



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Céadaoin, 2 Iúil 2014*

*Wednesday, 2 July 2014*

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

*Paidir.*

*Prayer.*

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## Ceisteanna - Questions

### Priority Questions

**An Ceann Comhairle:** I understand it has been agreed by everyone concerned to take Question No. 3 in the name of Deputy Joe Higgins first.

### Human Rights Issues

3. **Deputy Joe Higgins** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will make representations to the Kazakh Government on the imprisonment of leading human rights lawyer Vadim Kuramshin; and if he will demand the ending of state persecution of Mr. Kuramshin, who has highlighted brutal civil rights transgressions in Kazakhstan. [28359/14]

**Deputy Joe Higgins:** Go raibh maith agat agus gabhaim buíochas leis na Teachtaí eile as sin. I ask the Tánaiste and Minister for Foreign Affairs and Trade to make the strongest possible representations to the Government of Kazakhstan with regard to bringing to a complete end the state persecution of leading Kazakh human rights lawyer Vadim Kuramshin, who was jailed for 12 years on trumped-up charges and who has suffered brutal treatment in prison since his incarceration.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Paschal Donohoe):** The Tánaiste is concerned about the case of Vadim Kuramshin, a human rights lawyer and civil society activist in Kazakhstan, who was sentenced to 12 years in prison in December 2012 following his arrest for alleged extortion of an employee in the legal profession. Mr. Kuramshin's trial was reported as not conforming to international standards. It will be recalled that the case was raised in this House May 2012, during a debate on Ireland's chairmanship of the OSCE. Mr. Kuramshin had become well known, in particular, for his activities to raise awareness of violations of inmates' rights in Kazakh penitentiaries, including the prison colony in which he has been incarcerated.

Reports indicated that Mr. Kuramshin went on hunger strike on 2 June last in order to protest against his treatment while detained, which he claims has included beatings and harassment by

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prison authorities. There are now indications however, that he has ended his hunger strike and that he is to be moved to a different facility where he will get the medical treatment he needs. This case is being monitored by our embassy in Moscow, which is accredited to Kazakhstan. In light of these new developments, the Tánaiste has instructed our ambassador to raise the matter directly with the appropriate Kazakh authorities on his next visit to Astana.

The EU has also monitored Mr. Kuramshin's case closely and a representative from the EU delegation in Astana attended the preliminary appeal hearing in November 2013, at which the Supreme Court refused to hear his full appeal. In addition, the case was among those raised specifically with the Kazakh authorities in the course of the most recent EU-Kazakhstan human rights dialogue, which took place in Astana in November. We will continue to monitor this case closely and avail of opportunities, both nationally and within the EU, to highlight our serious concerns about Mr. Kuramshin's case and the wider human rights situation in Kazakhstan.

**Deputy Joe Higgins:** I urge the Government to continue to exert pressure in respect of the case of Vadim Kuramshin. He is a very heroic defender of human rights who has been hounded and persecuted by the authoritarian regime in Kazakhstan. He has courageously exposed the horrific regime of brutality which obtains in the country's prisons, in one of which he has suffered ill-treatment. This matter came to a head in 2010 when a number of prisoners mutilated themselves as a result of the horrific treatment to which they had been subjected.

I visited Kazakhstan as a Member of the European Parliament in August 2010. My first meeting was to be with Vadim Kuramshin but two days beforehand he was detained by the police, arrested and kept in preventative detention until after I left the country. This was so he could not meet me and inform me in detail about the terrible conditions which obtain in Kazakh prisons. Mr. Kuramshin is currently in prison on a trumped-up charge. It is an horrific situation and I urge the Government to ensure our ambassador presses this matter very strongly with the Kazakh authorities.

**Deputy Paschal Donohoe:** The Deputy is correct to raise concerns in respect of the wider human rights environment within Kazakhstan. He has touched on one particular issue but it is clear there are wider concerns regarding other fundamental freedoms. I refer, for example, to the right of assembly and peaceful protest, the right to choose one's own religion or to not do so and the right to follow one's conscience. It is as a result of these broader issues and the specific matter to which the Deputy refers that a structured human rights dialogue between the European Union and Kazakhstan is in place. The wider human rights issues were raised by the outgoing President of the European Commission, Mr. Barroso, on his most recent visit to Astana. I reiterate that, as a result of our concerns regarding human rights, the Tánaiste has instructed our ambassador to raise this matter directly on his next visit to Kazakhstan.

**Deputy Joe Higgins:** A jury threw out the trumped-up charge of extortion against Mr. Kuramshin in August 2012. In September of that year he gave a speech on human rights abuses in Kazakhstan at the OSCE conference in Warsaw, at which the Tánaiste may have been present. On returning to his country, Mr. Kuramshin was again arrested and sentenced by the court - in respect of the same charge of which the jury had previously found him not guilty - to 12 years in prison, which is where he is at present. I again urge the Government to make very strong representations on this matter, about which, unfortunately, the bureaucracy at the top of the EU is conflicted. The EU is courting President Nazarbayev and his regime because it wants to exploit the fabulous mineral resources that Kazakhstan possesses. Shamefully, the EU entertained President Nazarbayev following the arrest of Vadim Kuramshin and my return

from Kazakhstan. Unfortunately, a conflict exists in this regard. The Government must fight its Kazakh counterpart in respect of this matter. I ask it to keep me, as a representative in this country of Mr. Kuramshin and others who are engaged in the struggle for human rights in Kazakhstan, informed of progress.

**Deputy Paschal Donohoe:** On the Deputy's last point, we will make sure, given his personal interest in this matter, that he is informed of representations and progress that is made. As I said in my earlier reply, I am very much aware of the significant difficulties and problems in regard to human rights in that country. I acknowledge the progress that has been made in some areas but I am also aware of the fact that we are talking about a country and an environment which, for example, ranks 154 out of 179 countries in terms of press freedom and that in December 2012 more than 40 media outlets were shut because of issues and concerns they were raising. The Deputy will be informed of efforts our ambassador makes.

On the Deputy's point regarding conflict and bureaucracy, no such conflict exists. President Barroso in his last visit to Astana raised issues in regard to human rights and the grave concerns we had. As I said in my initial response, our European Union representative was present at the preliminary trial that took place. We will continue to raise this issue bilaterally and within the European Union.

### **Northern Ireland Issues**

1. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade when all-party talks will recommence on the Haass proposals; and if he will make a statement on the matter. [28365/14]

**Deputy Brendan Smith:** I hope that the all-party talks will resume in Stormont today. As we know, a number of deadlines in regard to a successful conclusion to the Haass talks have been missed. The end of December, St. Patrick's week, Easter and the local and European elections, which are all important dates in the political calendar, have passed and, unfortunately, no progress has been made. As I have said here previously, it is essential that the two Governments take a hands on approach to assist in resolving these contentious issues. Parades, flags and the legacy of the past are all issues that need to be dealt with comprehensively because they have the potential to create constant and consistent trouble within communities and on our streets.

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I have already welcomed the resumption on 2 June of the party leaders' talks in Belfast. The party leaders this week will hold the first of two intensive three day sessions with a view to narrowing the remaining gaps between them and for developing the practical mechanisms and related timeframe for implementation. They will hold a second three day session next week from 8 July to 10 July. The parties have also established a secretariat of Northern Ireland civil servants to support the talks. This is a welcome development.

In my ongoing meetings and contacts with the party leaders and with the Secretary of State for Northern Ireland, most recently on 24 June, I have stressed the importance of securing an agreement on the outstanding issues. The party leaders have individually acknowledged to me that there is broad agreement on the basic architecture for moving forward on the issues of flags, parades and dealing with the past. I firmly believe that it is in the best interests of Northern Ireland that agreement is reached as soon as possible. It is particularly important now during

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the marching season and before the summer recess that politics is seen to be working for the benefit of all communities in the North.

During my visit to Washington DC from 17 June to 19 June, I heard genuine concern being expressed by political, business and community leaders on the need for progress in the party leaders' talks. I conveyed this to each of the Northern Ireland party leaders on my return on 20 June.

The Government believes, as I know do all Deputies in this House, that the framework and path for peace that was agreed and democratically endorsed through the Good Friday Agreement in 1998, and in other agreements since, was the right framework and the right path towards a peaceful and reconciled society in Northern Ireland. I believe that an agreement now on these contentious issues would represent further progress along that path.

**Deputy Brendan Smith:** I thank the Tánaiste for his reply and I record again our appreciation of the work of Ambassador Haass and Dr. O'Sullivan up to the end of December. Will the Tánaiste agree that the Downing Street Declaration of 1993, the Good Friday Agreement of 1998 and the St. Andrews Agreement of 2010 were achieved between the two sovereign Governments and the parties working together but, very importantly, the talks were led and driven by the two sovereign Governments? We know there has been a devolution of powers but the issues under discussion that remain to be resolved predate the devolution of powers. They are also issues that will place responsibility on both Governments to enact measures to deal with the outcomes of those discussions. Will the Tánaiste agree with me and with the comments of the SDLP leader, Alasdair McDonnell, that both Governments need to be in the room to bring these talks to a successful conclusion? We need those talks to be brought to a successful conclusion for the benefit of all of this island.

**Deputy Eamon Gilmore:** Both Governments, and certainly the Irish Government, are very close to these talks and I have made it my business and the business of the Irish Government to remain in very close contact with the party leaders and with the Secretary of State for Northern Ireland in regard to these talks. The talks were established by the First Minister and Deputy First Minister on the decision of the Northern Ireland Executive. They were initiated within Northern Ireland by the Northern Ireland parties and formally established by the First Minister and Deputy First Minister. The modalities for the talks are, in the first instance, a matter for them to decide. I have made it clear that the Irish Government wants to be involved as closely as possible in this talks process. I have discussed that with the Secretary of State for Northern Ireland. What is important is that an outcome is achieved from them. I believe that is possible. I believe from what we have seen arising from the Haass discussions last year, which concluded on New Year's Eve, and from the discussions that have taken place since, that the issues which are outstanding are perfectly capable of being bridged. I hope that in these two three day sessions that are now arranged it will be possible to do that.

**Deputy Brendan Smith:** I note the Tánaiste's comment that the Government wants to be involved as closely as possible. We want to see a conclusion as rapidly as possible. We are into the marching season again. There are conflicting reports from different parts of the North of Ireland in regard to trouble in some places and relative calm in other areas that have seen difficulties in the past. We hope that the next month or more passes by peacefully but there are those festering sores. We need to get these issues off the table and resolved.

I appeal to the Tánaiste to ensure that he brings the influence and persuasion of his office

and that of the Government to really be a participant - a participant in inverted commas, if he is not in there in the *modus operandi* of the talks at present - because I honestly believe, as I have said here on many occasions, that the influence and power of the two sovereign Governments are needed to bring these talks to a successful conclusion. As I said earlier, they are not about issues that have arisen since the devolution of powers. They are about issues that predate the devolution of powers and issues that will place responsibilities on both Governments to enact measures to deal with the past when a successful conclusion is achieved, and I hope that is achieved sooner rather than later.

**Deputy Eamon Gilmore:** I share that hope. I hope that a successful conclusion is achieved sooner rather than later. As the Deputy will be aware, I was in Belfast for the conclusion of the Haass discussions at the new year. I remain very closely in contact with that. I have remained in contact with Richard Haass and although he is not directly involved, he has maintained an interest and was here last year to receive the Tipperary peace prize. I have been frustrated, and have expressed this, that there has been a kind of a stop-go approach to these talks since the new year. We all understood that not much was going to happen during the election period. I was glad that the talks resumed on 2 June but I must say that I was deeply frustrated that there was no meeting between 2 June and 24 June when the next meeting took place. That is one of the reasons I wrote to each of the party leaders on 20 June expressing my concern that no meeting had been arranged, conveying to them the frustrations that were being conveyed to me when I was in Washington a couple of days earlier. I am glad now that the two three day sessions have been arranged. They start this morning. They will meet today, tomorrow and Friday and will meet again next week for three days. I believe it is possible to bridge the issues that are outstanding. There are dimensions that must be legislated for in Westminster and probably here. We have a direct and close interest in it.

## **Immigration Controls**

2. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade the issues discussed during his recent visit to the USA; and his views on whether a comprehensive immigration reform package can be delivered. [28441/14]

**Deputy Seán Crowe:** The Tánaiste was recently in the US to discuss immigration reform with the US Government and members of the Congress and the Senate. The issue affects up to 60,000 Irish people, many of whom were living in the shadows and living in fear. Will the Tánaiste at some stage address the issue, outline his views on the potential success of immigration reform in the US and will he give us a sense of where things are at?

**Deputy Eamon Gilmore:** I visited Washington D.C. over the period 17-19 June for various meetings on US immigration reform, which remains a key Government priority. My programme included separate discussions with Congressman Luis Gutierrez, Congressman Paul Ryan, Senator Pat Leahy, members of the Congressional Friends of Ireland group, House judiciary committee member Congressman Mark Amodei, Congressman Mario Diaz-Balart, House minority leader Nancy Pelosi, House Democratic caucus chairman Congressman Xavier Becerra and White House domestic policy council director Ms. Cecilia Munoz. I also met Irish-American community leaders, including from the Irish Lobby for Immigration Reform, the Chicago Celts for Immigration Reform, Irish Apostolate USA, and the Ancient Order of Hibernians, with whom the Government has worked closely on our shared US immigration reform agenda.

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Each of my meetings proved very useful, offering different insights and analyses into the prospects for progress towards legislation that would provide relief for currently undocumented Irish migrants and also a facility for additional future legal migration between Ireland and the US. There was widespread consensus that an already complex political landscape had become even more complicated by the electoral defeat earlier in the month of the Republican House majority leader. The general sense I received from interlocutors was that further time would be needed to assess the full implications of this development for ongoing immigration reform efforts, particularly from the perspective of the upcoming congressional mid-term elections. I found it encouraging that proponents of immigration reform in Congress appear determined to persist with their efforts and they hope that further progress may yet prove possible this year.

As my visit took place, Mr. Kevin McCarthy was elected as the new Republican House majority leader. Through our embassy in Washington and also directly, the Government looks forward to working further with Mr. McCarthy, House Speaker John Boehner and other key congressional figures on both sides of the political aisle, and with the US Administration, with a view to advancing Ireland's immigration reform related objectives.

Since my return from Washington, I understand that there has been a further sharpening of the political engagement in the US Congress about the situation of unaccompanied migrant children who are seeking to enter the United States via its southern border. This may now impact negatively on the prospects for wider immigration reform progress being achieved over the immediate period ahead. It would clearly be disappointing if this proves to be the case. Nevertheless, as I noted earlier, we will continue our intensive efforts to persuade Members of Congress to seize every opportunity to make immigration reform a reality.

**Deputy Seán Crowe:** Part of the difficulty is that the situation is changing all the time and we have a statement from the Republican Speaker of the House, John Boehner, saying he did not believe immigration reform would happen this year. The blinds are being pulled on the window of opportunity but there is still a chink of light with regard to the possibility of this being delivered. Part of the difficulty is that, no matter what President Obama proposes, an element of the House will oppose it. I do not know if the Tánaiste agrees with my analysis. We are getting mixed messages all the time from the leaders the Tánaiste met. We met them when a number of us visited. They were positive that this would be delivered but the reality seems to be that the chance is ebbing away. Unfortunately, we are left with the situation that the Tánaiste gave a report to the Joint Committee on Foreign Affairs and Trade and said he was more positive than coming back than he was going out but, since that, changes took place in the House. The opportunity exists but is becoming less of an option. Part of the situation is that these people do not want to work with the Obama Government, regardless of the issue. This is part of the conundrum that people who want to deliver this must deal with.

**Deputy Eamon Gilmore:** We have two objectives in this. There are 50,000 undocumented Irish people in the United States who cannot come home for funerals and family events. We need to secure a path to legalisation for these people. Since 1965, the flow of legal emigration from Ireland to the United States has dried up and we want to find a way of doing that. The Bill passed by the US Senate would provide a path to legalisation for the undocumented Irish and provide for an E3 visa available to 10,000 Irish people per year to travel and to work legally in the United States. It would make a major change. In the House of Representatives, there is no agreement on the Bill and it is a sensitive political issue. My assessment of the situation is that the people I have spoken to accept that immigration legislation will be passed by Congress at some stage. There are some 11 million undocumented people in the United States. It is a

huge issue and it plays politically. In the run-in to elections, people look over their shoulders and what they are hearing in their constituencies and districts and respond accordingly. The most recent issue to come into play is the number of unaccompanied children crossing the US-Mexican border.

**Deputy Seán Crowe:** It is getting more difficult to deliver. People are saying one thing to us but circumstances and politics intervene. The Minister referred to a pathway of legalisation and the E3 visa. A 12-month J programme has been negotiated Government to Government. Has the Tánaiste been in discussion with the US Government about extending the programme? The work experience has been helpful and many employers have said they would prefer to take on people on a long-term basis. What has the Tánaiste done in Government to Government negotiation, which is separate from the overall package? I do not know if there will be legal pathway for the Irish, which is a backward step. With the difficulties in the House, the opportunity is moving further away. The problem is that elements in the House do not want to work with the Obama Government and Obama seems to be the problem. The fact that he has prioritised this as an issue is seen as a red card or a stick to beat the Administration. People are sucked into their own politics and the bigger picture of immigration reform and its importance, for the Irish and everyone, is being lost.

**Deputy Eamon Gilmore:** The second issue is not the subject of the question. My Department and the embassy are working on it with the US Administration and I am hopeful we will have a satisfactory conclusion. With regard to the main issue of immigration reform, across the political spectrum in the US it is accepted that there must be legislation on immigration. We cannot have a situation where 11 million undocumented people are in the United States, many of whom work in various areas of the economy.

*10 o'clock*

There is also a economic driver in respect of this issue in some areas of the American economy, such as agriculture, for example. Farm work is heavily dependent on immigrant labour. Obviously, there are issues in respect of security and so on and everybody accepts that this is going to have to be done. However, there is a question of political will and that is a matter for the United States Legislature. We will continue to remain in close contact with key figures in that Legislature. It is far more a case now of when, rather than if, there will be immigration legislation in the United States.

### **Undocumented Irish in the USA**

4. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide an update on immigration reform law following his recent visit to Washington D.C.; and if he will make a statement on the matter. [28366/14]

**Deputy Brendan Smith:** I welcome the Tánaiste's personal interest in and continued commitment to this important issue, along with that of his officials. We have discussed the serious difficulties facing approximately 50,000 Irish people, commonly referred to as the undocumented, on numerous occasions in the House. These people need to have their status regularised as quickly as possible. Their current status makes it remarkably difficult for them and in many instances, as the Tánaiste remarked earlier, it causes hardship and heartbreak for their families at home. Following his recent visit, is the Tánaiste any more optimistic now than he

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was the last time we discussed this issue in the House one month ago?

**Deputy Eamon Gilmore:** I have a formal reply to Deputy Smith's question which is identical to the replied to Question No. 1. If it is okay I will take that as read and simply answer the question. The direct answer to the question is that I am more hopeful than I was a month ago. When the Republican majority leader lost in the primary election, there was a good deal of speculation that it was directly related to the immigration issue. I feared that this would play negatively in the politics in the US Congress. In fact, when I visited Congress I was very encouraged by the clear statements from both sides of the political divide to the effect that they want to do this and that there is a necessity to legislate to deal with immigration. The question is when that will be done. One of the problems in the politics of Capitol Hill is that there is never a good time to do it. There is always another issue, such as a row over the budget, which is what happened last year. The issue most directly impacting on it now is the fact that large numbers of children are being moved across the Mexican border. They are unaccompanied and there are allegations of some rather unpleasant people being involved in the movement of these children. This is playing as a big issue in public discussion and the media in the United States and, therefore, it is difficult for legislators to address the necessary legislation in that environment. That is the immediate issue.

I believe there is a desire, a wish and a will to undertake immigration legislation and to get the issue dealt with for political, economic and security reasons as well as for various other reasons. The issue is when this is going to be done. We have continued to keep the pressure on and keep dialogue and discussion open with people on both sides of the political divide and that work will continue. I am more optimistic than I was a month ago.

