8° above pre-industrial levels, which is far short of the 2° target that needs to be achieved. The report makes it clear that very significant efforts are both necessary and challenging. That is what Ireland and our European colleagues are working hard to achieve in the context of the international negotiations aimed at reaching a global agreement in 2015.

Deputy Adams will be aware that the previous IPCC working group report published at the end of March last focused on climate adaptation. It identified vulnerable people, industries and ecosystems around the world. It made a strong case that governments, citizens and businesses can decrease emissions by taking smart actions. Indeed, that is the focus of Ireland's strategy for climate mitigation and adaptation. That IPCC report draws on a wide body of research and analysis from scientists all over the world, including from Ireland. It is based on robust scientific evidence and has an important role in informing governments about the nature, extent and causes of global warming and in pointing out the current and expected future impacts of climate change on our planet.

For our part, we are fully engaged with the EU and at international level and are concerned to see that we make progress towards a global agreement by the end of 2015. We have a particular interest in the report's analysis of food security. We are proud to have one of the most carbon-efficient agriculture sectors in the world and we are to the forefront in the EU in making the case that sustainable food production has to be a primary consideration in developing a global approach to climate change mitigation.

In terms of our position on climate change, we will outline our approach to climate mitigation and adaptation in the near future, following the publication of the Bill. As I said earlier, former President Robinson's remarks are quite stark. There is more information available with regard to the longer term but when the Bill is published, we can have an engagement here and a proper interaction in the House on many of these issues.

**Deputy Gerry Adams:** The point is that even if there were not these international warnings from impeccable sources bringing together all of the available scientific knowledge, our own experience would tell us there is a problem. Valentia Observatory in County Kerry recorded 33.25 inches of rain in December, January and February. That was 183% of what is normal. That is clearly a huge increase. In March, there was two and a half times the normal amount of rainfall for that month. I am sure the Taoiseach has visited some of the coastal areas affected - including Cork City, Limerick and right along that necklace of little harbours and ports - and seen the way that they were battered. We know that oceans have warmed, the amount of ice and snow has diminished, sea levels have risen and the concentration of greenhouse gases has increased.

The first person I ever heard talking about this was the former Vice President of the United States, Mr. Al Gore, approximately ten years ago. At the time, what he was saying was dismissed. He prepared a really learned, knowledgeable and compelling treatise on this entire issue and, like former President Mary Robinson who has also been championing this cause, he has proven to be right. The question is, what the Government is doing about it. What is the Government doing to bring forward a comprehensive strategy on energy? We still have not got a publication date for the Green Paper. I listened intently for such a date but the nearest the Taoiseach came to it was to say "in the near future". I asked if the climate change committee discussed the report of the international panel on climate change. Has the Taoiseach sat down and discussed it? We must not only learn from our own experience on this island but also pick

up on all of these warnings. We must then take pre-emptive strategic measures to protect the environment of this island, and the planet generally, for future generations. Has the climate change committee discussed the IPCC's report?

**The Taoiseach:** No, it has not, but I assume it will do so at its next meeting. As I understand it, the Minister for the Environment, Community and Local Government, Deputy Hogan, has completed the Bill which will be published very shortly. I expect it will go to Cabinet at the next meeting. The European Council did discuss the 2030 climate and energy framework. Obviously, Ireland recognises the basis of the proposed targets set out in the European Commission's communications, including a 40% reduction in EU level greenhouse gas emissions and a proposed EU-wide 27% target for renewable energy by 2030. We need to have substantial and accurate information on which to base such decisions.

Particular account must be taken of our agricultural output and productivity, which is clearly set out in the Commission's communication. During the discussions, President Van Rompuy specifically articulated that, which is an important development from Ireland's perspective.

I saw at first hand the damage caused by mountainous seas off the west coast during that period of storms which ranged from force eight to 11. Beaches that had been there for a few millennia were washed away, including sand dunes and land, and much damage was inflicted as a result. The Government has tried to respond to that in so far as possible, given the limited resources we have. It was done through local authorities, the Office of Public Works and the co-ordination unit dealing with emergency responses.

I was in Galway shortly after the major floods and saw the ferocious power of water flowing out of the Corrib to the Atlantic. When it met with a tide that was 20 feet higher than normal, it backed up to the city. Even if exceptional flood defences are put in, it takes proper planning and a considerable financial injection to get it right. It has worked in places around the country, such as Clonmel, where flood defences have been put in place in recent years.

The argument that is now raging worldwide concerning major countries, such as China and others in the Far East, where significant decisions are being taken to change the ways of the past, also impacts on us here. We do not have all the data one needs concerning wave or tidal power. There are test sites off Clare and Annagh Head on the west coast. There are difficulties and challenges arising from dealing with renewable wind energy, both offshore and onshore, in addition to the legitimate right of people to deal with such matters.

In the context of the current crisis in Ukraine, the European Council meeting discussed the supply of Russian gas to eastern European countries. When their leaders speak about their complete dependence on that fuel for so many things, it changes the nature of the discussion abruptly. That is why the European Council decided on an expansion of the opportunity from the Iberian peninsula, which has a totally co-ordinated market from Spain and Portugal and around the Pyrenees to France and other areas on the southern corridor from Ukraine. In the southern Mediterranean region there are other opportunities for gas to be supplied, thus not being dependent upon Russia. The question was also raised about liquified natural gas being supplied because the United States will become independent in its energy requirements within a few years.

For our part, we want to measure up in the best way we can. We have to make changes that are not always easy to comply with, which is a challenge. We have potential, given the current

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level of agricultural production and where it can rise to. As an island nation, we must export the vast majority of what we produce. The structure of the agri-sector is such that there is very little mitigation one can do in the context of reducing that sector's emissions. If we do not supply that high quality food from a base of high integrity then it will be supplied from other quarters, albeit perhaps of a lesser standard. That is an important issue for jobs, the economy and the integrity of the food we produce.

While I thank the Deputy for his questions, which are all relevant, I do not have all the answers. We want, and are willing, to play our part as a member of the European team now that we can have an impact on climate change in a way that is for everybody's benefit. I take the Deputy's opening point about former President Robinson.

The people at the Marine Institute can track wild salmon going back out into the Atlantic for two years because of the angle of refracted light as they are now chipped, yet the mortality rate is very high. It is not because of driftnet or draughtnet fishing because that is gone, so we must determine the reason for that mortality rate. My information is that if the temperature of the Gulf Stream rose a very small amount, the entire traditional Atlantic salmon stock would have to move 1,000 miles north. This matter was raised at the European Council meeting a few years ago when people pointed out the emergence of land in Greenland which had been covered in ice for thousands of years.

I remember that when I was much younger I read *The Snows of Kilimanjaro* by Hemingway. A number of years ago, I had an opportunity to climb Mount Kilimanjaro and people said then that all of this would be gone by 2015 or 2020. It is disappearing at that rate but this is an issue for Ireland as well as every other country.

Visiting primary schools around the country, I see young children getting involved in the greening of the economy. They have an understanding of how fragile the entire system is and how everybody can make a contribution, that we did not have at their age.

The Government will produce the Bill and let us debate it then. In playing our part, we will make our decisions based on being part of the European Union, while taking into account how important the agri-sector is for us as a country.

**Deputy Gerry Adams:** May I ask a supplementary question?

**An Ceann Comhairle:** I am sorry but Deputy Higgins has a question on the same topic, as does Deputy Boyd Barrett. I call Deputy Higgins.

**Deputy Joe Higgins:** The most recent report of the Intergovernmental Panel on Climate Change has intensified the debate on climate change around the world. Does the Taoiseach agree that in Ireland that debate is intensifying now because it is becoming clear that it is not just the poorest of the poor in far away places who have suffered disproportionately from climate change and weather-related events? In many cases, they do not have the resources to protect themselves, particularly in exposed coastal and other areas.

Climate change has come to our shores. While it was denied by some before, it is generally accepted that human activity is a huge factor here. Notably, it is the impact of large-scale production by big business, driven by profits. Very dirty industries cut corners to make private returns. There is huge burning of fossil fuels at terrible cost to eco-systems and the environment.

Does the Taoiseach agree that in terms of finding the alternative strategy needed to reduce sharply fossil fuel burning in Ireland as a contribution to what must be done worldwide, the Government has made a complete mess of things by permitting a scramble by big business nationally to set up wind farms on an inappropriate scale, driven by private profit? Is it any wonder that we have huge community resistance as evidenced by the thousands who were outside Leinster House today. The Government has allowed the critical need to move to renewable sources of energy and alternatives to fossil burning, including wind energy, to be highjacked by elements in the industry which put their businesses above communities and everything else, including the environment, driven by commercial interests.

Has the Taoiseach learned nothing from the catastrophe visited on our society by developer-led housing and planning over the last 30 to 40 years? The Taoiseach has been in the Dáil for 30 years and seen it blow by blow. We had Fianna Fáil and a good raft of Fine Gael local authority members, driven by speculator-led pressure, making entirely inappropriate and wrong rezoning decisions to allow housing development in the wrong areas, including flood plains and unsustainable locations, simply to satisfy the lust for profit of the people they were representing. The Taoiseach is allowing it to happen again in the context of the serious matter of the need to produce a national plan to move from fossil fuel burning to renewable fuels which do not pollute the environment. Has the Taoiseach learned nothing from the housing bubble and crash which were also the result of allowing commercial, for-profit interests to drive what happened in housing and planning?

Does the Taoiseach agree that he must organise an emergency meeting of the Cabinet sub-committee on climate change? The sub-committee should place an immediate moratorium on developments which are being pushed through by major private business interests in their own interests. There should also be a moratorium on the overground pylons. We should then conduct - to begin with - a deep, extensive and honest debate nationally on how the alternative to fossil fuel burning and pollution can be advanced in the interests of the environment primarily as well as in the interests of the community and the human beings feeling the impact of the pressure from private sources. Does the Taoiseach agree that such a debate is necessary and that it should be open, honest and well informed?

There should be a cost-benefit analysis of every proposal that is made. Industry is able to use, abuse and twist environmental language to cover up its real intentions and the fact that much of what it is doing will not result in a huge benefit for the environment. Agriculture is a very important industry for our people. Does the Taoiseach agree that we must discuss agriculture and climate change to ensure that we have methods of agricultural production which do not add to the problem, reduce emissions and keep sustainable communities on the land in rural Ireland, which is under a great deal of pressure?

There is a need for a radical rethink and a complete redirection of policy. The crucial issue of moving from the destruction of our environment by fossil fuels driven by the oil and petrol companies should not be put in the hands of companies which are their mirror image and also interested simply in private gain and profit. It is not the way to go and will have disastrous consequences. It will, rightly, be rejected by people.

**The Taoiseach:** I agree with Deputy Higgins that the debate has intensified and come close to us here. There is evidence before our eyes of a change in weather patterns and climate over the last years. It is true to say that we are burning €6 billion to €7 billion of imported fossil fuels and must discuss and decide on alternatives to that. I know the test site off Annagh Head



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in north Mayo and the prototypes which will be tested at a location in County Clare facing the open Atlantic. If they can stand up to that, so much the better. When the Deputy says wind farms are all about private profits, the Minister for Communications, Energy and Natural Resources has pointed out the inability to conclude a deal with Britain on sale and export of energy directly into the British market. That does not mean we are not intent on achieving our own targets here with wind turbines.

Oral hearings are taking place in Ballina now on the developments by Coillte and Bord na Móna on cutaway bogs for wind turbines for electricity generation. That is not-for-profit work in the local community in the sense of the scale of the areas involved. It remains to be seen in the context of the debate the Deputy mentions how the oral hearings will conclude and what the end result is. While I support the generation of renewable energy by wind both offshore and onshore, there is a legitimate argument for listening to diverse views. There must be an element of community gain in any of these things. Where a farmer has a wind turbine that drives his machinery and the electrical equipment on his farm, it is to be commended. Landowners have handed over site locations for turbines for electricity generation and are being compensated on an annual basis following a planning process which included oral hearings. There has been a gain from that process. The major turbine at Dundalk Institute of Technology is located in a well-populated area and makes a contribution to reducing the extent of the fossil fuel requirement to meet the energy needs of the complex.

I disagree with the Deputy that the explosion of property development in the country was about profit interests. It was stimulated in many cases by greed. The rush to construct blocks and concrete in places where they never should have been was part of the veneer of so-called endless wealth in the tiger years. There were incorrect rezonings during that period. There are houses standing on flood plains and people who cannot insure their homes because of what has happened. It is a lesson Ireland learned to its cost.

It is not a question of calling an emergency meeting of the Cabinet committee on climate change. The committee does not have the authority to put a moratorium on development. There is an independent planning process, as the Deputy is well aware. These are matters which must be discussed in the context of Ireland's contribution to the overall European Union targets. The Cabinet committee will meet on the Monday after Easter week to consider some of these issues.

Agencies are not right about everything every time and there is a need to engage with communities. I recently attended the launch of the Community Futures programme in the west, a concept that came from Scotland. It involves everyone in a community or parish, be it urban or rural, being asked for their views, whether extreme or not, before an assessment is done of what is in the community's best interests. Community gain is a concept that has to be developed and pursued so that people are able to see the benefit of their acceptance of a particular type of development, whatever it might be. Such acceptance can be hard to achieve because it is often only over a period of time that the gain for the community and its people becomes obvious. That is not to say all the precise locations pinpointed by agencies are the right ones. That is why there must be an evaluation of what is in the best interests of communities. As I said, I do not propose to call an emergency meeting of the committee. It will meet on the first day after the Easter recess and we will discuss the issues at hand.

I am not sure what to make of the Deputy's analysis of the future of agriculture. He seems to be more or less saying we should keep the cattle on the land and go back to where we were. The Deputy is well aware of the credibility and integrity of the Irish agricultural production system

and the €9 billion or €10 billion of high quality exports that are produced every year. There is no going back; it is forward all the way. The question is how to manage the challenge of feeding more people to the highest standard in the context of the challenge posed by the emissions produced by the agricultural sector. This is a particular issue for Ireland, as is recognised by Europe. I hope the discussions will centre in a reasonable and practical fashion on how we can achieve that balance between increased production of high quality food, which requires an increased agri herd, with the requirement to reduce emissions.

**Deputy Richard Boyd Barrett:** I hope we all agree - certainly, everyone claims to agree - that climate change is an urgent priority throughout the world which requires us, without delay, to find ways of reducing carbon emissions and developing renewable and genuinely sustainable - the key word is "sustainable" - energy sources. The flooding, extreme weather events and desertification we are seeing in locations across the globe are real and serious problems.

These issues require to be addressed with urgency, but it is clear we are getting it wrong in this country. The scale of the protest we saw today is evidence of how the Government has got it wrong. It also points to the mistrust that exists in regard to some of the prime movers in these matters, people who claim they are trying to deal with climate change and promote sustainable energy production but whom local communities view as merely seeking a profit at their expense on the basis of dubious and spurious environmental arguments and without any serious evidence for the environmental benefit of what they are seeking to do. The thousands of people who came out today are saying there is no robust debate on these issues and no serious analysis regarding the benefits or otherwise of industrial-scale wind farms.

I do not know all the arguments for and against wind energy, but a very credible case is being put forward in respect of the volatility of wind generation, the cost consequent on that volatility of having to provide backup systems based on other energy sources, the amount of carbon emitted in the erection of these constructions, the transport costs and so on. When one adds it all together, there is a negligible gain in terms of reducing CO2 emissions compared with other renewable energy resources. For example, BW Energy has produced a report showing that taking just one action, namely, converting Moneypoint to biomass - at a cost of €350 million, or one tenth of the planned investment in wind energy - would be sufficient to meet our 2020 targets. There may be people who wish to dispute that claim but, if it is true, why the hell are we talking about building massive wind farms across the midlands?

These matters require serious discussion, but it has not happened thus far. We are going to have an issue in Dublin soon with the Array project, whereby one of the largest wind farms in the world has been proposed for development a few kilometres off the coast of Dublin Bay. Where is the cost-benefit analysis of this project? How will it affect the bay as amenity and for tourism purposes? Will there be a gain in terms of security of supply? Will there be a benefit in respect of climate change? These issues have not been discussed and no evidence has been put forward. Moreover, it is a cause for great concern that protestors are pointing to the reappearance of crony links between some of these developers and the political establishment. For instance, the former national director of elections for Fine Gael is one of the main movers behind Element Power. The former national secretary of the Labour Party has been accused of having a very serious conflict of interest.

**An Ceann Comhairle:** This is Question Time. The Deputy cannot make speeches.

**Deputy Richard Boyd Barrett:** I am asking the Taoiseach-----

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**An Ceann Comhairle:** What does the head of such-and-such a company have to do with the question the Deputy has tabled? Will he put a question to the Taoiseach? There are only three minutes remaining.

**Deputy Richard Boyd Barrett:** I am asking a question. The Ceann Comhairle did not interrupt any other speaker.

**An Ceann Comhairle:** With great respect, the Deputy is going off on a rant.

**Deputy Richard Boyd Barrett:** You did not interrupt anyone else who did exactly the same thing, which is just typical.

**An Ceann Comhairle:** Do not feel hard done by, for God's sake.

**Deputy Richard Boyd Barrett:** You do it every time, without fail.

**An Ceann Comhairle:** If the Deputy sticks by the rules, I will not interfere with him.

**Deputy Richard Boyd Barrett:** There is concern regarding conflicts of interest on the part of people involved in promoting these projects and the crossover between semi-State agencies like the Sustainable Energy Authority of Ireland and the private companies of some of the key personnel involved. These are serious issues given what happened during the property boom, and they must be debated. We should also discuss and engage in serious analysis of other areas.

**An Ceann Comhairle:** The Deputy should put his question.

**Deputy Richard Boyd Barrett:** I am asking the Taoiseach how he proposes to respond to the people calling for that robust analysis and for these projects to be put on hold until there has been a cost-benefit analysis of the environmental and economic gain and to ensure protection of communities and public participation in these debates. The Taoiseach has not as yet convinced anybody that he is taking this matter seriously or that there is even joined up thinking in terms of the mix of renewables we need to develop.

Many people are saying that we should not be focused on only one area and that a mix of renewables is needed. What consideration is being given to hydro, geothermal, wave, current and solar energy? How this mix will be used and who will control it? Will this be done at local level by communities or by large industrial corporations, including multinationals and so on? These are serious questions and people are not being given answers they can believe. The Taoiseach and the sub-committee have a responsibility to come up with a plan for a national informed debate on renewable energy and the protection and development of our natural resources.

**The Taoiseach:** That is a renewable rant and a renewable speech given with high octane levels of energy. It is the usual stuff from the Deputy.

**Deputy Richard Boyd Barrett:** That is just rubbish. The Taoiseach wittered on for 15 minutes saying nothing.

**An Ceann Comhairle:** Please allow the Taoiseach to answer the question.

**The Taoiseach:** I agree with the Deputy that climate change is now a real priority and that there is a need for a real and genuine discussion on sustainable energy and what that means. His comment in regard to the expansion of the deserts speaks for itself.

It is perfectly legitimate to have protest in the country. The scale of any particular protest depends on the issue involved. It is not evidence of getting it wrong but of people's concerns and anxieties, which they are entitled to have heard and followed up on, as they will be.

The Deputy referred to the major energy facility at Moneypoint. These are matters that have to be discussed.

**Deputy Richard Boyd Barrett:** Have they been discussed?

**The Taoiseach:** On my way here the other day I passed the turbines off the Wicklow coast, which, while small in number, appeared to be turning. Deputy Boyd Barrett also mentioned Dublin Bay but failed to mention shale gas, which is another issue I am sure he will not want to discuss.

**Deputy Richard Boyd Barrett:** It certainly does not contribute to reducing CO2 emissions.

**The Taoiseach:** The Deputy also mentioned solar, geothermal, hydro and wind energy, but did not mention fracking. I am sure he would like if that became Government policy such that there would be mass protest countrywide.

**Deputy Richard Boyd Barrett:** People are already protesting.

**The Taoiseach:** If we are to have a discussion, let us discuss all the mix. The Deputy and I know people whose houses are heated by solar energy, which does not require bright sunshine every day. Geothermal energy is expensive but appears to work exceptionally well for those who have the financial resources to avail of it. Hydro energy is an issue in a number of small places around the country.

In regard to the Deputy's reference to pumped storage as an alternative backup for wind, there are a raft of objections to this in the context of the use of fresh water or sea water to create the reservoir in the first instance. Another alternative is wind energy, inshore and offshore. These are all sectors that we have to look at. Others internationally tell us we are way behind the curve in terms of making decisions about these things, be that Denmark which is one of the principal suppliers of wind or Scotland which has made significant advances in the IT area in the context of renewable energy.

I can assure Deputies Boyd Barrett, Joe Higgins and others that we will have these discussions. They will be broad and comprehensive and the evidence required by them, in so far as it is available, will be produced in this House and at the relevant Oireachtas committees so that people will know the scale of challenges that we face and what the best decisions are in the interests of everybody.

*Writtens Answers follow Adjournment.*

## **Order of Business**

**The Taoiseach:** It is proposed to take No. a9, motion re proposed approval by Dáil Éireann of the draft Commission of Investigation (Certain Matters relative to An Garda Síochána and other persons) Order 2014; and No. 19, Electoral (Amendment) (No. 2) Bill 2014 - Committee and Remaining Stages.

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It is proposed, notwithstanding anything in Standing Orders, that in the event that Topical Issues have not concluded at the time fixed for taking Private Members' business, the Dáil shall sit later than 9 p.m. tonight and shall adjourn on the adjournment of Private Members' business, which shall be No. 142, motion re the ambulance service, and shall be taken on the conclusion of Topical Issues and shall, if not previously concluded, adjourn after 90 minutes; No. a9 shall be taken on the conclusion of the Order of Business and the proceedings thereon shall, if not previously concluded, be brought to a conclusion after 75 minutes and the following arrangements shall apply: the speech of the Taoiseach, the Tánaiste and of the leaders of Fianna Fáil, Sinn Féin and the Technical Group, or a person nominated in their stead, who shall be called upon in that order, shall not exceed 15 minutes in each case and such Members may share their time, and the order shall resume thereafter with Topical Issues.

Tomorrow's business after Oral Questions shall be No. 19, Electoral (Amendment) (No. 2) Bill 2014 - Committee and Remaining Stages (resumed); and No. 3, Competition and Consumer Protection Bill 2014 - Order for Second Stage and Second Stage.

**An Ceann Comhairle:** There are two proposals to put to the House. Is the proposal for dealing with the late sitting agreed? Agreed. Is the proposal for dealing with No. a9 agreed?

**Deputy Micheál Martin:** No. I am somewhat taken aback by the lack of notice to the leaders of the Opposition regarding the Government proposal in relation to the debate on the terms of reference of the commission of investigation into a whole range of issues, particularly the recording of phone conversations in Garda stations, the Sophie Toscan du Plantier case and so on.

Last week, we inquired as to who, specifically, would be taking this debate and we were told it would be taken by the Minister for Justice and Equality and the spokespersons. It is only in the last hour that we have been told by the Whip's office that the Taoiseach, the Tánaiste and the leaders of the Opposition parties will be discussing the motion. This is shockingly short notice to give to the leaders of the Opposition. Perhaps the Taoiseach would provide an explanation to the House as to the reason we were told a week ago this debate would be taken by the Minister, Deputy Shatter, and the spokespersons, in respect of which preparations have been made, and why only in the past hour we were alerted to the fact that he and the Tánaiste would be taking it.

**Deputy Gerry Adams:** The reason the Minister for Justice and Equality is not taking this debate is an issue I will leave aside for now because perhaps the Taoiseach can explain that.