**Deputy Brendan Smith:** I thank the Tánaiste for his reply. The fact that business and church leaders and other people of influence within society who may not have been strong advocates for immigration reform legislation previously are taking a leading role at the moment is heartening. Perhaps we should take the opportunity to compliment the many representative organisations and advocacy groups which we have had the opportunity to meet on the great work they are doing and have done for many decades on behalf of the undocumented Irish and Irish people.

At the weekend Nancy Pelosi gave a very depressing comment on immigration. She was referring in particular to the difficulties on the United States-Mexico border. She said that she held out little hope of Congress passing comprehensive legislation and that the Democrats had been very patient with Mr. Boehner and the efforts he had been making as well as the changed political situation there. This, as well as the impending mid-term congressional elections, are playing into making the situation more difficult. President Obama stated on Monday that he would take some executive action in respect of dealing with immigration. Could that be seen as a threat to Congress? Does the Tánaiste believe it will give congressional leaders added impetus to bring the legislation to a successful conclusion?

**Deputy Eamon Gilmore:** I met Nancy Pelosi when I was in Washington. I understand her views because clearly what is happening on the Mexican border is playing very negatively in the immigration debate. The possibility of the US President taking executive action is something I discussed with his domestic policy adviser, Cecilia Muñoz, who leads on the issue of immigration. The position is that there are 11 million undocumented people. I am told there are deportations at the rate of approximately 1,200 per day at the moment. This is also a major issue in many communities and neighbourhoods with large immigrant populations. Clearly

there is pressure on the US President and the White House to take executive action to address the issue. As I understand it, the President has said that if Congress does not legislate, he will have to consider taking some executive action. The nature of that action is obviously something to which we are not a party.

**Deputy Brendan Smith:** My understanding is that the immigrant-rich cities are very much in favour of the legislation, whereas the parts of the United States that have had little immigration over the years are where the greatest opposition is articulated. It is very important for the families and individuals who contact us from the United States and their representative organisations that we continue to give them a positive and hopeful message, but at the same time that we do not raise expectations to a level that will not be realised. I hope that legislation can be enacted and brought to a successful conclusion.

I record my appreciation and that of my party for the Tánaiste's ongoing effort in this particular respect. During every Question Time since I became party spokesperson on foreign affairs and trade I have raised this issue with a priority question. I recognise that the Tánaiste and his officials have continued to work with all shades of political opinion in the United States and in all sectors of the economy. Will the Tánaiste ensure this important work continues and that we give out a factual message to the families at home, who have not seen loved ones for many years and who face the heartbreak and hardship to which I referred?

**Deputy Eamon Gilmore:** I thank Deputy Smith for his support and encouragement on this issue. I join him in expressing thanks to the various organisations with which we work in helping Irish immigrants in the United States. They do great work and this work is co-ordinated closely with our embassy in Washington.

It is a difficult political issue. Immigration is a difficult political issue anywhere but it is a difficult political issue in the United States in particular. It seems to me that it is not sustainable not to have legislation to deal with the range of issues that touch on immigration, not least the fact that there is now such a large population, fully 11 million people, in the United States who are undocumented and who are, in practice, integrated into the United States community. These are people who have been there for 20 or 30 years and have children who are American citizens but yet are themselves liable to be deported. Many are employed in the economy, in particular in sectors which are dependent on immigrant labour. It is not sustainable that this will not be addressed at some point by way of legislation, which everyone accepts. The question is when it is going to be done. That comes down to politics, which we all understand. We all understand that when there is a difficult political issue, people start to play to their own audience, base and supporters. The Deputy is right that there are some constituencies and districts in which immigration plays differently, but that is changing too. I have heard in the discussions I have had of areas where immigration used not to be an issue or, if it was, the issue was about not doing something. That is changing because of the composition of the population. I agree with the Deputy also that it is important not to raise expectations beyond what can be achieved. This has gone on for a very long time. There is a growing understanding in the political system, however, that this is an issue that must be addressed. The question is when. I would prefer to see it addressed quickly in the interests of the undocumented Irish who are there and also to get the E3 visa put in place. We are very much in the hands of the legislators on Capitol Hill who are in turn in the hands of their voters. There is another mid-term election in November.

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## Good Friday Agreement

5. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade in view of the fact that the Government is a joint and co-equal guarantor of the Good Friday Agreement, the way his Department plans to support the re-established leaders' talks in Northern Ireland; and if he will make a statement on the matter. [28442/14]

**Deputy Seán Crowe:** My question is similar to the one which was put by Deputy Smith. I table the question ahead of the party leaders' talks in the North this week. Unfortunately, we have seen a real deterioration in the peace process in the North. We have had the Haass talks and resolutions which the British Government and sections of unionism never fully endorsed. Many believe that let the Unionists clearly off the hook. To move away from the script, I ask the Tánaiste in relation to the talks themselves what role the Irish Government will play. Will the Government be pressing the British Government to engage more with the peace process?

**Deputy Eamon Gilmore:** The Government, as guarantor of the Good Friday Agreement, will continue its close and ongoing involvement in the talks in line with our support for effective devolved power-sharing government in Northern Ireland and for fair and comprehensive mechanisms to deal with parades, flags and identity issues and the legacy of the past. The modalities of this next phase of the talks are a matter for the parties and are under development currently. In that context, the specific role of the two Governments has yet to be established. However, close and ongoing governmental involvement is likely to remain necessary.

As I have said previously, the Government will continue to be constructive and supportive of the talks and is committed to advancing any outcomes that emerge. We demonstrate that support directly with the parties and through our ongoing engagement with the British Government and US Administration. In my ongoing meetings and contacts with party leaders and with the Secretary of State for Northern Ireland, I have stressed the importance of securing an agreement on the outstanding issues. As I said in reply to a previous question today, I am firmly of the view that it is in the best interests of Northern Ireland that agreement is reached as soon as possible. It is particularly important now during the marching season and before the summer recess that politics is seen to be working for the benefit of all communities in the North.

**Deputy Seán Crowe:** We accept the importance of the fact that discussions are going on prior to the contentious parades and marches which are coming down the track. It is important that the first official meeting is taking place between Sinn Féin and David Cameron at Downing Street this morning, four years after he took office. There is a different approach by the Irish Government, the Tánaiste and his officials from that of the British Government. I do not know how often the Tánaiste engages, but I presume he meets all the parties. The same does not seem to happen with the British Government. It does not seem to be as engaged as the Irish Government in the process. We have seen in the Haass talks that the British Government did not adopt a position, offer support or encourage parties to adopt a position.

The difference in approaches has been a negative. Many of the Unionist parties involved were opposed to the peace process and the Good Friday Agreement but they have agreed now to work with it. It is important, therefore, that the British Government plays with the Irish Government a more significant role in the process. How does the Tánaiste consider that the Irish and British Governments can encourage the process and talks? How can more involvement from both Governments be encouraged?

**Deputy Eamon Gilmore:** It is important to state that the Irish Government has continued to be very closely involved. I have regularly met all the party leaders in Northern Ireland and maintained regular, ongoing contact with them by telephone and through officials. In many cases, it is contact which has never been brought to public attention. I have maintained a very regular dialogue with the Secretary of State for Northern Ireland. The two Governments are the co-guarantors of the Agreement and we work closely together. Both Governments share the view that the talks should succeed and both are encouraging that. I have had these discussions with the Secretary of State, Ms Theresa Villiers, on a number of occasions. My most recent discussion with her took place on 24 June 2014.

We will stay in close contact with the talks which are taking place. I hope they succeed. What is important is to get an outcome from the two three-day sessions taking place this week and next week, respectively. I am very familiar with the issues and where the gaps and differences are in respect of particular issues. Those gaps are perfectly capable of being bridged and I hope they will be.

**Deputy Seán Crowe:** I reiterate that the Irish Government has been inclusive in the process. It has tried to involve all parties and none and to encourage and promote the idea of dialogue. The British Government seems to have adopted a different position. The night that Deputy Gerry Adams was arrested, they were having a drinks party with the DUP. The British Government may be meeting unionism on a regular basis, but it is not meeting the wider parties which is a weakness in its approach. It is positive, however, that the meeting with Sinn Féin is taking place for the first time today. The worry is that the British Government is more concerned about the next election and coming closer to unionism in that regard rather than about building on the peace process itself.

Does the Tánaiste believe this is a genuine process or are we just going through the motions? There is a view that the talks up to now have merely involved parties laying out their stalls without any genuine attempt to resolve the issues which are still outstanding from Haass. There were talks after Haass, but it appeared to be a matter of going through the motions. Does the Tánaiste believe this is a real opportunity which sets the mood music in relation to the contentious marches and what is facing us down the road?

**Deputy Eamon Gilmore:** I welcome the fact that Prime Minister David Cameron is meeting the Sinn Féin leadership today. The Taoiseach and I met the Sinn Féin leadership last week and have continued to maintain close contact with all the parties. I do not accept that this is an issue which should be driven by anyone for party political reasons. There are agreements in place, including the Good Friday Agreement and the agreements which succeeded it, that were voted on by the people of this country. There are international agreements - in effect, treaties - between the State and the United Kingdom on Northern Ireland. What is required to be done is to give effect to the agreements, implement them and see that they work in the interests of the people of Northern Ireland and both these islands. This is not an issue with which anyone on this or the neighbouring island should play party politics. These are agreements between Governments.

A settlement was achieved and there is work to be done to implement it. Part of that is the talks that are now to take place among party leaders within Northern Ireland, supported by the two Governments. Another part of it is the North-South dimension. There will be a meeting of the North-South Ministerial Council in Dublin on Friday. We have practical issues which we must discuss. The issue should not be reduced to one of what is to the party advantage of

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any political party. It should be worked on the basis of what is in the best interests of the peace process itself and the people of these two islands.

## Other Questions

### Foreign Conflicts

6. **Deputy Richard Boyd Barrett** asked the Tánaiste and Minister for Foreign Affairs and Trade in view of the fact that the Horizon 2020 Agreement, which in principle includes the new EU guidelines that prevent any EU funding going to companies based in illegal Israeli settlements on Palestinian land, and in view of the fact that it contains an appendix stating Israel does not recognise the new guidelines, if the Irish Government intends to oppose any such funding going to companies based in illegal Israeli settlements; and if he will make a statement on the matter. [28267/14]

**Deputy Richard Boyd Barrett:** The tragic killing of three Israeli teenagers in the settlement areas on the West Bank and the subsequent brutal response of the Israeli state and the killing of six Palestinians since the abduction has brought into sharp focus the issue of Israel's illegal settlements. Why are we allowing Israel to draw on the Horizon 2020 €70 billion research and innovation fund when it has stated that it does not accept the guidelines in that agreement that no business should be done with illegal Israeli settlements?

**Deputy Eamon Gilmore:** The Horizon 2020 Agreement, which was formally signed by the European Commission and by Israel last month, states clearly in article 6, paragraph one that the agreement does not apply to the territory occupied by Israel in 1967. The paragraph then goes on to state that this agreed provision is without prejudice to the position in principle of the two sides.

Essentially, the same points are made in the appendices to the agreement. The European Commission states it may continue to implement its existing guidelines on funding eligibility and Israel asserts its position of opposition to these guidelines. This is normal diplomatic language allowing one party or other to affirm a national position while in practice accepting an agreement which falls some way short of that position. In this case, the operative element is that both sides have agreed as in Article 6 that “this agreement shall not apply to the geographic areas that came under the administration of the State of Israel after 5 June 1967.”

The position is thus quite clear that EU research grants may not be applied in the occupied territories. There are mechanisms provided, as is usual in such schemes, for reclaiming of funding improperly applied. Ireland fully supports this position. Ongoing implementation and oversight of the Horizon 2020 agreement with Israel is a matter principally for the Commission and the European Parliament. I have every confidence that the Commission will ensure that the agreement is properly applied.

**Deputy Richard Boyd Barrett:** This really gets to the heart of the double standards that occur. Russia is accused by Europe of unacceptable behaviour and incursions into Crimea in Ukraine. Immediately, sanctions are put in place and action is taken because Europe maintains that Russia's behaviour is unacceptable. Israel does it on an ongoing basis and is engaged in what everybody acknowledges is an illegal occupation of Palestinian territory and yet we involve it in an enormous innovation fund and will give its companies money. Even though we

stipulate that this money cannot be used in the West Bank, Israel brazenly states that it does not accept these guidelines. Yet we still involve it in the agreement. That is extraordinary. Why is Israel treated differently even though it is involved in a routine, ongoing and brutal illegal occupation of Palestinian territory which week after week and day after day results in the most awful tragedies, the most recent of which we have just seen? We treat it with kid gloves.

**Deputy Eamon Gilmore:** Let us be absolutely clear about this. The European research funding under Horizon 2020 does not and will not apply in the occupied territories. That has been made very clear in the agreement and that is what is happening. In addition, EU High Representative Catherine Ashton has been working for some time now on the development of guidelines on the labelling of products from the occupied territories. The Government has been working on guidelines in respect of businesses and the occupied territories. I expect that we will publish those guidelines very shortly. We will do that in conjunction with a number of other member states. The position in respect of the occupied territories is absolutely clear.

I have issued a statement condemning the kidnapping and killing of the three Israeli teenagers. I also condemn the killing of Palestinian young people and the kidnapping earlier today of a Palestinian teenager. I am very concerned about the turn of events and believe there should be a pulling back from all violent activity in the Middle East and that efforts to get a lasting settlement be renewed and concentrated on.

**Deputy Richard Boyd Barrett:** Israel cannot be believed. That is the point. I do not understand how the Minister believes Israel when it states that it disregards the guidelines in the agreement. In the Dáil the other day, we listened to an Israeli soldier who is a member of Breaking the Silence. This is a large organisation of Israeli soldiers that has produced a book entitled *Our Harsh Logic*. The Tánaiste should read it. The soldier described how at the most senior military and political level on an ongoing basis, Israeli soldiers are told to go in and kill, harass, abuse and terrorise the Palestinian population on an arbitrary and random basis every day. That is what they are told to do. An Israeli soldier and an organisation of Israeli soldiers are saying this. Israel does not give a damn about our rules. We have signed an agreement and allowed Israel into an EU fund when it has said up-front that it does not accept the agreement's guidelines. I do not understand why the EU would accept that. A connection is often made between the US and Israel but the soldier from Breaking the Silence said that the EU is the largest supporter, sponsor and legitimiser of Israel.

**Deputy Eamon Gilmore:** Israel is free to state its position in respect of the guidelines for the funding of research. It can state its position as often, as loudly and in as large a print as it likes but it does not change the fact that EU money will not be spent on research in the occupied territories. That is the position agreed by the EU and that is what it is implementing. Regardless of whether Israel likes it or not, that is the EU position.

**Deputy Richard Boyd Barrett:** How will we police it?

**Deputy Eamon Gilmore:** It is very simple. One does not pay Israel. It is EU money. This is not complicated. The EU will not pay its taxpayers' money for research in the occupied territories. No matter what is stated in the agreements, what codicils are entered into or what statement of national positions exists, that is the control of it. We do not pay it. It is simple. The position we are working on in respect of products from settlement territories is in the same vein. The work we are doing in respect of the guidelines that will be issued to Irish businesses in line with what I believe will be done in quite a number of other EU member states will be the

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same. We act and if somebody does not like it, that is fine but we act because we do not believe that Israel should be occupying the occupied territories and we do not and will not support the type of actions that are being undertaken in the occupied territories.

### **Diplomatic Representation**

7. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will consider re-opening the Irish embassy in Iran; if he will provide a breakdown in tabular form by year of the savings made by the decision to close the Iranian embassy; if he still supports EU sanctions against Iran; and if he will make a statement on the matter. [28224/14]

**Deputy Brendan Smith:** When the Tánaiste announced the opening of some consulates in January, there was an expectation that the embassy in Tehran would be re-opened. It is an important trading partner. I think the trade is worth €51.5 million on an annual basis. I know that on a successful visit by some members of the Oireachtas Committee on Foreign Affairs and Trade to Iran, they got a very clear message that the Iranians want diplomatic relations between our two countries brought to a new level with opportunities to increase trade.

**Deputy Eamon Gilmore:** The configuration of the State's diplomatic and consular network is kept under ongoing review by the Government. A range of factors are taken into account in considering our diplomatic representation overseas, including our political, economic and trade priorities as well as the availability of resources. The deployment of resources is also being considered in the context of the review of Ireland's foreign policy and external relations that is underway in my Department.

I can confirm that consideration was given to re-opening the embassy in Tehran as part of the expansion of the missions' network recently decided on by Government. Based on previous experience, it is estimated that the cost of a small resident mission in Tehran would be of the order of €500,000 per annum. The Government is conscious of the political, economic and trade factors that might warrant the opening of resident diplomatic missions in Iran and several other countries. However, current resource constraints do not allow us to have resident representation in all the locations that might objectively justify it having regard to the aforementioned factors.

EU and other sanctions against Iran have been a critical factor in bringing Iran to engage in the negotiations now under way to resolve the nuclear issue. Sanctions have been slightly eased as part of the interim agreement reached in November but otherwise remain in force. They can be removed if a comprehensive agreement is reached, as is now hoped. Until then, they must remain in place as their removal now would seriously damage the prospect of reaching agreement on this difficult issue.

**Deputy Brendan Smith:** I thank the Tánaiste for his reply. I hope resolution of the nuclear issue can be advanced in the context of the Vienna talks. I am sure the new Iranian ambassador to this country has spoken to all political parties. He is very anxious that we move on and give added impetus to the diplomatic and the trade relations between both countries. I understand the Ceann Comhairle has an invitation to visit that country when he has an opportunity to do so.

The EU was Iran's main trading partner before sanctions were introduced in 2012. At that time, trade between the EU and Iran was €28 billion on an annual basis but it is now down to €6 billion. However, trade between Iran and China has risen to €40 billion on an annual basis

and it is expected that within a short period of time, it will increase to €100 billion. There are obvious trade opportunities for all of us to try to maximise. It is important from the point of view of the Tánaiste's Department - the Department of Foreign Affairs and Trade - that we have the best possible diplomatic presence in the Middle East to assist many Irish companies which are doing business there and which want to increase their foot print there.

**Deputy Eamon Gilmore:** The sanctions were introduced in order to encourage Iran to participate in the talks on the nuclear issue. Participation in the talks is not just about being physically present at the talks but it is also about being fully engaged. Progress is being made. High Representative, Catherine Ashton, has briefed the Foreign Affairs Council on a number of occasions on her discussions and I want to express my support for the work she is doing.

Sanctions hurt not just the country against which they are targeted but they also hurt the countries applying them. I would like to see a situation where the sanctions can be lifted and where trade with Iran is normalised and grows again. The Deputy is right that is one of the contexts in which we will, in the future, consider the possibility of reopening a resident mission in Teheran and I hope we will be in a position to do that. As everybody knows, we had to cut our cloth to suit our measure in the past number of years as a result of the economic recession but now that we are coming out of the economic recession, it may be possible to consider the position of a mission in Teheran again.

**Deputy Brendan Smith:** From High Representative Ashton's presentations to the Foreign Affairs Council, is there any belief that conditions are improving in Iran and that it is making the effort to enable the European Union to reduce sanctions and to improve the trading relationship between both blocs and obviously deal with other issues as well as trade?

**Deputy Eamon Gilmore:** After nine years of what can only be described as stonewalling by Iran, the willingness of the new government there to engage seriously has been very welcome. The interim plan of action, which was agreed in November, was an important achievement and created a context in which this long running issue can be resolved. The hard work of converting it into an agreement and settling this issue is now underway and negotiations are at a critical stage.

All I can say is that the Iranian side has continued to engage seriously and with a will to reach agreement but we do not yet know if Iran will be able to accept the essential compromises to reach an agreement and we know that the E3+3 side is very open to an agreement. We also know that there are elements in Iran which may be unwilling to reach an agreement, so we and our EU partners are doing what we can to encourage Iran to continue on the new course and to reach agreement.

### **Global Economic Forum**

8. **Deputy Seán Kyne** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will report on the progress of the Global Irish Network since its creation; his Department's interaction and participation with this initiative; if a date for the next Global Irish Economic Forum has been set; and if the forum will continue and consolidate its regional events in view of the potential benefits for regional development. [28192/14]

**Deputy Seán Kyne:** I wish to ask the Tánaiste if he will report on the progress of the Global

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Irish Network since its creation and on his Department's interaction with it and state if a date has been set for the next gathering and if regional events will continue as occurred in 2013.