We have not yet had sight of the motion. I specifically asked for a copy of it at 2 p.m. today. I have been in the House all afternoon with the Taoiseach and have still not received it, although I am told a copy of it was deposited in my pigeonhole at 3 p.m. With respect, and leaving aside all the talk about clarity and full and frank debates and so on, that a copy of the motion was only deposited into our pigeonholes at 3 p.m. for a debate due to take place now is not a good way to do business on such an important issue.

**The Taoiseach:** This is a matter relevant to the Department of the Taoiseach. What I read into the record in terms of the Order of Business for today was hand delivered to the leaders of the Opposition at 1.30 p.m. today. The Minister for Justice and Equality is in Luxembourg. This is an important issue that requires clarity and decisiveness from a Government perspective. This is the reason I propose to move the motion, which relates to the terms of reference for the commission of investigation. I intend to do likewise in the Seanad. The commission of investigation is being established under a sole member, who is a member of the Supreme Court. It is

important the motion is dealt with quickly so that the sole member can get on with his business, in respect of which he has complete and utter independent control.

The proposed Order of Business schedule was hand delivered to members at 1.30 p.m. It is not true to say that Members have been given only 15 minutes' notice of the motion and are now expected to debate it. The Deputy was already notified in accordance with the normal rules that apply in respect of Tuesday sittings. That is the position.

**Deputy Gerry Adams:** I did not raise that issue-----

**The Taoiseach:** I know that.

**Deputy Gerry Adams:** Deputy Martin raised it. I referred to the motion, a copy of which I sought at 2 p.m. At that time I asked whether the motion was available and I was informed that it was not. Since I entered the House, I received a text indicating that a copy of the motion had arrived at 3 p.m. The Taoiseach answered a question I did not put.

**An Ceann Comhairle:** Was the motion circulated?

**The Taoiseach:** Yes. It was circulated at 2.30 p.m. after it had been cleared by the Cabinet.

**An Ceann Comhairle:** I am obliged to put the question.

Question, "That the proposal for dealing with No. a9 be agreed to", put and declared carried.

**Deputy Micheál Martin:** I wish to refer to the UN Intergovernmental Panel on Climate Change's most recent reports, the grave warnings that have been articulated in respect of the future of our planet as a result of the impact of climate change and the lack of any sense of real leadership on the part of the Government regarding this issue. The Taoiseach confirmed that at Question Time when he indicated that the Cabinet committee on climate change and the green economy only met twice during the past 12 months. There is also the matter of the failure to bring forward a Bill on climate change. Will the Taoiseach indicate when such legislation will be published and will he provide a timeline in the context of when it will be debated by the Houses of the Oireachtas?

There is a considerable degree of dissatisfaction among members of the health community, including GPs, in respect of a range of matters including the vulnerability of those with multiple disabilities and injuries. A range of legislation has been promised in respect of this matter but none of it has yet been forthcoming. In that context, I ask the Taoiseach to indicate when the following items of legislation will be published: the health care initiatives Bill; the health transport support Bill - the purpose of which is to provide for a scheme to make individual payments to people with severe disabilities who cannot access public transport as a contribution towards their transport costs; the human tissue Bill - the purpose of which is to meet the key recommendation of the Madden report that was published some years ago; the licensing of health care facilities Bill - the purpose of which is to provide for a mandatory system of licensing for public and private health care facilities; and the National Paediatric Hospital Development Board Bill - the purpose of which is to provide for an amendment to the functions and membership of the National Paediatric Hospital Development Board.

**The Taoiseach:** I do not agree with the Deputy's assertion regarding a lack of leadership on climate change. As I stated on Question Time, the Cabinet committee on climate change and the green economy met formally on two occasions and the officials on the committee have been

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meeting on a regular basis since its most recent meeting. The Minister has prepared a Bill and it will be published following the next meeting of the Cabinet.

I do not have a date for the publication of the health care initiatives Bill or the human tissue Bill. The health transport support Bill will be published later in the year. I will revert to the Deputy in respect of the publication of the National Paediatric Hospital Development Board Bill.

**Deputy Micheál Martin:** What about the licensing of health care facilities Bill?

**The Taoiseach:** That is due to be published later this year.

**Deputy Gerry Adams:** The Taoiseach acknowledged earlier that the Cabinet committee on climate change and the green economy has not discussed the work of the UN Intergovernmental Panel on Climate Change. On Question Time I referred to one of the reports produced by that panel and entitled Climate Change 2013: The Physical Science Basis, which was published prior to Christmas. Has the Cabinet committee discussed this report and has it met since Christmas?

**An Ceann Comhairle:** That matter is not really relevant to the Order of Business.

**Deputy Gerry Adams:** Okay.

**An Ceann Comhairle:** The Deputy should really table a parliamentary question in respect of it.

**Deputy Gerry Adams:** I have raised the issue of the reports of the Constitutional Convention on a number of occasions. On 31 March, the convention published its ninth and final report in which it addresses outstanding proposals for constitutional change identified during the public consultation process and proposes that the Government empower another convention to continue the work this unique body undertook in respect of constitutional review and reform. The convention has concluded its deliberations and produced its final report. When can we expect the Dáil to have an opportunity to discuss recommendations contained in the series of reports produced by the Constitutional Convention? Would the Taoiseach consider rescheduling the two outstanding debates in order that they might take place during the sitting week following the Easter recess?

**The Taoiseach:** The Deputy has a case in respect of the convention. We have not discussed the relevant reports but they will be discussed after Easter. I have already discussed this matter with the Government Chief Whip.

The Cabinet committee on climate change and the green economy met on 24 February, when it discussed a number of issues. As already stated on Question Time, the first meeting of the sub-committee on climate change will take place after Easter. The report of the Intergovernmental Panel on Climate Change, which was published before Christmas, will be discussed and reflected upon at that meeting.

**Deputy Michael Healy-Rae:** On the water services (No. 3) Bill, I hope the Taoiseach realises that many people in Country Kerry and elsewhere-----

**An Ceann Comhairle:** I am sure he does.

**Deputy Michael Healy-Rae:** -----are very disappointed with him and his Government in the context of the proposed basic charge of €100 for water services.

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

**Deputy Michael Healy-Rae:** The water services (No. 3) Bill.

**An Ceann Comhairle:** Is that not an Act?

**The Taoiseach:** No, it is not. The Bill will be published later this year.

**Deputy Michael Healy-Rae:** People are very angry with both the Taoiseach and his candidates for the local and European elections.

**The Taoiseach:** I visited the Black Valley last summer and they were very happy with me-----

**Deputy Michael Healy-Rae:** The Taoiseach knows that he would be made very welcome if he were to return. He is always welcome in Kerry, just not at present.

**Deputy Micheál Martin:** The Taoiseach would not want to go down there now.

**The Taoiseach:** -----particularly in the context of single farm payments, Pillar 2 funding and everything else we ensured was retained for the good farmers of Kerry.

**Deputy Michael Healy-Rae:** On a personal level the Taoiseach is welcome in Kerry at all times and he knows that.

**An Ceann Comhairle:** The Taoiseach should not encourage the Deputy.

**The Taoiseach:** I saw the Deputy's van outside Kilgarvan. It was parked sideways on to the road.

**Deputy Michael Healy-Rae:** However, perhaps he should stay away for a while.

**An Ceann Comhairle:** I call Deputy Mattie McGrath and I am sure he will do his best to remain in order.

**Deputy Mattie McGrath:** I will do my best. I wish the Ceann Comhairle a happy Easter.

**An Ceann Comhairle:** I thank the Deputy very much. I will have a very happy Easter if he obeys Standing Orders.

**Deputy Mattie McGrath:** I will do my best. Thousands of people took to the streets today - when they could have been working on their farms or at home - to protest about what is happening regarding our policy on wind energy generation and EirGrid. The EirGrid Bill was pushed back from 2013 to this year but there is no sign of it yet.

In the context of the Central Bank (consolidation) Bill, when will the Government stop particular institutions harassing, intimidating and bullying people? There are five texts on my mobile phone which were forwarded to me by a farmer who received them from an individual involved in finance. That is intimidation and bullying. Those involved are breaking the code.

**An Ceann Comhairle:** The Deputy can have a chat with the Taoiseach about that matter



afterwards.

**Deputy Mattie McGrath:** That individual is acting on behalf of a company called Everyday Finance and his behaviour is completely unacceptable. I will not mention his name.

**An Ceann Comhairle:** The Deputy should not do so.

**Deputy Mattie McGrath:** The final matter I want to refer to relates to general practitioners, who are carrying this country's health service on their backs at present. In the context of the Medical Practitioners Act 2007 (amendment) (No. 2) Bill, when does the Taoiseach propose to negotiate with general practitioners? When will he recognise the role they play? They have known their patients for generations and they provide them with front-line services.

**The Taoiseach:** The Minister of State at the Department of Health, Deputy White, is engaging with the representatives of GPs on a regular basis.

**Deputy Mattie McGrath:** He is not engaging with them.

**The Taoiseach:** As the Deputy is aware, a court case regarding whether negotiating rights should be given to GPs-----

**Deputy Mattie McGrath:** Such rights should be given to them.

**The Taoiseach:** -----is pending. That is a matter I cannot comment on.

I do not have a publication date for the Central Bank (consolidation) Bill. The EirGrid Bill will be published next year.

**Deputy Mattie McGrath:** Next year.

**Deputy Frank Feighan:** When will the health transport support Bill come before the House?

**The Taoiseach:** Later in the year.

**Deputy Patrick O'Donovan:** What progress has been made in respect of the State airports (Shannon group) Bill, which is the final cog in the wheel in the context of granting independence? I ask this in view of the fact that Shannon Development owns a significant land bank across the mid-west.

**The Taoiseach:** That Bill was approved by the Cabinet this morning.

**An Ceann Comhairle:** Well done.

**Deputy Sandra McLellan:** The private rented sector will not provide the solution to the current housing crisis, which has allowed for tenants to be exploited by unscrupulous landlords. Many people are losing their deposits or have been subjected to massive rent increases and petty harassment. The State's rental accommodation scheme has been completely undermined by the actions of some landlords. When will the landlord and tenant Bill be introduced and will it offer real protection and rent control for tenants?

**The Taoiseach:** I do not have a publication date for the landlord and tenant Bill. I thought the Deputy was going to ask about the housing (miscellaneous provisions) Bill, which is due in May. I will revert to her in respect of the legislation she referred to.

*5 o'clock*

**Deputy Bernard J. Durkan:** Two important tranches of legislation are promised, including the statistics (heritage amendment) Bill, which is of considerable importance. Will the Taoiseach indicate whether the heads have been cleared by Cabinet and when is it likely to come before the House?

I will return to my traditional inquiry on the bail Bill. How is it progressing? Is it winding its way towards this House? I emphasise its importance and the fact that we must go back to the 1960s for its origins.

**The Taoiseach:** No heads of the information Bill have come to Cabinet yet. That is a while away. The bail Bill is still on bail. The draft heads have been prepared but they have not come to Cabinet yet.

**Deputy Joe Higgins:** We have appalling suffering and stress on a daily basis as families face homelessness through rent increases, rent supplement not keeping up, etc. Is it not incredible? The Library and Research Service tells us that in the 1970s we were building between 6,000 and 8,000 social houses per year.

**An Ceann Comhairle:** You will have to bring that up some other way.

**Deputy Joe Higgins:** The Government is building several hundred now as against the 90,000 plus in need of homes.

**An Ceann Comhairle:** Deputy, you are out of order, you know that.

**Deputy Joe Higgins:** Will the housing (miscellaneous provisions) Bill make provision for an emergency response to this awful situation?

**An Ceann Comhairle:** When is that Bill due, Taoiseach?

**The Taoiseach:** It will be published in May. We can have a thorough debate at that stage about what needs to be done.

**Deputy Joe Higgins:** Does the Taoiseach realise how bad the situation is?

**The Taoiseach:** I do; I realise the pressure.

**An Ceann Comhairle:** We cannot have a conversation about it now.

**Deputy Kevin Humphreys:** The Taoiseach has already indicated that the heads of the climate action and low carbon development Bill will be published immediately after Easter following the next Cabinet meeting. Will the Taoiseach clarify how long he expects it will take for the Bill to clear the House, because it is urgent? What is the position on the expert advisory group, which is part of the Bill? The Taoiseach has already indicated that the expert group would be appointed prior to the Bill coming to the House. Is this still the Government's intention?

**The Taoiseach:** I cannot answer the question for Deputy Humphreys. This issue is gaining in importance and interest for Members. I would like to think that it will be gone through the House by the summer recess. It will be published early but it depends on the extent of conversation or contributions that people wish to make.

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**Deputy Kevin Humphreys:** What is the position on the expert advisory group?

**The Taoiseach:** I will get back to Deputy Humphreys on that.

**Deputy Stephen S. Donnelly:** What is the position on the promised legislation to extend the code of conduct on mortgage arrears to external entities such as Oaktree Capital and Loan Star? Does the Taoiseach have a date for when the heads of the Bill will be expected before the Joint Committee on Finance, Public Expenditure and Reform?

**The Taoiseach:** It is published and therefore it is a case of the Chairman of the finance committee making arrangements to receive it and have the discussions. I will contact him and advise Deputy Donnelly.

**Deputy Peter Fitzpatrick:** The harbours (amendment) Bill will amend the Harbour Acts 1996 to 2009, allow for the transfer of control of certain port companies to local authorities, amend existing provisions with regard to board membership, repeal the Harbours Act 1946 and provide for related matters. Since 2014 Dundalk Port has turned away 14 ships-----

**An Ceann Comhairle:** Deputy, come on, please. You know you are out of order. Stick to the question.

**Deputy Peter Fitzpatrick:** Next week, the port will turn away three ships. I am hoping the Taoiseach might be able to give us a hand in this situation.

**An Ceann Comhairle:** For what?

**The Taoiseach:** That is due next year.

### **Broadcasting (Amendment) Bill 2014: Second Stage (Resumed)**

**An Ceann Comhairle:** A division was challenged last Friday on the question that the Broadcasting (Amendment) Bill 2014 be read a Second Time. In accordance with an order of the Dáil of 10 April 2014, that division must be taken now.

Question put: "That the Bill be read a Second Time."

<i>The Dáil divided: Tá, 44; Níl, 76.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Adams, Gerry.</i>	<i>Barry, Tom.</i>
<i>Boyd Barrett, Richard.</i>	<i>Burton, Joan.</i>
<i>Broughan, Thomas P.</i>	<i>Butler, Ray.</i>
<i>Calleary, Dara.</i>	<i>Buttimer, Jerry.</i>
<i>Collins, Joan.</i>	<i>Byrne, Eric.</i>
<i>Collins, Niall.</i>	<i>Cannon, Ciarán.</i>
<i>Colreavy, Michael.</i>	<i>Carey, Joe.</i>
<i>Cowen, Barry.</i>	<i>Coffey, Paudie.</i>
<i>Crowe, Seán.</i>	<i>Conaghan, Michael.</i>
<i>Doherty, Pearse.</i>	<i>Conlan, Seán.</i>

<i>Donnelly, Stephen S.</i>	<i>Connaughton, Paul J.</i>
<i>Ellis, Dessie.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Ferris, Martin.</i>	<i>Coveney, Simon.</i>
<i>Fleming, Sean.</i>	<i>Creed, Michael.</i>
<i>Grealish, Noel.</i>	<i>Daly, Clare.</i>
<i>Halligan, John.</i>	<i>Daly, Jim.</i>
<i>Healy, Seamus.</i>	<i>Deasy, John.</i>
<i>Healy-Rae, Michael.</i>	<i>Deenihan, Jimmy.</i>
<i>Higgins, Joe.</i>	<i>Deering, Pat.</i>
<i>Kelleher, Billy.</i>	<i>Doherty, Regina.</i>
<i>Kitt, Michael P.</i>	<i>Dowds, Robert.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Doyle, Andrew.</i>
<i>McConalogue, Charlie.</i>	<i>Durkan, Bernard J.</i>
<i>McGrath, Finian.</i>	<i>English, Damien.</i>
<i>McGrath, Mattie.</i>	<i>Farrell, Alan.</i>
<i>McGrath, Michael.</i>	<i>Feighan, Frank.</i>
<i>McLellan, Sandra.</i>	<i>Ferris, Anne.</i>
<i>Martin, Micheál.</i>	<i>Fitzgerald, Frances.</i>
<i>Mathews, Peter.</i>	<i>Fitzpatrick, Peter.</i>
<i>Moynihan, Michael.</i>	<i>Flanagan, Charles.</i>
<i>Murphy, Catherine.</i>	<i>Flanagan, Terence.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Gilmore, Eamon.</i>
<i>Ó Fearghail, Seán.</i>	<i>Griffin, Brendan.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Hannigan, Dominic.</i>
<i>O'Brien, Jonathan.</i>	<i>Harrington, Noel.</i>
<i>O'Dea, Willie.</i>	<i>Heydon, Martin.</i>
<i>O'Sullivan, Maureen.</i>	<i>Hogan, Phil.</i>
<i>Pringle, Thomas.</i>	<i>Humphreys, Kevin.</i>
<i>Ross, Shane.</i>	<i>Kehoe, Paul.</i>
<i>Shortall, Róisín.</i>	<i>Kenny, Enda.</i>
<i>Smith, Brendan.</i>	<i>Kyne, Seán.</i>
<i>Stanley, Brian.</i>	<i>Lawlor, Anthony.</i>
<i>Tóibín, Peadar.</i>	<i>Lynch, Ciarán.</i>
<i>Troy, Robert.</i>	<i>Lynch, Kathleen.</i>
	<i>McCarthy, Michael.</i>
	<i>McEntee, Helen.</i>
	<i>McGinley, Dinny</i>
	<i>McLoughlin, Tony.</i>
	<i>McNamara, Michael.</i>
	<i>Maloney, Eamonn.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Mulherin, Michelle.</i>
	<i>Murphy, Dara.</i>

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	<i>Nash, Gerald.</i>
	<i>Neville, Dan.</i>
	<i>Nolan, Derek.</i>
	<i>Ó Ríordáin, Aodhán.</i>
	<i>O'Donnell, Kieran.</i>
	<i>O'Donovan, Patrick.</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>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Tuffy, Joanna.</i>
	<i>Wall, Jack.</i>
	<i>Wallace, Mick.</i>
	<i>Walsh, Brian.</i>
	<i>White, Alex.</i>

Tellers: Tá, Deputies Catherine Murphy and Stephen S. Donnelly; Níl, Deputies Emmet Stagg and Paul Kehoe.

Question declared lost.

### **Land and Conveyancing Law Reform (Amendment) Bill 2013: Second Stage (Resumed)**

**An Ceann Comhairle:** A division was challenged last Friday on the question that the Land and Conveyancing Law Reform (Amendment) Bill 2013 be read a Second Time. In accordance with an order of the Dáil of 10 April 2014, that division must be taken now.

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

<i>The Dáil divided: Tá, 46; Níl, 75.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Adams, Gerry.</i>	<i>Barry, Tom.</i>
<i>Boyd Barrett, Richard.</i>	<i>Burton, Joan.</i>
<i>Broughan, Thomas P.</i>	<i>Butler, Ray.</i>
<i>Calleary, Dara.</i>	<i>Buttimer, Jerry.</i>

<i>Collins, Joan.</i>	<i>Byrne, Eric.</i>
<i>Collins, Niall.</i>	<i>Cannon, Ciarán.</i>
<i>Cowen, Barry.</i>	<i>Carey, Joe.</i>
<i>Colreavy, Michael.</i>	<i>Coffey, Paudie.</i>
<i>Crowe, Seán.</i>	<i>Conaghan, Michael.</i>
<i>Daly, Clare.</i>	<i>Conlan, Seán.</i>
<i>Doherty, Pearse.</i>	<i>Connaughton, Paul J.</i>
<i>Donnelly, Stephen S.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Ellis, Dessie.</i>	<i>Coveney, Simon.</i>
<i>Ferris, Martin.</i>	<i>Creed, Michael.</i>
<i>Fleming, Sean.</i>	<i>Daly, Jim.</i>
<i>Grealish, Noel.</i>	<i>Deasy, John.</i>
<i>Halligan, John.</i>	<i>Deenihan, Jimmy.</i>
<i>Healy, Seamus.</i>	<i>Deering, Pat.</i>
<i>Healy-Rae, Michael.</i>	<i>Doherty, Regina.</i>
<i>Higgins, Joe.</i>	<i>Dowds, Robert.</i>
<i>Kelleher, Billy.</i>	<i>Doyle, Andrew.</i>
<i>Kitt, Michael P.</i>	<i>Durkan, Bernard J.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>English, Damien.</i>
<i>Martin, Micheál.</i>	<i>Farrell, Alan.</i>
<i>Mathews, Peter.</i>	<i>Feighan, Frank.</i>
<i>McConalogue, Charlie.</i>	<i>Ferris, Anne.</i>
<i>McGrath, Finian.</i>	<i>Fitzgerald, Frances.</i>
<i>McGrath, Mattie.</i>	<i>Fitzpatrick, Peter.</i>
<i>McGrath, Michael.</i>	<i>Flanagan, Charles.</i>
<i>McLellan, Sandra.</i>	<i>Flanagan, Terence.</i>
<i>Moynihan, Michael.</i>	<i>Gilmore, Eamon.</i>
<i>Murphy, Catherine.</i>	<i>Griffin, Brendan.</i>
<i>Naughten, Denis.</i>	<i>Hannigan, Dominic.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Harrington, Noel.</i>
<i>Ó Fearghail, Seán.</i>	<i>Heydon, Martin.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Hogan, Phil.</i>
<i>O'Dea, Willie.</i>	<i>Howlin, Brendan.</i>
<i>O'Sullivan, Maureen.</i>	<i>Humphreys, Kevin.</i>
<i>Pringle, Thomas.</i>	<i>Kehoe, Paul.</i>
<i>Ross, Shane.</i>	<i>Kenny, Enda.</i>
<i>Shortall, Róisín.</i>	<i>Kyne, Seán.</i>
<i>Smith, Brendan.</i>	<i>Lawlor, Anthony.</i>
<i>Stanley, Brian.</i>	<i>Lynch, Ciarán.</i>
<i>Tóibín, Peadar.</i>	<i>Lynch, Kathleen.</i>
<i>Troy, Robert.</i>	<i>Maloney, Eamonn.</i>
<i>Wallace, Mick.</i>	<i>McCarthy, Michael.</i>
	<i>McEntee, Helen.</i>

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	<i>McLoughlin, Tony.</i>
	<i>McNamara, Michael.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Mulherin, Michelle.</i>
	<i>Murphy, Dara.</i>
	<i>Nash, Gerald.</i>
	<i>Neville, Dan.</i>
	<i>Nolan, Derek.</i>
	<i>Ó Ríordáin, Aodhán.</i>
	<i>O'Donnell, Kieran.</i>
	<i>O'Donovan, Patrick.</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>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Tuffy, Joanna.</i>
	<i>Varadkar, Leo.</i>
	<i>Wall, Jack.</i>
	<i>Walsh, Brian.</i>
	<i>White, Alex.</i>

Tellers: Tá, Deputies Aengus Ó Snodaigh and Pearse Doherty; Níl, Deputies Emmet Stagg and Paul Kehoe.

Question declared lost.

### **Proceeds of Crime (Amendment) Bill 2014: First Stage**

**Deputy Eamonn Maloney:** I move:

That leave be granted to introduce a Bill entitled an Act to amend the Proceeds of Crime Act 1996 and to provide for related matters.

This Bill is an amendment to the Proceeds of Crime Act 1996. It contains two amendments to sections 40 and 40A. It provides for a change in the duration from seven years to two years.

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

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** No.

Question put and agreed to.

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

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

Question put and agreed to.

### **Commission of Investigation (Certain Matters relative to An Garda Síochána and other persons) Order 2014: Motion**

**The Taoiseach:** I move:

That Dáil Éireann approves the following Order in draft:

Commission of Investigation (Certain Matters relative to An Garda Síochána and other persons) Order 2014,

copies of which Order in draft were laid before Dáil Éireann on 15 April 2014.

At its meeting on 25 March, the Government considered very serious matters relating to An Garda Síochána. The implications of these were potentially of such gravity that the Government decided to establish a statutory commission of investigation to examine all matters of public concern relating to the issue. In the context of ongoing legal proceedings in a particular case, it was learned that a system was in place in a large number of Garda stations whereby incoming and outgoing telephone calls were recorded. From the information available, the practice of making recordings was in place for many years and was discontinued in November 2013. It is now public knowledge that the case in question is the Bailey case.

Subsequently, at its meeting on 1 April, the Government decided to appoint Mr. Justice Nial Fennelly, currently serving as a judge of the Supreme Court, as chair of the commission of investigation. The Government also decided that An Garda Síochána and the Department of Justice and Equality should ensure the retention and preservation of all tapes, complete a full inventory of all tapes, and devise arrangements to ensure that tapes can be accessed as required and in accordance with the law. The Government also decided to establish a new Cabinet committee on justice reform to oversee the development of proposals for an independent police authority, and other associated reforms to the policing and justice system.

We need to ensure full public confidence in, and support for the Garda Síochána, given the very difficult and important task the force fulfils. We therefore wish to see a full public debate on the issue of policing and justice reform, and the Government will bring forward proposals for a public consultation process on this issue in the coming weeks. The Government is strongly committed to these reforms and intends to have new structures in place later this year, including the appointment of a new Garda Commissioner by open competition and the establishment of a new independent policing authority. Further evidence of this commitment is the establishment of the Cooke and Guerin inquiries, both of which are due to report very shortly.



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On 8 April the Government published detailed terms of reference for the commission. The terms of reference incorporate the views conveyed by the Oireachtas Committee on Justice, Defence and Equality in its letter to me on 3 April. The terms of reference of the Commission are to investigate and report on the operation of Garda Síochána telephone recording systems and on the following matters in particular: (a) to identify all Garda stations in which telephone recording systems, to record calls other than 999 calls to the emergency call answering service, were installed and-or operated by An Garda Síochána between 1 January 1980 and 27 November 2013 and to establish an inventory of those Garda stations so identified to include: (i) the date of initial installation, where such installation occurred at a date between 1 January 1980 and 27 November 2013; (ii) to report whether any such installations were already in existence on 1 January 1980; (iii) the duration for which telephone recording systems continued in operation in each such Garda station; (iv) the date on which telephone recording systems were terminated or removed from each such Garda station; (b) to establish the immediate circumstances surrounding the installation of telephone recording systems operated by An Garda Síochána at the said Garda stations and to establish what authorisation was sought or obtained by An Garda Síochána for such installation, and including the funding, installation, maintenance and-or upgrading of those telephone recording systems, to include the public procurement procedure followed in 1996 and further in relation to the installation of the NICE recorder system in 2008; (c) to establish how the said telephone recording systems operated by An Garda Síochána were managed and to establish what use, if any, was made by An Garda Síochána of any information collated by the said telephone recording systems; (d) to identify the organisation and structures in place for the installation, operation and management of the said telephone recording systems and in the storage, access, analysis and use of any information obtained from them; (e) to investigate and report on the level of knowledge of the existence, operation and use of the said telephone recording systems within An Garda Síochána; (f) to investigate and report on the level of knowledge of the existence, operation and use of the said telephone recording systems within the office of the Minister for Justice and Equality, the Department of Justice and Equality, the Office of the Attorney General, the Chief State Solicitor's office, the Office of the Director of Public Prosecutions, the Office of the Data Protection Commissioner and the Garda Síochána Ombudsman Commission; (g) to establish whether the installation, operation and use of the said telephone recording systems were authorised by law; (h) to establish whether any telephone conversations between solicitors and their clients were recorded by the said telephone recording systems; (i) to establish whether any information obtained from the said telephone recording systems by An Garda Síochána was used by it either improperly or unlawfully and, in particular, whether any recordings as may have been made by An Garda Síochána of solicitor-client telephone conversations were used for any purpose whatsoever; (j) to establish where the recorded information obtained from the telephone recording systems operated by An Garda Síochána was stored since the creation of same and to establish how such information was accessed and analysed by An Garda Síochána; (k) to establish whether any of the recorded information has been destroyed; (l) to establish any instances during the relevant period where the Office of the Director of Public Prosecutions made use of the data and information produced by the said telephone recording systems for any purpose; (m) in particular, to identify and review all recordings in the possession of An Garda Síochána emanating from the Garda telephone recording system at Bandon Garda station or otherwise, which relate to the Garda investigation into the death of Sophie Toscan du Plantier and to establish whether those recorded telephone calls, and any other acts or events in the course of the said Garda investigation, disclose any evidence of unlawful or improper conduct by members of An Garda Síochána in connection with that investigation; (n) to investigate and report on the furnishing to the Minister for Justice

of a letter dated 10 March 2014 sent by the former Garda Commissioner, Mr. Martin Callinan, to the Secretary General of the Department of Justice and Equality; (o) to investigate and report on the sequence of events leading up to the retirement of the former Garda Commissioner, Mr. Martin Callinan, on 25 March 2014; (p) in the event that any matter arises from the report of the Inspector of Prisons, Judge Michael Reilly, pursuant to section 31 of the Prisons Act 2007 into all the circumstances surrounding the recording of telephone conversations between prisoners and their solicitors, which appears to require further investigation in the public interest, the commission may investigate and report on same; (q) to report on any other matters of concern arising from its investigation of recordings to and from Garda stations and to make any further recommendations as it sees fit.

The commission shall exercise discretion in relation to the scope and intensity of the investigation it considers necessary and appropriate, having regard to the general objective of the investigation. In particular, the commission shall have the discretion to decide to limit its investigation to samples of recordings in the light of what is disclosed as the investigation progresses. The commission's terms of reference, as approved by the Government, envisage a final report to the Government not later than 31 December 2014, subject to section 6(6) of the Act.

I am aware that there have been calls for earlier reports on some elements of the investigation, particularly the sequence of events leading up to the retirement of the former Garda Commissioner. However, it is important to recognise the independence of the judge and therefore the Government believes it is more appropriate to give the commission full flexibility on the nature, timing or sequencing of any part of the investigation. The staffing requirements of the commission will reflect the scope of the terms of reference and the ambitious timescale involved. The exact requirements of the commission will become clearer once it is established and begins to scope out its work in more detail. The appointment of staff and their terms and conditions will be subject to approval by me, with the consent of the Minister for Public Expenditure and Reform. In addition to direct staffing costs, set-up and ongoing costs will arise from the establishment of the commission's office, ICT and administration, travel and subsistence, etc. Specialist expertise may also be required given the subject of the investigation.

Based on an initial assessment, a cost of €2 million is deemed a reasonable estimate for 2014 and it is proposed to provide for this from the Vote of the Department of the Taoiseach. This estimate is based on the assumption that the commission completes its work by the end of 2014, as specified in the terms of reference. If it were deemed necessary to extend the commission's work beyond that date, then further staffing and other costs will of course arise. In addition to salary and administration costs, third party costs are also likely to arise. In accordance with the provisions of the Act, following consultation with the commission and with the consent of the Minister for Public Expenditure and Reform, I will have guidelines prepared concerning this area. The extent and timing of any such costs are difficult to estimate at this stage.

My sole interest in addressing of these matters, which are rightly of deep public concern, is to establish the truth. It appears that the practices which will be investigated by the commission may have been going on for 30 years. I believe that the establishment of the commission is the most appropriate, timely and cost-effective way of getting to the truth. I believe that the commission's comprehensive terms of reference will ensure that all relevant issues are investigated in a thorough and timely manner and I commend the motion to the House.

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The controversies of recent months have been challenging for the Garda, the legal system and the

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Government. Many of the issues which have caused this controversy have their roots in the events and practices of the past, long before this Government came to power. None the less, it has fallen to this Government, of which the Labour Party is part, to deal with these issues. My priority as leader of the Labour Party has been and remains to ensure we get to the facts as quickly as possible; that the parties involved, including the whistleblowers, are dealt with fairly; that we rectify the injustices of the past; and that we put in place structures which will serve well our citizens and the Garda into the future.

On behalf of the Labour Party, I am pleased to support the resolution before the House, which sets out the terms of reference for the investigation to be carried out by Mr. Justice Nial Fennelly. There are three principal elements in the terms of reference. If the terms are agreed by this House and the Seanad, the commission will be asked to investigate and report on the operation of telephone recording systems by the Garda and the Prison Service; the specific implications of the tapings related to the Garda investigation into the death of Ms Sophie Toscan du Plantier in west Cork in December 1996 and related matters; and the sequence of events leading up to the retirement of the former Garda Commissioner, Mr. Martin Callinan.

I first became aware of the widespread recording of telephone calls to and from Garda stations on the morning of Tuesday, 25 March last when the Taoiseach made me aware of information which had come into his possession. I was shocked by what I was told. I had no hesitation in agreeing with the Taoiseach to recommend to colleagues that a commission of investigation be established to establish what happened and why it happened. Many more facts have come to light since the Cabinet made its decision. We now know something of the scale of the recordings and the Garda stations in which they occurred. We know something of the circumstances in which new equipment was purchased a few years ago to continue and update the practice. We have heard from some of those who were involved in operating the system.

There is still a great deal we do not know. We do not know for sure what the intended purpose of the recording system was. We do not know if recordings were used during the course of criminal investigations. In fact, we know very little about the use, if any, which was made of the recordings. We also know little or nothing about the content of the tapes. These are just some of the questions we are asking the commission to investigate. They are important questions. It is important from a historical perspective that we know what happened in the past. I refer, for example, to the timeline and the sequence of events. It is also important to get an assessment of the implications for the operation of the criminal justice system. We need a dispassionate assessment of prosecutions taken or not taken.

The terms of reference invite the commission to express a view on whether the recordings were authorised and whether the making of recordings in these circumstances is lawful. It may be that the facts disclosed to the commission will allow the judge to come to a clear decision on whether the recordings were lawful. It would be wrong for me to express an opinion on that matter and I will not do so. Having said that, it is clear that this is an area where there is a great deal of grey and not so much black and white.

We live at a time when many organisations and individuals create, capture and store a great deal of information about the everyday lives of almost everyone. Banks, supermarkets online retailers, travel companies and many other bodies can create an accurate picture of our lifestyle with minimal effort. It is a stark fact that Internet providers and telecommunications companies have assembled more information about each of us as individuals than is known to our closest friends. Does the accumulation of this information amount to surveillance or bugging? Is it

merely part of the provision of a service to customers? Much of this information is doubtless of no consequence. On the other hand, some information might be useful in determining whether criminal proceedings should be taken and later in proving or disproving guilt.

The use of electronic records in the legal system and in crime prevention is laced with difficulty and dilemma. To what extent is the State - in most cases, this means the Garda - entitled to infringe on an individual's right to privacy to prevent or prosecute crime? When is the accumulation of personal information lawful and when is it unlawful? Is it reasonable to seek to distinguish between the two? These are big questions. They are infinitely more pertinent now, in this age of information, than they have ever been before. The Oireachtas most recently sought to grapple with these issues when the Criminal Law (Surveillance) Act 2009 was passed five years ago. A great deal has happened since then, not least in the development of technology. In my view, it would be timely to review the operation of the 2009 Act and other relevant legislation and practice.

The second issue dealt with in the terms of reference is the investigation into the tragic death of Sophie Toscan du Plantier. The House will be aware that no prosecution has been taken in respect of the death of Ms du Plantier. However, some ancillary matters have been dealt with before the courts, including an application for extradition by the French authorities and civil cases currently in hand. At various intervals, we have seen press reports which allege activity on the part of the Garda which, if true, would be very disturbing. As a result of discovery made during the course of civil proceedings, we know that recordings were made in Bandon Garda station which are relevant to the investigation of the death of Ms du Plantier. On foot of such information as is already in the public domain, the Government has decided that further investigation is needed. Specifically, the commission will be asked to establish whether those recorded telephone calls, and any other acts or events in the course of the Garda investigation, disclose any evidence of unlawful or improper conduct on the part of the force.

It is time for the Garda investigation to be subjected to the light of public scrutiny. There are too many unanswered questions and too much innuendo. It is time for a full accounting in respect of the Garda investigation. I hope the commission can be of assistance in establishing the facts. I am conscious that the person who murdered Sophie Toscan du Plantier is, in all likelihood, still at liberty. I am also conscious that her friends and relatives, not least her parents, Georges and Marguerite Bouniol, continue to grieve for her and thirst for justice. This new investigation will not bring Sophie back. It will not bring the person who murdered her to book. I hope it will answer some of the questions her family and friends and others have been asking for many years.

The third issue to be dealt with by the commission is the events leading up to the retirement of the Garda Commissioner. I fully accept that the retirement of the Garda Commissioner was a matter of great consequence. It is clearly in the public interest that the matter be teased out in full. Many of the facts have been put into the public arena by the principals concerned or others acting on their behalf, either directly or indirectly. It is important for all those concerned to be given an opportunity to account in person for their actions. I would like to make it clear that this is an important issue, as the Garda Commissioner holds one of the most important positions in our democratic state.

The public is entitled to know why the Garda Commissioner left office earlier than he originally planned. The public is entitled to the full facts. As Deputies will know, members of the Government who were party to these events have given accounts of what they knew and did

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in the period leading up to the Commissioner's retirement. I have stated publicly that I accept what colleagues have said on these matters. I am happy to rely on the accounts given. I fully expect that, when he has heard from all the parties, Mr. Justice Fennelly will be able to set out the sequence of events in full in order that the public can make its own judgment.

Ireland has changed a great deal in recent years. For many decades, we lived in a society where the authority of people in certain positions was rarely questioned. The pillars of society commanded respect and obedience without debate. This is no longer the case. People no longer accept that the priest, the politician, the teacher or the garda is entitled to tell them what to do purely by virtue of the position he or she holds. The garda of previous decades could expect that his or her authority would be accepted without question, that his or her instructions would be followed, that his or her judgment would be respected and that his or her way of doing things would be afforded a measure of latitude. The garda in today's Ireland inhabits a completely different environment where trust must be earned, tolerance and patience must be exercised, professionalism is expected at all times and mistakes must be accounted for. It is a much more hostile environment in many ways. It is an environment of competing criminal gangs that use violence without hesitation, in which the abuse of drugs eliminates all standards of decent behaviour, and in which a gang of robbers will kill a garda in the course of their criminal activity.

The changed nature of our society and the changing nature of crime have required a radical shift in policing. The Garda is now better trained and better resourced than ever before. The statutory underpinning of the force has also changed. When he introduced the Garda Síochána Act 2005, the then Minister for Justice, Equality and Law Reform, Michael McDowell, looked to put in place what he described as a template for policing in the 21st century. There is much that is good in the 2005 Act. The Labour Party supported many of its provisions. The Act put in place the Garda Síochána Ombudsman Commission, the Garda Síochána Inspectorate and the local policing committees. All of these have contributed to making the Garda more open and accountable.

The then Minister failed to act in one important regard, however. He refused to put in place a mechanism for civilian oversight of the Garda. He refused to address what many of us see as a crucial weakness in our system, namely, the relationship between the Minister for Justice and Equality and the Garda Commissioner. Section 80 of the 2005 Act provides that "the Garda Commissioner shall account fully to the Government and the Minister of Justice, Equality and Law Reform for any aspect of his or her functions". The result of this provision is that the Garda accounts to the Minister largely in private and in secret. The Minister represents the views of the Garda to the Dáil and the Commissioner defends the policies of the Government, including the Minister, in public. The closeness of this relationship is of a time when the security of the State was under threat. Those days are gone and the 21st century demands a wholly new model.

Since 2000, the Labour Party has argued the case for a Garda authority, or policing board, that would exercise many of the powers and carry many of the responsibilities currently vested in the Government. My colleagues, the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, and the Minister for Communications, Energy and Natural Resources, Deputy Pat Rabbitte, have both articulated the case for a Garda authority on innumerable occasions over the past decade and more. It is with some satisfaction that we welcome the decision of the Government to set up an authority. It is a pity it has taken so long and that it was resisted by others for so long. However, it is better late than not at all.

The new Garda authority should set priorities for the Garda and assist in drawing up plans

for policing. It should hold senior gardaí to account for the implementation of policy and act as an interface for the community as a whole.

Let me be clear. I want to move to a position where the policies and priorities of the policing service are set by the representatives of the community as a whole and not just the Government. Of course, the view of the Government should weigh in the mix, but it is only one view. The service exists to serve the community as a whole and it should be accountable to the community as a whole.

I am very happy that Government has agreed to set up a Garda authority before the end of the year and I look forward to playing my part as a member of the Cabinet committee that has been put in place to oversee its introduction. There are open questions we will debate over the coming months and we should take the opportunity to engage in public debate on those. What role should the authority have in appointing the Commissioner and other senior gardaí? Who should sit on the authority? Should public representatives sit on the authority and, if so, how many? How should matters of national security be dealt with?

In all of this, I must emphasise the critical point that this is not change for the sake of change. It is not simply a question of adding one more institution to the several that already exist, but rather, it is a radical overhaul of our system of policing, a change that will be good for the Garda, politics and, above all, citizens.

**Deputy Niall Collins:** I move amendment No. 1:

To insert the following after “15 April 2014”:

“the Commission will report in modular form at 8 week intervals; the opening modules shall be ‘the handling of correspondence and information by the Department of Justice and Equality and the administration procedures in place within the department governing the transfer of knowledge from officials to the Minister; and

the sequence of events leading up to the retirement of the former Garda Commissioner Mr. Martin Callinan’; and

subsequent modules shall be sequenced according to the Member of the Commission, Honourable Mr. Justice Nial Fennelly, Judge of the Supreme Court.”

At this juncture, we need to take stock of exactly where we are. I was a little bemused to hear Fine Gael Deputy John Deasy say publicly on radio that if a bomb exploded within the Department of Justice and Equality, we might not hear about it for two years. When one thinks about this a little further, one realises he may not be wrong. While the statement sounds shocking, what we have heard over recent weeks and months from the Department of Justice and Equality gives us all cause for great concern. At present, there is the Cooke inquiry concerning GSOC and the Guerin inquiry on the matters contained within the dossier that was passed to the Taoiseach. We now have the commission of investigation and a Cabinet sub-committee is overseeing the Department of Justice and Equality. Never before did we have the latter.

Some weeks ago, on 25 March, the Taoiseach came into the Dáil to make an announcement on this matter. His press statement read:

At its meeting today, the Government considered a new and very serious issue relating to An Garda Síochána. The implications of this matter are potentially of such gravity that the

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Government has decided to set up a statutory Commission of Investigation into this matter of significant public concern.

At that point, there was no mention of the Bailey case whatsoever. We said the Taoiseach hyped the story but we were dismissed and rubbished. There was no rush to the courts, nor was there any queue outside the courts. No one was laying applications before the courts seeking declarations of miscarriages of justice. We must ask why all this happened. All this occurred against a background involving the Government scrambling around trying to hold itself together because it was at sixes and sevens over the penalty points debacle, the whistleblower controversy and the need for a no-holds-barred apology to be given to former Garda John Wilson and serving Sergeant Maurice McCabe. We debated this many times in the Dáil. It was quite unseemly that we received an apology from the Minister for Justice and Equality only weeks later. It should not have taken so long. The public was very disappointed by the Government's dismissive attitude displayed towards the whistleblowers and decent public servants. Consider the message this sends to other potential whistleblowers.

Coming quickly on the heels of these events was the resignation, retirement or premature departure of former Garda Commissioner, Martin Callinan. It is not just any old day or week that this happens in this country. It had not happened for a very long time. We received no proper explanation.

It is fair to state it should not require a Supreme Court judge participating in a commission of investigation to tell us what the Taoiseach knows about the circumstances of the retirement of the former Garda Commissioner. The Taoiseach has not made himself available for interview by anyone to detail what he knows about the sequence of events leading to the former Commissioner's retirement. The Taoiseach was involved in conversations with Mr. Brian Purcell, whom he sent to the former Commissioner's house. Therefore, the Taoiseach was in the loop. We are told the Minister for Justice and Equality was not in the loop, nor was the Tánaiste. The Taoiseach is the man who knows exactly what happened and the instructions Mr. Purcell was given. Why was something that was occurring for almost 30 years suddenly the catalyst that pushed Mr. Martin Callinan over the edge or allowed the Taoiseach to throw him under the bus, as it were? These are all questions the Taoiseach himself can answer. We do not need Mr. Justice Nial Fennelly to tell us this. The Taoiseach could answer if he put his mind to it. He is choosing not to.

There are a couple of basic questions to be answered. Why did the former Commissioner resign? Why was the Minister for Justice and Equality not informed by his officials about the famous letter from Mr. Callinan which was marked for his attention? Why did the Taoiseach take a number of days to inform the Minister for Justice and Equality about the issue? He did not inform the Tánaiste. The Tánaiste told us just today that he did not hear about the matter until the Tuesday morning. The three were part of a small circle in Dublin on the Sunday, Monday and Tuesday and, therefore, could have addressed this. What is the position of the Attorney General, who was cognisant of all these issues from the previous year, and her officials? They were involved in this on many occasions.

While we have a commission of investigation, it does not take one for these questions to be answered. Despite what the Tánaiste stated in his contribution, namely, that he accepts the versions of events given by his colleagues, there have been no versions given. The Minister for Justice and Equality has not made himself available for interview by any organisation. No media organisation can get within microphone distance of him to ask him some basic questions

on the matter. I am reflecting the view of the public in saying it is unacceptable that the public would have to wait until the end of the year to find out why the Garda Commissioner resigned or retired or was sacked prematurely. It is not reasonable to expect the public to wait until then. That is why our amendment to the terms of reference contains the idea that the commission should report on a modular basis.

*6 o'clock*

I believe that is quite constructive. It was discussed at length at the Joint Committee on Justice, Defence and Equality and it has the unanimous support of that committee, which has a majority membership from the Government parties. Despite this, the Government is choosing to ignore what the committee is saying. That is regrettable.

We live in an era when the Government is telling us it is promoting an agenda of political reform and that we should have more work from and more inclusiveness on the Oireachtas committees. We sat twice to consider the terms of reference and we wrote to the Government twice, on the first occasion to ask it to include the issue of the Garda Commissioner and, on the second, to deal with the handling of information and correspondence within the Department. While these have been included, it is not good enough that we have to wait until the end of the year to find out about it.

I also want to refer to the Government's insistence that the only specific case the commission of investigation is going to inquire into is the Sophie Toscan du Plantier case. I want to agree with the concerns expressed by the Tánaiste in and around that case in regard to her and her family. The family find themselves in an awful circumstance when, so many years on, it is still an unsolved case. I am not trying to minimise that case. However, the point I want to make is that this is the only case the Government is highlighting out of the recording of 2,500 tapes. Why are we limiting it to that? If we look at it on the flip side, that case is of such gravity and seriousness, as the Tánaiste has said, that it possibly merits a commission of investigation in its own right. This is something we need to consider. There will be other families who are party to unsolved cases and unsolved crimes, who are still seeking justice and who will be wondering if there is information in these 2,500 tapes which is relevant to their circumstances and to cases in which they have an interest.

That is why I believe the terms of reference are questionable, in particular where they state: "In particular, the commission shall have the discretion to decide to limit its investigation to samples of recordings". I would urge the Government to reconsider that whole point in regard to the sampling of recordings. If there are 2,500 recordings, someone will need to know what is in them and it will not be good enough to have mere sampling. At the very least, the commission under Mr. Justice Fennelly should have to publish a schedule in his report which details an inventory of all the recordings. Obviously, he is not going to make them available to the public, but some competent agency of the State is going to have to be able to reference them when other queries arise in this regard.