**Deputy Eamon Gilmore:** The Global Irish Network, comprising more than 300 of the most influential Irish and Irish-connected people in almost 40 countries, was established in 2010 following a recommendation of the first Global Irish Economic Forum held in Farmleigh in September 2009.

This network was established at a time when the country was in crisis and our international reputation had been severely damaged. The work of the network has been important in restoring the trust in our reputation necessary for a small open economy to compete in international markets. The Taoiseach and I communicate regularly with network members to keep them informed of developments in the economy and other topical issues in Ireland to enable them to speak knowledgeably on the progress that has been made.

Since its establishment, most members of the network have participated in the forums held in 2011 and 2013, both of which had a strong focus on economic recovery, reputation and job creation. Network members give their time to attend the forum and travel here at their own expense. Many of the outcomes from these forums have been included in the Action Plans for Jobs - the 2014 plan, for example, includes the year of Irish design in 2015, the placement of origin green ambassadors in overseas companies and smart ageing initiatives. No date has yet been set for a fourth forum.

Network members are involved with our embassies and the State agencies in the preparation and execution of high level visits, trade missions and St. Patrick's Day events around the globe. In addition, a number of regional or sectoral Global Irish Network meetings have been held internationally, including in London, Paris, Singapore, New York, Berlin and, most recently, San Francisco during the Taoiseach's visit there last month. These meetings allow the participants to work together as a network and to share with each other and with the Government their thoughts and ideas across a wide range of areas.

One innovation of the last Global Irish Economic Forum was the holding of regional network events around Ireland in conjunction with Enterprise Ireland and third level institutions. These events in Cork, Galway and Belfast were considered a huge success by network members, Enterprise Ireland clients and the local participants at each venue. In addition, in parallel with the forum, a mentoring event was organised by Enterprise Ireland and my Department, bringing network members together with Irish SMEs to share experience and expertise.

**Deputy Seán Kyne:** I thank Tánaiste for his response and concur with him on the important work of the network in terms of the rationale behind it being to enhance our economic recovery. No date has been set for the next forum but I presume there will be further forums and that we will continue with the very important work of the network.

I refer to the various regional meetings. The Tánaiste mentioned meetings in Berlin and San Francisco. I presume these meetings will also continue. Is the Tánaiste confident that they are yielding results?

**Deputy Eamon Gilmore:** As the Deputy said, no date has yet been set for another forum. An advisory committee was established following the 2011 forum which meets regularly with me and discusses the way in which the forum's work should be carried forward. That group is considering what form another forum might take. It might not necessarily take the same form

as the previous forums. The practice up to now has been to convene the forum every two years, so I suppose, logically, it would not be due until 2015. It is not anticipated that there will be a forum this year.

The network meets in various regional settings, generally in conjunction with high level visits. The Taoiseach meets with network members during visits as do I. Some of those meetings are obviously in conjunction with St. Patrick's Day events but they are also organised in conjunction with key business events and investment attraction events. Sometimes they are tailor made. I recall, for example, meetings with network members who work in the financial services sector in New York which has been very helpful in restoring confidence to our financial sector.

**Deputy Seán Kyne:** The Tánaiste mentioned the Action Plan for Jobs. The advisory group is engaging with the Department on the Action Plan for Jobs and presumably seeking results and progress on the initiatives. Reference was also made to St. Patrick's Day, which is a hugely important date for Ireland and for engagement with the diaspora. Is the Minister confident that full use is being made of all the resources at such a key time for this country in terms of the international profile?

**Deputy Eamon Gilmore:** We are very fortunate in this country to have a national day which has such resonance throughout the world and which offers us huge opportunities to promote Ireland. One could not possibly buy the international advertising, goodwill and promotion that St. Patrick's Day gives to us. That is now organised in a much more co-ordinated way involving members of the global Irish network.

Arising from the previous forum, a number of initiatives are being taken forward, one of which is the idea of a year of design in 2015. Network members are involved in that. The second idea was this country becoming a model for smart ageing, bringing together technologies, medicines and elder care. A group is working on that. I met one of the members of the group, Susan Davis, in Washington when I was there in mid-June. She has taken a particular interest in the development of the smart ageing initiative. The concept of smart ageing has been made part of the Action Plan for Jobs. There is huge potential in that regard and it is something I would like to see developed in the period ahead.

## **Foreign Conflicts**

9. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide an update on the EU's engagement in the Iraqi crisis; and if he will make a statement on the matter. [28223/14]

**Deputy Brendan Smith:** Yesterday marked another very difficult day in Iraq when Sunnis and Kurds walked out of the first session of the Iraqi Parliament, which impeded the formation of a new government. I understand that following a recess there were not enough lawmakers present in the parliament to form a quorum and there has been charge and counter-charge. Is it likely that High Representative Ashton, on behalf of the European Union, will make efforts to talk to some of the main players on the need to form an inclusive government as quickly as possible? We must all be concerned at the terrible loss of life.

**(Deputy Paschal Donohoe):** The dramatically deteriorating situation in Iraq is a matter of very serious concern, both for the Iraqi people and for the international community as a

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whole. The al-Qaeda linked Islamist militia known as ISIS, with allied Sunni groupings, has captured large parts of northern and western Iraq, including the major city of Mosul. It is also targeting key installations such as the country's largest oil refinery. The Government has previously warned of failings and inattention on the part of the current Iraqi Government in actively promoting reconciliation with the minority Sunni community. These concerns have now been shown to be wholly justified. The ISIS advance has been concentrated in Sunni-dominated areas and has only been possible because disaffected local Sunni forces, many of whom had earlier fought al-Qaeda during the US-led surge in 2006, decided to join forces with it. The Tánaiste discussed the crisis in Iraq with EU colleagues at the Foreign Affairs Council on 23 June. The Council agreed conclusions condemning the recent attacks by ISIS, and reports of horrific atrocities. The Council emphasised that a security solution alone cannot resolve the current crisis, but must be combined with a sustainable political solution through outreach by the Iraqi Government to local communities and Iraqi society as a whole. Following the elections on 30 April, the Council also called on Iraq's political leaders to negotiate as soon as possible the formation of a government representative of all Iraqi communities in society. Similar messages were also set out in the joint declaration of EU and Arab League Foreign Ministers meeting in Athens on 11 June, which I attended.

The Foreign Affairs Council on 23 June also expressed its serious concern at the humanitarian situation amid a further massive civilian displacement of some 500,000 people arising from the current emergency. The EU has increased its humanitarian assistance to Iraq to a total of €12 million this year. Ireland, for its part, is sending an airlift, worth €220,000, to be distributed by GOAL, which recently also received €200,000 to support its emergency response in northern Iraq. A further allocation of €75,000 to another Irish Aid NGO partner, Christian Aid Ireland, brings the Government's total humanitarian assistance to Iraq in 2014 to €655,000.

**Deputy Brendan Smith:** I thank the Minister of State for his reply. I welcome also the announcement in recent days by the Minister of State, Deputy Costello, of humanitarian assistance, which is badly needed. I hope the European Union can provide additional assistance, as well as the Government. It is frightening that the United Nations announced that June had been the deadliest month in Iraq for many years. The violent death toll in Iraq, excluding the Anbar province, was 2,417, which is four times higher than the number of casualties in May. Unfortunately, the crisis is escalating.

I am sure the Minister of State will take every opportunity at Foreign Affairs Council meetings to ensure the European Union engages on a consistent and constant basis with other major political blocs in trying to bring the message to the terrorists that terrorism must end, that an inclusive government is needed in Iraq, and that it must be formed as soon as possible.

**Deputy Paschal Donohoe:** I assure the Deputy that is the case. The Tánaiste, the Minister of State, Deputy Costello, and I raise the situation in the Middle East at every opportunity. As the Deputy suggested, this is not just a crisis in Iraq; it has far wider consequences for the region. It touches directly on and in some cases originates from what is happening in Syria. The long-term consequences of the crisis that is now unfolding in Iraq are not confined within the borders of Iraq but would have profound consequences for elsewhere.

To directly answer the Deputy's earlier question, I have already outlined the humanitarian assistance the Government has provided, and will continue to provide during the year. Within the Foreign Affairs Council and in other fora that are available to us, the Government is prominent in calling for continued attention and focus on what is happening in the Middle East, Syria,

in the peace talks to which the Tánaiste and Minister for Foreign Affairs and Trade referred, and in calling for an inclusive government within Iraq that recognises the various communities and religions within the country.

**An Ceann Comhairle:** The time for parliamentary questions has expired. As this is the last occasion on which the Tánaiste will take foreign affairs questions-----

**Deputy Eamon Gilmore:** How do you know that, a Cheann Comhairle?

**An Ceann Comhairle:** According to rumour, that is the case. If it is, it has always been a pleasure to chair foreign affairs Question Time with the Tánaiste as the lead Minister. I wish him every success in whatever he does.

**Deputy Eamon Gilmore:** Thank you very much, a Cheann Comhairle.

**An Ceann Comhairle:** Perhaps the Tánaiste will be back with us. Who am I to speculate? I just read the newspapers like everyone else.

**Deputy Eamon Gilmore:** Thank you very much.

**An Ceann Comhairle:** I say that also as a constituency colleague.

**Deputy Eamon Gilmore:** Indeed.

*Written Answers follow Adjournment.*

### **Message from Select Committee**

**An Ceann Comhairle:** The Select Sub-committee on Finance has completed its consideration of the National Treasury Management Agency (Amendment) Bill 2014 and has made amendments thereto.

### **Competition and Consumer Protection Bill 2014: Order for Report Stage**

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I move: “That Report Stage be taken now.”

Question put and agreed to.

### **Competition and Consumer Protection Bill 2014: Report Stage**

**An Leas-Cheann Comhairle:** Amendments Nos. 1 and 17 are related and may be discussed together by agreement.

**Deputy Dara Calleary:** I move amendment No. 1:

In page 8, after line 35, to insert the following:

“(3) The Minister shall make provision under this section whereby it shall not be a breach of this Act (or any statutory instrument relating to competition law), for the State to negotiate fees in relation to professional contracts for services from members of professional bodies, and a list of such services and bodies shall be set out by the Minister under this section.”

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Amendment No. 1 is in my name and amendment No. 17 is in the name of Deputy Tóibín. This amendment seeks to address an anomaly that currently exists in competition law prohibiting organisations representing professionals from negotiating with State agencies on terms and conditions. This was the subject of recent proceedings between the Irish Medical Organisation and the Government and it affects a diverse range of groups, including pharmacists, actors and others. When these professionals seek to come together as a group to negotiate terms and conditions on behalf of members, they are open to action by the Competition Authority. Such action has been taken against various organisations and this is not acceptable.

It is wrong that the State can dictate the terms and conditions of contracts such as the General Medical Service contract, the pharmacy contract and others. The State can avoid the negotiation of terms and conditions because of this lacuna. This amendment seeks to level the playing pitch in order that a proper working relationship can exist between the State and various professions that carry out services on behalf of the State. This is not a market situation and the State is using this legislation and its dominance as the only provider of GMS, pharmacy and other services to hide from its negotiation responsibilities.

**Deputy Peadar Tóibín:** The first part of my amendment deals with a relatively small group of people who raised concerns with the National Union of Journalists. They included freelance photographers, voice-over actors, freelance journalists and so on. For years such individuals could work with Irish Equity, SIPTU or the Institute of Advertising Practitioners in Ireland to generate a deal between themselves and their employing organisation.

The NUJ negotiated freelance rates at a national level and published fee guides but, strangely, action was taken by the Competition Authority to the detriment of the workers. Representative organisations should be able to deal with such individuals as they negotiate pay and conditions. They were seen, through a very narrow lens, as sole traders when in fact they operated together. It is logical that the Government should sort this out. The Government made a commitment in Towards 2016 to resolve this issue so it has already stated that it is on the same side as the workers, the NUJ and SIPTU. The amendment I have tabled will address this.

The second part of the amendment acknowledges this issue also affects representatives of small retailers. Proper competition happens when a fair power structure exists between seller and buyer. Often the perfect competition experience can be seen in small newsagents and retailers, yet oligopolies exist among suppliers. This applies to suppliers of newspapers, certain media, telephone cards, bill pay plans and so on. The relationship is very lopsided.

In countries such as Australia small businesses can come together and use a representative organisation to equalise the imbalance and provide advice to members rather than binding contracts. Members can choose to take what is on offer or not. I encourage the Minister to support these amendments.

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** These matters were discussed on Committee Stage. The law on this is clear as European Union, EU, competition law says self-employment is regarded as an undertaking. It is not legal to have decisions by bodies representing undertakings and concerted practices that have as their object or effect the prevention, restriction or distortion of competition in trade in any goods or services in the State. There is clear and established competition law on this that seeks to protect the public from collusion or collective price fixing by undertakings. Both Deputies seek to propose a group of undertakings to remove from this general provision but I cannot accept this.

Price fixing militates against effective competition law and we all recognise that Ireland has not been good at introducing competition into non-trading sectors. We have tended to allow arrangements that fall short of a proper, competitive operating market. In my view the Competition Authority has taken a very clear stance on this, and in both cases mentioned, the outcome of that stance has been agreement with the parties concerned. Irish Equity agreed with the Competition Authority not to breach competition law and to conduct its business in a way that stays within the provisions of competition law while offering support and representation services that are perfectly acceptable. The same goes for small retailers. Advice and technical support are acceptable but straying towards price fixing crosses a line. The Competition Authority is right to insist that a clear line is drawn.

It is worth recalling the court case in May between the IMO and the Competition Authority. The IMO sought to establish a right to negotiate fees for self-employed health professionals and the two parties agreed a settlement that has become a rule of court. The settlement recognised that the IMO cannot negotiate fees and that it is the job of the Minister for Health to determine fees, though consultation is allowed. Consultation went on in the case in question but the idea that a group of undertakings, be they retailers, professionals, lawyers or doctors, could fix prices is unacceptable. Some professional practices in Ireland charge very high fees and are supported by the notion that competition law should not stray into their territory. It is vital that we assert the importance of competition, particularly in non-trading sectors, as the challenge facing Ireland is to rebuild a strong trading economy. We cannot have uncompetitive practices in the non-trading sector while we try to open a more competitive environment for exporters.

It may be of some comfort to Deputy Tóibín that the formal classification under national law of a person as self-employed does not exclude the possibility that the person is a worker, within the meaning of Article 45 of the Treaty on the Functioning of the European Union. Accordingly, a person will not be considered to be an undertaking for the purposes of competition law where the nature of his or her work is such that he or she becomes incorporated into the undertakings for which he or she is engaged to provide services, thus forming an economic unit within those undertakings.

I believe the Competition Authority has taken an important position as we seek to develop competition law. There is a line marking what is acceptable for groups representing members, who are undertakings within the terms of the law. This can apply to professionals, small businesses and large businesses and it is important we respect the line.

Deputy Tóibín made reference to a programme, Towards 2016, that was formulated some time ago.

*11 o'clock*

**Deputy Peadar Tóibín:** It was a Fianna Fáil proposal.

**Deputy Richard Bruton:** It was some time ago. The programme outlined a proposal to exempt certain categories. However, the troika then came and one of the challenges it undertook was that Ireland needed to be more vigilant about competition law and not add further exemptions to our competition law framework. Part of the agreement with the troika is to ensure no further exemptions to the competition law framework are granted unless they are entirely consistent with the goals of the EU-IMF programme and the needs of the economy. No such exemptions have been granted. I agree with this approach, which the Department and I con-

tinue to take. Our priority is to ensure a good competitive environment.

Deputy Calleary asked whether the State was abusing its dominant position. I do not accept this. The State is not a monopoly power seeking to exploit for competitive gain. The State represents the public interest and seeks to work out an agreement. The State enters into consultation and discussion, but ultimately it is the State which fixes the fees. This is the line which has been drawn by competition law, which I think is correct. There will be arguments to and fro, but the existing legislation draws the line in the correct place and we should stick with it.

**Deputy Dara Calleary:** The State enters into consultation and discussion with the power of this law behind it, and this restricts the ability of organisations to negotiate fully on the part of their members. I do not support, and am absolutely against, price fixing and collective price fixing, but the State is in a monopoly situation. For instance, only the State gives out a GMS contract. Earlier the Minister stated the Minister for Health can fix the rate. Only the State gives out a pharmacy contract. This also comes back to the Department of Health, which fixes the rate.

It happened during our time in government, and it was wrong then as it is now, that when organisations sought to flex their muscles and use their members in collective action, this law was used to prevent them from doing so. They do not have the same ability as workers to use the withdrawal of their labour as a threat because if organisations affected by this law withdraw labour, the Competition Authority will come down on top of them for acting collectively to try to influence prices. When something is not going the State's way, it has the ability to use the law as it is framed.

In recent months many Government backbenchers have gone to meetings throughout the country with groups such as the IMO and stated this type of thing should be done. We will give them a chance this morning to put power behind their words.

**Deputy Peadar Tóibín:** The Minister's refusal to reform this sector will have a negative effect on thousands of workers in small sectors. These include freelance journalists, writers and voice-over actors. It will reinforce the dominant position of the organisations for which these groups of people work and it will perpetuate an unfair and unbalanced competition relationship. Is it the case that under European law reform as set out by these amendments is illegal? Does the Minister state he has no room for manoeuvre under the law or can he, with the Government, make a change which will effectively improve the relationship of people with these organisations and their livelihoods?

**Deputy Richard Bruton:** To take Deputy Calleary's point, it is not that Ireland is taking a uniquely perverse view in deciding Ministers representing the public interest should discuss and consult with professional bodies but it is the Minister who should set fees. This is not Ireland taking an unusual view, it is European law. The approach being adopted and which I seek to uphold is what is provided in every country in the European Union. It is done to protect the public interest and users of public services, such as public patients, from collusion or price fixing on the part of bodies dealing with the State. This is a sensible position to adopt. The State is not an authoritarian monopolist that does what it likes. It is accountable to the House. It consults, discusses, examines options, assesses pressures on groups such as doctors, considers the costs of delivering a service and considers what is a reasonable approach to take, but at the end of the day it is the Minister who sets the price. It is not a question that a group of professionals or others collude to set a price and if they do not get a price, they withdraw their services.

This is not the approach the law supports. It supports a process of consultation, but ultimately the Minister sets the price. This is correct and particularly so for Ireland. For many years the reports of the National Competitiveness Council have shown the costs of professions in Ireland soar above the averages.

**Deputy Dara Calleary:** Legal fees also.

**Deputy Richard Bruton:** This feature exists across the board. The Deputy raised the question of whether these powerful lobbyists exercise influence over people. I am sure they exercise influence and seek to take on powers or rights which are not permitted under competition law, but we must hold out in the public interest. Groups are entitled to express their views but we must make a decision on what is in the best interests of the public and I believe this is in the public interest. I am absolutely convinced this is the right line to draw.

There are various players in the economy. We know the strengths in the marketplace vary over time and small and large businesses must engage with them. We use competition law to try to provide a framework within which this can be as fair as possible. The principle of not allowing price fixing, collusion or abuses of dominant positions are enshrined in the law. The competition and consumer commission will have the tools at its disposal to seek to enforce these provisions. This is the right approach to take.

These are general provisions, and exemptions would have to be made for very clear public policy reasons. The Government, rightly in my view, entered into an agreement with the EU that we would not introduce new exemptions into our competition law because they were not consistent with the public policy we ought to be pursuing. A public policy defence should not and cannot be offered for such exemptions. The line I seek to protect is with regard to long-term interests. In the short term people will give out, but we should hold the line and state there are limits to what groups can do, such as they cannot engage in collusion or price fixing and players which are dominant in the market cannot abuse their dominance. Later in the Bill we seek to set out what are fair terms of exchange in the grocery goods sector, which we know about and which is part of this. This is an important principle and we should seek to hold the line on it.