I am not sure if the Taoiseach or Tánaiste are going to offer any further contribution in summing up. However, there was no commentary from either of them in regard to whether the sitings will be in public or in private. Will this be left to the entire discretion of the sole member?

I note the Tánaiste's contribution in regard to the establishment of the independent policing authority and he posed a number of open questions. That is a debate in which my party



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will have no problem taking part. I believe the questions the Tánaiste poses are quite fair. In principle, it is something to which we do not have an objection.

**Deputy Pádraig Mac Lochlainn:** It has been a very disturbing period in terms of the whole area of the administration of justice. Public confidence has been fundamentally undermined by the incompetence the Government has shown in overseeing all the episodes that have emerged. The Taoiseach and Tánaiste will be aware that Garda sergeants and inspectors, who are gathering as we speak for their conference, have said that Garda morale is on the floor. They will also be aware that the Minister for Justice and Equality failed to attend the conference. That is bad enough, but there was no replacement. The Minister of State, Deputy Kathleen Lynch, could have attended, or an alternative Minister could have attended, as was the case in the past. The Government has basically walked away from hearing first-hand the issues of concern to those Garda sergeants and inspectors. Indeed, the Garda Representative Association has confirmed that, for the second year in a row, it is not even going to bother inviting the Minister for Justice and Equality to its event. Considering the decision he has made in regard to the AGSI, who could blame it?

That is the current environment. The platitudes of the Taoiseach and Tánaiste about gardaí, particularly in the speech from the Tánaiste, ring very hollow in terms of how the men and women who are protecting our communities feel right now about how the Government has handled all these affairs.

With regard to the administration of justice, the allegations around the Garda ombudsman's office being bugged were very serious. Unfortunately, however, on the day after it was reported in *The Sunday Times*, the Taoiseach misquoted the Garda Síochána Act and said that GSOC had a requirement to report to the Minister. Straight away, the tone was set that, in the phrase that was used, the victims were being turned into the villains. The Taoiseach robustly refused media calls for an independent inquiry and it dragged on for another week. Then, finally, he opted not for an inquiry but for a review by Mr. Justice John Cooke, which will report soon. In particular, he did not opt for a commission of investigation into something as serious as this, something so fundamental to our democracy.

When it came to the dossier that was handed over to him by the Fianna Fáil leader, Deputy Micheál Martin, which contained the historical legacy allegations from the Garda whistleblower, Sergeant Maurice McCabe, the allegations were again very serious. I remember well the Taoiseach's remarks at the time, but he again opted for a review, not an inquiry, by Mr. Sean Guerin SC. This review is also ongoing.

When it came to this matter of the tape recordings, however, the Taoiseach went immediately to a commission of investigation. There are suspicions that there was an attempt at distraction away from what were the core issues. In our party's view, the core issue was another emerging scandal, one of the biggest scandals in the history of the State, which is the whole Ian Bailey affair. To take the House through this, very soon investigating officers from the French authorities will come into our State to look to investigate witnesses. That is outrageous interference in our criminal justice system that the Taoiseach is tolerating, even though he knows the basis of that case and the basis for external investigating officers coming into our jurisdiction is flimsy at best. This is based on Garda files that are now fundamentally flawed, which was proven by the report from the Office of the Director of Public Prosecutions in 2001 of which this State has been aware for all those years. That was the basis on which the Supreme Court refused to extradite Ian Bailey. We have all that information, yet the Government is allowing

the French authorities to come here and carry on. It is a fiasco.

This involves allegations of Garda behaviour very similar to what emerged during the Morris tribunal, but it is even worse because the State apparatus has stood over this for far too long. Be it the various Ministers with responsibility for the justice portfolio, Attorneys General or the Department of Justice and Equality, they have stood over this whole period. While the incorporation of the Ian Bailey tape recordings from Bandon Garda station into this commission of investigation's terms of reference is welcome, what we need is a dedicated commission of investigation into that whole affair.

There are serious questions for the Minister for Justice and Equality in respect of this affair. He has known since early 2012 following the decision of the Supreme Court and that of his own Department to hand over the 44-page critique from the DPP's office of the initial Garda investigation - a critique that apparently rips that entire investigation to shreds. He has known about this for the past number of years and stood back and let it continue. His Department and the Government are defending a civil case taken by Ian Bailey and his partner, Jules Thomas, as we speak. The Government continues to defend that case and to allow the French authorities to come to our jurisdiction on the flimsiest of evidence provided by our own authorities that has been entirely dismantled. Of course, the 44-page critique by the DPP that was given to Ian Bailey's legal team and the Supreme Court and which was the basis upon which the court refused to extradite Mr. Bailey only came into the hands of his legal team because the previous DPP, Eamonn Barnes, realised that there was the basis for a serious miscarriage of justice. He knew from his time in 2001 about this ridiculous and appallingly flawed investigation and all the emerging issues around witnesses being coaxed and cajoled into giving evidence. That was all known about at the highest levels of the administration of justice in this State and it continues.

The Taoiseach must intervene in this case. He needs to bring in the Minister and ask him what he did through 2012. On three occasions in 2012, Ian Bailey's legal team wrote to the Minister about the failure of the Garda to co-operate with the investigation by GSOC. The Minister refused to intervene and to ensure that the documentation that GSOC required was given to it, yet the Minister intervened the following year when GSOC made public its absolute bewilderment and frustration about the failure of the Garda to co-operate in the Kieran Boylan affair so he could have intervened in the Ian Bailey case over those three letters sent to him but he refused to do so. He refused to intervene to sort out the issue of the Garda co-operating fully with GSOC and refused to deal with the implications of the Supreme Court case. He said he would consult the Attorney General and nothing happened. That is the real scandal here.

It then continued into November 2013. The reality is that the Attorney General was briefed by the Garda Commissioner that the Garda was very concerned about the tapes that emerged due to the discovery order made against it arising from an application from Ian Bailey's legal team. There were major issues. It took four whole months for the Attorney General to meet the Taoiseach on that fateful Sunday and to brief him about it. So serious was this that the Taoiseach decided immediately to opt for a commission of investigation despite the fact that he opted for reviews in those other serious matters about which I learned earlier. That is the major question mark around the Minister and the way he handled one of the largest emerging scandals in the history of the State. I have no doubt that the full story of this scandal will be told over the next few years and that there will be major question marks for everybody involved.

The Oireachtas Committee on Justice, Defence and Equality debated this issue and welcomed the fact that a commission of investigation would be set up because it would have pow-

ers to compel witnesses and documentation and to make findings of fact - powers which are not possessed by the committee. We wanted to see the terms of reference altered in respect of the circumstances that led to the resignation, retirement, sacking or whatever one calls it of the Garda Commissioner; the handling of documentation by the Department of Justice and Equality; the length of time from November 2013 when the Garda Commissioner and the Garda set up a panel to look at this; the knowledge the Attorney General had; how it took that length of time; the circumstances around the decision; and the fateful visit by the Secretary General of the Department, Brian Purcell, who was sent out by the Taoiseach. Since then, sources close to the Commissioner have been briefing one of the leading journalists in this State and making it clear that the Garda Commissioner wanted to withdraw his comments made before the Committee of Public Accounts but that Department officials apparently advised him not to. Another issue is the visit and what was said during it and the reassurance the Commissioner may have wanted on the Tuesday morning. When he did not get it, he knew he had to go. It is very clear to anybody looking at this situation that he was sacked but there are major question marks over what led to that. Sources close to the Attorney General briefed the former editor of *The Irish Times*, Geraldine Kennedy. The paper contained front-page articles about the Attorney General's perspective for two days in a row. These briefings are being given to senior journalists from sources close to those involved but the people are not getting the full truth.

This is why we are very disappointed with the decision of the Government not to amend the initial draft of the terms of reference so as to front-load the political issues. These are the issues around the correspondence with the Department, the sequence of events from November 2013 through to the Taoiseach's meeting with the Attorney General and the retirement or resignation of the Garda Commissioner. Those issues should have been front-loaded and they should have been dealt with as much as possible in public session because the commission of investigation can make findings of fact and compel witnesses and documentation - everything our committee, with the best will in the world, cannot do. We are saying that the Government should have front-loaded those issues, including the Taoiseach's evidence, which can be dealt with very quickly. That should have been done in public and it could have been done within an eight-week period. This is the time the Government has given Mr. Justice Cooke and Mr. Sean Guerin SC to complete their reviews so it is a good template. Eight weeks is plenty of time but the Government has chosen to kick it to touch which fundamentally undermines the overall terms of reference. The Government knows very well that it is unlikely that this work will be completed by the end of this year. It will probably run into next year and possibly the year after that so it could take two years before we hear about what happened and how the Garda Commissioner came to issue his letter of retirement to the Government. That is the big issue at this stage.

There are so many questions. There are major questions for the Minister and questions about why the Government immediately opted for this commission of investigation. A cursory examination of the Dáil records will show that in 1994, the then Minister for Justice, Máire Geoghegan-Quinn, was dealing with issues around recordings of conversations in Garda stations. She asked the then Garda Commissioner to report to her. Allegations around these practices also emerged in the Morris tribunal. While any suggestion that the privileged conversation between a person who has been arrested or detained and their solicitors is an immensely serious matter, the question is whether there was an attempt to take away from the real core issue. Our party humbly submits that the Ian Bailey affair, the way it has been handled and its implications for this Government constitute the big scandal. This is the one which cannot be denied or walked away from. I hope the Government deals with that and the issue of French investigating

officers going back into west Cork to interview people, undermining our criminal justice system and showing disrespect for our processes in this State based on flimsy evidence. Will the Government deal with this issue and intervene? Will it continue to defend the indefensible in terms of the civil case taken by Ian Bailey and his partner, Jules Thomas? Will it continue to stand over all of that? Even at this late stage, will the Government consider the entirely reasonable proposition from the all-party Committee on Justice, Defence and Equality that the resignation of the Garda Commissioner, the handling of correspondence and all the meetings that took place be front-loaded? I urge the Government to front-load the issues of the resignation of the Garda Commissioner, the handling of correspondence and the various meetings that happened. These could be dealt with in the eight week period. Let us get it over with, deal with it and get the full facts out before the public. We can then move on to the issue of the tapes which will undoubtedly take a considerable period of time.

**Deputy Clare Daly:** The last time the Minister for Justice and Equality was before the House to answer Minister's questions at the end of February I asked him to conduct an independent inquiry into the Garda treatment of Ian Bailey. His response was that it was the subject of legal proceedings and that it would be inappropriate for him to comment. He did not answer the question. Now, six weeks later we are being told that a commission of investigation is being set up. The terms of reference that the Taoiseach referred to earlier include an examination of whether there was any evidence of unlawful Garda activity towards Ian Bailey, but evidence of unlawful Garda activity towards Ian Bailey has been known by this State since 2001 and the DPP's report. Information has been available on fitting up and on the supply and distribution of drugs by members of An Garda Síochána in that case. In 2006, Marie Farrell went to everybody and told how gardaí had done favours for her in return for giving evidence against Ian Bailey. It is correct, as Deputy Mac Lochlainn said, that there are rumours that French prosecutors, with the permission of the Minister, are back on these shores to examine what we now know - and have known for some time - was a corrupt and false Garda investigation into the horrific murder of a French national. There are members of the French legal system in the Visitors Gallery today because this story has become international.

That case was horrendous but it was not the only case dealt with by gardaí in west Cork. If the Government was serious about getting to the bottom of how the Garda operates in this State, then the entire operation of the west Cork force should be brought under the remit of the commission of investigation. So too should other stations around the country that crop up more often than others - districts like Tullamore, Cavan and Limerick, for example.

This inquiry must be held in the open and it must be fully resourced. The O'Mahony internal inquiry had around 30 people working on it full time. There needs to be a full complement of senior counsel put on this case. We need to know what will be examined - it cannot be left to the judge. I appreciate the fact that the terms of reference leave open the question of the prison recordings but that is not good enough. This is a very serious matter. Prisoners' telephone calls with their solicitors were taped. I do not agree with what Michael Donnellan has said in this regard. I believe that information was known by the State. I have evidence which suggests that last year, gardaí from Tullamore sought access to recordings of calls between a solicitor and prisoner in the Midlands Prison. I believe this was well known. These things are not in the past.

I think the Taoiseach and his friend, the Tánaiste, were trying to say that a line has been drawn, that they are now in favour of new appointments and a new, independent police authority but how could anybody take that seriously, given that the Taoiseach vilified that idea last year and said it was not necessary? The Taoiseach is presiding over a dysfunctional police force

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at the moment and he needs to do a lot more than this which is, in some ways, a side-show. If the Taoiseach was serious he would be establishing a thorough commission of investigation into far more than the matters at hand and we would be deciding the terms here.

**Deputy Mick Wallace:** The Taoiseach said today that the commission shall exercise discretion regarding the scope and intensity of the investigations it considers necessary and appropriate. He also said that the commission shall have the discretion to decide to limit its investigation. Does he actually want the truth or the minimum? Mr. Justice Fennelly has not been asked outright to examine the issue of the recordings that took place in prisons. Perhaps the Taoiseach should ask Brian Purcell if he knows a bit about it. There is no point in saying that the Minister will make a decision on it after the Inspector of Prisons looks at it and there is another internal review first. The Taoiseach should direct that it goes ahead now.

When we raised the issue of racial profiling by the Garda the Minister completely denied in this House for months that it was prevalent in the Garda Síochána. However, now that the report of the Ombudsman for Children is coming out, he changed his tune a little in Naas last week. However, there is still no investigation into the allegations that 40 Traveller children were put on the PULSE system. Why is this not being included in the commission of investigation? We were told last October, when we again raised the issue of racial profiling, that we were a disgrace by the Minister for Justice and Equality. The Sean Guerin investigation is yet another paper review. It means nothing. It should also be included in the commission of investigation. Let us find out what is in the dossier that Maurice McCabe put forward. Let us see what is really in it and investigate anything that needs to be investigated. Maybe some of it does not need to be investigated but I suspect some of it does. We are not going to know the truth until we have an independent public inquiry into it.

We will get nothing from the investigation by Mr. Justice Cooke either. We need a proper, public and independent inquiry into the GSOC bugging allegations. The GSOC bugging issue is, for me, the biggest scandal of them all. The truth has not been told. What GSOC found out last summer was enough for the Garda Síochána to decide to bug it. The dogs in the street believe that GSOC was bugged by An Garda Síochána and we are not going to know the truth until we have an independent public inquiry. The Government is not going to regain the trust and confidence of the people until we have such an inquiry into this issue. There is more than the Garda bugging GSOC. Gardaí have come to us and made serious allegations about drugs and senior gardaí and about gardaí involved in drugs. It is all part of a terrible mess.

Too many lies have been told. I do not know for how much longer the Taoiseach is going to back the Minister for Justice and Equality but he cannot back him forever. The truth is going to catch up with him. His credibility is gone and the longer the Taoiseach backs the Minister, the more the credibility of his Government will diminish. The Taoiseach will lose the support of his own people if he does not start calling a spade a spade. Let us get to the truth.

**Deputy Shane Ross:** I regard this commission as an effort to smother a political problem in the midst of a larger problem. I acknowledge that there is a need to address the extraordinary incidence of taping in Garda stations, although there is a puzzle here which I have never been able to solve. Nobody seems to have known about this until a few weeks ago. The Taoiseach, the Minister for Justice and Equality and everyone else in this House will know at this stage that the contract for that particular operation was openly and publicly advertised on e-tenders in 2007. A renewal of that contract was openly and publicly sought - I am not sure if it was every three years or every year; I cannot remember. There was also an annual maintenance contract.

Yet, it comes as a total shock to everybody in the Government, the Department of Justice and Equality and, apparently, most gardaí that this was happening. That does not make sense.

The real problem here is that while this may need to be investigated and the operation of it certainly needs to be investigated, even if people are pretending they did not know anything about it, what we really need is an answer to the immediate question which is so threatening to the administration of justice in this country. It is shocking that we are not going to get an answer to the question as to what happened in the Department of Justice and Equality in those ten or 15 days when a letter languished there, unseen and unknown by anybody, apparently, and apparently not of any great importance. That is the question that needs to be answered initially. The Taoiseach may not acknowledge it but everybody in this House knows it.

The confidence of the people in what is happening in the Department of Justice and Equality is at nought at the moment. It is a secretive Department which obfuscates and is unwilling to impart any knowledge to members of the public or the media. As long as that continues, public confidence, not only in the Garda and the Government but also in the administration of justice, will continue to diminish. It would have been right and proper for an investigation to have taken place immediately to find out what happened in those missing days. While they may be wrong, no one believes the version that we are being given at the moment that somehow no one of importance knew anything about it. We are being given cock-and-bull fairy tale stories about what happened to that letter. Some of them concerned bereavements, for which we all have sympathy, but there were others about people being too busy because they were attending book launches and press conferences. I have heard nonsense in this House, but that is absolutely misleading rubbish.

**Deputy Joe Higgins:** While the issue of the secret taping of conversations in Garda stations is extremely serious and needs a thorough investigation, one can only be wholly cynical about how the Government rushed to set up this particular commission of inquiry. It is quite clear that it was, and is, a means of avoiding immediate explanations by the Taoiseach and the rest of the Government of what pressure was brought to bear on the former Garda Commissioner to resign his position, to scapegoat him for the incredible mess that he, the Minister for Justice and Equality, the Taoiseach and the rest of the Government made of the serious issues that were continually brought to their attention by Garda whistleblowers concerning malpractice in the force. They responded incredibly when the Garda Síochána Ombudsman Commission reported its suspicions of having been placed under surveillance, which everyone believed was surveillance by the Garda Síochána. That would have to have been cleared at the most senior levels.

There are many critical issues concerning Garda investigations and actions going back over many decades that need to be examined and re-opened where they have been closed. Afri - Action from Ireland, for example, has compiled a comprehensive dossier on the occupation of a community in County Mayo by the Garda Síochána on the orders of the Government to ensure Shell Oil was given ownership of a crucial natural gas resource. As the Taoiseach turned his back on his own people, we had a community subjected to continual repression, violence by members of the Garda Síochána, and the most disgraceful pressure on decent people. That needs to be investigated.

Ms Cynthia Owen has requested many Deputies to keep raising her quest for justice. Her case involved horrific child abuse, the murder of her child and the alleged involvement of gardaí in that. Those matters need to be re-opened and investigated.

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The murder of the Reverend Niall Molloy has been raised consistently in recent times, including evidence that there was a total stitch-up of that investigation. Those and other issues need to be examined. We have to find a proper structure for examining them in public, unlike the commission of investigation legislation which is largely in private. Those who have been affected by these malpractices within the Garda Síochána must also be represented.

**Deputy Finian McGrath:** I thank the Leas-Cheann Comhairle for the opportunity to speak on this motion on the proposed terms of reference for the commission of investigation. I am also a member of the Committee on Justice, Defence and Equality and I took a completely different view from my colleagues on recent events involving the Garda, the resignation of the Garda Commissioner, the Minister for Justice and Equality, and the whole issue of the letter and the Secretary General. There was absolutely no reason the Secretary General and the former Garda Commissioner could not have attended the committee to answer a few simple questions. It could have been done and dusted in four hours, yet all we got was fudge and more kicking the can down the road. I am amazed people do not find this situation to be a major constitutional crisis. We all need to understand that the public, the Garda, the Judiciary and, according to the Taoiseach, lawyers have strong feelings of ill will towards the Minister for Justice and Equality. This, to me, is a major constitutional crisis.

I support elements of the committee's submission to the Taoiseach concerning the terms of reference. I support the issue dealing with the consequences resulting from taping these conversations, the sequence of events leading up to the retirement of the former Garda Commissioner, the handling of information by the Department of Justice and Equality, and the administrative procedures in place within the Department governing the transfer of knowledge from officials to the Minister.

At the time, the Committee on Justice, Defence and Equality said it reserved the right to conduct its own examination in these and related matters as it sees fit. The public want answers to these simple questions. Why did the former Garda Commissioner resign? Why was the Minister, Deputy Shatter, not informed by his officials of the letter from the Garda Commissioner? Why was the Minister not informed by the Taoiseach? Why did the Attorney General not tell the Taoiseach or other Ministers about the Garda bugging scandal? Why did the Taoiseach not inform the Tánaiste as well? These are crucial questions.

The other issue that has been neglected in this debate is the damage that is being done to the Garda Síochána's service in this State. Honest gardaí on the beat want these matters resolved. They are hard-working, good, honest public servants, but public trust in them has been damaged. People want to know the answers to these questions.

The Taoiseach should take up the proposal by the Committee on Justice, Defence and Equality to accept the two modules dealing with the Garda Commissioner's resignation and the letter. Those matters could be done and dusted in a matter of weeks. The Taoiseach should listen to the voices of Members of the Oireachtas who reflect public opinion.

Amendment put:

<i>The Dáil divided: Tá, 36; Níl, 71.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Adams, Gerry.</i>	<i>Bannon, James.</i>
<i>Browne, John.</i>	<i>Barry, Tom.</i>

<i>Calleary, Dara.</i>	<i>Burton, Joan.</i>
<i>Collins, Joan.</i>	<i>Butler, Ray.</i>
<i>Collins, Niall.</i>	<i>Buttimer, Jerry.</i>
<i>Colreavy, Michael.</i>	<i>Byrne, Eric.</i>
<i>Crowe, Seán.</i>	<i>Cannon, Ciarán.</i>
<i>Daly, Clare.</i>	<i>Carey, Joe.</i>
<i>Doherty, Pearse.</i>	<i>Coffey, Paudie.</i>
<i>Donnelly, Stephen S.</i>	<i>Conaghan, Michael.</i>
<i>Fleming, Sean.</i>	<i>Conlan, Seán.</i>
<i>Halligan, John.</i>	<i>Connaughton, Paul J.</i>
<i>Healy, Seamus.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Healy-Rae, Michael.</i>	<i>Coveney, Simon.</i>
<i>Higgins, Joe.</i>	<i>Daly, Jim.</i>
<i>Kelleher, Billy.</i>	<i>Deasy, John.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Deering, Pat.</i>
<i>McGrath, Finian.</i>	<i>Doherty, Regina.</i>
<i>McGrath, Mattie.</i>	<i>Dowds, Robert.</i>
<i>McGrath, Michael.</i>	<i>Doyle, Andrew.</i>
<i>Martin, Micheál.</i>	<i>Durkan, Bernard J.</i>
<i>Mathews, Peter.</i>	<i>English, Damien.</i>
<i>Moynihan, Michael.</i>	<i>Farrell, Alan.</i>
<i>Murphy, Catherine.</i>	<i>Feighan, Frank.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Ferris, Anne.</i>
<i>Ó Cuív, Éamon.</i>	<i>Fitzgerald, Frances.</i>
<i>Ó Fearghail, Seán.</i>	<i>Fitzpatrick, Peter.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Flanagan, Charles.</i>
<i>O'Brien, Jonathan.</i>	<i>Gilmore, Eamon.</i>
<i>O'Sullivan, Maureen.</i>	<i>Griffin, Brendan.</i>
<i>Pringle, Thomas.</i>	<i>Hannigan, Dominic.</i>
<i>Ross, Shane.</i>	<i>Harrington, Noel.</i>
<i>Smith, Brendan.</i>	<i>Heydon, Martin.</i>
<i>Stanley, Brian.</i>	<i>Howlin, Brendan.</i>
<i>Tóibín, Peadar.</i>	<i>Humphreys, Kevin.</i>
<i>Wallace, Mick.</i>	<i>Kehoe, Paul.</i>
	<i>Kenny, Enda.</i>
	<i>Kyne, Seán.</i>
	<i>Lawlor, Anthony.</i>
	<i>Lynch, Ciarán.</i>
	<i>Lynch, Kathleen.</i>
	<i>McCarthy, Michael.</i>
	<i>McGinley, Dinny.</i>
	<i>McHugh, Joe.</i>
	<i>McLoughlin, Tony.</i>



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	<i>McNamara, Michael.</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>Neville, Dan.</i>
	<i>Noonan, Michael.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Mahony, John.</i>
	<i>O'Sullivan, Jan.</i>
	<i>Perry, John.</i>
	<i>Phelan, Ann.</i>
	<i>Phelan, John Paul.</i>
	<i>Rabbitte, Pat.</i>
	<i>Reilly, James.</i>
	<i>Ring, Michael.</i>
	<i>Ryan, Brendan.</i>
	<i>Spring, Arthur.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Tuffy, Joanna.</i>
	<i>Varadkar, Leo.</i>
	<i>Wall, Jack.</i>
	<i>White, Alex.</i>

Tellers: Tá, Deputies Niall Collins and Pádraig Mac Lochlainn; Níl, Deputies Emmet Stagg and Paul Kehoe.