Amendment put:

<i>The Dáil divided: Tá, 30; Níl, 54.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Boyd Barrett, Richard.</i>	<i>Breen, Pat.</i>
<i>Browne, John.</i>	<i>Bruton, Richard.</i>
<i>Calleary, Dara.</i>	<i>Burton, Joan.</i>
<i>Collins, Joan.</i>	<i>Buttimer, Jerry.</i>
<i>Collins, Niall.</i>	<i>Byrne, Catherine.</i>
<i>Cowen, Barry.</i>	<i>Byrne, Eric.</i>
<i>Crowe, Seán.</i>	<i>Conaghan, Michael.</i>
<i>Ellis, Dessie.</i>	<i>Conlan, Seán.</i>
<i>Ferris, Martin.</i>	<i>Connaughton, Paul J.</i>
<i>Grealish, Noel.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Halligan, John.</i>	<i>Costello, Joe.</i>
<i>Healy, Seamus.</i>	<i>Coveney, Simon.</i>

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<i>Healy-Rae, Michael.</i>	<i>Daly, Jim.</i>
<i>Keaveney, Colm.</i>	<i>Deering, Pat.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Donohoe, Paschal.</i>
<i>McGrath, Finian.</i>	<i>Dowds, Robert.</i>
<i>McGrath, Mattie.</i>	<i>Durkan, Bernard J.</i>
<i>McLellan, Sandra.</i>	<i>Feighan, Frank.</i>
<i>Mathews, Peter.</i>	<i>Ferris, Anne.</i>
<i>Moynihan, Michael.</i>	<i>Fitzgerald, Frances.</i>
<i>Murphy, Catherine.</i>	<i>Flanagan, Charles.</i>
<i>Naughten, Denis.</i>	<i>Griffin, Brendan.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Hannigan, Dominic.</i>
<i>Ó Cuív, Éamon.</i>	<i>Harrington, Noel.</i>
<i>Ó Fearghail, Seán.</i>	<i>Hayes, Tom.</i>
<i>O'Sullivan, Maureen.</i>	<i>Humphreys, Kevin.</i>
<i>Pringle, Thomas.</i>	<i>Keating, Derek.</i>
<i>Shortall, Róisín.</i>	<i>Kenny, Seán.</i>
<i>Smith, Brendan.</i>	<i>Kyne, Seán.</i>
<i>Tóibín, Peadar.</i>	<i>Lyons, John.</i>
	<i>McEntee, Helen.</i>
	<i>McFadden, Gabrielle.</i>
	<i>McHugh, Joe.</i>
	<i>McLoughlin, Tony.</i>
	<i>McNamara, Michael.</i>
	<i>Maloney, Eamonn.</i>
	<i>Mitchell, Olivia.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Mulherin, Michelle.</i>
	<i>Murphy, Dara.</i>
	<i>Nash, Gerald.</i>
	<i>Neville, Dan.</i>
	<i>Nolan, Derek.</i>
	<i>Ó Riordáin, Aodhán.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Reilly, Joe.</i>
	<i>O'Sullivan, Jan.</i>
	<i>Penrose, Willie.</i>
	<i>Ring, Michael.</i>
	<i>Ryan, Brendan.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Tuffy, Joanna.</i>
	<i>Walsh, Brian.</i>

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

Amendment declared lost.

**An Leas-Cheann Comhairle:** If we could have order please, we will move on to the next amendment. Any conversations should be had by Members outside the Chamber.

**Deputy Richard Bruton:** I move amendment No. 2:

In page 9, between lines 23 and 24, to insert the following:

“(a) subsections (11B) and (11C) (inserted by section 2(h) of the Competition (Amendment) Act 2012) of section 8;”.

This amendment repeals subsections (11B) and (11C) of section 8 that were inserted into the Competition Act 2002 by section 2(h) of the Competition (Amendment) Act 2012. This provision had foreseen that where a person or undertaking was found guilty of a competition law offence, the court was obliged to order that person to pay all costs to the Competition Authority, including costs and expenses related to the investigation, detection and prosecution of the offence. No discretion was allowed. Since its introduction, there has been growing disquiet about the possible implications, including whether this could force courts to act in the opposite direction if a person was not found guilty and leave the State liable to a very large costs bill. It also could act as a strong disincentive to defendants to consider entering a guilty plea. Repeal will see full discretion returned to the courts.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 3 to 5, inclusive, 15, 19, 27, 78 and 79 are related and may be discussed together by agreement.

**Deputy Richard Bruton:** I move amendment No. 3:

In page 9, to delete line 26.

On Second Stage, Deputy Sean Fleming raised the issue of the simultaneous passage of this Bill and the Protected Disclosures Bill 2013. On Committee Stage, I promised to revert on Report Stage with amendments to bring both Bills into alignment. I therefore propose to achieve this by deletion of section 33 of the Bill, as amended in the select committee, and the reinstatement of the existing analogous section 87 of the Consumer Protection Act 2007 and section 50 of the Competition Act 2002, plus associated Schedules, which earlier had been earmarked for repeal but which are appropriately referenced in the Schedule to the Protected Disclosures Bill 2013, as well as the removal of the words “and in good faith” from both aforementioned sections. There also are consequential amendments to delete two references to section 33 of the Bill that are superfluous upon deletion of that section.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 4:

In page 9, line 27, to delete “(d) Schedules 1 and 3.” and substitute the following:

“(d) Schedule 1.”.

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Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 5:

In page 9, to delete lines 28 to 31 and substitute the following:

“(2) Part 2 (other than sections 24A to 24E) of the Act of 2007 is repealed.”.

Amendment agreed to.

**Deputy Dara Calleary:** I move amendment No. 6:

In page 10, between lines 13 and 14, to insert the following:

“(2) Any resources used by the Commission shall be allocated by application of a set of priority principles in the public interest.”.

The purpose of this amendment is to ensure that in the operation of its duties and the carrying out of its tasks, the new competition and consumer protection commission will apply public interest principles, as well as those established by the Minister.

**Deputy Richard Bruton:** Under the Bill, the new competition and consumer protection commission will be independent in the carrying out of its functions and duties. In this context, it will be obliged to operate within the legislative framework set out in the Competition and Consumer Protection Acts and the obligations placed on it by European Union legislation. Resources will be made available to the new commission in the same manner as all other State bodies as part of the budgetary and Estimates process and within the employment control framework. At present, both the Competition Authority and the National Consumer Agency already operate according to published prioritisation principles. The Bill provides in section 30 that the new commission will issue a strategy statement every three years, which will be laid before each House of the Oireachtas and which will, *inter alia*, set out the key objectives, outputs and related strategies, including the use of resources of the commission. This will give visibility and transparency to the work of the commission when taken together with its annual reports. It also is worth noting that section 20 provides that I, as Minister, may issue directions in writing to the commission requiring it to comply with such policies of the Government as are specified in the direction. Moreover, such directions might be laid before each House of the Oireachtas. In light of the points made, I do not believe this amendment is necessary and thus, I am not in a position to accept it.

Amendment, by leave, withdrawn.

**Deputy Dara Calleary:** I move amendment No. 7:

In page 15, line 21, after “inability,” to insert “not exceeding 12 months,”.

The purpose of this amendment is to ensure there is continuity in the operation of the commission if a member resigns.

**Deputy Richard Bruton:** Under the Bill, provision is made for the appointments being made to the new competition and consumer protection commission following an open recruitment competition to be run by the Public Appointments Service, PAS. This replicates the system that currently exists for the Competition Authority. The actual mechanics of advertising, interviewing and then taking into account the needs for successful applicants to give some

months' notice to their current employers, possibly up to three months, means the entire recruitment and selection process could take a number of months to conclude, during which period the commission would not be allowed to function without the requisite membership if a number of vacancies had arisen. Thus, this Bill repeats at section 12(5) the provisions of the Competition (Amendment) Act 2010, which allow the Minister for Jobs, Enterprise and Innovation to appoint whole-time members for a short period to provide cover up to the point when whole-time members are appointed following the holding of a PAS competition. In that context, as laid out in section 12(10) and (11), such members may only be appointed for an initial maximum period of six months, with a further period or periods allowed, provided the total period for the temporary member in question does not exceed 12 months. This provision was utilised in 2010 and appointments made for less than the 12 month period.

In section 12(3)(b), the Bill also repeats the provisions of the Competition Act 2002 on the appointment of temporary whole-time members to address a circumstance in which a member is temporarily unable to discharge his or her duties. Such provisions are intended to provide cover for a member or where he or she is unavailable to attend a meeting of the commission on the ground that he or she is out of the country and cannot take his or her place or play his or her part at a meeting, with a knock-on impact on the statutory quorum for the meeting. For this reason, such temporary appointments are for a very short duration and specific to unforeseen circumstances. They have, in the experience of the Competition Authority to date, consisted of members of staff being appointed for limited periods to ensure authority meetings could take place with the required quorum, often at short notice.

In summary, if a longer-term vacancy arises, the provisions under section 12(10) and (11) will operate and if a shorter-term vacancy arises, section 12(3)(b) will operate. In light of this, the proposed amendment is not necessary and I am not in a position to accept it.

Amendment, by leave, withdrawn.

**Deputy Peadar Tóibín:** I move amendment No. 8:

In page 18, between lines 27 and 28, to insert the following:

“(9) Vacancies of the Commission membership will be filled within 3 months.”.

The amendment has been tabled because the Government has a poor record in filling vacant positions in non-commercial State-sponsored bodies. Shortly before Christmas last year, the Standards in Public Office Commission, SIPO, experienced a minor crisis when it found itself unable to carry out investigations owing to a failure by the Government to fill two vacancies on its six-member board. Acceptance of the amendment would ensure such circumstances would not recur and the relevant organisations would be able to function properly on the basis that they would have a full complement of members within three months of a vacancy or vacancies arising. This is a logical, simple amendment, which I am sure the Minister will support.

**Deputy Richard Bruton:** As I indicated in my reply to the previous amendment tabled by Deputy Calleary, under the system in place for dealing with vacancies, the Public Appointments Service operates a competition and delays do not arise in seeking to fill such positions. The positions in question are important as the relevant bodies have a legal obligation to meet quorums, which are important for the continuing operation of their work. This is set out in the legislation, which creates a framework within which maximum speed is applied to fill vacancies. It also makes provision to allow for temporary step-ups in the case of unforeseen events

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or where a competition takes longer to complete and notice must be given. The current system provides the flexibility the new commission will need to do its work. It should also be noted that the appointments in question are not made by Ministers. For these reason and the reasons I outlined in response to Deputy Calleary's amendment, I cannot accept the proposal.

Amendment put and declared lost.

**An Leas-Cheann Comhairle:** Amendments Nos. 9 to 11, inclusive, are related and may be discussed together by agreement.

**Deputy Dara Calleary:** I move amendment No. 9:

In page 21, to delete lines 4 and 5 and substitute the following:

“(b) on conviction on indictment, to a fine not exceeding €250,000 or imprisonment for a term not exceeding 5 years or both,

(c) if the contravention concerned continues for one or more days after the date of its first occurrence, the person referred to in this subsection is guilty of a separate offence for each day that the contravention occurs; but in respect of the second or subsequent offence of which he or she is guilty by reason of that continued contravention, *paragraph (b)* shall have effect as if “€25,000” were substituted for “€250,000”.”.

It is a little bizarre that the Minister intends to introduce amendments Nos. 10 and 11, as they propose to make precisely the same changes as are proposed in this amendment. Rather than accepting an amendment from the Opposition, the Minister will table virtually identical amendments of his own.

The original proposals in respect of penalties to be imposed in cases of contravention of the legislation were weak. Given the resources available to the types of organisations that may breach the law and the nature of such organisations, a fine not exceeding €250,000 is a much more appropriate penalty. They should face a threat of having to pay a fine of this magnitude. There is no sense in beefing up the law in this area if one does not introduce penalties commensurate with the resources available to the organisations that will seek to abuse the legislation.

I welcome the decision of the Minister to propose amendments Nos. 10 and 11 as they reflect the purpose of amendment No. 9.

**Deputy Richard Bruton:** The only reason the phraseology chosen is not that set out by the Deputy is that the Office of the Parliamentary Counsel must stand over the exact text in the context of legal interpretation, established precedents in drafting and so forth. This does not in any dilute the fact that this change is being made on the initiative of Deputy Calleary. Having reflected on the Deputy's comments on Committee Stage, I am pleased to accept the principle of his amendment, albeit not the precise text. In using instead the text approved by the Office of the Parliamentary Counsel, I assure the Deputy that I fully recognise the provenance of the proposed change.

Amendment, by leave, withdrawn.

**Deputy Richard Bruton:** I move amendment No. 10:

In page 21, line 4, to delete “€30,000” and substitute “€250,000”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 11:

In page 21, between lines 5 and 6, to insert the following:

“(6) *Paragraph (b) of subsection (5) operates so that if the contravention concerned continues one or more days after the date of its first occurrence, the person referred to in that paragraph is guilty of a separate offence under that paragraph for each day that the contravention occurs; but in respect of the second or subsequent offence of which the person is guilty by reason of that continued contravention, paragraph (b) of subsection (5) shall have effect as if “€25,000” were substituted for “€250,000” and references to imprisonment were disregarded.*”

Amendment agreed to.

**Deputy Dara Calleary:** I move amendment No. 12:

In page 23, line 17, to delete “give a direction in writing to the Commission requiring it to comply with” and substitute “request the Commission to comply with”.

Section 20 states: “The Minister may, in relation to the performance by the Commission of its functions, give a direction in writing to the Commission requiring it to comply with such policies of the Government as are specified in the direction.” Circumstances may arise in which a Minister, albeit not the incumbent, will use this provision to abuse the ministerial power afforded him or her through this provision. The purpose of amendments No. 12 to 14, inclusive, is to provide greater protection against such abuse of power by diluting the language used in the text. The amendments provide that any Minister issuing instructions to the commission will do so in accordance with public policy and, more important, the wishes of the Oireachtas.

**Deputy Richard Bruton:** Deputy Calleary proposed a similar amendment on Committee Stage. Having considered the proposed amendment since then, I am still of the opinion that this amendment appears to have the dual impact of removing the requirement that any direction made by the Minister under section 20 will be given in writing and changing the nature of any such direction from the current requirement to comply with a direction to one of requesting the commission to comply. Removal of the written element is the more problematic of the two elements of the proposal. As proposed, it would weaken the provision by allowing for verbal or oral directions which can or may be open to interpretation and legal uncertainty, both for the Minister and the commission. Having the direction in writing would allow for certainty for both parties and mean the transparency safeguard provided for under section 22, namely, that the Minister must lay a copy of the direction before each House of the Oireachtas, would be inoperable. This would not be a desirable position for any of the parties. In light of this, I am not in a position to accept the proposed amendment.

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

Amendment declared lost.

**Deputy Dara Calleary:** I move amendment No. 13:

In page 30, to delete line 41, and in page 31, to delete lines 1 to 3 and substitute the following:

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“(6) The Minister may, from time to time, request the Commission to consider guidelines from him or her concerning the preparation of the Commission’s work programme and the commission may consider same.”.

The amendment is tabled in the same spirit as amendment No. 12, in other words, to ensure the power conferred on the Minister under section 20 is not abused.

**Deputy Richard Bruton:** Deputy Calleary’s proposed amendment essentially changes the thrust of the provisions of the Bill, from the Minister having the power to issue directions or guidelines to the commission concerning the preparation of the work programme with which the Minister must comply to a provision which sees the Minister requesting the commission to consider any guidelines the Minister issues which the commission may consider.

The provision in the Bill is a fairly standard one and has analogous provisions in both the Competition Act 2002 and the Consumer Protection Act 2007. The proposed amendment from Deputy Calleary appears to weaken the powers of the Minister in respect of the preparation of the commission’s work programme. Thus, I am not in a position to accept the proposal.

Of course, a Minister cannot override the areas where the commission has independent statutory powers. Ministers cannot issue directions or guidelines. This relates to their work programme, not to their independent powers and the exercise of them.

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

Amendment declared lost.

**Deputy Dara Calleary:** I move amendment No. 14:

In page 32, between lines 3 and 4, to insert the following:

“(2) The Minister shall, within six months of a report being submitted to him or her by the Commission, outline to each House of the Oireachtas, the actions the Minister has taken following on from any recommendations made in such a report.”.

Section 32 outlines the reporting requirements of the new commission. In particular, subsection (3) gives the proposed commission powers to advise the Minister on policy and any matter relating to those functions as he or she may request. The amendment provides that a Minister, within six months of receiving the annual report, would lay a report before the Houses of the Oireachtas outlining what he or she has done on the trends identified in the report.

As the Minister stated earlier, competition law is evolving quickly. If this organisation is to act with the full teeth that it is being given by the Bill, we need to monitor its performance. Also, if the commission makes recommendations on competition law, we need the Minister to act as appropriately and quickly as possible. This seeks to provide Houses of the Oireachtas oversight of the Minister in this issue.

**Deputy Richard Bruton:** The Bill provides, under section 32, that the new competition and consumer protection commission will submit an annual report to the Minister for Jobs, Enterprise and Innovation. The Minister will lay the report before both Houses of the Oireachtas. It is not normal for such annual reports to contain recommendations.

However, the Bill also provides, at section 10, as part of the new commission’s functions,

for the new commission to undertake studies or analysis, including at the request of the Minister at section 10(4). This is based on existing legislation under the Competition Act 2002 and the Consumer Protection Act 2007. In this context, the commission will be able to make recommendations to Ministers, etc.

On the Competition Act 2002, the Competition Authority may report - it has on many occasions reported - on how competition is working in different sectors, and it has made recommendations to improve how competition works in these sectors. Such recommendations are addressed by the relevant Minister, public body or representative body, as appropriate.

While the new commission may be expert in the area of competition and consumer protection, it does not have the wider public policy role that Departments of State have. Ministers and Departments must consider issues from more than one policy perspective and they must weigh competing and conflicting policies against each other. A single-focus, albeit expert, body does not typically bring such wider considerations into its deliberations.

Currently, in practice, the Government has agreed that the relevant Minister who is responsible for the area under a competition authority report has to report to Government within nine months with his or her reaction and the Government notes or takes a decision. It would be expected that the same would apply to the reports of the new commission.

Thus, I am not in a position to accept the proposed amendment.

Amendment, by leave, withdrawn.

**Deputy Richard Bruton:** I move amendment No. 15:

In page 32, to delete lines 16 to 40, to delete page 33, and in page 34, to delete lines 1 to 3.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 16:

In page 43, between lines 1 and 2, to insert the following:

“(3) A reference in any Act of the Oireachtas passed before the establishment day or in any instrument made before that day under an Act of the Oireachtas to the chief executive of the National Consumer Agency shall, on and after that day, be construed as a reference to the chairperson of the Commission.”.

This amendment inserts a new provision in section 40 - transfer of functions to commission - so that references to the chief executive of the National Consumer Agency in legislation which may not be picked up on by the current construction of that section are now included. The amendment provides that reference to the chief executive of the National Consumer Agency shall be construed as a reference to the chairperson of the competition and consumer protection commission.

Amendment agreed to.

**Deputy Peadar Tóibín:** I move amendment No. 17:

In page 46, between lines 28 and 29, to insert the following:

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**“Amendment of section 4 of Act of 2002**

49. Section 4 of the Act of 2002 is amended by inserting the following subsections after subsection (9):

“(10) Actors, voice-over actors, freelance journalists, freelance photo journalists and session musicians are not subject to the provisions contained within this section.

(11) Representatives of retailers may engage in commercial discussions with large suppliers for the purposes of advice only.”.”