Amendment declared lost.

Question put and declared carried.

### **Topical Issue Debate**

#### **VAT Exemptions**

**Deputy Seán Kyne:** Mountain rescue teams perform an essential job on a voluntary basis. I acknowledge and welcome the funding provided by the State to the 12 teams operating in Ireland. I also welcome the work of the Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, in directing his officials to examine the introduction of a modest capital grant scheme

to support the vital work of the teams.

Tourism and physical activity are two areas on which the Government is focusing generally. Both involve the development of outdoor sports and adventure activities which have a hugely positive impact on rural economies. The Department of Transport, Tourism and Sport, the Department of Jobs, Enterprise and Innovation and Fáilte Ireland are working together to encourage more people to visit Ireland by emphasising the adventure tourism activities on offer here, including hill walking, mountaineering, rock climbing, mountain biking and more. The Department of Health's Healthy Ireland strategy, a framework for promoting improved health and well-being, encourages citizens to take up exercise to realise the health benefits of outdoor pursuits. These policies increase the number of people on our hillsides and mountains, which is very welcome. At the same time, however, there is likely to be an increase in the numbers requiring the services of our voluntary mountain rescue teams.

To provide this often life-saving service, mountain rescue teams must be adequately equipped, which can be costly. While we rightly fund the rescue teams from State funds, it does not make sense for the State to charge taxes on the procurement of equipment. VAT has long been a cornerstone of the EU's method of funding its institutions and activities. This can be seen in the original EEC Directive No. 338 of 1977 and subsequent directives governing the administration of VAT in member states. These directives aimed to establish a common system of VAT and a uniform assessment process. The most recent update to VAT law at EU level was Council Directive No. 112, which was introduced in November 2006 and came into operation from January 2007. Under this provision, member states retain overall competency in taxation matters. However, EU rules pertaining to VAT have established a standard 15% rate, with member states permitted to apply one or two reduced rates not lower than 5% on certain products or services. Member states such as Ireland and the United Kingdom have also been permitted to retain reduced rates which were already in force prior to the introduction of various EU directives. Other exemptions from VAT are permitted for socioeconomic reasons and include activities such as hospital and medical care and goods and services linked to welfare, work, education and cultural activities. Significantly for this particular debate, a zero rate of VAT and a VAT refund order apply to vessels for rescue or assistance at sea and on inland waterways, respectively.

The European Commission has commenced a communication process involving the Parliament, Council of Ministers and the European Economic and Social Committee on the future of VAT. The overall aim is to create a simple, more robust and efficient VAT system for the Single Market. In its communication, the Commission calls on member states to make use of the existing options to alleviate the burden of VAT on non-profit organisations and offers to provide guidance on the VAT regime applicable. Mountain rescue teams are the very definition of non-profit organisations, as reflected in the relevant sections of the VAT directive. For example, Article 132, subsection 1(m), refers to "the supply of certain services closely linked to sport or physical education by non-profit-making organisations to persons taking part in sport". Article 131, subsection 1(p), talks about "the supply of transport services for sick or injured persons in vehicles specifically designed for the purpose, by duly authorised bodies". Article 133 further identifies the organisations that may be covered by various provisions of Article 132 and notes that the organisations "must not systematically aim to make a profit" and "must be managed and administered on an essentially voluntary basis".

I am calling on the Minister to extend the exemption from VAT to mountain rescue and lowlands teams in order that they can conduct their vital work in the most efficient and effec-

tive way.

**Minister for Finance (Deputy Michael Noonan):** I am pleased to have this opportunity to deal with the question of VAT incurred on the purchase of equipment used by mountain and lowlands rescue teams. I acknowledge the excellent work undertaken by these teams made up of unpaid volunteers, who provide a very important emergency rescue service to the public, often in difficult circumstances, terrain and weather.

It is important to clarify what is referred to in this instance by an exemption from VAT for mountain rescue teams, as this can have a number of meanings in Irish VAT law. As the Deputy has pointed out, that law must comply with the EU VAT directive. An exemption from VAT could refer to supplies of goods or services made by mountain rescue bodies. It could also refer to the supply of goods and services exempt from VAT, or at a zero rate of VAT, to mountain rescue bodies. Finally, it could refer to a compensation mechanism allowing mountain rescue bodies to claim a refund of VAT incurred on their purchases.

In general, exemption from VAT refers to a situation where goods and services are supplied without VAT charged on them but where the supplier of those goods is not entitled to claim any VAT paid on their input costs. The same system applies to bodies and persons who are outside the scope of VAT. Mountain rescue bodies are generally outside the scope of VAT. As such, they do not apply VAT to any supplies they make, such as merchandising, and they cannot claim VAT paid on their purchases. Where a mountain rescue body is registered for tax purposes as a charity, it will be exempt from VAT and the same VAT treatment applies.

The EU VAT directive provides that certain services are exempt from VAT, including medical services, some postal services and financial and insurance services. Other services are specifically exempt from VAT in Ireland for historical reasons, such as transport services and the supply of water. The supply of goods is not normally exempt from VAT. It is not possible, therefore, under EU VAT law, to introduce an exemption from VAT on goods and services received by mountain rescue teams. Any goods and services attracting the zero rate of VAT will also benefit mountain rescue bodies purchasing such goods or services. However, the application of the zero rate can only apply to goods and services which were subject to the zero rate on and from 1 January 1991.

*7 o'clock*

Ireland applies a zero rate to most food, books, oral medicines and children's clothing and footwear. Where mountain rescue teams purchase such goods they will be free of VAT. However, it is not possible under EU VAT law to introduce a zero rate on any goods not subject to the zero rate on and from 1 January 1991.

With regard to the introduction of a compensation mechanism allowing mountain rescue bodies to claim a refund of VAT on their purchases, the Value Added Tax Consolidation Act 2010 allows for the creation of VAT refund orders which provide compensation for VAT incurred by individuals or bodies in specific circumstances. However, while providing a compensation method does not affect VAT being charged according to the EU VAT directive, this is not clear-cut where relief is provided in respect of a particular good or service as it is generally counter to the provision that VAT should be paid by the final consumer of goods and services. It is for this reason that Ireland has not introduced any new VAT refund orders since the 1980s. Any changes to VAT refunds since then have been either by EU requirement or minor changes

to existing refund orders.

A VAT refund order for the purchase of small sea rescue vessels was introduced in 1985, which provided for repayment of VAT incurred on small craft for rescue at sea and on ancillary equipment. This was extended last year to cover small rescue vessels operating on inland waterways. This followed the introduction of a zero rate of VAT in 1978 on the supply of larger sea rescue vessels, which was specifically provided for under EU VAT law, under Articles 148 and 169 of the recast EU VAT directive. Irish VAT law does not specifically provide a refund of VAT for mountain rescue teams purchasing mountain rescue equipment as the EU VAT directive does not provide for a VAT exemption for such goods. Should VAT law be amended at EU level to allow mountain rescue equipment to be exempt from VAT, or for the introduction of a compensation mechanism for VAT incurred on mountain rescue equipment, I will then consider introducing such a reform, taking into consideration Exchequer implications.

The Deputy will also be aware that mountain rescue organisations receive Exchequer funding from my colleague, the Minister for Transport, Tourism and Sport, with over €1 million paid to mountain rescue teams and management organisations over the past five years.

**Deputy Seán Kyne:** I thank the Minister for his reply, which I will need to study in more detail. If it is the case that current provisions of the VAT directive regarding exemptions, some of which I have outlined, are not applicable to mountain rescue teams then the European Commission's communication on VAT represents a prime opportunity to bring about this necessary change. In this regard, the European Commission cannot act alone. While the Parliament has a role to play, more specifically, the Council of Ministers, which in this case is the Council of Finance Ministers, has a central role to play. One of the greatest challenges in terms of law making and the introduction of reforms at EU level is the complexity of the European Union. I fear that while many people in many countries would agree with the exemption of mountain rescue equipment from VAT, with all the wrangling in regard to who is responsible for this, no reforms will be made.

The Minister stated in his reply that should VAT law be amended at EU level to allow mountain rescue equipment to be exempted from VAT, he would consider introducing such a reform here. The issue now is how we make the case for this at European level. I believe that the European Council of Finance Ministers can provide the necessary leadership in this regard. I note and welcome the Minister's reply this week to a parliamentary question tabled by me in which he said: "Where VAT law is amended at EU level to provide that VAT does not apply to mountain rescue equipment or for the introduction of a compensation for VAT incurred on mountain rescue equipment, I will then consider introducing such a reform". I would like to leave here today in the knowledge that the Minister, as a member of the Council of Ministers, will champion this issue and persuade, convince or cajole the other Ministers into working with the European Commission and the Parliament into making mountain rescue equipment exempt from VAT. Perhaps the Minister will when responding say whether other countries have put forward similar initiatives to that which I am proposing in respect of mountain equipment.

**Deputy Michael Noonan:** There has been no discussion on this issue at the Council of Ministers. In my view, when seeking a change such as this in the code, which change is relatively minor, the best approach is to go through the European Parliament. The Deputy has an opportune time now in the context of the European elections, to lobby the candidates for the European Parliament on making this one of the objectives of their campaign. It is not a huge request. If the impetus came from the Parliament, I am sure the change could be made. I will

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follow if the EU VAT directive is changed.

### **Fish Quotas**

**Deputy Noel Harrington:** I thank the Ceann Comhairle's office for selecting this topic for discussion and the Minister of State, Deputy Tom Hayes, for coming to the House to respond to it. The background to this issue rests with what I would describe as the jewel of the crown of the Irish fishing industry, namely, the mackerel fishery, which is worth more than €100 million per annum to the State and the industry.

During the past number of years, the fishery has changed, with countries such as Iceland and the Faroe Islands arbitrarily allocating themselves a huge amount of the quota which historically has been bound by international agreements in the north east Atlantic between the countries of the European Union, Norway, Iceland, the Faroe Islands and Russia. The effect of this unilateral allocation of quota has led to a huge political impasse and an economic crisis in the industry. I commend the Minister, Deputy Coveney, on his efforts in terms of being the first to call for the imposition of sanctions on Iceland and the Faroe Islands owing to what they had done. This led to feverish negotiations at a European level. Ultimately, over a series of meetings an agreement was, regrettably, reached between the European Union and the countries, with the exception of Iceland. In my opinion, this agreement will impact negatively on the mackerel fishery in this country. Included in the agreement is an increase from 890,000 metric tonnes to 1.24 million tonnes, in allowable catch in the north east Atlantic waters, to be shared among the countries mentioned. The problem is that the European Union share in this allocation has decreased considerably.

While there will be an increase in the 2014 total allowable catch, the future for this fishery will more than likely be a severe decrease in subsequent years, as a result not alone of the advice from the International Council for the Exploration of the Sea, ICES, but from the decreased share which the European Union will have in this fishery. This will lead to two significant problems for all sectors of the mackerel industry in this country. First, an increased allocation for the coastal states, including Ireland, will lead to increased landing and as a result depressed prices. This will be inevitable. Second, will be an increased expectation on some of the segments for an increased share of the Irish mackerel quota, particularly those within the polyvalent-pelagic segment. Currently the Irish mackerel quota is divided, with 87% of it being allocated to the RSW pelagic sector, which comprises 23 large vessels, and the remaining 13% being sub-divided between the remaining sectors and based on vessels' gross tonnage-size.

I understand the need for a large allocation for the RSW segment. There have been huge investments made in that segment, leading to greater quality fish landed at our ports. However, it would be unfair not to put on the record that there will be increased demands on this industry as a result of a short term gain. This matter needs to be handled carefully.

**Minister of State at the Department of Agriculture, Food and the Marine (Deputy Tom Hayes):** I thank the Deputy for the opportunity to outline the position in this area on behalf of the Minister, Deputy Coveney, who is, unfortunately, unavailable owing to another commitment. A three-party agreement on the management of the mackerel stock in the north-east Atlantic involving the EU, Norway and the Faroe Islands was agreed on 12 March in London, following lengthy discussions over many months and years. Iceland, despite being involved in all of the negotiations is not party to this agreement. The key elements of the agreement are as

follows: the total allowable catch has been set at 1.24 million tonnes for 2014 and in subsequent years it shall be based on the levels advised by the International Council on the Exploration of the Sea, ICES; the agreement is for five years; 12.6% of the total allowable catch has been allocated to Faroes; and a further 15.6% has been held as a coastal state and fishing party reserve. The latter would cover the possible accession of Iceland to the agreement as well as the interests of Russia and Greenland.

Ireland could not support the final agreement because of the unacceptably high number of shares allocated to the Faroe Islands and the level set aside for a reserve. However, there are aspects of the agreement that we can welcome. I refer, for example, to the fact that there will be no access to EU waters for Iceland, access for Norway has been restricted and the relative shares of the EU and Norway have been respected, with each paying proportionately to cover the new arrangements. In addition, the quota for the Irish fleet for 2014 has been increased - from the initial one set at the December Council - by over 60% to 105,000 tonnes. The final quota involves an 82% increase on the quota for 2013.

We have always been supportive of a deal that would bring an end to the irresponsible and excessive fishing of the mackerel stock which we have witnessed during the past five years. This new five-year agreement while far from ideal will at least ensure that, in line with the EU and Norway, the Faroese will be subject to fixed quotas set on the basis of ICES advice. This will protect against the previous dangerously high levels of fishing in which they participated. However, we are disappointed by the fact that the final outcome gave the Faroe Islands a significantly increased 12.6% share of the stock. The 15.6% reserve is intended to cover Iceland, Greenland and Russia but as all these parties are operating outside a formal agreement, there can be no confidence that they will respect even this very generous allocation.

From an Irish perspective, there is considerable disappointment with the high level shares and set aside granted. These appear to reward irresponsible behaviour. Ireland consistently argued at Council, and during the wider negotiations, that the levels being proposed for the parties to which I refer were too high. It is on that basis that we cannot support the overall deal. However, the European Commission and the EU member states with mackerel fishing fleets, including the UK which is the largest mackerel quota holder in the Union, were willing to accept the granting of those levels of share to the Faroes and the share set aside in the reserve.

**An Leas-Cheann Comhairle:** The Minister of State's time is exhausted. I suggest that he read the remainder of the reply during the next slot allocated to him.

**Deputy Noel Harrington:** I thank the Minister of State for his reply. I agree with the sentiments he expressed and I share his disappointment. The European Commission sacrificed sustainability for expediency in the context of the agreement that was reached. Unfortunately, the UK authorities were blinded by the offer of 30 pieces of silver for short-term gain.

The point I really wish to get across is that the deal changes the game completely in respect of the sustainability of the mackerel fishery, not just for Ireland but also for the European Union as a whole. As already stated, the mackerel sector here is divided into two segments and I strongly urge that the Minister of State and the Department consider the economic impact this will have in terms of depressing prices in the longer term and giving rise to smaller quotas. I am of the view that, despite the initial reward relating to the deal being done, quota levels are going to plummet in the future. The latter is going to have an impact on both the RSW pelagic segment, which is entitled to be dealt with in a sustainable way, and polyvalent pelagic segment,

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which comprises the vast majority of those vessels that have an entitlement to fish mackerel. It is unwise to allow to be carried through a deal that is going to prove unsustainable in the context of one or both of these segments. I request that a strategic review be carried out in respect of the long-term impact of the agreement on the Irish fishing sector and on coastal communities throughout the country.

**Deputy Tom Hayes:** The points the Deputy makes in respect of the economic impact are extremely important. In that context, I wish to outline the position with regard to where we find ourselves.

Ireland was prepared to concede significant shares to both Iceland and the Faroe Islands in the interests of stability and sustainability. However, we do not consider that there is any justification for the EU to have conceded as it has done. The share for Faroes is, unfortunately, now fixed. Ireland will be working hard to ensure lessons will be learned and that, in negotiations to come, EU member states will work more effectively together in order to better protect the Union's share of this vital resource.

In the context of the internal allocation of quota to the fleet, as a result of the coastal states agreement the adjusted national quota for 2014 is 104,967 tonnes. At the December Council, a provisional quota of 65,000 tonnes was set and this was allocated at the beginning of the year. There has been a recent request for a review of the redistribution of mackerel quota allocations between the polyvalent and refrigerated sea water, RSW, pelagic segments of the fleet based on the increase in the quota in 2014. The Minister, Deputy Coveney, has given full consideration to this request and is not of the view that there were changed circumstances which would support a review of the allocations between the segments. It is considered that the percentage-based allocation between the segments can properly deal with year on year fluctuations in national quota in a fair, transparent and balanced way.

**An Leas-Cheann Comhairle:** The time is up. The remainder of the reply is available in the printed copy that has been circulated.

## **Children and Family Services**

**Deputy Aengus Ó Snodaigh:** Gabhaim buíochas leis an Aire as an sceideal a athrú. Tá a fhios agam go raibh rud eile eagartha aici. It is important that the Minister is present to take this matter, particularly in view of the fact that the early years initiative comes within her remit. I welcome the recent publication of the Children First Bill and other initiatives that have been taken by the Minister since she took office.

The service which is the subject of the matter I wish to discuss is at risk of closure if funding is not provided. I refer to the Bringing It All Back Home programme, which was first launched in 2011 and which involves an inter-agency approach in respect of children and families. The programme provides people with assistance in order that they might cope with parenting and ensures the children are nurtured from a young age. A gap in this regard was identified in the highly disadvantaged area of Inchicore and that was why the programme was put in place there. However, the programme has extended its reach beyond Inchicore in order to provide assistance to services in the Ballyfermot, Crumlin, Kilmainham and Bluebell areas. The approach taken in the context of Bringing It All Back Home has been lauded by the HSE and others as a model of best practice, particularly for those involved in the operation of the ongoing Meitheal

programme. It would be sad if the pilot programme which set the standard for others were to be put at risk. The programme was initially granted funding for three years, and that period comes to an end in June. Those involved in the programme have asked for it to be funded for a further two years until such time as there is another round of funding to which they can apply for the programme to be mainstreamed properly. Then, whatever changes need to happen to their service can take place.

The programme has been successful. I gave the Minister the evaluation report earlier. An independent evaluation or reading of the report suggests the programme has been invaluable. I have met many of the parents who have come through it. Let us not forget this is only three years in the making. Two of the parents involved have gone on to college, a major achievement given where they came from in the first place. These people have been identified by services as being highly at risk.

One of the initiatives has been that the professional and voluntary services can work together. If this project were not in place there would be higher costs in the provision of these services because, in the main, these services have worked in isolation. They have managed to work together and they are particularly cost-effective, which is testament to those who are pulling it together. It is pulled together under the Daughters of Charity Child and Family Service and the national early years access initiative. I urge the Minister to consider the matter, if possible. The programme is run on a shoestring and those involved are part-time. The annual cost is €120,000, which is not a major cost. For example, those involved sourced all the furniture for the offices themselves. It has not been a burden on the State. That is not the intention. The intention is to service the needs of a seriously disadvantaged community. It is based in Goldenbridge, next to St Michael's estate, an area which, as the Minister and others in the House will be aware, has had tremendous problems over the years and has been disproportionately affected by the downturn. It would be a pity if the service was lost for other parents and children in the area since there are no alternative projects stepping in to take up the flak. There would be a loss of their expertise to the area.

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I thank Deputy Ó Snodaigh for raising this issue. The report is an important and impressive evaluation of the Bringing It All Back Home project. As Deputy Ó Snodaigh said, it was a project of the canal communities family welfare initiative. This is an inter-agency consortium. I fully agree with what Deputy Ó Snodaigh said in respect of the inter-agency arrangement. It is important that community, voluntary and statutory organisations work together since all are concerned with children's welfare and children's services delivery in the Inchicore and Bluebell areas.

In 2011 the programme identified a gap for children aged zero to four years. Those involved identified a cohort of children and families who were not engaging with services. Since they began their work, they have engaged with families and parents. There are many testimonies from parents in the report summarising the work. Those involved were successful through the national early years access initiative, NEYAI, and Pobal in delivering what was at the time a three year community, parent and family support and education programme. It was run by the Daughters of Charity Child and Family Service, which took on the lead role for the agency. The NEYAI is a partnership involving Atlantic Philanthropies. As Deputy Ó Snodaigh is aware, Atlantic Philanthropies is withdrawing from Ireland in the coming year or two. It also involves the Mount Street Club Trust, the Department of Children and Youth Affairs, the early years education policy unit of the Department of Education and Skills and Pobal, which provided a governance and management role.



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Let us put this in context. The national early years access initiative is an important initiative. It comprises 11 local projects from five counties, of which Bringing It All Back Home is one. They work in collaboration with a range of partners. Each has a particular focus, such as training and professional development; integrated family services management and practice; and language, literacy and numeracy. There are five areas of activity. They work to ensure standards in child care, to upskill the early childhood care and education workforce, to help children to be ready for school and to develop parent skills and parenting support. The work involves trying to get a continuum of services out to families as well as working on the well-being of parents and their capacity to nurture their children's development.

They have operated in a climate of rapid change in terms of policy and infrastructure for the development of these services with funding cuts and new funding initiatives resulting in alterations to some of the planned activities. All 11 projects are in the final phase of implementation and all are exploring the question of sustainability, which is a difficult question. They were pilot projects and therefore the question of sustainability and related costs must be examined. They are going through this process and an entire community is working on it. The initiative will finish this year but the projects have different end dates, with two finishing in April, four in July and five in August. Bringing It All Back Home is one of the projects and that contract ends in August.

I emphasise that the projects were started with a clear understanding that they were part of an initiative to test, trial and research ways of working with a vision to be able to streamline good evidence-based practice in early intervention. Funding was agreed for a three-year contract. My understanding is that no further funding is available for the initiative from the source of the original funding - I am referring in particular to Atlantic Philanthropies and the Mount Street Trust - since the arrangement was time bound. There will, however, be a national conference in May at which the findings from the initiative will be discussed and the lessons learned will be examined. Local children's services committees have been involved and there could be discussions with them on proposals for continuing the work of the project beyond the current contract.

**Deputy Aengus Ó Snodaigh:** I note the final point and I will pass on to those involved in Bringing It All Back Home the fact they can approach the local children's services committee. It is a pity the conference is in May because that is almost too late to ensure the continuation of services, especially if two of the projects finish in April. The only people who will suffer if there is a halt to the continuation of services are the children and parents who are identified as high risk. There is also a possibility we will lose the expertise that has been built up not only in this area but, I presume, in the other four areas, although I do not know anything about how those projects worked. In Inchicore, the service providers, including the HSE and the officials from the Department of Education and Skills, are satisfied with the way things are working. In some ways they are afraid of what will happen when they no longer meet on an inter-agency basis, as has been the case to date.