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

**Deputy Peadar Tóibín:** Yes.

Amendment put:

<i>The Dáil divided: Tá, 34; Níl, 62.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Browne, John.</i>	<i>Bannon, James.</i>
<i>Calleary, Dara.</i>	<i>Breen, Pat.</i>
<i>Collins, Joan.</i>	<i>Bruton, Richard.</i>
<i>Collins, Niall.</i>	<i>Buttimer, Jerry.</i>
<i>Coppinger, Ruth.</i>	<i>Byrne, Catherine.</i>
<i>Cowen, Barry.</i>	<i>Byrne, Eric.</i>
<i>Crowe, Seán.</i>	<i>Carey, Joe.</i>
<i>Doherty, Pearse.</i>	<i>Conaghan, Michael.</i>
<i>Ferris, Martin.</i>	<i>Conlan, Seán.</i>
<i>Grealish, Noel.</i>	<i>Coonan, Noel.</i>
<i>Halligan, John.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Healy, Seamus.</i>	<i>Daly, Jim.</i>
<i>Healy-Rae, Michael.</i>	<i>Deenihan, Jimmy.</i>
<i>Higgins, Joe.</i>	<i>Deering, Pat.</i>
<i>Keaveney, Colm.</i>	<i>Donohoe, Paschal.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Dowds, Robert.</i>
<i>McConalogue, Charlie.</i>	<i>Doyle, Andrew.</i>
<i>McGrath, Finian.</i>	<i>Durkan, Bernard J.</i>
<i>McGrath, Mattie.</i>	<i>English, Damien.</i>
<i>McLellan, Sandra.</i>	<i>Feighan, Frank.</i>
<i>Martin, Micheál.</i>	<i>Ferris, Anne.</i>
<i>Mathews, Peter.</i>	<i>Fitzgerald, Frances.</i>
<i>Moynihan, Michael.</i>	<i>Flanagan, Terence.</i>
<i>Naughten, Denis.</i>	<i>Gilmore, Eamon.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Griffin, Brendan.</i>
<i>Ó Cuív, Éamon.</i>	<i>Hannigan, Dominic.</i>
<i>Ó Fearghail, Seán.</i>	<i>Harrington, Noel.</i>
<i>O’Brien, Jonathan.</i>	<i>Humphreys, Kevin.</i>

<i>O'Dea, Willie.</i>	<i>Keating, Derek.</i>
<i>O'Sullivan, Maureen.</i>	<i>Kenny, Seán.</i>
<i>Pringle, Thomas.</i>	<i>Kyne, Seán.</i>
<i>Shortall, Róisín.</i>	<i>Lynch, Ciarán.</i>
<i>Smith, Brendan.</i>	<i>Lyons, John.</i>
<i>Tóibín, Peadar.</i>	<i>McCarthy, Michael.</i>
	<i>McEntee, Helen.</i>
	<i>McFadden, Gabrielle.</i>
	<i>McHugh, Joe.</i>
	<i>McLoughlin, Tony.</i>
	<i>McNamara, Michael.</i>
	<i>Maloney, Eamonn.</i>
	<i>Mitchell, Olivia.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Mulherin, Michelle.</i>
	<i>Murphy, Dara.</i>
	<i>Murphy, Eoghan.</i>
	<i>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'Reilly, Joe.</i>
	<i>O'Sullivan, Jan.</i>
	<i>Penrose, Willie.</i>
	<i>Phelan, John Paul.</i>
	<i>Ring, Michael.</i>
	<i>Ryan, Brendan.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Tuffy, Joanna.</i>
	<i>Walsh, Brian.</i>
	<i>White, Alex.</i>

Tellers: Tá, Deputies Caoimhghín Ó Caoláin and Peadar Tóibín; Níl, Deputies Emmet Stagg and Joe Carey.

Amendment declared lost.

Debate adjourned.

### 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

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each case: (1) Deputies Helen McEntee and Kieran O'Donnell - the need to extend BreastCheck to 65 to 69-year old women;

(2) Deputy Gerald Nash - the number and variety of training courses offered by SOLAS in Drogheda;

(3) Deputy Terence Flanagan - the need for Irish Water to ensure that water meters are fully accessible to those with disabilities; (4) Deputy Simon Harris - the need for the Minister for Health to give consideration for new treatments for children with spina bifida, including the Lokomat walking machine;

(5) Deputy Noel Harrington - the present status of job creation projects in the West Cork region and the recently published NESC report on employment in households;

(6) Deputy Seán Kyne - the need for the Minister for Transport, Tourism and Sport to report on the up-to-date position of the much-needed Galway city outer by-pass;

(7) Deputy Brendan Smith - the need for the Tánaiste and Minister for Foreign Affairs and Trade to discuss the escalating crisis in the Middle East;

(8) Deputy Thomas P. Broughan - the urgent need for the Minister for Education and Skills to address recent allegations of illegal activity among some companies working under contracts awarded under the schools building programme, particularly the lack of compliance by some contractors with employment and tax laws;

(9) Deputy Seán Ó Feargháil - the need for the Government to progress the commissioning of a monument to commemorate Irish men and women who served in peacekeeping missions of the United Nations;

(10) Deputy Dessie Ellis - the need to maintain a motor tax office in the Ballymun area;

(11) Deputy Robert Troy - the need for the Minister for Children and Youth Affairs to make a statement on the report by the Children's Ombudsman on the removal of two children from their home by the Garda and the action the Government intends to take on foot of the report;

(12) Deputy Jerry Buttimer - the need for clarification on where civil marriages and civil partnerships can be solemnised;

(13) Deputy Seán Crowe - the delays wheelchair users are facing when getting their wheelchairs repaired;

(14) Deputy Seamus Kirk - the need for the Minister for Health to make a statement on the redress scheme for victims of symphysiotomy;

(15) Deputies John Browne and Maureen O'Sullivan - the recent withdrawal of funding to the national deaf advocacy service of the Irish Deaf Society;

(16) Deputy Brian Stanley - the services for autistic children in County Laois;

(17) Deputy Richard Boyd Barrett - the ongoing industrial dispute at Cement Roadstone Holdings over proposed paycuts;

(18) Deputy Ruth Coppinger - the report of the Children's Ombudsman on the taking of two

Roma children from their families; and

(19) Deputy Mattie McGrath - the response to the Social Justice Ireland report that children represent one quarter of Ireland's poor.

The issues raised by Deputies Helen McEntee and Kieran O'Donnell; Gerald Nash; Jerry Buttimer; and John Browne and Maureen O'Sullivan have been selected for discussion.

*12 o'clock*

#### Leaders' Questions

**Deputy Micheál Martin:** On a point of order before we start Leaders' Questions, can the Taoiseach confirm that Deputy Quinn has resigned as Minister for Education and Skills or whether he received an indication to that effect?

**An Ceann Comhairle:** This is not a matter we can deal with.

**Deputy Willie O'Dea:** It is a point of order.

**Deputy Micheál Martin:** I would have thought-----

**An Ceann Comhairle:** No.

**Deputy Barry Cowen:** Send Mr. Purcell out.

**Deputy Micheál Martin:** -----under standing orders that the Taoiseach would be obliged-----

**An Ceann Comhairle:** This is not-----

**Deputy Peter Mathews:** Give us a hint.

**Deputy Micheál Martin:** -----to inform the House if he has received-----

**An Ceann Comhairle:** Resume your seat. We are dealing with Leaders' Question.

**Deputy Micheál Martin:** It is a point of order.

**An Ceann Comhairle:** It is not a point of order to ask a question.

**Deputy Micheál Martin:** I seek clarification from the Ceann Comhairle, if I may.

**An Ceann Comhairle:** It is not a point of order. The Deputy cannot interrupt the business of the House to ask a question.

**Deputy Niall Collins:** It is a point of information.

**Deputy Micheál Martin:** If a Minister has resigned, is it not normal procedure-----

**An Ceann Comhairle:** It is not normal.

**Deputy Micheál Martin:** -----that the House would be informed?

**An Ceann Comhairle:** Not in my book. I do not know whether he has resigned.

**Deputy Barry Cowen:** Mr. Purcell will tell us.

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**Deputy Willie O’Dea:** Perhaps the Taoiseach can fill us in.

**An Ceann Comhairle:** We need some order in this place.

**Deputy Micheál Martin:** I appreciate that.

**The Taoiseach:** I think the Minister deserves the courtesy of making the statement he is about to make.

**An Ceann Comhairle:** Exactly.

**Deputy Niall Collins:** On the plinth.

**An Ceann Comhairle:** Can we proceed with Leaders’ Questions?

**Deputy Micheál Martin:** It does not answer my question. The primacy of Parliament is important-----

**Deputy Jerry Buttimer:** Is that what Fianna Fáil did in the last Government?

**Deputy Micheál Martin:** -----in terms of nominating Ministers.

**An Ceann Comhairle:** Please do not add to it.

**Deputy Finian McGrath:** Deputy Buttimer thinks he is still in opposition.

**An Ceann Comhairle:** Stay quiet please.

**Deputy Micheál Martin:** The Government introduced a property tax without any provision for an ability to pay clause for the more than 90,000 people in mortgage arrears of more than 90 days, pensioners and the unemployed, who do not have the capacity to pay. Notwithstanding the legislation, the Government then decided to retain 80% of the revenue that was meant to go to local authorities to pay for the establishment of Irish Water over the last 12 months. Provision was made in the legislation to reduce or increase the property tax by 15% at local level. This is despite the fact that at the beginning of this year the property tax was doubled. It was an extraordinarily cynical move to double the tax and then have the Tánaiste commit the Labour Party to reducing it by 15% in 2015. We have now learned there is a significant split in the Cabinet on this issue. Government sources have stated that Fine Gael wants to charge local authorities more and when they get revenue from the property tax in 2015 they will be required to use it to pay for services and other public expenditure that central government will refuse to fund. In other words, people in urban areas who are paying higher rates of property tax will have to pay more for services that are devolved from central government. The source stated that Fine Gael, “are using the excuse of the property tax to reduce other grants. Their whole point is if the councils have it, the money should go back to the central exchequer, not the householder ... This is a sleight of hand to cut funding by the back door”. Clearly that source must be a Labour Party Minister or member. This was confirmed on “Morning Ireland” this morning by the Minister for Communications, Energy and Natural Resources.

**An Ceann Comhairle:** We are over time. I ask the Deputy to put his question.

**Deputy Micheál Martin:** The Minister indicated that he supports the position of the Labour Party. Can the Taoiseach clarify whether the Minister for the Environment, Community and Local Government will set out or publish regulations on reducing the property tax by 15%?

Does the Government not agree that the honest and simple way out of this mess is to agree at national level that the property tax should be reduced by 15% to provide for a uniform system across the country, without impairing or damaging the capacity of cash-starved local authorities to fund existing services without having to pay more?

**Deputy Finian McGrath:** The Labour Party thinks it is still in opposition.

**The Taoiseach:** I am interested in the Deputy's remark about the primacy of Parliament. He certainly abdicated his responsibility in that regard on a number of occasions over the years.

**Deputy Willie O'Dea:** The Taoiseach was going to change it.

**Deputy Niall Collins:** Tell us how you changed it.

**The Taoiseach:** I am interested in Deputy Martin's new-found interest in a property tax, which he does not want now but on which he had a proposition to make it heavier than is currently the case.

**Deputy Willie O'Dea:** The Taoiseach described that as immoral.

**The Taoiseach:** The introduction of a property charge is part of the process of developing a system that is as fair and equitable as possible for people to contribute to the provision of services and the running of our country. Increasing income tax as an alternative to a fair property charge would have a very negative impact on the economy, jobs and the general situation. The ESRI pointed out that the local property tax is six times more jobs friendly on labour than increases in income tax. The bigger picture is that the Government has decided that 80% of the collected local property charges should be retained in the local authority areas and that no council will be worse off than under the previous system. The members of the party that I represent will reduce property charges where it is possible to do so, although clearly that will not be possible in every case.

If we take Deputy Martin's view of having his proposition put in place, we will have a reverse situation whereby valuations of property values are lower in certain parts of the country than in the major cities which are experiencing pressure for houses and consequently an increase in their value. The issue is to work out the details of retention of 80% of local charges in each area, of no council being worse off under this system, starting off, and of the right of councillors to have responsibility devolved to them for making decisions arising from the law to reduce property charges, if that is their decision, to publish their budgets and run their services so that the people in the areas that councillors represent know what services they are getting for the taxes and charges they pay. That is the way transparency and accountability can come across. A number of those details remain to be worked out. I am sorry to see Deputy Martin proceeding on the basis of a gospel belief in what he reads in the newspapers. It is certainly not true.

**Deputy Willie O'Dea:** They were Government sources.

**Deputy Micheál Martin:** The sources cited in this particular newspaper have been accurate on quite a number of occasions. Let us call a spade a spade. It was a Government source. The Taoiseach failed to answer the question, not for the first time. He is living in a land of unreality because councils are being starved and they were shafted by the Government last year. It promised to give them 80% in 2014 but it gave them nothing. In advance of the local elections,

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the Tánaiste said the charge would be cut by 15%-----

**Deputy Willie O’Dea:** It did not work.

**Deputy Micheál Martin:** -----having doubled it a month earlier. The cynicism and dishonesty of that are clear.

**The Taoiseach:** There are degrees of cynicism.

**Deputy Micheál Martin:** Apparently Revenue needs to know by 30 September whether councils will reduce the rate.

**An Ceann Comhairle:** Can we have a question?

**Deputy Micheál Martin:** The Minister has not yet set out the regulations, even though this is provided for in the Finance (Local Property Tax) Act 2012. I asked the Taoiseach whether he is going to publish or set out regulations governing the issue of reducing or increasing property tax by 15%. Can we have a bit of honesty on what the Government is going to do? This is not something I am inventing.

**An Ceann Comhairle:** Sorry Deputy, we are over time.

**Deputy Micheál Martin:** It is allegedly a row between the Labour Party and Fine Gael. They are saying it quite openly, and not just in the newspaper, as the Minister, Deputy Rabbitte, confirmed that he supports the position of Labour backbenchers this morning.

**Deputy Willie O’Dea:** The outgoing Minister.

**Deputy Micheál Martin:** Perhaps he is an outgoing Minister at this stage.

**An Ceann Comhairle:** Have you put a question?

**Deputy Micheál Martin:** Will the Taoiseach answer it? Will the Government intervene and facilitate the reduction across the board of property tax by 15%, as promised by Ministers, via the central Exchequer allocation method? In other words, the Government can allocate the necessary funding to local authorities to enable them to reduce the tax by 15%. Will those regulations be set by the Minister?

**Deputy Willie O’Dea:** A simple “Yes” or “No” will suffice.

**The Taoiseach:** The Deputy has changed his tune in short time. First, he stated it was gospel that there is a serious split in the Cabinet over this and the place was in complete disarray.

**Deputy Finian McGrath:** Tell it to Ruairí Quinn.

**Deputy Mattie McGrath:** It is bandaged up again.

**Deputy Barry Cowen:** Ask the Minister, Deputy Ruairí Quinn.

**The Taoiseach:** He now uses the word “allegedly”. Something has struck him in that respect. The law of the land is that the councillors are the elected representatives of the people. The Deputy’s party refused to give them any responsibility and centralised everything here in Dublin. The law indicates that the elected representatives of the people, whatever shade of opinion they have-----

**Deputy Micheál Martin:** They were given nothing last year.

**The Taoiseach:** They are entitled to reduce the property charges by 15% if they so wish. It is a matter for them to make that decision.

**Deputy Micheál Martin:** No, it is not.

**The Taoiseach:** Yes.

**Deputy Micheál Martin:** They are governed by how much is given to them.

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

**The Taoiseach:** The Government has already decided that 80% of the charges collected will be kept in each local authority area. It is possible in a number of local authorities for councillors to make that decision because of the number of houses and their valuation, leading to the property charges which are collected. There was 94% compliance in 2013, with €291 million collected-----

**Deputy Micheál Martin:** Answer the question.

**The Taoiseach:** There is 91% compliance so far in 2014.

**An Ceann Comhairle:** We are over time.

**Deputy Micheál Martin:** Will the Minister set the regulations?

**The Taoiseach:** The details are that no council will be worse off, with 80% of what is collected retained.

**Deputy Micheál Martin:** Will he publish the regulations?

**The Taoiseach:** This is an alternative to increased income taxes and the detail of how it is worked out is still to be decided by the Government. There is no big division, as the Deputy has argued.

**An Ceann Comhairle:** I call Deputy Tóibín on behalf of Sinn Féin.

**Deputy Willie O’Dea:** What about the revolting Labour backbenchers?

**Deputy Barry Cowen:** It is still being decided.

**Deputy Michael Ring:** The Deputy should watch out for his own party.

**An Ceann Comhairle:** I have called Deputy Tóibín. Do Deputies understand people tune in every day to listen to Leaders’ Questions and they are not interested in people shouting their heads off?

**Deputy Sandra McLellan:** Hear, hear.

**An Ceann Comhairle:** Allow Deputy Tóibín to ask his question.

**Deputy Peadar Tóibín:** It is an interesting insight into the state of disarray within the Labour Party when Deputy Quinn is announcing his resignation as Minister for Education and Skills two days before the culmination of a leadership battle. His giving a resignation speech

at the same time as Leaders' Questions is also a snub to the Taoiseach.

I have a question regarding Irish Water. There are 750,000 people in the State living in poverty, one person in ten cannot afford food and 13% of the population went without purchasing fuel last year. At the same time the Taoiseach is seeking to enforce a water tax on the same people. With what can only be described as contempt for Dáil oversight, Irish Water has again failed to provide details of a new water tax. The appearance of representatives of the Commission for Energy Regulation at yesterday's meeting of the environment committee was farcical. The committee's democratic function was obstructed as it was denied the vital information by which it seeks to make decisions, and despite the regulator requesting information from Irish Water at yesterday's meeting, the company failed to supply the required documentation. That is par for the course.

The establishment of Irish Water has been shrouded in secrecy from the start and the Dáil is being denied information on a consistent basis by the Government. As a result, citizens do not believe a word from the Minister for the Environment, Community and Local Government, Deputy Hogan. There is widespread belief now among citizens that the majority of households will pay a charge much higher than the €240 figure suggested.

**Deputy John Halligan:** Absolutely.

**Deputy Peadar Tóibín:** That will happen because Irish Water will be forced to pay the full cost of the company and the provision of water to the citizens as required by the EU directive. When will citizens and households know how much they must pay for water? Will the Taoiseach tell the Dáil categorically that, as he previously stated, the average charge per household will not exceed €240?

**The Taoiseach:** Yes, I can.

**Deputy Willie O'Dea:** Clarity at last.

**The Taoiseach:** The direction given by the Government through the Minister for the Environment, Community and Local Government to the regulator is that the average metered charge per household will be €240 per year or €60 per quarter. The second element of that instruction is that children's use of water will be free. It is a matter for the regulator to determine the allowance. I have seen allowances have a range in different reports and surveys but the important point is that the direction from the Government, through the Minister, to the regulator is very clear. There will be an average metered charge of €240 per year and children's use will be free. That will not change.

**Deputy Peadar Tóibín:** The problem is there seems to be difficulty between the regulator and Irish Water. Irish Water has asked the regulator to reduce the free water allowance for children, which would inevitably lead to a much higher charge for families.

**Deputy Mattie McGrath:** People will not be able to wash at all.

**Deputy Peadar Tóibín:** There is widespread concern that the 38,000 litre per child free allowance may be ditched and the regulator still has not given full details of medical conditions that would allow certain users not to be charged for their supply. The clear message through the local and European elections to the Taoiseach's party and the Labour Party was that tens of thousands of families are teetering at the edge of existence, with the property and water charges

pushing individuals over the edge. Recently we have seen people protesting right around the country and we have seen the suspension of Irish Water meter installations.

Will the Taoiseach confirm there will be a 38,000 litre allowance per child? Will he confirm that the oversight of the Oireachtas committees will be guaranteed? Will he confirm that the position being played out between the regulator and Irish Water will be put to an end, so there can be no more confusion on the issue?

**The Taoiseach:** The policy decision made by the Government is very clear and will not change. It is a policy direction to the regulator, which determines the final outcome in these cases. The average metered charge per year will be €240, with children's usage free. Thanks to the green flag movement over approximately the past decade and a half, there is now a generation of young people and children growing up with a very different view from their parents on water wastage. I have seen that in my own household.

**Deputy Peadar Tóibín:** The State wastes most water.

**The Taoiseach:** The assessments for the use of water by children have certainly changed since the original assessments were carried out based on water usage in a different jurisdiction as we did not have water meters here at all. The regulator will determine that amount.

**Deputy Barry Cowen:** It could be less than 38,000 litres.

**The Taoiseach:** In the process of the public consultation which took place, I would have thought the Oireachtas committee could have called the Minister for the Environment, Community and Local Government before it to discuss the matter. The public consultation took place and it was quite comprehensive. The public consultation did not result in any change of policy or direction from the Government to the regulator.

**Deputy Barry Cowen:** Irish Water did not even make a submission. Do not play with words.

**The Taoiseach:** The Government set the direction very clear and the regulator will make the final decision.

**Deputy Mattie McGrath:** Uisce faoi thalamh.

**The Taoiseach:** Irish Water is entitled to make its case but the Government direction or instruction has not and will not change.

**Deputy Barry Cowen:** Irish Water's downtown office.

**Deputy Maureen O'Sullivan:** When the drugs issue was mentioned in the past, it was generally synonymous with heroin and Dublin's inner city, but that has changed drastically. Every city and town in the country, as well as many villages, has been invaded by drugs. Those communities, individuals and families have seen the devastating consequences of drugs. I acknowledge the progress which has been made since those days when the late Tony Gregory was a lone voice on the drugs issue. We saw the establishment of local drugs task forces and national bodies, as well as the national drugs strategy, and there was funding for projects and special community employment schemes. The Criminal Assets Bureau, CAB, was also set up. Very valid points were certainly made, such as that money going to the Criminal Assets Bureau, CAB, from drug-related crime should have been directed towards those communities most

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affected by drugs. There are outstanding issues, and the National Drugs Strategy 2009-2016 recognises the importance of an inter-agency approach and that people from various Departments and agencies would attend meetings. Due to cuts, those agencies and Departments are unable to meet those commitments, which is a serious issue. The regional drugs task forces were given large areas to cover but without the necessary resources. We have been waiting over two years for appropriate legislation on zimmos and other pills because gardaí are helpless to do anything about them. There are serious problems with dual diagnosis. People who present with addiction, mental health issues and homelessness go from one agency to another before their problems are addressed.

Part of the problem has been that this issue was the remit of a Minister of State who also has to deal with several other concerns. The issue has moved home. It started in the Department of the Taoiseach, went to the Departments responsible for tourism and sport, and community and rural affairs and is now with the Department of Health. One can only conclude that drugs and related issues are very far down the list of priorities. Where does the Government stand on this issue? How serious a commitment is it giving to the national drugs strategy? In his answer the Taoiseach might consider the fact that the drugs projects have suffered 38% cuts since 2008. When decisions are being made about Ministers, will the Taoiseach consider the idea of appointing a Minister of State whose sole remit would be drugs?

**The Taoiseach:** The question about Ministers is like the story of the loaves and fishes. No matter what we do we will not have enough.

**Deputy Micheál Martin:** The Taoiseach could create a few more for the lads.

**The Taoiseach:** The issue the Deputy raises is very important and I commend all the agencies and organisations working with the Garda and CAB to detect, intercept and deal with those in the business of providing drugs, and those agencies and organisations which work with those who suffer the consequences of drug addiction, use and abuse.

The Minister of State at the Department of the Environment, Community and Local Government, with responsibility for housing, Deputy Jan O'Sullivan, attended a Cabinet sub-committee on Monday where there was an intensive response from Dublin City Council on homelessness. I can give Deputy Maureen O'Sullivan the details of that.

I do not have all the facts and figures for the agencies the Deputy mentioned. Irrespective of cutbacks, it has been possible for agencies and departmental staff to attend the meetings where decisions are made. Deputy O'Sullivan mentioned cutbacks of 38% in some areas. If she gives me the details she is presenting, I will arrange for it to be discussed at the next meeting of the Cabinet sub-committee which deals specifically with this, the national drug strategy, local organisations and agencies dealing with drugs and their consequences, to see if we can make an impact taking into account some of the issues the Deputy raises.

**Deputy Maureen O'Sullivan:** I will certainly do that. Alcohol is now being integrated in the substance misuse strategy. Many of us think that it should have been there all along. We are aware of recent reports about this country's unhealthy relationship with alcohol and the cost of that. The task forces with shrinking budgets must take on the alcohol initiative as well.

While I know everybody is at risk of drug abuse, there is a proven link between disadvantage and drug abuse. Disadvantaged communities are more likely to be exposed to drugs. There is inequality in access to rehabilitation services. For some in those communities, the

special community employment scheme, SCE, is their only form of rehabilitation. Between 2010 and 2011 there was an 8% increase nationally in drug-related deaths and a 50% increase in the Dublin area.

My constituency colleagues on the Government side and I have seen children as young as ten dabbling in drugs, being used by dealers as runners and look outs. Funding has been given to the youth projects and through the young people's facilities and services fund. The fund should be constantly monitored to ensure the money goes where it is directed. When it was set up in 1998, it was directed at those children most at risk from drugs. Can we see a commitment to that funding continuing also?

**The Taoiseach:** Deputy Catherine Byrne has on several occasions raised the issue of young children having access to, and dabbling with, drugs and their consequences. This is a social issue of enormous consequence. The figures Deputy O'Sullivan mentions of those who die or have so many health and psychological difficulties speak for themselves. In many cases we are trying to catch up and in others trying to prevent the problem. The CAB, the drug squad and the national drugs strategy attempt to make the country as clean as possible of use and abuse of drugs. In the particular areas the Deputy refers to, the problem is acute. I give her a commitment that if she supplies me with the details she has the Cabinet will take it up through the specific committee to deal with it.

### **Order of Business**

**The Taoiseach:** It is proposed to take No.9a, State Airports (Shannon Group) Bill 2014 [*Seanad*] – Financial Resolution; No.25, Statements on European Council, Brussels, pursuant to Standing Order 102A (2)(b); No. 24, Competition and Consumer Protection Bill 2014 - Report Stage (resumed) and Final Stage; No. 1, Public Health (Standardised Packaging of Tobacco) Bill 2014 [*Seanad*] - Second Stage; and No. 23, Merchant Shipping (Registration of Ships) Bill 2013 [*Seanad*] - Second Stage (resumed).

It is proposed, notwithstanding anything in Standing Orders, that No. 9a shall be decided without debate; No. 25 shall be taken immediately following the Order of Business and the proceedings thereon shall, if not previously concluded, be brought to a conclusion after 85 minutes and the following arrangements shall apply: the statements shall be made by the Taoiseach and by the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order and who may share their time, and shall not exceed 15 minutes in each case, a Minister or Minister of State shall take questions for a period not exceeding 20 minutes, and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes; and the suspension of sitting under Standing Order 23 (1) shall take place on the conclusion of No. 25. Private Members' business shall be No. 152, motion re mental health (resumed – to conclude at 9 p.m. tonight, if not previously concluded).

Tomorrow's business after oral questions shall be No. 26, statements on the review of Ireland's oil and gas fiscal System; No. 9b, Employment Permits (Amendment) Bill 2014 – motion to instruct the committee; and No. 27, Employment Permits (Amendment) Bill 2014 - Order for Report, Report and Final Stages. It is proposed, notwithstanding anything in Standing Orders, that the proceedings in relation to No. 26 shall, if not previously concluded, adjourn at 12 noon on that day and the following arrangements shall apply: the opening statement of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, and who may share their time, shall not exceed

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15 minutes in each case, the statement of each other Member called upon shall not exceed ten minutes in each case, and such Members may share their time, and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes. The proceedings in relation to No. 9b shall, if not previously concluded, be brought to a conclusion after one hour on that day and the following arrangements shall apply: the speech of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, and who may share their time, shall not exceed 15 minutes in each case.

**An Ceann Comhairle:** Are the proposals for dealing with Nos. 9a, 25, 26 and 9b agreed to? Agreed.

**Deputy Micheál Martin:** The Taoiseach confirmed yesterday that the Government has decided to hold a referendum on same-sex marriage next spring. As he knows, the manner in which the Government has organised recent referendums has been severely criticised in respect of issue like the commissions that have been established, the timelines and, in the case of the children's rights referendum, the Supreme Court decision on the deliberate breaches of the legislation by a Minister. The Government has committed to the publication of an electoral (amendment) (referendum spending and miscellaneous provisions) Bill, which will provide for the disclosure of expenditure and donations at a referendum campaign and the extension of the spending limit period that applies at presidential, Dáil, European Parliament and local elections. The Taoiseach might indicate when we can expect that Bill to be published. Will it be published in advance of the referendum on same-sex marriage? The Taoiseach might also let me know when the commission to prepare for the referendum will be established.

The Ceann Comhairle might be interested in the proposed noise nuisance Bill, which will extend and improve the powers available to enforcement authorities to prevent, reduce or abate noise nuisances by allowing for on-the-spot fines and providing for mediation between neighbours.

**An Ceann Comhairle:** Does it refer to the Deputy?

**Deputy Micheál Martin:** We are all capable of improving.

**Deputy Willie O'Dea:** The Ceann Comhairle will be the first litigant.

**Deputy Micheál Martin:** In recent weeks, a great deal of concern has been expressed about the appalling carnage on our roads. I note the recent comments of Gay Byrne, who has done a lot of work. Along with the former Minister, Noel Dempsey, and the Road Safety Authority, he has had great success in reducing the number of deaths in road accidents over a number of years. The Government is proposing to introduce a new road traffic Bill to provide for further measures in respect of road safety. I understand from the Government's legislative document that the publication of this Bill is expected in 2015. It seems to me that the Government needs to display far greater urgency with regard to the issue of road safety. It is losing its grip and the statistics are going the wrong way. We need to beef up the resources that are available for road safety and provide for the legislative back-up that is required and has been identified by the Government in the context of this Bill. The Taoiseach might indicate when he expects the Bill in question to be published. Is there any possibility that this might happen earlier than originally predicted by the Government?

**The Taoiseach:** On the Deputy's last point, we expect the road traffic Bill to be published

by the end of the year. It was listed for publication in 2015, but I am informed by the Minister that it will be possible to publish it before the end of this year.

**Deputy Mattie McGrath:** Will the Government still be here?

**The Taoiseach:** These deaths are all unfortunate and tragic. Everybody sympathises, obviously. One does not need legislation to drive carefully. I do not blame anybody for getting involved in an unfortunate and tragic accident with those consequences. It is a matter that everybody is concerned about. Mr. Byrne has been very outspoken about matters that need to be dealt with, in his opinion. The Minister informs me that the Bill in question can be published before the end of the year.

I do not have a date for the noise nuisance Bill.

The Bill mentioned by Deputy Martin in respect of the referendum commission will be published before the end of this year. As he knows, a commission to deal with a referendum cannot be established until a Bill is published. We need to look at that. We always hear the complaint that the commission has not been set up for long enough to do its work, which is to inform the public of the actual question on which it is being asked to decide. We are looking to make the way the ballot paper is constructed and the way the question is phrased as streamlined, effective and clear as possible. Other legislative areas need to be attended to make the question clear so that the public can be very clear about what it is being asked when it is giving its answer..

**Deputy Peadar Tóibín:** The programme for Government included a commitment to legislate for the end of upward-only rents. Yesterday's court judgment in a case involving Bewley's of Grafton Street means that rents can only rise and cannot fall to the market value. It seems that low and middle income earners can have their wages dictated to by the markets, but this does not apply to the landlords who own these properties.

**An Ceann Comhairle:** What Bill is the Deputy talking about?

**Deputy Peadar Tóibín:** I am referring to the commitment in the programme for Government to legislate with regard to upward-only rents. The point is that this is a competitive disadvantage to the State. It costs jobs and exports. Indeed, a large number of businesses around the country have gone out of business as a result of upward-only rents.

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

**An Ceann Comhairle:** Deputy Tóibín has made his point.

**Deputy Peadar Tóibín:** We often hear about the need for a focus on competitive advantages. This is an example of an advantage that the Taoiseach should consider. Sinn Féin has proposed its own legislation in this area. The legislation brought forward by Senator Quinn has been passed by the Seanad. When will the Taoiseach revisit this matter? I suggest that the advice received from the Attorney General on the constitutionality of this legislation should be tested so that the difficulties being encountered by small and medium-sized enterprises throughout the State can be alleviated.

**The Taoiseach:** Sinn Féin brought forward a proposition for a wealth tax too, but it has abolished it because it can see the consequences of such a tax.

**Deputy Peadar Tóibín:** That is not true.

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**Deputy Patrick O'Donovan:** What about the land tax?

**The Taoiseach:** The Supreme Court has made a decision in this case. Its judgment needs to be examined carefully. The case before the court rested solely on the interpretation of a single clause in the 1987 lease between Ickendell, which is the landlord, and Bewley's, which is the tenant.

**Deputy Willie O'Dea:** It is a fairly standard clause.

**The Taoiseach:** Last year, the High Court interpreted that clause to mean the rent payable to Bewley's must be allowed to fall to reflect market values. The Supreme Court ruled that the lease in question provided for an upward-only rent review. It also said that the case arose from the specific terms of the lease and not from an issue of general application. The judgment needs to be studied. A commitment to review upward-only rent reviews was included in the programme for Government.

**Deputy Micheál Martin:** And in the election manifesto.

**Deputy Michael Healy-Rae:** There were many things in it.

**The Taoiseach:** However, we found that this was constitutionally impossible.

**Deputy Barry Cowen:** Who gave the advice before the election?

**The Taoiseach:** I am not committing to anything because that is the formal legal advice we have had.

**Deputy Micheál Martin:** Who provided the advice before the election?

**The Taoiseach:** However, I undertake-----

**Deputy Micheál Martin:** Who was the legal adviser to the Labour Party before the election?

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

**The Taoiseach:** Despite the noise from people on the other side-----

**Deputy Micheál Martin:** It is not noise.

**Deputy Willie O'Dea:** The Taoiseach and his colleagues made plenty of noise.

**The Taoiseach:** -----who were responsible for assuming one could run a country on property inflation-----

**Deputy Michael Healy-Rae:** They are called facts.

**The Taoiseach:** They drove this country over the edge.

**Deputy Willie O'Dea:** That is what you proposed. That was your proposal.

**Deputy Barry Cowen:** Who advised you before the election?

**Deputy Dara Calleary:** You could not spend enough.

**The Taoiseach:** I will study this judgment very carefully to see what general application it might have.

**Deputy Micheál Martin:** What about Roscommon hospital? What about third level fees?

**The Taoiseach:** When we tried to legislate for reductions in cases of upward-only reviews, we found that it was constitutionally not possible on the basis of the formal legal advice.

**Deputy Mattie McGrath:** Excuses, excuses.

**Deputy Niall Collins:** The Government cannot do it after all of that.

**Deputy Joan Collins:** The Taoiseach gave a sort of ambiguous reply when Deputy Catherine Murphy raised the climate change Bill yesterday. He said that the Bill is being drafted, but he did not give any indication of exactly when the Bill will be published or enacted. What kind of timespan are we talking about? There is a general feeling that if this legislation is not moved on very quickly, it will not be put through by 2015.

**The Taoiseach:** I hope it will be enacted this year.

**Deputy Denis Naughten:** There are strong indications that Ireland may obtain the agriculture commissionership at European level. This would be of huge benefit to the country.

**An Ceann Comhairle:** Not on the Order of Business, thank you.

**Deputy Denis Naughten:** The Parliamentary Scrutiny of Appointments (European Commission) Bill 2014, which is on the Order Paper in the Seanad, seeks to provide for parliamentary scrutiny of the Government's proposed candidate for the European Commission position. MEPs from all over Europe will have an opportunity to question the Irish nominee for that position, but Members of the Dáil will not have the same opportunity. Can the Taoiseach facilitate the enactment of the Bill in question in advance of the appointment of the Irish Commissioner, or at least give an indication that the House will have an opportunity question the Government nominee in advance of the parliamentary scrutiny that will take place at European level?

**The Taoiseach:** I would not believe the comments that have been made about "strong indications" with regard to this commissionership or that commissionership. It is important for the EU to have a college of Commissioners who are prepared to listen to the message of people from all over Europe and make decisions in the interests of the EU and of growth, stability and the creation of jobs.

**Deputy Micheál Martin:** It seems that the Government is prepared for failure.

**The Taoiseach:** As Deputy Naughten knows from his long experience, it is a matter for the Seanad to define its own business.

**Deputy Denis Naughten:** Can we have a discussion on the appointment?

**The Taoiseach:** I am here every week.

**Deputy Michael Healy-Rae:** There were 11 cases of assault on staff members in the psychiatric unit of Kerry General Hospital in June.

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

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**Deputy Michael Healy-Rae:** My question relates to the health information Bill. This is happening as a direct result of staff shortages at the unit.

**An Ceann Comhairle:** The Deputy should put down a parliamentary question or Topical Issue.

**Deputy Michael Healy-Rae:** I have done so.

**An Ceann Comhairle:** We cannot have these types of issues being raised on the Order of Business every day.

**The Taoiseach:** I do not have a publication date for the health information Bill.

**Deputy Micheál Martin:** There will not be a publication date.

**Deputy Mattie McGrath:** We are given to understand that Irish Water has signed a memorandum of understanding with local authorities.

**An Ceann Comhairle:** The same thing applies to Deputy McGrath as to Deputy Healy-Rae. I am not putting up with this every day. Which Bill is the Deputy referring to?

**Deputy Mattie McGrath:** I am referring to the legislation relating to Irish Water.

**An Ceann Comhairle:** That legislation went through months ago.

**Deputy Mattie McGrath:** It did, but Irish Water is not servicing the public's needs in Tipperary.

**An Ceann Comhairle:** I ask the Deputy to sit down and refrain from abusing the rules of the House.

**Deputy Mattie McGrath:** I have another question.

**An Ceann Comhairle:** I will not call the Deputy in future if he carries on the same. He is at it every single day the Dáil sits. He either adheres to the rules or he does not.

**Deputy Mattie McGrath:** I do adhere to the rules.

**An Ceann Comhairle:** The Deputy does not. What legislation does he wish to ask about?

**Deputy Mattie McGrath:** Road safety is a huge issue in rural areas.

**An Ceann Comhairle:** I know all of that. What Bill is the Deputy talking about?

**Deputy Mattie McGrath:** The road traffic Bill.

**The Taoiseach:** That Bill is expected before the end of the year.

**Deputy Mattie McGrath:** There is a health and safety issue on rural roads-----

**An Ceann Comhairle:** The Deputy is not even interested in the answer.

**Deputy Mattie McGrath:** I am very interested in the answer and in this issue.

**An Ceann Comhairle:** I am going to stick to the rules when it comes to the Order of Busi-

ness from now on, because this is getting out of hand. Every day we have speeches all over the place. Members know the rules as well as I do. Everybody has been here more than three years and I do not intend to repeat myself.

**Deputy Niall Collins:** It is broadly accepted that the successful passing of the forthcoming marriage equality referendum requires that the family relationships and children Bill be enacted prior to the holding of the referendum. When will that Bill be published and brought before the House?

**The Taoiseach:** Work is ongoing on that Bill by the Minister for Children and Youth Affairs and the joint committee. It is quite a complicated Bill but I expect it to progress.

**Deputy Bernard J. Durkan:** In order to be helpful to Members of the Opposition, who seem to be rather skittish this morning, my question concerns the status of the greyhound industry (amendment) Bill, in which I have an ongoing interest. Have the heads of that Bill been agreed by Cabinet and when is it likely to be brought to the House?

**A Deputy:** Is it out of the traps yet?

**Deputy Patrick O'Donovan:** It is on the tracks.

**The Taoiseach:** The heads of the Bill have not yet been presented to Cabinet. I am not sure how far they have come down the tracks, but I will get back to the Deputy on it.

**An Ceann Comhairle:** Is there any chance the Taoiseach might announce when Members will get their holidays? They are all getting very edgy.

**Deputy Frank Feighan:** When will the badly needed sale of alcohol Bill to codify the law relating to the sale and consumption of alcohol come before the House?

**The Taoiseach:** It will be later in the year. A great deal of work has been done on amendments to address various issues that have been raised with the Minister of State and the Attorney General's office.

**Deputy Dara Calleary:** In regard to upward-only rents, does the Taoiseach have any plans to allow the Bill that is in the Seanad to be brought to the Dáil for discussion?

**The Taoiseach:** Is it a Private Members' Bill?

**Deputy Dara Calleary:** Yes, it was brought forward by Senator Feargal Quinn and was passed in the Upper House.

**The Taoiseach:** As I have set out, when Government attempted to legislate for this issue, the formal legal advice was that it is not constitutionally possible. I have no reason to doubt that advice. We have allowed for Private Members' Bills to come through and be amended in some form or other, but I cannot give any guarantee as to the viability of Senator Quinn's Bill.

**Deputy Noel Grealish:** When will the landlord and tenant Bill and the licensing of health-care facilities Bill be brought before the Dáil? They each deal with areas in which major reform is needed.

**The Taoiseach:** I do not have a date for either of those Bills, but I will advise the Deputy as to the progress being made.

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**Deputy Pearse Doherty:** My first question is one I raised last week. Can the Taoiseach clarify when the Minister for the Environment, Community and Local Government will issue regulations under subsection 20(6) of the Local Government (Charges) Act 2009? These are the regulations that will allow local authorities to vary local property tax rates by a factor of 15%. As the Taoiseach knows, local authorities do not sit in August and the Revenue Commissioners would have to be notified of changes in this regard in September. Unless the regulations issue soon, attempts by local authorities to adjust the rates will be frustrated.