Some 40 families are engaged with Bringing It All Back Home. I hope there will be some way to ensure there is no gap in the support they get at a time when they are, for once, engaging with a service. A frightening figure came out when I met them. They put it to me that part of the catchment area has in percentage terms the highest number of children going into care. These are the clientele with whom the services are working. If these children end up in care now, there will be additional costs to the State, whereas this type of service reduces costs.

The service costs €120,000. I realise every penny counts for such a service. I do not intend to quote from the report but I refer the Minister to page ten in which the evaluation is specific about planning for the future. It is in line with everything the Minister has been saying in terms of services. The best approach involves working on an inter-agency basis. If anything emerges from the conference in May, it should include a recommendation to continue until the Child and Family Agency is fully bedded down and in tune with the services it can fully deliver.

**Deputy Frances Fitzgerald:** I can only agree with Deputy Ó Snodaigh that this type of early intervention project yields great results. There is no question of that. It could prevent young children going into care if the right support is available for families and parents. This is one of the reasons the Government has committed €30 million for the area-based childhood, ABC, programmes which are similar to the NEYAI programmes. I will ask the local children's services committee to give me a report on the project and the continuity issues that arise in respect of the families. I will also see how much information we have on the 11 projects nationally and the funding implications for same. Clearly, they were pilot projects, but they merit an examination in terms of whether continuity is possible. The local children's services committees are the first place I will do so. I will undertake that and revert to the Deputy.

**Deputy Aengus Ó Snodaigh:** Those involved in the project have asked me to invite the Minister to visit it, if she so wishes, along with the area's other Deputies. Deputy Catherine Byrne of the Minister's party is aware of the project.

**Deputy Frances Fitzgerald:** Okay.

### **Youth Unemployment Measures**

**Deputy Dominic Hannigan:** I thank the Ceann Comhairle for selecting my Topical Issues matter. I also thank the Minister, Deputy Burton, for being present to discuss this important issue.

The need for a youth guarantee has been discussed for many years. From meetings I have attended and spoken at since becoming Chairman of the European Union affairs committee, I know that there is political will for a guarantee. Last year, I spoke at a conference in Nottingham organised by our sister party in the UK, the Labour Party, where political leaders and young people spoke about how a youth guarantee would help to return hope to young Europeans and give them faith in the European project at a time when many do not understand why Europe is important in their lives.

The young people I have met in places like Ratoath, Duleek and Kells want to know what supports they will have if they need them. What is already in place is not good enough for young people who cannot get jobs after leaving school or college. The Minister has done a great deal of work to improve the system in recent years, but more needs to be done. Of those young people undertaking apprenticeships or trying to start their own businesses, for example, it is important that they know they can take that chance without being left behind if it goes wrong.

The Minister signed the agreement during the Irish Presidency of the European Council with the other member states. She managed to get a specific investment of €6 billion in the youth guarantee scheme across the Union. She also worked hard to get €250,000 to start a pilot

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project in Ballymun in north Dublin. That project is in operation. I have spoken with my party colleagues, for instance, Ms Emer Costello, concerning the pilot project. She is positive about it and has told me that the group engagement is going well and there is tremendous local interest. I wish the pilot project all the best and hope it turns out to be a success. I also hope that the lessons learned from it can be applied nationally when the scheme is rolled out.

That is my main reason for raising this matter. When can young people in places like Ashbourne, Dunshaughlin and Stamullen expect to have the same support as the young people in Ballymun? We all want to offer every young adult the best opportunities, but for that to happen we need to put the right supports in place. What will the youth guarantee look like in Meath and how will young people interact with it? There is an opportunity to involve local small to medium-sized enterprises, SMEs, and other stakeholders in the scheme. Will the Minister update the House on when young people in County Meath and elsewhere can expect to see the youth guarantee rolled out to them?

**Minister for Social Protection (Deputy Joan Burton):** Since entering office, the Government has made firm and steady progress on increasing employment and reducing unemployment. Some 61,000 more people were in jobs at the end of 2013 and unemployment has decreased from a crisis peak of 15.1% to 11.8% now. Data published by EUROSTAT, the EU's statistical agency, show that Ireland's unemployment rate is now in line with the eurozone average, having been up to 40% above the average only two years ago. Youth unemployment has decreased from a peak of more than 80,000 in early 2009 to an estimated 54,000 at present. However, it is still too high. For this reason, I am determined to increase the pace of our progress. The youth guarantee will be central to the issue of youth unemployment.

I have consistently stated that a fiscal response to the economic crisis was never going to be enough - there must also be a social response. The youth guarantee is a key element of that social response, putting our young people, who will build this country's future, front and centre. The youth guarantee can be summed up in a single word, namely, "opportunities". It is about ensuring that we give our young people the opportunities they need to achieve their full potential.

The concept of the youth guarantee is simple - to ensure that all young people under the age of 25 years receive good quality offers of employment, continued education, apprenticeships or traineeships within four months of becoming unemployed or leaving formal education. Given the size of the challenge involved and the financial constraints under which we still labour, though, this cannot be done overnight. While our published implementation plan is ambitious in its scope, it is important to stress that there is no instant or single solution to the problem of unemployment among young people. It will take time and perseverance and involve ongoing investment and the sustained effort of the State, employers, unions and jobseekers. This is what the Ballymun pilot scheme has clearly shown.

The guarantee will be implemented on a phased basis over time by enhancing the Intreo engagement with newly unemployed young people and maintaining and developing the current range of education, training and employment interventions for young people. By the end of 2014, processes and programmes will be progressively rolled out across the country, including County Meath, to ensure that all of those young unemployed people who need the most support - that is, are assessed as having a low probability of securing employment in the absence of support from the public employment services - will receive youth guarantee offers within four months. The guarantee will initially concentrate on the hard-to-place young people, those who

may have left school early or, despite their youth, have been unemployed for a considerable time.

Between 2014 and 2015, all long-term unemployed people under 25 years of age will be engaged by the public employment service and receive a youth guarantee offer if still unemployed after four months of the engagement process commencing. I consider long-term unemployed young people to be a major priority group, not just of the youth guarantee, but of our Pathways to Work activation strategy more generally. Without intervention and help, they risk becoming the “left behind” generation of the great recession.

**An Leas-Cheann Comhairle:** I must interrupt the Minister, but she will have two minutes to reply to Deputy Hannigan.

**Deputy Dominic Hannigan:** I thank the Minister for her comments. The guarantee is important for young people around the country. Last week, I spoke in a school in Ashbourne to approximately 80 young students. One of their concerns was the economy. I was able to tell them about our great progress in reducing unemployment levels. As I am sure the Minister is aware, the most recent figures for Kells show that the number of people unemployed has decreased by almost 300 in the past year. We must recognise that progress is being made, although we must do more.

I welcome the Minister’s comments on the roll-out of the scheme across County Meath and the rest of the country by the end of 2014. That is positive news. The many people who are keenly watching the scheme will be glad to hear it. Will the scheme be targeted at those areas where trends in unemployment levels are greater than elsewhere? Can we ensure that the people and areas that need the scheme most are prioritised? Are there plans in that regard?

**Deputy Joan Burton:** The youth guarantee will be run on a national basis. While it is unlikely that the Department will operate a specific scheme for each of the more than 60 local offices, as well as sub-offices run by contractors to the Department, there will be flexibility to tailor the implementation to local conditions with regard to the cohorts or groups of young people to be selected for engagement in the first instance. Therefore, the specific approach to be followed in County Meath, for example, will be a matter for the local departmental management in consultation with relevant stakeholders. I include public representatives in the area as being among those relevant stakeholders and, most importantly, employers. What I am seeking to achieve is a cultural change and to ask employers to include young people.

Later in the year and specifically in the forthcoming legislation we will widen the scope of a number of existing schemes that the Department operates to open them to people under 25 years of age. That might mean community employment, CE, schemes. There are people aged 24 years who might never have worked and the route to a job for them could be to go back into education or to continue the education they did not finish or it could be to participate in a local community employment scheme. I have visited Cork and saw a number of CE schemes which specifically involve young people in activities relating to local leisure centres, sporting activities and so forth, in which there is a great interest.

It is a very wide canvas but the critical issue is to bring in employers in the locality, both to tell young people about the types of jobs that exist and to include them when considering the people they are hiring.

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## Message from Select Committee

**An Leas-Cheann Comhairle:** The Select Sub-committee on Health has completed its consideration of the Public Health (Sunbeds) Bill 2013 and has made amendments thereto.

### Ambulance Service: Motion [Private Members]

**Deputy Billy Kelleher:** I move:

That Dáil Éireann:

acknowledging the:

- selfless dedication to their work, of the paramedics in our ambulance service;
- high quality of care that they provide; and
- uniquely pressurised nature of the work they undertake;

recognises that:

- there is nationwide concern and disquiet about the provision of ambulance services;
- this situation can be exacerbated by delays in accident and emergency wards;
- in 2013 only one in every three people with life-threatening conditions were responded to within the target time;
- delays in ambulance response times far exceed both national and international accepted norms;
- large areas of the population right across the country are regularly left without any local ambulance cover;
- the Health Service Executive lowered the ambulance response time targets to 80% in 2012 and 70% in 2013; and
- the centralisation of control and dispatch has led to concerns about a lack of local knowledge and the impact that can have;

notes that:

- the Republic of Ireland, with a population of 4.6 million, has an ambulance service that employs fewer than 1,600 staff and an annual budget of €137.4 million;
- Northern Ireland, with a population of 1.7 million, has an ambulance service that employs just fewer than 1,200 staff with an annual budget of £62 million - €78 million; and
- Scotland, with a population of 5.3 million, has an ambulance service that employs over 4,500 staff with an annual budget of £203.5 million - €258 million;

believes that:

— while paramedics do their utmost to provide a service to the highest international standards, this is impossible with current budgets;

— it is essential that paramedics be properly resourced to carry out their work; and

— such resources are not currently forthcoming from the Government; and

calls for the ambulance service to be appropriately resourced so as to ensure a safe and efficient service nationwide.

I am sharing time with Deputies Brown, Calleary and Ó Cuív.

At the outset I must put on record the selfless dedication to their work of the staff of the national ambulance service and their diligence in providing an extremely valuable service at the most difficult times. It is important when discussing these issues that we do not try to deflate morale, that we are conscious of the pressures the staff are under and the fact that they are working in extremely difficult circumstances and that they have their arms tied, in a way, due to lack of resources.

We tabled this motion because we have had serious concerns for some time about the national ambulance service. This has been highlighted time and again. I have tabled numerous parliamentary questions over recent times to elicit information from the Department, the Health Service Executive and the Minister about the national ambulance service and the views they hold on it. There appears to be a disparity between the views of officialdom, what is happening with the ambulance service on the ground and the type of service it provides to the citizens of this country. This was brought to a head in the “Prime Time” programme, which was very damning of the management of the national ambulance service, the Department, the HSE and the lack of resources available to the men and women who provide emergency cover throughout the State.

We have heard a great deal recently about Health Information and Quality Authority, HIQA, reports and HIQA carrying out a due diligence analysis of the national ambulance service. Any investigation or critique of the ambulance service will show that it is under-resourced, not only with regard to vehicles but also in terms of staff. Until there is an acknowledgement by the Minister and the HSE that this is a key problem in the delivery of safe emergency care, we are all wasting our time. The reason we tabled this motion was to highlight the inadequacies and deficiencies in the service and, hopefully, to get a positive response from the Minister and others who, to date, have been denying there is a problem in the national ambulance service. I do not believe the Minister is not aware of the problem, but there appears to be a reluctance to admit the difficulties and challenges the people in the service face daily in trying to deliver safe care.

Many individual incidents have been highlighted. There have been many tragic cases and I do not wish to add to the families’ grief by naming them in this House and consistently keeping them in the public domain, but they have been identified and catalogued on numerous occasions. They were repeated again in the “Prime Time” programme. If people are to have confidence in the transition to hospital groups or trusts and the downgrading of some accident and emergency departments, they must know definitively that an ambulance service will be available to them when they require it.

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A look at the statistics and data that have been compiled will show the service is simply not meeting the guidelines laid down by HIQA regarding first responder and an ambulance arriving on time, which is within 18 minutes and 59 seconds. These are specific times and they are provided for a reason. They represent international best practice and if these targets are reached, lives will be saved. Unfortunately, the service only reaches the targets 63% or 64% of the time. That is simply unacceptable.

When one compares the resources and time responses in the Republic with those in Northern Ireland and in Scotland, it is easy to see why the ambulance service is incapable of delivering the service that every citizen in this country expects and deserves. We simply do not have enough personnel or vehicles. There have also been some issues with the transition to a national call centre, but given that this transition might bring about more efficiencies in time, the key issue is personnel and vehicles.

There is a further issue. The Minister has put great emphasis on his successes and achievements in reducing the number of people waiting on trolleys in emergency departments, but there is another cohort of people that will have to be counted as well. It is not just the number of people waiting on trolleys but also the number of people waiting in ambulances to be brought into the emergency department. That is happening. The amount of time that ambulances are tied up outside emergency departments throughout the country is simply unacceptable, for many reasons. There are situations now where emergency vehicles arrive at the emergency department with their patients but they cannot unload the patient into the emergency department because of overcrowding. Cases have been identified to the Oireachtas health committee where ambulances have had to wait three and four hours before they could unload the patient. That is a bizarre waste of the time of personnel, who should be back on the road providing other emergency cover, and of the vehicle, which is tied up for hours, while the patient is in the ambulance when they should be in the emergency department.

There is a major problem in that regard and I hope the Minister will acknowledge it and address it in terms of resourcing. I understand the constraints under which the Department and the Minister are working. However, to deny there is a problem is an issue of major concern.

With regard to the Dublin Fire Brigade and the efforts of the HSE to seize it, I often wonder why we take the route of reconfiguration and reform when the Dublin Fire Brigade has been providing a valuable service in a very efficient manner for many years. It has a dedicated workforce of advanced paramedics and paramedics. The idea is that the HSE would annex it and subsume it into its organisation, which is not, to say the least, a shining example of efficiency in terms of the use of resources.

I only have a short time to speak but there is another area of the use of resources which I will refer to in more detail when replying to the debate tomorrow night. It is the issue of some of the national ambulance service management personnel and the use of emergency vehicles. This is an area which I believe the Committee of Public Accounts should investigate. If the committee does not investigate it, the Minister should. It is simply unacceptable that we have scarce vehicles traversing this country not on call or in response to emergency calls but parked outside the homes of senior management. This is an unacceptable practice and must be examined, and I hope the Minister has asked for a full audit of it. If he has not asked for an audit, the Comptroller and Auditor General should be brought in to investigate the use of public funds for this purpose. It should also be referred to the Committee of Public Accounts, because this is simply an unacceptable use of scarce assets.

Some of the figures have been supplied to me in a very diluted way. I tabled several parliamentary questions and while I respect that those who reply to them are doing their duty, sometimes I receive couched answers and we should also look at that. The bottom line is that the National Ambulance Service does not have the resources and is overstretched. It is servicing a population of about 4.6 million people. It has not got the capacity to deliver a safe, efficient and effective service. The Minister is putting people's lives at risk by not putting adequate resources into it. He is putting huge stress and pressure on the personnel who provide emergency cover for our citizens every day and night. He needs to do an awful lot more to address this. I know he has asked the Health Information and Quality Authority to investigate, but what is HIQA investigating? Can HIQA subsequently inform the Minister that his resourcing of the National Ambulance Service is inadequate and that, to comply with international best practice, it needs additional personnel and additional vehicles? If the report suggests that, will he increase recruitment and funding?

We tabled this motion to highlight the palpable fear that exists. This is not scaremongering; this is happening every day and night in communities throughout the country. Rural Ireland is a case in point, where people simply do not know, if they are involved in an accident or if they need an emergency response vehicle or an ambulance, whether it will come on time, within a reasonable time, or at all. I believe this motion was tabled for one reason, which is to try to get the Minister, the HSE and the management at the National Ambulance Service to accept that they are not meeting the critical response times necessary to save lives. If they continue, lives will be lost, so I urge that the motion does not fall on deaf ears and a meaningful response is provided.

**Deputy John Browne:** I compliment Deputy Kelleher on tabling this motion. It gives us an opportunity to express our concern and to highlight the difficulties faced by people in our constituencies waiting on the ambulance service. There is nationwide concern and disquiet about the provision of ambulance services, with delays in ambulance response times far exceeding national and international recommended norms. Large areas of the population throughout the country are regularly left without any local ambulance cover. While dedicated and professional staff do all they can, it is obvious that more resources will be required to address the deficit in service provision.

Several incidents and many recent media reports have brought the quality of our ambulance service to the fore in recent months. The "Prime Time" television programme gave a very comprehensive and revealing insight into the problems on the ground. Alarming, it also seemed to indicate a management culture that is effectively in denial about the scale of the difficulties. While watching the programme, I was amazed that the person in charge of the ambulance service would not accept there was a problem and that there will be a problem down the road unless extra resources are made available. He seemed to be programmed to give the one stock reply that everything was fine, when we all know the ambulance service is not what it should be. The ambulance service management should spell out clearly to the Minister the difficulties involved, instead of saying that everything is rosy when it is not. It is clear the service is underfunded and understaffed and, while it remains this way, it will be impossible for the ambulance service to meet the recommended response times.

As the National Ambulance Service Representative Association pointed out after the "Prime Time" broadcast, "we do not have the personnel or the vehicles to meet these targets and it is time for the National Ambulance Service to accept that these targets are unrealistic unless cut-backs are reversed". That is not a political charge from this side of the House, but is coming



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from the National Ambulance Service Representative Association.

My county of Wexford is certainly under-resourced, especially at night. There are only three ambulances operating during the night in Wexford, which has a population of 140,000. That population increases to 190,000 people in the summer, when Dubliners and many other visitors come to their holiday homes in the county. Wexford General Hospital and the ambulance service are expected to provide an adequate service, despite no increase in funding from the Department of Health. This is causing major problems because, on many occasions, there are only two ambulances operating because the third ambulance has gone to Waterford Regional Hospital with a patient who requires orthopaedic attention. As a result we have only two ambulances at night for a population of more than 140,000. There were more ambulances at night in Wexford in the 1970s and they had a carrying capacity of two, yet now we only have a carrying capacity of one. This highlights the reduction in service that has taken place and which does not in any way meet the need of the population.

There is much disquiet that the closure of the Wexford control centre will occur when the new national control centre is in operation, and there is certainly a lot of disquiet about that because people feel that while it is diverted to Dublin, they will not have the local knowledge or the expertise on the townlands and communities involved. This is not a move in the right direction.

There are only four advanced paramedics in Wexford. I understand more will be trained and allocated to different counties in future. The advanced paramedics do a great job. They are essential before the ambulance arrives and it is important there is more training of advanced paramedics sooner rather than later.

With a population of 4.6 million, Ireland has 1,600 ambulance service staff. With a population of 1.7 million, Northern Ireland has 1,200 staff, while Scotland employs 4,500 staff and has a population of 5.3 million. That proves without doubt that the National Ambulance Service in this country is underfunded and understaffed. Perhaps the Minister can comment on how he expects the services to be provided in this country with significantly fewer staff than our counterparts in Northern Ireland or in Scotland.

Deputy Kelleher spoke about the delays in the accident and emergency departments, and certainly we have had huge delays at the accident and emergency department in Wexford General Hospital, and I am sure it is the same in every other hospital in the region. Overcrowding at accident and emergency departments causes difficulties for ambulances when they arrive with new patients as they cannot deal with any new calls until they transfer their patients to the care of the hospital. Information released under the Freedom of Information Act to *The Irish Times* shows that many ambulances are regularly being held up for an hour or more at emergency departments when the HSE's target turnaround time for these ambulances is 20 minutes. We can see the farcical situation that exists there. Throughout the country in 2012 and 2013, these targets were being missed.

*8 o'clock*

In the east, ambulances were regularly delayed by at least an hour in approximately 40% - and up to 48% - of cases in the first eight months of 2013. In the north west, almost one in five ambulances had a turnaround time of more than an hour last December. That cannot be said to meet the times designated by HIQA in any way. In the midlands, ambulances were held up for

at least an hour in more than 80% of cases in January, March, May and July of last year before they were able to transfer patients to accident and emergency departments and depart on new calls.

The difficulties that are being faced by the ambulance service and its staff will continue as long as the Department of Health is not making funds available to the HSE. I do not think the Minister is being told the truth or being given the facts. If one were to listen to what the head of the ambulance service had to say on “Prime Time”, one would think everything was grand. The reality on the ground is that things are not working out fine. Things are not what they should be. The Minister should spend some time visiting hospital services. He should go to accident and emergency departments to see the situation where ambulances are operating.

The episode of “Prime Time” to which I refer suggested that many rapid response vehicles are being used as company cars, in effect, by some staff of the National Ambulance Service. I hope that is not the case. According to “Prime Time”, this is what is happening. The use and apparent abuse of these vehicles raises serious issues that must be confronted by the management of the National Ambulance Service. The National Ambulance Service Representative Association has valued each of these high-specification vehicles at approximately €100,000. Ambulance people have pointed out to me that the €6 million which was spent on such vehicles would buy 24 much-needed ambulances.

Perhaps the Minister will explain in his reply what he is doing in response to the recent “Prime Time” investigation. I am aware that HIQA is now involved. The practices that were depicted on “Prime Time” are not desirable and should not be tolerated in this House. As the head of this country’s health service, the Minister should not be tolerating them. It seems from the evidence that was outlined on “Prime Time” that rapid response vehicles are being put to significant personal use and are making little if any contribution to the provision of emergency care. As I have said, this is intolerable.

It seems that many vehicles are not being used at night or at weekends to attend emergency call-outs. This calls into question the efficiency of the system. Why are we spending huge amounts of money purchasing such vehicles if we are not using them to provide services in the intended manner? It was highlighted clearly on “Prime Time” that we did not get value for money in the case of the recent purchase of vehicles at a cost of €100,000 each. I ask the Minister to clarify in his response if he has found out whether the “Prime Time” allegations are true. If so, what has he done to ensure ambulance personnel and management do not continue to use these vehicles in this manner? Will they now be used to provide the important emergency services that are required by people who are suffering from heart attacks or other ailments and need to get to hospital as quickly as possible?

**Deputy Éamon Ó Cuív:** Tá áthas orm go bhfuil deis agam cúpla focal a rá maidir leis an tseirbhís otharchairr. Is dócha gurb é an rud is suntasaí ar fad ná cé chomh fada agus a bhíonn ar mhuintir an iarthair fanacht ar otharcharr. Tá sé léirithe nach mbíonn ach 45% de ghlaonna amuigh i gceantar an iarthair ann laistigh den am atá molta le haghaidh cásanna éigeandála a bhaineann le taomanna croí, srl. Ní bhíonn ach 49% ann laistigh den am i gcásanna den dara grád síos, a bhaineann le cásanna práinneacha eile. Dá mbainfí as leithéidí cathair na Gaillimhe agus baile Chaisleán an Bharraigh, is dócha go mbeadh an figiúr sin i bhfad níos ísle amuigh faoin tuath san iarthar. Glacaim leis go bhfuil áiteanna san iarthar nach dtarlaíonn sé seo ar chor ar bith.