Regarding the legislative programme for his session, there are Bills that were committed which have not been published thus far. Will the Taoiseach indicate when this session will end and the House will rise for the summer?

My final question concerns the case last week where two sets of parents of children with Down's syndrome successfully took on the Department of Education and Skills in the High Court to have maximum resource hours allocated to their child. This legal process could have been avoided if legislation before the House had been allowed to go through Committee, Report and Final Stages. Is it the intention of Government to legislate to allow for resource hours for children such as those whose parents were obliged to go to the High Court to assert their rights? Or does the Taoiseach intend to facilitate other parents having to take that lonely walk from Donegal and elsewhere to the Four Courts to assert their rights against the Government?

**The Taoiseach:** On the first point, those regulations will be published shortly. The answer to the Deputy's second question is in or around the middle of the month.

On the third issue, nobody likes to see parents having to go to court to seek particular rights. There is a process of determination and adjudication, from an educational point of view and so on, as to what resource hours should be allocated in any particular case. The legislative programme for this House is determined and agreed by the Whips' offices, including the question of prioritisation. The changes in regard to pre-legislative hearings and so on mean it is taking a little longer than before for Bills to go through the process. The Deputy should have his party Whip raise this matter at the next meeting of the Whips, and the Government Whip will deal with it.

**Deputy Dan Neville:** When will the Valuation (Amendment) (No. 2) Bill 2012 come before the House?

**The Taoiseach:** That Bill is awaiting Committee Stage in the Seanad.

**Deputy Lucinda Creighton:** Will the Taoiseach facilitate non-aligned Independent Members in having an opportunity to contribute to the debate today on the European Council? Five minutes were allocated for this purpose last week and I am wondering whether it might be possible to do the same today. Will the Taoiseach agree also to instruct the Government Whip to engage with the other Whips and a representative of non-aligned Independent Members in order to sort this issue out on a permanent basis and ensure there is an opportunity for such Members to contribute to debates?

**An Ceann Comhairle:** This is a matter that should be dealt with outside the Chamber.

**The Taoiseach:** I am not sure whether the group to which the Deputy refers has a Whip.

**An Ceann Comhairle:** Twenty minutes are allocated for questions and answers. I assume

some arrangement can be made within that to facilitate everybody.

**Deputy Lucinda Creighton:** To be clear, the group to which I am referring comprises Independent Members who are not part of any political party or Technical Group. I understand there are 12 of us at this stage.

**The Taoiseach:** When I accommodated the Deputy last week, she took the opportunity to go on a personal rant.

**Deputy Lucinda Creighton:** Just because the Taoiseach does not like the contribution a Member makes is not a reason to silence that Member.

**The Taoiseach:** I am more than amenable to giving Deputy Creighton time.

*(Interruptions).*

**An Ceann Comhairle:** Deputy Creighton is out of order. I have tried to help her but I must ask now that she resume her seat.

**The Taoiseach:** The Deputy has no reason to be claiming discrimination.

*(Interruptions).*

**Deputy Peter Mathews:** This is the first anniversary of the dictatorial approach taken by the Taoiseach on a particular Bill, which led to my losing the party Whip, along with Deputy Creighton and others.

**An Ceann Comhairle:** I have called Deputy Seán Ó Fearghaíl.

**Deputy Seán Ó Fearghaíl:** I ask that the Whips not be blamed for the comments the Taoiseach has made. In terms of the commitments in the programme for Government, we must recognise that yesterday's move in regard to the *ex gratia* payment to survivors of symphysiotomy marked significant progress, notwithstanding the fact that not everybody involved is happy. However, I have raised repeatedly the issue of a small group, the 32 survivors of thalidomide in this country. They are mentioned in the programme for Government and there is a very specific commitment to do something. The Government is to be lauded for what it has done for the Magdalens and the survivors of symphysiotomy. Given that the Minister for Health, Deputy Reilly, may be departing the scene, could the Taoiseach give us an assurance that something will be done as a matter of urgency for the 32 survivors of thalidomide?

**The Taoiseach:** As the Deputy is well aware, a great deal has been done for them over the years in terms of the facilities and the assistance they get. To be honest, I think there is a division of opinion between some members of the group and maybe if they were to agree on a common purpose, it might help matters. I will have the Deputy apprised of the latest progress being made. It is a matter of concern. There are only 32 survivors and it is an issue we would like to conclude fairly and amicably for everybody.

**Deputy Brendan Griffin:** I would like an update on an issue I have raised on a number of occasions over recent years, namely, provisions in legislation for the post-release electronic tagging of sex offenders. Will there be progress on it soon?

**The Taoiseach:** I do not have a date for publication of that.

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## **State Airports (Shannon Group) Bill 2014 [Seanad]: Financial Resolution**

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I move:

THAT the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended in the manner and to the extent specified in the Act giving effect to this Resolution to provide for the application of liability to corporation tax on a phased basis to Shannon Commercial Enterprises Limited and the removal of that company's exemption from capital gains tax.

Question put and agreed to.

### **European Council: Statements**

**The Taoiseach:** I am pleased to update the House on what was a very significant meeting of the European Council last week. The main outcomes of the summit were the nomination of Jean-Claude Juncker as President of the European Commission, agreement on a strategic agenda for the EU for the coming period and the adoption of strong conclusions on Ukraine. Leaders also agreed Council conclusions on justice and home affairs, the European semester, regulatory reform, climate change and energy. In addition, association agreements were signed with Moldova, Georgia and Ukraine and leaders endorsed candidate status for Albania, the EU's maritime security strategy and the annual report on EU official development assistance.

Before going into more detail on these discussions, however, it is also worth recalling that last Saturday marked the 100th anniversary of the assassination of Archduke Franz Ferdinand, an event which quickly led to war on an unprecedented scale. In the words of President Van Rompuy, "a spiral of self-destruction engulfing this continent of civilised nations". I was proud to represent Ireland at the commemorative ceremony in Ypres, which preceded the European Council meeting. It was a solemn occasion and a moment to remember 35,000 Irishmen who perished in that awful war.

However, as we remember the past, we must also look to the future. This is a critical time of institutional change and renewal for our Union. Just a few weeks ago, we voted to elect 751 members to the European Parliament. Some 371 of these are first-time MEPs. The new Parliament convened for the first time yesterday and on 16 July, it will vote on the nomination by the European Council of Jean-Claude Juncker to be the next President of the European Commission.

I have supported Mr. Juncker since his election as EPP lead candidate in Dublin last March and I am delighted that agreement was reached on his nomination. He is a very experienced and capable politician. He understands that the European Union must remain resolutely focused on growth and jobs and on delivering for our citizens, and I am looking forward to working with him.

I am also acutely conscious of British reservations and I respect their position. Prime Minister Cameron made his position very clear and he, along with Hungarian Prime Minister Orban, voted against the nomination. However, I am also aware that Prime Minister Cameron and Mr. Juncker have since been in touch to clear the air and that they are both committed to working constructively with one another.

Prime Minister Cameron has also made it very clear that he wants the UK to remain within the EU and that his position on this has not changed. The general debate on the EU within the

UK is an issue of significant importance for Ireland. As I have said on many occasions, EU membership is good for the UK and good for Ireland. Ireland and Britain have a shared agenda in the EU. We have similar core interests in the Single Market, free trade, financial regulation and justice and home affairs issues. We do not want to lose a key ally in the EU. We want to keep working together on all of these issues.

Common membership of the EU has also been a force for reconciliation and a framework for co-operation on this island. Working together as partners in the EU has had a very positive effect on Northern Ireland and on Ireland's relations with the UK, which are now in better shape than at any time in our history. This was evident during President Higgins's recent state visit to the UK. Even in the context of the positive state of North-South and east-west relations and irrespective of mitigation strategies, a British exit from the EU could have extremely serious consequences.

Our trading relationship today rests on the Single Market. Removing or even shaking this foundation could be very damaging to our economic co-operation. Let us consider some of the statistics. Our bilateral trading relationship with the UK is worth approximately €60 billion a year. We trade more than €1 billion in goods and services every single week. Ireland is the UK's fifth largest trading partner and the UK is the third largest investor in Ireland. The UK accounts for 17% of all Irish exports and approximately 19% of all imports. Almost 40% of all exports from the agrifood sector in 2013 were destined for the UK.

The Government is acutely aware of the importance of this issue. While ultimately the decision is one for the British people, we will continue to press home the benefits of EU membership in Britain as well as in Northern Ireland. It is fair to say that all of my colleagues are aware of British concerns and sensitivities and this is recognised in the Council conclusions from last week. This is an area where we will remain highly engaged. It is worth noting that the European Council also agreed that it consider again the process for the appointment of the President of the European Commission in the future.

As I mentioned at the outset, Mr. Juncker's appointment is now scheduled to be confirmed by a vote in the European Parliament on 16 July. He and I have already agreed that, once his election has been confirmed, we will discuss the membership of his new Commission and the portfolio to which Ireland's Commissioner may be assigned.

As the Members of this House are aware, a number of other key appointments remain to be made this year, including the President of the European Council and the High Representative. President Van Rompuy has invited the European Council to meet again on 16 July to consider these appointments.

It would send the wrong message to citizens if the European Council had focused solely on personnel questions. For me the priority last week was not who will get the job but what needs to be done and what needs to be delivered for European citizens. With this in mind, Heads of State and Government agreed on five overarching priorities for the period ahead. These cover growth, jobs and competitiveness, empowering and protecting citizens, energy, justice and home affairs and the Union as a strong global actor. These five priorities will guide the work of the European Union over the next five years.

First and foremost, our strategic agenda reflects an unambiguous commitment to strengthening the economic recovery. There is clearly more that can and must be done to respond to un-

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acceptably high levels of unemployment. This will mean restoring normal lending conditions through a fit-for-purpose financial sector, maintaining strong momentum on the Single Market and external trade agendas, creating a climate of entrepreneurship and addressing investment bottlenecks more generally, including in the crucial areas of transport, energy and telecom infrastructure. We have to prepare our economies for the future.

I welcome, in particular, the explicit acknowledgement of the important role of the European Investment Bank in the strategic agenda. There has already been a significant increase in EIB support to Ireland over the past couple of years, and we see potential for further development of the project pipeline over the period ahead, including in the crucial area of financing the SMEs that will create most new jobs. I am particularly pleased that, at Ireland's request, the strategic agenda also highlights the importance of thriving agriculture as a core part of Europe's future. Our Food Harvest 2020 plan is central to indigenous jobs growth.

Ultimately, our Union is about its people. It is important that the strategic agenda recognises the need to ensure opportunities for all and to challenge poverty and social exclusion.

*1 o'clock*

We need to pay particular attention to supporting the development of the skills and capabilities needed to respond to the accelerated pace of change in today's labour markets. With a quarter of employers across Europe saying they find it difficult to fill vacancies, there is a shared challenge in adapting our education and training systems to 21st century reality. I expect this work will continue to be informed by the key principles of youth guarantee schemes agreed under the Irish Presidency early last year, including through new partnerships with the workplace. It will also build from our commitment to a stronger investment outlook.

The need for an energy union, for secure, affordable and green energy is also recognised as a priority, as is work on justice and home affairs issues. It is also important that the new agenda is not inward looking as that would send the wrong message. The EU is an important global player. We must promote stability, prosperity and democracy in our neighbourhood and work with our global partners. The Union has an important role in human rights and conflict prevention as well as development and that was a point which we emphasised in the preparation of the conclusion document.

On Friday morning in Brussels, Heads of State and Government heard from Ukrainian President Poroshenko who provided his assessment of the current situation in the east of the country. The European Council expressed its strong support for the 15-point peace plan which the President had announced the previous week. Leaders regretted that the ceasefire, while it had been respected by the Ukrainian authorities, had not yet led to an end of military hostilities in eastern Ukraine, and called upon all parties to genuinely commit to the implementation of the peace plan. The Heads of State and of Government also urged the Russian Federation to actively use its influence over the illegally armed groups and to stop the flow of weapons and militants across the border, in order to achieve rapid and tangible results in de-escalation. The European Council called for a number of concrete steps to be taken, including agreement on a verification mechanism for the ceasefire, a return to the Ukrainian authorities of three border checkpoints, the release of hostages and the launch of substantial negotiations on the implementation of the peace plan.

There has been further contact with the Presidents of Ukraine and Russia over the weekend

and we are now engaged with our EU partners in assessing the extent to which there has been progress on these steps. The EU Heads of State and Government are scheduled to meet again on 16 July. The situation in Ukraine will feature on the agenda of the meeting and we will discuss what further decisions might be necessary. The stabilisation of Ukraine's economy is of crucial importance. In its conclusions, the European Council welcomed the two recent significant Commission disbursements totalling €750 million in the framework of the state building contract and the macro financial assistance. The EU will continue to support President Poroshenko's determined actions towards peace and stability in Ukraine that we have seen since his inauguration.

The European Council finalised and adopted the strategic guidelines for legislative and operational co-operation in justice and home affairs in the coming years. The guidelines, developed over the past year, are far less prescriptive than the previous programmes and that should provide the flexibility to rapidly react to emerging trends. The overall priority of the new guidelines is to consolidate and implement the legal instruments and policy measures already in place. We must support this emphasis. It is important that there are periods when one reflects on what has been done already and on what tools are available to one. That allows one to consider if one is using them correctly and to maximum effect.

Along with other countries, we also stressed that the guidelines should be flexible enough to allow for further legislative measures when necessary and when additional costs are justifiable. Overall, the guidelines represent a balanced approach for the years ahead, which cover all the necessary elements for a Union of freedom, security and justice. This includes the policy areas of asylum, migration, border control, police and judicial co-operation and criminal and civil law. The guidelines also address important horizontal issues such as data protection and free movement.

I draw attention to the fact that this European Council concluded the European semester process for 2014. Heads of State and Government endorsed country specific recommendations, CSRs, to the member states. These will now be taken forward through the budget and policy cycles across the Union in the coming months. As I indicated to the House last week, we see the CSRs for Ireland as broadly sensible and consistent with established policy considerations and orientations.

Last year marked our return to net employment growth for the first time since 2007. This year will see a return to net employment growth for the European Union as a whole. The CSR package agreed last week, underpinned by the strong focus on investment in our strategic agenda, will reinforce the momentum for this recovery into 2015 and beyond. We have also set in this context a high level of ambition for the Commission's REFIT or regulatory fitness programme: Withdrawing unnecessary proposals, improving what is already in place, and repealing what is out of date. That is an important political emphasis that has my full support. I have asked the Minister of State, Deputy Donohoe, to update the House on the climate and energy discussion and other aspects of the meeting, which he will do during his contribution.

**Deputy Micheál Martin:** Sometimes in these contributions we would appreciate plain speaking on some of the core issues. Much clearer language could have been used, in particular on the country specific recommendations, to elucidate matters for the public as there is much devil in the detail of them that has not been articulated at all.

The Taoiseach's remarks to Deputy Creighton were instructive and enlightening. Clearly,

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if someone gives a personal rant - by the Taoiseach's definition - he or she will not be allowed to speak again.

**The Taoiseach:** They will.

**Deputy Micheál Martin:** It reflects an authoritarian streak in the Taoiseach's demeanour that is alive and well.

**The Taoiseach:** Freedom of speech is always allowed.

**Deputy Micheál Martin:** It was a very insightful comment by the Taoiseach. Last week he was full of generosity and he said I could have a minute or two of his time but because someone made what the Taoiseach considers to be a personal rant, no time is being provided this week.

**The Taoiseach:** I am very amenable to all Deputies having their say.

**Deputy Micheál Martin:** That is a very petty, authoritarian streak.

**The Taoiseach:** All Deputies can have freedom of speech.

**Deputy Micheál Martin:** That is not the case from what the Taoiseach said.

**The Taoiseach:** Deputy Martin's crowd blocked such an approach in the 1930s.

**Acting Chairman (Deputy Jerry Buttimer):** I remind the House-----

**Deputy Micheál Martin:** If someone indulges in a personal rant-----

**Acting Chairman (Deputy Jerry Buttimer):** I remind the Deputy that we are speaking on the European Council meeting rather than anything else.

**Deputy Micheál Martin:** I was waiting for Deputy Buttimer to intervene.

**The Taoiseach:** Does Deputy Martin remember the fight we had for freedom of speech in the 1930s?

**Deputy Seán Crowe:** We are back on track.

**Deputy Micheál Martin:** Is the Taoiseach talking about the 1930s?

**Acting Chairman (Deputy Jerry Buttimer):** Deputy Martin has possession. Go raibh maith agat.

**The Taoiseach:** The Fianna Fáil Party used to break up public meetings.

**Deputy Micheál Martin:** Is the Taoiseach bringing back the ghost of General Eoin O'Duffy?

**The Taoiseach:** I certainly am not.

**Acting Chairman (Deputy Jerry Buttimer):** I remind Members that we are discussing the European Council meeting in Brussels.

**Deputy Micheál Martin:** Absolutely. That is the context of my remarks. By any objective measure last week's summit was a mess. At a time when the citizens of Europe are demanding a plan to reform and renew the European Union the Heads of State and Government did little

more than argue about jobs for themselves. The debate was about personalities with vague platitudes being offered on substance.

With much of Europe threatened with deflation and already experiencing a weak or non-existent recovery, leaders discussed nothing which would change the direction of policy. Incredibly, a new President of the Commission has been nominated without any discussion of what he proposes to do in the job. Jean-Claude Juncker has a well-earned reputation for being able to get deals done. In his years in the Council he repeatedly helped to offer ways of nudging disputes towards a resolution. That is important for one aspect of the Commission President's role; what it is not, is a qualification for the job. The Commission President is supposed to be a leader with a clear vision of the future, and with a deep commitment to making the Union work for its citizens, not just for the political elite. As I said last week, Mr Juncker was an active enforcer of failed policies which did Ireland real harm when he was chairperson of the Eurogroup. The orthodox policies which he supported are directly linked to the scale of the bank debts being carried by Ireland - large parts of which were converted into sovereign bonds last year by the Government.

It is amazing that the Taoiseach and Tánaiste supported Mr Juncker's nomination without asking him to at least acknowledge how the policies he supported had impacted on Ireland. Indeed, a clear statement of support for Ireland's case for significant relief on bank-related debt is something which could and should have been sought. Mr Juncker may well turn out to be a good Commission President. He may be a visionary. He may show leadership and a real connection with citizens. He may even be a forceful advocate for Ireland's case. If he is any of those things it will have had nothing to do with anything he said before the Taoiseach signed up to supporting him. Neither is he the choice of the people of Europe. We should put an end to that nonsense. To claim that he is would turn the basic concepts of democracy on their head. I do not know the reason the Taoiseach did not raise debt relief in the context of the appointment of such a significant figure across Europe. This was a major omission on the part of the Taoiseach. Mr. Juncker was a legitimate candidate for the job and his record makes him a credible choice. However, to present him as inevitable and to refuse to discuss the substance of his programme as Commission President should not have been acceptable. The lead candidate system has no legitimacy and it did not lead to a pan-European debate and campaign.

It is a sad fact that in the sixth year of a pan-European crisis, with many of the foundations of the European Union badly damaged, there has been no substantive discussion about reforming the Union. The only matter which any member of our Government has talked about publicly is what job they might get for our next Commissioner. The Tánaiste and the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, are now in an open fight through the media for who will get the job. Each is pretending that he can deliver more for Ireland and each is targeting elements of the media to push his case. Of course not one word has been uttered about wanting to reform the European Commission, change its policy direction or do anything else of substance.

The media briefings of the Minister, Deputy Hogan, have said that he is has a promise of the agriculture portfolio and that this will mean big things for Ireland. That portfolio is indeed worth having, but only if the holder of it has a commitment to fighting the non-stop effort to move Europe away from supporting farm families and rural communities. The Minister is the chief political enforcer of a Government that has targeted cut after cut at rural Ireland. The basic educational, security and commercial services on which our rural communities depend have been singled out for cuts. Three years ago the Minister grabbed control of community

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development programmes and has since then used them as areas for easy cutbacks. This has gone so far that, as my colleague Deputy Ó Cuív has exposed, even a committee appointed by this Government has called for a reintroduction of many of the programmes that have been shut down. We can only hope that the Minister, Deputy Hogan, has a different set of priorities to bring to the Commission because the communities of rural Ireland cannot take any more of this. These communities scored very highly on European benchmarks in some programmes but the Minister proceeded to emasculate them.