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Ba mhaith liom a fháil amach ón Aire, i bhfianaise na díospóireachta a bhí againn cheana féin ar an gceist seo, céard atá i gceist aige a dhéanamh. Cuireadh in iúl don Aire cheana gur tháinig muid aníos le freagra ar an gceist seo, le maoiniú Stáit; sé sin, go mbeadh otharcharranna deonacha ar fáil sna ceantair is faide ó bhaile ionas go mbeadh seirbhís ar fáil iontu. Tá sé ráite linn le gairid go bhfuil fadhbanna traenála ann. Ba mhaith liom freagra sonracha a fháil ar dhá cheist. An mbeadh sé níos fearr otharcharr sciobtha le daoine traenáilte - ach b'fhéidir gan iad a bheith traenáilte ag an ardleibhéal amach is amach - a bheith ar fáil, nó gan otharcharr ar bith a bheith ar fáil laistigh den am atá molta? B'fhéidir go bhfuil an tríú rogha i gceist. Cén fáth nach féidir daoine deonacha a thraenáil suas go dtí an caighdeán a bheadh ag teastáil? Tá na daoine sásta an obair a dhéanamh go deonach, tá na feithiclí ann agus tá an trealamh is nuaimseartha ar fad curtha ar fáil. Breathnaíonn sé gurb fhearr leis an gcóras drochsheirbhís a chur ar fáil - d'fhéadfadh go mbeadh sé ródhéanach i go leor de na háiteanna seo - seachas suí síos agus féachaint conas is féidir acmhainní an phobail a úsáid.

Ní chreidim go mbaineann sé seo le hairgead amháin. Creidim go mbaineann sé le dearcadh, le heaspa nuálaíochta agus le heaspa tuisceana. Tá sé cineál áiféiseach gur féidir le ceann de na hotharcharranna seo dul go dtí cluiche peile, seó caorach nó imeacht eile mar sin ar eagla go bhfaigheadh duine éigin taom croí. Áirítear go mbeadh sé feiliúnach le feidhmiú i gcás éigeandála den sórt sin, ach ní bhraithim go mbeadh sé feiliúnach an rud ceannann céanna a dhéanamh dá mbeadh éigeandáil ag do theach nó mo theach. Ní thuigim an míniú atá ar an scéal sin. I gcás an t-otharcharr is gaire domsa, ar an bhFairche, bhí an dochtúir sáite isteach san obair pobail a bhí i gceist ansin. Bhí sé bainteach leis an otharcharr. Tá a fhios agam i gcásanna éigeandála go mbíodh sé sásta dul leis an othar isteach go Gaillimh. Tuigeann na pobail tuaithe go gcaithfidh siad cur ar a son féin, agus go minic nach féidir na seirbhísí a thabhairt chomh fada leo i dtráth ceart.

Ba mhaith liom ceist na seirbhísí ar Oileáin Árann a ardú leis an Aire i gcomhthéacs an costais agus, dar liomsa, an mhístuaim a bhaineann leis an gcóras atá á oibriú ag an HSE i láthair na huaire. Tá caint ann go bhfuil comhghleacaí an Aire, sé sin Aire Stáit na Gaeltachta, ag iarraidh deireadh a chur leis an tseirbhís aeir go dtí Oileáin Árann. Ba mhór an trua dá dtarlódh sé sin, ós rud é go n-úsáideann na seandaoine ar fad ar na hoileáin, nach mór, an tseirbhís aeir. Bhí socrú ann ar feadh na mblianta fada, dá dtarlódh éigeandáil i rith an lae agus dá mbeadh duine le tabhairt go Gaillimh ar chomhairle an dochtúra, go mbainfear na suíocháin amach as an eitleán - go minic, bheadh an t-eitleán ar Inis Mór nó ar cheann eile de na hoileáin ar aon chaoi - agus go gcuirfear an t-othar isteach. Tógfar é nó í go dtí na Minne agus tagadh an t-otharcharr as Gaillimh chomh fada leis na Minne. Bhí ar an HSE beagáinín airgid a híoc le hAer Árann, ach i gcomhthéacs an airgid a bheadh i gceist, bhí an socrú sin saor.

Mar mhalairt ar sin, níl an HSE sásta aon airgead a híoc le hAer Árann. Cuireann siad glaoch ar an ingearán as an tSionainn nó an t-ingearán as Áth Luain le teacht isteach agus an t-othar a thógáil ón oileán. Mar is eol don Aire, tá costais ingearáin in aghaidh na huaire i bhfad níos mó ná costais eitleáin atá ar an láthair ar aon chaoi. Ní bheadh i gceist ach cúpla céad euro leis an eitleán a fháil le haghaidh turais mar sin. Is eol don Aire go bhfuil costas mór ag baint leis na hingearáin troma sin a thabhairt chomh fada leis na hoileáin. Mar nach bhfuil ar an HSE íoc go díreach as an ingearán, is cosúil go gceapann siad go bhfuil sé níos saoire ar an Stát ingearán a thabhairt isteach seachas eitleán Aer Árann a úsáid. Ar ndóigh, dá mbeadh an t-ingearán ag tabhairt othair nach raibh chomh tinn sin go Gaillimh nuair a tharla éigeandáil amuigh san fharraige, ní bheadh an t-ingearán ar fáil leis an obair a dhéanamh.

Mar sin, is cosúil go bhfuil córas ar bun atá mí-éifeachtach, atá ag cosaint airgid agus atá

ag cur as do sheirbhísí. Dé réir mar a thuigim, ag éirí as seo uilig, bhí ar an dream atá ag plé le cúrsaí sláinte agus leighis ar na hoileáin níos mó úsáide a bhaint as an mbád tarrthála le cúpla bliain anuas ná mar a baineadh as le fada an lá. Glacaimid uilig atá ag plé leis na hoileáin leis gurb é an t-ingearán an t-aon réiteach san oíche, mar nach bhfuil aon bhealach ag na heitleáin dul ann i rith na hoíche. Nuair atá siad ag dul isteach is amach as na Minne i rith an lae - go minic, bíonn siad ar na hoileáin ar aon chaoi - níl dua ar bith úsáid a bhaint astu. Mar sin, is sampla é seo de bhealach eile ina bhfuil airgead á chur amú ag an Stát. Níl taobh amháin den Stát ag cur ceiste ar an taobh eile den Stát faoi céard atá ag tarlú.

Go ginearálta i dtaobh na bhfigiúirí, deirtear go bhfuil staitisticí agus bréaga ann agus gur féidir staitisticí a iomrascáil le freagra ar bith a fháil. Ar ndóigh, tá sé an-éasca a rá go náisiúnta go dtagann na seirbhísí seo ar an láthair laistigh den oiread seo achar ama, nó laistigh den tréimhse atá leagtha síos. Cén fhad a chaithfidh na hotharcharranna dul i mBaile Átha Cliath? Cén t-aistear bóthair atá i gceist? Ar ndóigh, tá an chuid is mó den daonra suite thart ar mhórcheantar Bhaile Átha Cliath. Ní thugann sé sin léargas cruinn ceart ar na fadhbanna atá roimh na pobail tuaithe i dtaobh na seirbhísí seo. Sílim go mbeadh sé thar a bheith spéisiúil dá mbeadh an tAire agus an Roinn in ann mapa a réiteach agus a fhoilsiú a leagann amach cé mhéad de ghlaonna a bhíonn ar an láthair taobh istigh den sprioc ama, ach é a bheith réitithe ar bhonn tíreolaíochta seachas ar bhonn daonra. Dá ndéanfar é sin, bheadh sé soiléir go bhfuil spotaí dubha móra millteacha in áiteanna sa tír nach bhfuil éinne ag caint fúthu. Tá an Rialtas in ann na figiúirí a fháil ceart trí staitisticí na tuaithe a mheascadh le staitisticí na cathrach.

Mar sin, tá jab mór le déanamh ag an Aire. Tá cothromas le fáil. Tá pobal na tuaithe sásta a gcuid féin a dhéanamh leis an bhfadhb a réiteach. Is cosúil go bhfuil dearcadh righin diúltach don nuálaíocht agus d'aon cur chuige a réiteodh fadhbanna ag an HSE. Is léir nach bhfuil an tAire ag rá leo go gcaithfidh siad breathnú ar chóras nua-aimseartha agus plé a dhéanamh leis na pobail. Teastaíonn seirbhís agus cothromas ó phobal na tuaithe mar aon le pobal na cathrach.

**Deputy Dara Calleary:** I thank Deputy Kelleher for the opportunity to debate this motion.

At the end of February, Ms Laverne McGuinness, the deputy director-general of the HSE, addressed the Joint Committee on Health and Children along with the managers of the ambulance service. At that meeting, she stated:

The primary role of the ambulance service is to deliver a responsive emergency service to the public in pre-hospital emergency care situations, with patient care at the heart of this service. Care begins immediately at the time the call is received right through to the safe transportation and hand-over of the patient to the receiving hospital.

She also stated: “Responding to emergency calls within the target response time is a key objective of the ambulance service”. Let me outline the reality of how the service operates. On 21 October, the service received a call from a patient in Ballina at 10.40 p.m. Apparently the ambulance was mobile three minutes later, which is fantastic and a tribute to the staff on board. It got to the scene at 12.10 a.m. It left the scene at 12.29 a.m. and was at the hospital at 1.02 a.m. and clear at 2.09 a.m. The reason for the delay was that the ambulance came from Boyle in County Roscommon because the ambulance crew based in Ballina was responding to a call in Rooskey in County Roscommon. Earlier that evening, an ambulance crew from Clifden had to be called to Ballina to address a call in that region. That is the reality on the ground and the HSE makes no apology for it. Minister of State Deputy Kathleen Lynch had to intervene for me to obtain an answer to a parliamentary question on the ambulance service. The HSE stated

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the national ambulance service operates on a national basis as opposed to a local basis. This contradicts directly the notion of having patient care at the heart of a service.

In County Mayo tonight there are two ambulances based in the Castlebar region, one in Ballina and, since it is Tuesday, one on call in Belmullet. If they are called out of the county, as they are given the approach of operating on a regional basis, there will be no ambulance. The Minister will know Belmullet as his roots are there. Erris is the size of County Louth. We are saying that but one ambulance on call there tonight is good enough for the people there. Anybody taken seriously ill in Belmullet tonight will immediately be brought to Mayo General Hospital so the ambulance will be gone from the region for at least two hours. That is for a basic call. We saw the consequences of this recently. Former Deputy Dr. Jerry Cowley had to deliver a baby because the ambulance that was to bring a pregnant lady from Achill to Castlebar was late arriving.

Deputy Jerry Buttimer chaired the meeting at which Ms McGuinness was present. She and the managerial staff were genuine in their belief that the original model is the way to go. However, the practical consequences in large rural areas are such that the model does not work as desired. We are not scare-mongering in that there have been deaths, including in Donegal and Louth. The case in Louth was particularly tragic because it was in a large urban setting that the response did not happen. It is not fair to lay the blame completely at the Minister's door. Deputy Brown stated the Minister is not being given the full picture. He has a reputation for carrying out on-the-spot checks and calls. I encourage him to make an on-the-spot call some night to the national ambulance call centre to determine the cause of what is happening

When one examines the HIQA target and the reality pertaining to calls, one realises fewer than one third of calls are within the target time. Perhaps HIQA in its upcoming review will revise the appropriate target time so people will have a realistic expectation as to when an ambulance called will respond to their need. They just might need to find another way of getting their loved one or other sick person the care they need straightaway.

It very much boils down to resources. As my colleagues have pointed out, resources have been made available, including jeeps and rapid vehicles. On the "Prime Time" programme, we saw how they are being used. It is now three weeks since the "Prime Time" programme but there has been no adequate explanation given for the use of the vehicles in the meantime. If the resources the Minister has provided are not being managed in such a way as to put patient care at the centre, it is another issue that either the Minister or HIQA will have to consider in the context of the review.

It has been incredibly difficult to obtain answers to parliamentary questions on the national ambulance service. The reason Minister of State Deputy Kathleen Lynch became involved is that she replied on behalf of the Minister to a topical issue. I raised with her the difficulty in obtaining a response to a question. On one occasion, it took three months to get basic information back. On another occasion, I asked how many ambulances had left County Mayo to answer calls in other counties, and *vice versa*. I was told that information on response times on a county basis, in addition to the number of occasions on which ambulances from outside County Mayo are deployed to answer calls in the county, is not available. The ambulance service does not record these data. The location of one's vehicle, or any company asset, and the service it is providing at any given time is basic management information, yet it cannot be provided. In order to measure how the regional policy is working, surely the ambulance service should have at its fingertips the location of the four ambulances on call in County Mayo tonight. It should

be able to tell this tomorrow, if someone goes looking for it for any reason. The same applies to any county in terms of where the ambulances were tonight or this time last year, if they have any basic management information system in place to record ambulances. I presume they have tracker systems and GPS. This strikes me as a very strange and unco-operative system in terms of trying to get basic information on how such an important service works.

When we think outside the box in terms of the ambulance service, it can work. The emergency aeronautical service has been a huge success and has directly saved lives, and the Minister might clarify if there are any plans to expand that. However, there is also enormous frustration among the staff of the service. As with all public service workers, they are subject to all of the cuts of recent years. Ambulance personnel in particular have to cope with extra pressure and trauma due to their place at the front line of our emergency services. There is also the question of the definition of, for example, those within the service who have trained and qualified as paramedics and who do the duty of a paramedic but who only get paid as an EMT, which is a grade below paramedic. There are quite a number of such people within the service.

I put that question to Mr. Dunne on the night of the committee meeting and he avoided answering it. To be honest, putting down another PQ to the ambulance service and waiting a few months for a response is a waste of my time. I would like the Minister to look into this and to explain what are the divisions within the service which mean very qualified and dedicated people feel alienated from their colleagues because of some sort of grade issue. These people are doing the same job as those working with them, but those working with them are getting paid more.

In the view of Mr. Dunne, we apparently have the best ambulance service in the world. We do not. The notion that he thinks that is actually quite frightening, as is the notion that he was able to go on “Morning Ireland” and express this in the context of the programme he had viewed the day before, and in the context of the fact some of his workers bravely co-operated in the making of that programme and gave their version of events inside Leinster House. We have the best ambulance workers in the world, of that I have no doubt, and all of us know of examples where they have responded to calls. All of us will stand with them when they face God knows what or when they get a call at any stage. I have seen this personally. However, have we the best service in the world? Have we a service that actually treats the best ambulance workers in the world with respect? Clearly, we do not. Have we a service that is run and managed with what it aspires to have, namely, to have patients and patient care at the heart of the service? There is no way we can say that, under this alignment and this way of running things, patient care is at the heart of the service. I say we must give the people who work in the service the service they deserve, give the people who need the service the service they deserve and give the country the ambulance service it needs based on its geographical make-up.

**Minister for Health (Deputy James Reilly):** I move amendment No. 1:

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

“acknowledges ambulance service personnel for the high quality of care they provide;

recognises that:

— in the 12 months of 2013, ambulance services responded to over 281,000 emergency calls, an increase of almost 14,000 calls on 2012;

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— since 2011, the National Ambulance Service has implemented response time standards on a phased basis, in tandem with planned service improvements;

— in order to drive improvements in response times, a new target has been set in the national service plan for 2014 for 80% of life-threatening calls to be responded to within 19 minutes, when last year's target was between 68% and 70%;

— response time indicators are not clinical indicators and do not measure patient outcomes, accordingly the National Ambulance Service, in line with other jurisdictions, is developing clinical outcome indicators for pre-hospital emergency responses;

— ambulances are now strategically deployed - they are not located at a single station during a shift but where they are most likely to be required;

— the National Ambulance Service is currently developing a national emergency department turnaround framework to ensure consistent and rapid intervention to any delay in ambulance turnaround times;

— ambulance turnaround times at hospitals are monitored on a continuous basis via the command and control centres and an escalation policy is operated in the event of any issues arising; and

— dedicated emergency aeromedical support is provided to rural areas, particularly in the west, where land transit times may not be clinically appropriate;

notes the:

— significant reform programme which is currently under way to reconfigure the way the Health Service Executive, HSE, manages and delivers pre-hospital care services, to ensure a clinically driven, nationally co-ordinated system, supported by improved technology;

— single national control system, due for completion in 2015, will improve our control and dispatch performance thereby improving response times;

— ongoing reform of rostering practices whereby the practice of 'on call' rostering is being replaced with 'on duty' rostering which leads to faster deployment as the crew is in position to respond immediately to calls; and

— development of the intermediate care service, which transports patients between facilities thus freeing up emergency vehicles to focus on emergency calls;

further notes that:

— three separate reviews are currently under way, the aim of which is to improve our ambulance services;

— a national capacity review is currently under way to determine the level and use of resourcing required for a safe and effective service now and into the future;

— the Health Information and Quality Authority is currently reviewing the governance arrangements of pre-hospital emergency care services to ensure the timely assessment, diagnosis, initial management and transport of an acutely ill patient to an appropriate health care facility;

— a joint review of the Dublin Fire Brigade ambulance service has been commissioned by Dublin City Council and the HSE, to determine the best model for emergency care provision in Dublin; and

— despite the pressure on the health care budget generally, the Government has prioritised ambulance services and additional funding of €3.6 million and 43 staff have been provided in the national service plan 2014; and

commends the Government on its commitment to the further improvement of pre-hospital emergency care services.”

I wish to share time with Deputies Jerry Buttimer and Joe McHugh.

**Acting Chairman (Deputy Frank Feighan):** Is that agreed? Agreed.

**Deputy James Reilly:** At the outset I would like to thank the Deputies for raising this issue and providing me with the opportunity to reaffirm to the House this Government’s commitment to the development of our ambulance service. I will deal with some of the points raised. In recent years we have made a very significant investment in the ambulance fleet, in new technology and in our workforce. Indeed, in 2014 an additional €3.6 million and 43 staff have been provided to the National Ambulance Service in the HSE service plan. A major reform programme is now under way to reconfigure pre-hospital care services in Ireland. This reform programme will ensure a clinically driven, nationally co-ordinated system, supported by improved technology. Our aim is to provide a service that is safe, high quality, timely and patient centred, with at all times the outcome for patients at its core.

First, however, let me address the issue of response times. There have been a number of media reports recently regarding delayed responses, and I want to take the opportunity to confirm that responding to emergency calls within target is a key objective of the National Ambulance Service. It is acknowledged, however, that response times around the country vary, based on a number of factors including geographic and demographic challenges, as in the west, which was referred to by a number of Deputies; road networks; the use of emergency ambulances for inter-hospital transfers; and hospital hand-over times.

HIQA has set emergency response time targets and these have been implemented by the National Ambulance Service on a phased basis since 2011, in tandem with planned service improvements. In the case of calls classified as Echo, which are life threatening cardiac or respiratory calls, the 2013 target set by the HSE was that 70% of such calls should have a patient-carrying vehicle on scene within 19 minutes. In the case of Delta calls, which are calls for life threatening conditions other than cardiac or respiratory, the target was 68%. Notwithstanding the fact that the volume of emergency calls increased last year by, from memory, some 1,000 a month, national responses for Echo calls were less than 1% below the target of 70%, with some regions performing as high as 79%. For Delta calls, national performance was just under 4% less than the target of 68%. Therefore, it is not true to say that, in the case of serious illness, only a third of calls are met within the target time, as it is over two thirds. I would also point out that while the National Ambulance Service did not reach its targets in 2013, it responded to more calls within the target time than in 2012. If the volume of calls had remained constant, there would have been an even more significant improvement in response times.

I have to point out to the Deputies opposite that in their term of 14 years in government, they never bothered to mention response times, let alone measure which ambulances were in County



Mayo or outside it at any given moment.

**Deputy Billy Kelleher:** That is factually incorrect. There were guidelines of ten minutes, 20 minutes and half an hour. They were there.

**Deputy Dara Calleary:** What has this Government done in three years? Is two hours an improvement?

**Deputy James Reilly:** We are here and we are improving it in a methodical fashion. However, the Deputies have a very short memory - a convenient amnesia brought about, I suppose, by too many years in government.

**Deputy Dara Calleary:** The Minister does not suffer from it.

**Deputy James Reilly:** In order to drive improvements in response times, the bar has been raised this year and a new target has been set in the national service plan for 80% of all life threatening calls to be responded to in less than 19 minutes this year. It is worth noting that when this Government took office, as I said, there were no response time targets at all as the previous Government was not even measuring them.

**Deputy Billy Kelleher:** That is factually incorrect and the Minister knows it. He is directly misleading the House. He knows there were target times.

**Acting Chairman (Deputy Frank Feighan):** The Minister, without interruption.

**Deputy James Reilly:** I beg Deputy Kelleher's pardon. There was not and they did not measure them, so how could they know? This is the Fianna Fáil *modus operandi*, of course: if you say it often enough, it becomes so. This goes right back to Charles J. Haughey and his approach to life.

*(Interruptions).*

**Acting Chairman (Deputy Frank Feighan):** The Minister, without interruption.

**Deputy James Reilly:** I should, however, caution that while response times are helpful for performance measurement, they give a very narrow view of service performance and should not be used in isolation. Accordingly, when we are assessing performance, we should also have regard to patient outcome indicators. I am pleased that the first outcome key performance indicator, which is for the return of spontaneous circulation in the emergency department for heart attacks under certain defined circumstances, is being introduced by the National Ambulance Service this year.

The National Ambulance Service is proactively seeking to improve response times and has put in place a performance improvement action plan. The plan has 57 action points including improving call-taking allocation and dispatch and crew mobilisation times; appropriate targeting of emergency and intermediate care vehicles; and improving emergency department turn-around times.

A key measure of the reform programme is the national control centre reconfiguration project. The National Ambulance Service has operated in eight ambulance regions with no interconnection of radio and computer systems. This has delayed improvements in emergency response times, particularly at regional boundaries, where the nearest ambulance may be in

the neighbouring region. A reconfiguration project is under way to establish a single national ambulance control centre on two sites, with significant investment in new voice, data and mapping technologies. This is in line with best international practice and will allow the National Ambulance Service to deploy emergency resources more effectively and efficiently, regionally and nationally, rather than within small geographic areas. The national control centre will be located in Tallaght and Ballyshannon, with the project expected to be completed next year.

In 2013, under the control centre migration plan, Cork, Tralee and Navan control centre functions moved to the National Ambulance Service control centre at Townsend Street, which has operated a computer-aided dispatch platform since November 2013. National digital radio, TETRA, is now online in the former east region - that is, Dublin, Kildare and Wicklow - Cork and Kerry, and the former north east - that is, Louth, Meath, Cavan and Monaghan. It will roll out to other areas during 2014, starting with the former west area.

In co-operation with staff, the National Ambulance Service, NAS, is successfully moving from on-call rostering where staff are off-site waiting to be summoned to on-duty rostering where paramedic crews are in their stations or vehicles during shifts. This leads to faster deployment as the crew is in position to respond immediately to calls rather than the average on-call deployment of over 20 minutes.

A key performance issue has been the use of emergency ambulances for routine inter-hospital patient transfers. NAS is developing dedicated non-emergency patient transport through the intermediate care service for routine transfers. This frees up emergency resources for emergency tasks improving response times and performance. The intermediate care service with over 73 intermediate care staff and 36 vehicles now operates in Cork, Galway, Sligo, Letterkenny, south Dublin, Mayo, Limerick, Louth, Monaghan, Cavan, Kerry, Waterford, Sligo and Roscommon. Further staff will be assigned in 2014. This obviously frees up more emergency vehicles to deal with emergencies.

As I indicated, improving turnaround times in emergency departments is addressed in the performance improvement action plan. Ambulance turnaround times at hospitals are now monitored on a continuous basis via the command and control centres. When an issue regarding turnaround time arises, NAS operates an escalation policy. This escalation policy involves contact via the command and control centre to the hospital emergency department and the dispatch of an ambulance resource manager to the emergency department to assist in the mitigation of the delay. I should also mention that NAS is currently developing a national emergency department turnaround framework to ensure consistent and rapid intervention to any delay in ambulance turnaround times. In response to Deputy Browne's allegation that there are regular hour-long delays, the turnaround time is not reported in the performance monitoring report but NAS is now gathering this data. However, the average time turnaround in Wexford General Hospital in March was 22 minutes and 42 seconds and times of one to two hours occurred in under 5% of cases. In response to Deputy Calleary, I will check out the delays in responses to parliamentary questions. That is not in anyone's interests and should be addressed.

I noted earlier that one of the factors affecting response times is geographic and demographic challenges, particularly in isolated rural areas such as in the west of Ireland. One of the ways in which we have met this challenge is through the establishment of the emergency aeromedical support service. This is a pilot project between NAS and the Air Corps which provides dedicated aeromedical support in the west and other areas, specifically where land transit times would not be clinically appropriate. The emergency aeromedical support service com-

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pleted 368 missions in 2013, one third involving STEMI-type heart attack patients who need time-critical transfers to primary percutaneous coronary intervention, PCI, units for treatment. In other words, they need a stent within 90 minutes of the onset of the heart attack. A review of the pilot project found a clinical need for the service and that it should be established on a permanent basis. An inter-service group is examining how best to do this. Agreement has been reached with my colleague, the Minister for Defence, to extend aeromedical support by the Air Corps until June 2014, pending decisions on how best to establish a permanent service. With 14 years in government and more money than one could count, Fianna Fáil could never put an air ambulance service in place. Another vital service provided by NAS is the neo-natal retrieval care service, which was expanded in December 2013 to a 24-hour, seven-day-a week service. This service transports critically ill infants with their clinical care teams to high acuity care. It has now completed over 100 transfers.

The ambulance service is under scrutiny in a way that has never happened before. Three reviews are taking place at present with a view to further improve our ambulance service. First, HIQA is conducting a review of governance arrangements in pre-hospital emergency services to ensure timely assessment, diagnosis, management and transport of acutely ill patients to appropriate health care facilities. This review includes an assessment framework designed against the national standards for safer better health care.

The objective of the review is to seek assurance that NAS has in place a clear strategic direction with implementation plans and control measures for the national service; robust governance and leadership arrangements at all levels within the service; clearly defined schemes of delegation; appropriate controls in place through service-level agreements with third parties delivering services on behalf of the national service; appropriate quality and risk management arrangements; a well-organised, skilled workforce with a culture of continuous improvement; and the use of care pathways, clinical outcomes and other performance indicators that demonstrate that the ambulance service is both safe and effective. It is anticipated that the review will lead to a range of recommendations aimed at ensuring NAS is enabled to develop and benchmark its services using modern outcome indicator data used by similar ambulance services internationally. At my request, HIQA brought forward this planned review of NAS and I am pleased that the review has now commenced. I understand that the review will be completed by the end of the year.

Second, NAS has commissioned an independent national capacity review to determine the level and use of resourcing required for a safe and effective service. The capacity review is a tool used by many emergency medical services around the world in order to identify the volume and location of resources required to achieve optimal effectiveness and efficiencies, improve performance and deliver a better service to the patient. The capacity review will be undertaken by the Association of Ambulance Chief Executives from the UK. The association has wide international experience in operational and strategic reviews of this kind. The review has begun and it is expected to be completed in the third quarter of this year.

Finally, in the context of the development of the national control system, the Dublin City Manager and the HSE's chief operating officer commissioned a joint review of Dublin Fire Brigade's ambulance service. The review will consider all aspects of Dublin Fire Brigade's ambulance operations, including the capacity and capability of ambulance services. The review will inform consideration of the best model for provision of emergency medical services in the greater Dublin area. There has been much speculation about this review and I am aware of the concerns raised by some about the future of the service. I assure those concerned that I fully ap-

precipitate the long arid proud tradition of service provided by Dublin Fire Brigade to residents of Dublin. This review is not in any way a negative reflection on that service, rather it is a means to establish the best way forward in light of the move to a single dispatch system.

The three reviews are being conducted in parallel in a concerted effort to examine our pre-hospital emergency care services throughout the country with a view to identifying the best way to enable them to meet the challenges of the future. I look forward to the recommendations of all three reviews, which will be considered in a holistic and coherent manner. I am confident that the recommendations will guide us in the provision of a modern, forward looking service that is capable of delivering the best possible outcomes for the public.

I will touch on a few points that were raised around rapid response vehicles and issues raised by Deputy Ó Cuív about the air service to the islands. There is no discrimination between country and city as he would try to allege. Clearly, rural Ireland presents a greater challenge because of its geography and demographics. I am not aware of any diminishing of service to the islands. In addition, we also have the air ambulance service to support that. Both advanced and ordinary paramedics are very highly trained and can undertake a very high level of medical assessment and treatment - potentially life-saving treatment in many cases. Therefore, NAS has invested significantly in recent years in training ambulance staff to very high standards in both paramedic training, which is two years, and advanced paramedic training, which is an additional ten months, and the purchase of rapid response vehicles. As highlighted on RTE, an internal investigation and review are ongoing as to the use of rapid response vehicles. However, it is important to say that in the first three months of this year, officer vehicles responded to more than 630 incidents and over 250 of these were outside working hours. That is an average of seven responses a day, almost three of which have been outside working hours. It would not make sense to have these vehicles locked up in a station with the officer concerned having to drive a distance to get the vehicle to do the call. In the same way, we do not have people on call at home anymore but have them either in the depot or sitting in the ambulance ready to go.

Clearly, much has been achieved in reconfiguring and remodelling our ambulance service. In this regard, I acknowledge the very significant contribution made by ambulance personnel throughout the country whose commitment and dedication are second to none. As Deputies have acknowledged, they are working day and night to do the best by their fellow citizens. While we are making progress, I accept that we have more to do. I am determined to make further progress in order that all our citizens have access to the efficient, modern ambulance service they deserve, regardless of where they live in the country. To this end, I assure the House that the National Ambulance Service will continue to modernise and reconfigure its services to ensure emergency pre-hospital care is delivered in an appropriate and timely manner.

I point out to Deputy Kelleher that I stood where he is now when his Government, despite all its resources, did not even measure response times and ambulances queued up regularly outside hospitals, especially in Dublin. We have increased the availability of ambulances through the use of our new intermediary care ambulances for inter-hospital transfer patients. The outcome for the patient is the key here. That is influenced not just by the ambulances but by the presence of our paramedics and advanced paramedics who can ensure treatment gets to the patient as quickly as possible.

I do not talk about my achievements-----

**Deputy Dara Calleary:** That would be a short conversation.

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**Deputy James Reilly:** -----but rather of the progress made by the excellent men and women in our health service who work day in and day out. What they have achieved and the progress they have made is remarkable, despite the fiscal fiasco Fianna Fáil left us. They have managed, despite reductions in staff and budgets, to realise a 34% reduction in the number of people who must wait for long periods on trolleys, a 99% reduction in the number of citizens who wait longer than eight months for inpatient treatment and a 95% reduction in the number who have to wait longer than a year for an outpatient appointment - something Deputy Kelleher's Government, despite all the money it had and all the time it was in government, would not even measure because it did not want to know.

We will continue to modernise, reform and improve our health service, including the National Ambulance Service, always with the goal of improving outcomes for patients because that is our core mission.

**Deputy Billy Kelleher:** In the interests of correcting the record, response times were measured prior to this Minister taking office. He might correct the record in that regard tomorrow night or at some stage in the future. They were in the HSE service plans for years-----

**Deputy James Reilly:** They were never measured.

**Deputy Billy Kelleher:** Deputy Reilly should have read them when he was in opposition but obviously he did not.

**Deputy Jerry Buttimer:** Before Deputy Calleary leaves us, I wish to say I am really disappointed the Fianna Fáil Party, which promised an end to Punch and Judy politics, would come before us with a motion which, at its core, has nothing positive to offer, a bit like that party's health plan.

Patient care is at the heart of what we are about as people, whether as public health practitioners or public advocates and Members of the Dáil. At the end of his speech, the Minister referred to advance paramedics. I wish to put on the record of the House that we had an incident in our family where a member had to have an advance paramedic call to the scene of an accident. That advance paramedic was fantastic, professional and highly competent. He made his diagnosis quickly and made the injured person feel comfortable and reassured. I put on record that we have competent and highly skilled staff in our National Ambulance Service who deserve our support, be it in terms of the rhetoric we use or the resources we allocate. In particular, it behoves no one in this House to go on the public record or the public airways to stir up fear and hysteria just to score political points. Unfortunately, there are some, not necessarily those present, who have done that.

Our National Ambulance Service has undergone change and we must recognise that more change is needed. It is also important to put on record that lives are saved by first responders, advance paramedics, paramedics and ambulance crews. I welcome the National Ambulance Service action plan which calls for improved mobilisation times for crews, improvements in the timing and dispatching of ambulances, and engagement with the development of community first responders. It would be fair to say the safety of patients is of concern to those who work in the ambulance service. I very much welcome the service's commitment to reviewing its operations. As Deputy Calleary mentioned, members of the Oireachtas Committee on Health and Children had, earlier this year, a very interesting, frank and open discussion on ambulances and the role of the ambulance service. It is imperative we thank the men and women of our

ambulance service.

It is also fair to say, in the context of change, that there have been issues around call-out times, how we locate ambulances and the numbers available at certain times of the day. Anyone involved in the health area should not shy away from scrutinising how we allocate resources. Those engaged in this debate will acknowledge we have met people in our constituency offices who have had issues with call-out times for ambulances to come to their loved ones. The people involved are real and it is very distressing when an ambulance is delayed for whatever reason, whether one is in Monaghan, Donegal, Roscommon, Cork or Louth. It is imperative to remember in the course of this debate that it is not about percentages or statistics but about people and their lives. Everything we do should be about improving the quality of the pre-hospital care provided to the citizens we represent.

I welcome the additional €3.6 million and 43 staff as part of the national service plan. It is welcome because, as Members know, our ambulance service straddles the four provinces and services both urban and rural areas, with different population masses. That presents a very important challenge. I very much welcome the undertaking of a capacity review. That review must be thorough, honest and it must be published in full. When we publish it, we will have a roadmap for continued modernisation and reform of the ambulance service.

The “Prime Time” programme was welcome because it raised many concerns that need to be addressed by all involved in the health area. Those who criticise must remember this is about the allocation of resources and the reform of a service which puts people at its core. I beg to differ with Deputy Kelleher in the context of the figures because by my reckoning, understanding and research, it is only since this Government came into office that there has been monitoring of the figures.

I will conclude by saying that 281,000 emergency calls were processed in 2013, 14,000 more than the previous year. A total of 56,833 emergency calls concerning life-threatening situations were answered within 19 minutes. There are tremendous people working in our ambulance service and they deserve our support.

**Deputy Joe McHugh:** This is a very important debate. When we debate an issue such as ambulance cover, we must acknowledge it is a highly emotive subject, as a recent example in my county illustrates. That was highly emotive and highly charged because a family lost a loved one. Time will tell exactly what happened, what should have happened and what should not have happened. I would like to put on record again the death of Mrs. Porter on the side of the road in Carndonagh. She was on a footpath waiting, along with her loved ones, for nearly an hour for an ambulance. That was wrong and should not have happened. I expect any investigation into such a situation will prove management systems were not working properly and were not functioning in the best interests of citizens. On that particular night in Donegal there was a helicopter nearby, a number of ambulances at Altnagelvin Hospital in Derry and up to four ambulances at Letterkenny General Hospital. While there were also emergency responders available, there was no effective communications system in place to ensure an ambulance got there on time. My constituency colleague, Councillor Bernie McGuinness, has argued repeatedly there should be two ambulances in Inishowen in order that when one is dispatched, emergency cover is still available. That should be taken into consideration in this debate.

Many Irish companies are embracing new changes within the United Kingdom and are using new technology for effective communication systems. As regards the Minister’s contribu-

tion concerning the new mechanisms, no doubt new technology will embrace that aspect also. It is not just for paramedics and others involved in emergency services, but also for the public. Citizens should be able to pick up their iPhones and see exactly where there is emergency cover at a given time. If someone is telephoning in sick and cannot go to work, a replacement system should be in place to ensure a proper, fully functioning, open and transparent communications system so that unnecessary delays do not occur.

Members of this House can debate politically to and fro, while referring to governments past, present and future. However, there is no accountability in this country when it comes to people in charge losing their jobs. The only people who lose their jobs are Members of this House because people will say: “We’ll get rid of the last shower and will put in the new crowd to give them a chance”. Ultimately, however, there is no accountability. There should therefore be a buck-stopping mechanism for those in well paid public service and Civil Service management jobs.

The aftermath of the flooding of Letterkenny General Hospital left a sour taste in the mouths of many local people who are asking questions about why it received planning permission. How did an engineer sign off on a building for which there was no proper system to ensure the culvert was cleared? All these questions are in the minds of the public, including those who have lost loved ones. Where does the buck stop? The media will have a field day blaming Government Ministers and other politicians for this and that. It is time we grew up in this House, however, and sought a mechanism whereby people in responsible positions, who are in charge of life-or-death scenarios, should be fully accountable. The buck needs to stop with them. If people are in charge when things go wrong, heads should roll. We need to debate that matter here.

There are protection mechanisms for people working in the public service. Many people in the public service are on very low wages, but a minority of staff are on very high salaries with highly responsible jobs. They are in charge of deciding whether people live or die, so we need a mechanism whereby the buck stops with them. People who are not performing in the right capacity should lose their jobs.

**Deputy Caoimhghín Ó Caoláin:** I wish to share time with Deputy Gerry Adams.

**Acting Chairman (Deputy Frank Feighan):** Is that agreed? Agreed.

**Deputy Caoimhghín Ó Caoláin:** I welcome this motion on the perilous state of our ambulance services, which was tabled in the name of the Fianna Fáil Deputies.

This Government has deliberately ignored, tried to gloss over or even dismiss many issues during its term of office, including the impact of its austerity policies on the most vulnerable, and the deepening housing crisis. I have not seen the Government completely ignoring any crucial issue as it has done with the ambulance situation.

In two recent engagements with the Minister for Health, Deputy James Reilly, I raised the ambulance crisis. At the Joint Committee on Health and Children, and during ministerial questions, I prioritised this key matter of public health and safety. I can only describe the Minister’s responses to me as dismissive in the extreme. He levelled the disgraceful accusation of “shroud-waving” at me and, by extension, at all who are raising concerns about our ambulance services.

There was not a syllable of acknowledgement from the Minister of the concerns raised in

recent weeks. There was no hint of recognition of the deep hurt caused to many families who have seen loved ones suffering and, in some tragic cases, losing their lives in circumstances where ambulances arrived on the scene of accidents or medical emergencies far outside the HSE's target time. From a Minister for Health that is not good enough, to say the least.

The recent "Prime Time" investigation exposed the extent of what we know exists in this State - a crisis in our ambulance services as a direct result of cuts. There is huge public concern at the total inadequacy of emergency ambulance cover across huge swathes of the country. It is unacceptable that ambulances are often arriving too late and that people are dying as a result.

It is unacceptable that target times set by HIQA are not being met and, in fact, have been increased by the HSE. It is unacceptable that only one in every three people with life-threatening conditions was responded to by the ambulance service within the target time last year. I have said that again purposely because the Minister refutes it.

The Minister for Health needs to significantly increase the number of trained personnel and the number of ambulances as a matter of urgency. The Minister must also tackle HSE mismanagement of the service. For example, there is a scandalous misuse of rapid response vehicles as personal cars for managers, sitting outside their homes for long periods or parked in fleets at national HSE meetings, instead of serving the regions they are supposed to serve.

We cannot improve the ambulance service without significantly increasing personnel and infrastructure. Has the Minister compared the service in this State with the Six Counties and Scotland? The facts speak for themselves. With a population of 1.7 million the ambulance service in the Six Counties employs just under 1,200 staff, with 300 vehicles deployed from 57 bases and an annual budget of €78 million. Scotland, with a population of 5.3 million has 4,500 staff and 450 vehicles, including a full time air-ambulance, 100 bases and an annual budget of €258 million. Yet this State, with a population of 4.6 million, employs less than 1,600 staff, deployed from 87 bases, of which at least 10% are not 24-7, and has an annual budget of €137.4 million.

These figures speak for themselves. More importantly, however, survivors and families of victims of traumatic accidents and medical emergencies have spoken out and must be listened to. This ambulance service is one of the key pillars of our health services, literally a life support system. I want to pay special tribute to all who work in our ambulance services, and all the emergency services. We need to make very clear that when we express concern over response times, lack of coverage of large parts of the country with ambulance services and other problems facing the system, we are in no way criticising the dedicated work of ambulance crews. They are providing a modern, highly skilled and efficient service, but within the severe limits of the resources made available to them by Government.

Paramedics have yet to receive the proper recognition that their work deserves. The inadequate resources allocated to the service by successive governments, including the present Government, place them under enormous pressure on a personal and professional basis.

Of course, it is not all about resources. I acknowledge that ways of working have been improved and improvements are continuing but there is a limit. It is clear to me that there is a crisis in terms of the inadequate Government allocation to this vital service.

I agree with the National Ambulance Service Representative Association, NASRA, which stated that targets are not being met because of shortages of personnel, infrastructure and fund-



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ing. No amount of re-arranging or playing with figures can disguise that. Both NASRA and SIPTU point to the unfavourable comparison of this State with the Six Counties and Scotland, as I have mentioned.

My own region, comprising counties Cavan, Monaghan, Louth and Meath, is expected to survive with 12 ambulances available at any one time. I know from direct personal experience, and from the experience of my constituents, that the cover is totally inadequate. That is replicated across the State.

Another important aspect of this issue, though not mentioned in the motion, is the situation regarding Dublin. The Dublin Fire Brigade responds to 40% of the total number of emergency calls in the Twenty-six Counties, yet it receives only 7% of the HSE's total ambulance budget.

*9 o'clock*

There is a huge concern in Dublin that the HSE is now attempting to take control of the Dublin Fire Brigade ambulance service and that this will result in a worse service given HSE management's obvious incompetence and mismanagement. Hundreds of firefighters of the Dublin Fire Brigade, who provide an excellent service, including an excellent ambulance service, in our capital city, protested recently at Dublin City Hall with their friends, families and supporters.

The level of concern in Dublin and the lack of trust in the HSE was clear at a recent meeting of Dublin City Council's strategic policy committee at which it was noted that the Dublin Fire Brigade provided a professional and efficient ambulance service, that the veracity of data included in a recently disclosed internal review of the ambulance service was poor and questionable, that the committee supported one national review of the ambulance service as recently discussed at the Joint Committee on Health and Children and that the full cost of the ambulance service provided on behalf of the HSE by Dublin City Council was not being recouped. Calls were made for a national capacity review of the ambulance service and establishment of a national ambulance authority. The lack of confidence expressed by some committee members in the ability of the HSE to run the ambulance service was clearly representative of a wider view.

Sinn Féin fully supports the retention of the Dublin Fire Brigade ambulance service and opposes a HSE takeover. While we support the motion before us, we would go further and urge real reform as well as proper resourcing of ambulance services. HSE management cannot be trusted to run the ambulance service. We call for a State-wide audit of ambulance services with a view to increasing the number of front-line personnel and improving the infrastructure in order to bring the service across the State up to a safe and efficient level. Government cutbacks have meant that services across the State are insufficient and lives throughout the length and breadth of the jurisdiction are being put in jeopardy as a result. It is critical to remember the requirement to have cross-Border co-operation in responding to certain situations. That will be impacted unfavourably on foot of the cutbacks. Sinn Féin calls for a truly national ambulance service, including cross-Border co-operation and integration, outside the remit of the HSE and under a new national ambulance authority for the island of Ireland.

**Deputy Gerry Adams:** I pay tribute to the emergency workers, including ambulance crews and paramedics, who carry out vital work under very difficult circumstances without, in many cases, adequate resources and support. In 2008, there were 320 ambulances serving 4.5 million citizens in the State. Last year, the number had fallen to 265, dropping at night to a mere 113.

The State has only half the paramedics *per capita* of the North. Cuts by this Government and its predecessor have led directly to this situation.

I have warned a number of times of the risk to patient safety because of more cuts to the number of ambulance services available to cover the entirety of my constituency from Dundalk to Drogheda and all the places in between. In June 2011, a citizen died on the streets of Drogheda while waiting for an ambulance to arrive. In January 2012, it took 30 minutes for an ambulance to get to a fatal accident in Drogheda's town centre. At the beginning of this year, a young local man, Wayne McQuillan, died from stabs wounds. He had to be taken to hospital in a Garda car because of the slowness of the ambulance to arrive at the scene of the incident. The recent RTE "Prime Time" investigation revealed that despite life-threatening absences of available ambulances, rapid response vehicles costing taxpayers €100,000 each are parked for weeks outside the homes of senior management. Surely, this is unacceptable. Of all the crises under the Government, this one surely requires urgent action. I welcome the Fianna Fáil Private Members' motion and call on all Deputies to support it.

**Deputy Finian McGrath:** I am grateful for the opportunity to speak on this urgent and important debate on our ambulance service. Our paramedics do amazing work. This is a very important part of the engine room of our front-line services and it is vital to the provision of a quality health service generally. We can have all the talk we want about reform and change, but this is an opportunity to do something to ensure all our citizens get a decent and safe health service. I take the opportunity to commend and pay tribute to all of those in our front-line ambulance service, especially on the north side of Dublin.

When one looks at the facts, it is an eye opener. One can see clearly the gaps and urgent need for action. The Twenty-six Counties with a population of 4.6 million have an ambulance service which employs fewer than 1,600 staff and has an annual budget of €137.4 million. In the North of Ireland, which has a population of 1.7 million, there is an ambulance service which employs just under 1,200 staff with an annual budget of €78 million. Scotland has a population of 5.3 million and its ambulance service employs more than 4,500 staff and has an annual budget of €258 million. That is the reality on the ground and the reason we must fund our ambulance service, particularly on the north side of Dublin but nationally as well.

There is nationwide concern and disquiet about the provision of ambulance services. Delays in accident and emergency situations are a major issue. In 2013, only one in every three people with life-threatening conditions was responded to within the target time. Delays in ambulance response times far exceed internationally accepted norms. Large areas of the country are regularly left without local ambulance cover. While paramedics do their utmost to provide a service to the highest international standards, it is impossible for them to do so within current budgets. It is essential that paramedics be properly resourced to carry out their work. I call tonight for the ambulance service to be appropriately resourced to provide a safe and efficient service nationally.

**Deputy Thomas Pringle:** I welcome the opportunity to contribute to the debate on the ambulance service and the crisis within it. The crisis is driven by a lack of investment and development over the last number of years. There is no doubt that the staff in the ambulance service are 100% committed to it. It has been said by other speakers, but bears repeating. They are highly trained and the development of advanced paramedics over the last number of years is very significant. It means ambulance crews can respond fully when they arrive on scene. Unfortunately, cases like the tragic one we saw in Carndonagh in Donegal in recent months,

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where a woman injured in a car accident lay on the side of the road waiting for an ambulance, are too common across rural Ireland. These situations drive this motion. We cannot allow them to continue. It is symptomatic of what has happened to our health services across the board. A lack of investment and a lack of funding is causing the crisis. There are not enough ambulance crews available to respond to emergency calls. That the number of active-service ambulances has reduced by 55 since 2008 shows the crisis that exists.

In south-west Donegal, there is an ambulance station in Killybegs and one in Donegal town. There used to be two ambulances on call at each but now there is only one ambulance on call at each with a further one to travel over and back between the two to provide cover. It is a reduction in service no matter what way one looks at it. The best possible response time from Killybegs to a call from Glencolmcille is 30 to 35 minutes. There is no way national targets and HIQA standards can be met in rural parts of Ireland with the level of ambulances and crews we have. That is the problem that must be addressed. The only way to deal with this is to provide the necessary ambulances and crews. Crews are highly trained and dedicated and will play their part in saving the lives of our citizens if we step up to the mark to provide for the service into the future.

Debate adjourned.

The Dáil adjourned at 9.10 p.m. until 9.30 a.m. on Wednesday, 16 April 2014.