The only argument pushed in favour of the Tánaiste being appointed to the European Commission is that it gives him a decent exit from the Government and it is claimed that he is so prominent among socialist parties that he will get a big job. Once again no one, either on the record or off the record, has said a word about how his appointment would be good for Ireland or for Europe. This is the logical extension of a situation where the Government has consistently refused to lay out any European policy. When something is agreed the Taoiseach tells us why it was a great decision but he has never set out what we want from Europe or what reforms we are looking for. This has now become critical because of the scheduled British referendum.

It has always been the case that British Euroscepticism has been based on slogans and prejudice rather than a fair response to the European Union's activities. It is a simple fact that the UK Prime Minister, David Cameron, launched a campaign for renegotiating membership without deciding what he wanted to renegotiate. Some 18 months ago he launched a review of competencies to study the facts of membership of the European Union and to set out areas where competencies should be repatriated to member states. So far this review is behind time because in area after area the facts are proving to be stubborn barriers to the grand renegotiation the Tory Party has announced. Following public consultations and detailed studies, the bulk of the review has said that the British economy and society are benefitting from membership and would suffer if every country were to do their own thing. I understand the difficulties that were faced last week in finding a face-saving formula after the Prime Minister's grandstanding on the presidency of the Commission failed but it would be completely unacceptable if the European Council were to actually agree to the Tory Party agenda. Its vision of a simple free-trade zone is absolutely against our interests. It would destroy the basis for large numbers of basic social protections and threaten real market access for our companies. Everyone is in favour of reducing bureaucracy and removing unnecessary regulations. However, if the intention is now to begin the full-scale rollback of core protections, and this is unequivocally the Tory Party agenda, there will be massive public resistance.

It is one of the great failures of the European Union that it has allowed a false choice to develop that claims that a person can either be a sceptic or a federalist. This is a superficial and damaging choice that misses the fact that the significant majority of people, even during this crisis, want the European Union to work better. Over two thirds of citizens voted for broadly pro-European Union parties in the recent elections, here and throughout Europe. At a time of unprecedented crisis, of a challenge to the European Union's basic principles and the resurgence of extreme ideologies Ireland has to stop standing on the sidelines waiting for everyone else to sort things out. Where does Ireland stand in the debate on the future of Europe? What are our plans if Britain votes to leave the Union in three years' time? What are we going to do about the glaring holes in the response to the euro crisis? At a very minimum it is long past time for a formal statement of Ireland's European policy. The last time this was done was before the Lisbon Treaty was ratified and events have changed radically since then.

The summit also discussed the situation in Ukraine and the continued efforts of elements

supporting Russia to further partition the country. The decision that the leaders made on a new round of sanctions is fully justified by the facts. The signing of association agreements with Ukraine, Georgia and Moldova was an important and welcome conclusion to a process where their former imperial power did everything it could to undermine their sovereign choices to enter these agreements. The argument pushed by some, including Members of this House, that Europe is partly to blame for the situation in Ukraine because of these agreements is ridiculous. The effort to imply a moral equivalence between the behaviour of Europe and Russia is offensive. These association agreements are freely entered into by the democratically elected governments of sovereign states. They are about neighbours agreeing ways of helping each other and achieving sustained development. In contrast, Russia's behaviour has been purely about an imperial power demanding its right to control the destiny of neighbouring states. Each of the three states has territory under the control of Russian troops and has been effectively threatened with permanent partition and part-occupation because of a refusal to follow Moscow's orders. In each of the occupied territories there has been a clampdown on many civil rights.

As a small nation that has suffered the long-term impact of partition, we should reject the false relativism of those who try to avoid pointing out Russia's aggressive and unacceptable behaviour. In an irony that must be commented on, Russia is currently demanding regional autonomy within Ukraine even though similar autonomy was abolished within Russia itself. The member states of the European Union are entitled to form close and peaceful relations with neighbouring states. We must remain committed to this and follow up the many promises that have been made to these democratically elected governments. They have been attacked by an increasingly irredentist neighbour that appears to be operating an ideology which combines Cold War and Tsarist themes.

The conclusions of the summit on energy security are welcome because it is the first time in a number of years that a sense of urgency has been seen on this agenda. It was mostly about taking stock, and the bigger decisions remain to be taken. A good move by our Government would be to show its commitment by reversing its downgrading actions on climate change and sustainable energy.

It is very likely that Mr. Juncker will be confirmed by the European Parliament. Once this is done leaders will meet again to sign off on other appointments. The role of President of the European Council requires someone who has shown both leadership capacity and a willingness to respect all member states equally. The drift towards exclusive clubs of larger countries and the marginalising of the full Council has to end as it is eroding the legitimacy of the Union and is leading to bad decisions. The failure to properly respond to Ireland's situation in 2009 was directly linked to a European Council that was too dominated by a small number of voices.

The Taoiseach has cited the European semester agreements as an important contribution to growth and jobs. This does not pass even basic scrutiny as the recommendations agreed by the Council involve a further doubling down on the principle of austerity for all and growth through competition. This is the same strategy that we have had for five years and it does not work. Countries that could be helping stimulate growth are instead being pushed into being more restrictive. As was confirmed yet again at the weekend, there is a two-tier recovery under way that is seeing a huge number of people left behind. The economy in Ireland and in many other countries needs a stimulus and the Taoiseach has signed off on recommendations that actually oppose this.

The Taoiseach has once again given us little more than a reading of the final communique

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from the summit. He has continued his policy of not taking a position on any contentious matter and saying absolutely nothing on major issues of concern to Ireland. This strategy has to end. Ireland needs a reformed and renewed European Union to lead real growth. Nothing the Taoiseach has said, and nothing which was discussed last week, brings us any closer to this.

**Deputy Seán Crowe:** I apologise for the absence of Deputy Adams. He is involved in a meeting, for the first time, with Prime Minister Cameron. I made the point earlier to the Tánaiste on the difference in the approaches of the Irish and British Governments. The Irish Government has been much more inclusive, meeting parties all the time. Unfortunately the British Government has not adopted the same manner on talks, which is a negative step. I hope it will change from today. I look forward to the important discussions the leaders will have on resolving the Haass talks process.

One of the key conclusions of the European Council meeting was its recommendation to the European Parliament that Jean-Claude Juncker should be the new head of the Commission. It looks like Mr. Juncker's appointment will be ratified by the European Parliament on 16 July in Strasbourg. I do not know whether the Taoiseach agrees the campaign became overly personal rather than focused on the real and important issues of what type of Europe we want to see emerge. The Taoiseach made this point in his speech. The debate should have focused on the continued negative austerity policies enforced by the troika, the democratic deficit in the European Parliament and Commission and the increasing move towards the federalisation of the European Union. Amid the daily discussions on the top jobs and Jean-Claude Juncker there have been no discussions on alternative EU policies or opening the EU institutions to bring them closer to the citizens. Instead it was left to the British Tories to push their conservative Euro-sceptic agenda.

There is an issue about the lead party in the European Parliament nominating a candidate who is then appointed, supposedly with consensus, as President of the Commission. Why should the Council not nominate its own candidate through a campaign and then have a vote? This would be an option and many would see it as being much more democratic. The secrecy and decisions made behind closed doors in these selections continue to tarnish and damage the image and reputation of the EU institutions. The back room and secret deals between the EPP and the S&D, which is the group of socialist and democrats, added a bit of colour to the show. We see that Martin Schulz will be re-elected President of the European Parliament and Jean-Claude Juncker will be the President of the Commission.

Yesterday the four Sinn Féin MEPs voted for the GUE NGL candidate for the President of the Parliament, the Spanish MEP Pablo Iglesias, who offers an alternative voice to those who bear the burden of the European Union's anti-social crisis policy. We argued that by voting for Pablo Iglesias we voted for a different type of Europe. There is a need for a Europe of solidarity which would create growth and jobs and, as the Taoiseach stated, a Europe which would move away from austerity policies and the undemocratic diktats of the troika.

We have a fair idea who will be the President of the Commission and attention is now being drawn to who will be Ireland's new Commissioner. There are many rumours and much media speculation and I am sure the Taoiseach would be able to fill us in today on who will be the new Commissioner. Perhaps he will announce it at the end of this debate.

**Acting Chairman (Deputy Jerry Buttimer):** I remind Members this is statements on the European Council meeting and not on the new Commissioner.

**Deputy Seán Crowe:** It is part of the issue. I apologise for upsetting the Acting Chairman. Perhaps it will be the Minister for the Environment, Community and Local Government, Deputy Hogan, or, if reports are to be believed, the Tánaiste is pushing for the same role. This highlights problems with how we select the Commissioner. It is part of the debate on how we see Europe. We had been discussing the President of the Commission and the debate has now moved on to who will be the Commissioner. This is the context in which I raised it.

Many groups and individuals, including Sinn Féin, would like to see reform of the process through which Ireland's Commissioner is selected. It would be a positive debate and perhaps we can have it at some stage. It is part of how we think Europe should develop. We would like to see open and democratic debate on who should represent Ireland on the Commission, rather than a handful of people around the Cabinet table taking the decision. I would like to see it opened up, and a debate on this would be positive. Most people would look forward to it and we could talk about the merits or demerits of the candidates. Does the Government agree that a more transparent process would help reduce the democratic deficit of Commissioners being appointed by the national parliaments of member states? It is a viable question and perhaps the Minister of State will reply. They should be compelled to regularly report back to their national parliaments. This would be a positive step. I know they are not elected by a specific parliament, but it is important to have such interaction between national parliaments and the Commission. This would probably require a treaty change but in the interest of improving public confidence in the EU institutions, and we know there is a big gap in this regard, it is an issue worth considering and may lead to a greater and more inclusive debate on Europe.

The consensus on austerity and the European semester continued at this European Council meeting. I did not get a sense of what happened from the Taoiseach's speech. I agree with Deputy Martin that we do not get feedback. Certainly I do not understand many of the ins and outs. We do not understand what position Ireland takes on many matters. The Taoiseach mentioned Ukraine and we do not know what position Ireland has adopted or what proposals we are putting forward. Perhaps this debate is useful for us, as we get coverage, but people listening at home do not get a sense of what actually happened. This is a problem and is part of the disconnect. I looked at some of the media coverage of the European Parliament. Perhaps more time is given to issues and there are questions and answers, but one gets more of a sense of an issue, which we do not get from this debate.

It is clear that momentum is gathering to re-examine the austerity rules which have proved so ineffective and damaging to many countries and to the idea of a social Europe. We welcome the announcement that the Italian and French Prime Ministers have called for a relaxation of the budget rules. It is positive that this debate is taking place in Europe. We are approaching our budget in October, and the EU Commission continues to insist on a €2 billion cut to keep on-side with the rules. We all feel we need to move away from this. It is in Ireland's interests that these rules are relaxed. Ireland and Europe cannot afford more years of sticking to rigid and severe austerity demands. This is not just coming from Ireland but from throughout Europe, including from groups in Germany and other countries perceived to be doing well. People are asking for the approach to this to be re-examined. Did the Taoiseach take a stance with those in favour of fairer and less harsh rules and against those who are wedded to strict implementation of austerity rules or did he continue to support the direction in which Europe has been going which has been so disastrous for many people? This is a very important debate and I believe the Government must side with the movement against the harsh and binding austerity rules. If the Taoiseach is not willing to lead can he at least follow the lead taken by other countries?

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I mentioned Ukraine and on Friday the EU signed an association agreement with Ukraine. I welcome that democratic elections took place and that a new Government has been formed. It was also heartening to see a ceasefire negotiated between the government and different groups involved in the conflict. Sadly that ceasefire expired yesterday and attacks continued on both sides. It is important all sides and international actors, particularly from the European Union, renew their efforts to work towards finding an inclusive and lasting peace process. We would all collectively agree in the South that that is the way forward. Getting those parties to sit down at the table is critical and is the only way we will solve that problem.

The UN reports more than 400 people have been killed in Donetsk and some 110,000 people have fled to Russia while a further 54,000 have been displaced within Ukraine. The Ukrainian people have suffered under corrupt and ineffective governments for too long. It is accepted that there have been difficulties in the past. The result has been a deterioration in socioeconomic conditions and the effective bankruptcy of the state. I probably disagree with Deputy Martin; in my opinion some of the recent problems in Ukraine stem from the EU, US and Russia playing a zero-sum geopolitical game with Ukraine. Much of this negotiation took place in the middle of winter which is a bad time to be negotiating, particularly in that region.

I am under no illusion of Russia's self-interest in this region and its reasons for its recent behaviour, but I feel the EU has to do more to find an inclusive solution to this spiralling crisis.

**Deputy Micheál Martin:** Sinn Féin supports the Russian imperial drive.

**Deputy Seán Crowe:** No, I am not saying that at all. The Deputy should listen to what I am saying. I have not said that.

I read in the conclusions that the meeting also dealt with immigration issues. First, I welcome the Government's decision, made last week, to resettle 220 Syrian refugees here in 2015 and 2016, as well as the continued financial commitment to the humanitarian crisis there, which now amounts to over €28 million, which is a huge amount of money. However, I still feel we could be doing more to open our doors to refugees fleeing violence and destruction in that war-torn country. New figures released by EUROSTAT last week revealed that Ireland comes last when it comes to granting refugee status to asylum seekers, in contrast with our support for development aid and so on; there is something wrong there. While Ireland accepted just 40 Syrian refugees last year and a total of 205 refugees in general, Denmark, with a population similar to that of Ireland, accepted 3,360 refugees. Malta, which has a population of just 500,000 people, accepted 1,610 refugees. While we talk about overseas aid we are one of the worst in Europe when it comes to opening up our borders for some of the most disadvantaged. Those who are fleeing violence and conflict were down at the bottom.

Additionally we now have direct provision in place for over 14 years, which is rife with human rights violations and is morally wrong. I hope the Government will end the direct provision system and also accept more Syrian refugees in the immediate future.

Furthermore the discovery of 30 dead bodies in a boat carrying 600 people across the Mediterranean has again highlighted Europe's failure to act in the face of an ongoing human tragedy facing those trying to enter the EU. We need to have pathways - economic pathways and so on - to open up Europe. Some 5,500 migrants arrived in Italy at the weekend alone, which is a huge figure. This is not a time to bow to right-wing lobbies or anything else. It is a time for solidarity to help migrants. Northern European countries need to help southern European

countries in dealing with this issue humanely. What was the Government's position during the negotiations and discussions on this issue? Perhaps we can take that as part of the question and answer session at the end.

**Acting Chairman (Deputy Joe O'Reilly):** I call Deputy Clare Daly who is sharing with Deputy Boyd Barrett.

**Deputy Clare Daly:** I want to deal with two issues that highlight very well the bankruptcy of the EU as an institution at the moment. They expose the nature of this organisation which was established and operates in the interests of European big business and in that sense has little to offer ordinary European citizens regardless of where they reside. I refer to the developing disaster in Ukraine and the issue of GM crops which, sadly, is alive and flourishing on the EU agenda at the moment. Both of these areas will have lasting consequences on the lives, health and wellbeing of European citizens.

I believe the tragedy in Ukraine is a consequence not just of the failure of the EU in terms of offering a solution there, but also as a direct result of some of the antics of the EU in that region, along with its colleagues and friends in the United States, intervening for their own economic and military gain - and to hell with the consequences.

As a result of that obviously yesterday saw the end of the ten-day ceasefire by Ukrainian President Poroshenko and his ordering of troops and forces to attack pro-Russian separatists. This has led to a sharp intensification of fighting in eastern Ukraine, which is highly regrettable. However, there was not much of a ceasefire in existence anyway with both sides accusing the other of ignoring the situation on the ground and many fatalities and atrocities being carried out in the course of that alleged ceasefire such as the killing of the Russian journalist on Sunday evening travelling on a bus along with Ukrainian mothers going to visit their sons who were conscripts in the army in that area. It gives a good insight into the difficulties there.

We see a sharp increase in the number of civilians allegedly being wounded and an escalation of shelling by government forces. It is a bit ironic that the Russian delegation argued for the ceasefire to continue but the EU responded by announcing it would implement sanctions against Russia while standing by and not making the same call in terms of President Poroshenko. Of course the EU is saying that, but there are very different interests at the helm of the EU. The US obviously wants harsher sanctions against Russia while Germany needs Russia onside particularly because of its energy needs in that area.

It is clear that the situation is a right mess and the only thing we can say with certainty is that ordinary citizens whether they reside in the east or the west are losing out. It is an absolute disaster. While nobody here would have any truck with the former president, Mr. Yanucovich, or his ousted regime, nonetheless it was an elected government which the West facilitated to undermine and replace with another ultra-right wing - similar in some ways - oligarch who is in control at the moment.

I do not welcome the signing of the EU association agreement because I do not believe it will deliver anything for the people of Ukraine. On the contrary it will contribute to a massive deterioration in living standards in that regime. It is accompanied by IMF austerity against the backdrop of a very difficult economic situation, including a 50% drop in the currency value, huge unemployment and huge economic difficulties in that area. Relaxing and slashing import tariffs from the EU will not assist that situation.

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Already we have seen certain retaliatory gestures from Russia, which is Ukraine's biggest export market. In the middle of all of this, while the oligarchs at the top battle for control, the people on the bottom suffer in terms of their wages and living standards. Meanwhile, obviously, the threat of war is escalating. It is a bit ironic that while on the one hand the EU talks about the Russian threat, the Russian moves are very understandable given how NATO has basically encircled it up to the border, and, in effect taken over the Caucasus and very much moved in.

In reality Russian speakers in eastern Ukraine feel very vulnerable. They represent a sizeable part of the population and have long sought a democratic federation that reflects the ethnic diversity in the region. However, what is happening now is serving to unravel that and make it worse. As John Pilger has described it, these people are neither separatists nor rebels but are citizens who want to live securely in their homeland. That is the position facing most Ukrainians, no matter what side they are on.

In that sense, as a neutral country, this is what we should be reflecting when intervening in the situation, rather than taking sides as we continue to do. I wish to quote from a sociologist in Kiev, who I believe describes the situation very well. He wrote:

Rather than constructing ... hypocritical justifications as to why military suppression of some armed protesters is better than military suppression of other armed protesters, why the pro-Ukrainian far right is better than the pro-Russian far right, why the Ukrainian neoliberal government is better than the Russian neoliberal government, or why we are ready to fight Russian imperialism but ready to accept western imperialist interests in Ukraine, it would be better to support [the] progressive wings [on both sides] ... unite them against the ... ruling class and against ... nationalisms and imperialisms [with] shared demands for social justice.

To me, that is the way forward and is a voice which Ireland, as a neutral country, should be championing around the European Union table. Sadly, however, we prefer to coat-tail the European establishment and, behind the scenes, the establishment of the United States.

The other issue that will have a lasting impact is that of genetically modified, GM, crops. While I am aware that Ireland voted against the introduction of GM corn last February, I believe the Minister, Deputy Hogan, later took a more ambivalent position by welcoming the fact that under the new arrangements, countries could opt out and therefore implied in a way that it basically was okay. I do not accept that viewpoint and believe Ireland has been highly ambivalent and non-committal in its approach to this important issue, as reflected by the fact that Ireland has allowed the GM potato trial in County Carlow. This is not good enough because opting out is not really an option in a Europe in which countries are side by side with one another. Cross-border contamination is a real issue and the impact in that sense cannot be confined within national borders. Ministers are aware that many anti-GM groups have described the latest deal as being seriously flawed and that even the legalities of the national opt-outs are highly questionable. Consequently, the Minister should do more in this regard. Ireland should oppose it when it goes before the Parliament because it will have an enormously damaging impact on our agriculture unless we speak out on it.

**Deputy Richard Boyd Barrett:** The whole issue of the selection of the President of the new European Commission, the question of who will be Ireland's Commissioner and so on bring into focus the problems that are facing the European Union, or rather the crisis it is facing and on which the Taoiseach touched when he spoke of the danger of Britain pulling out. Perhaps this more generally reflects the dramatic rise of various forms of what is called euroscepticism,

whether it is the defection from Fianna Fáil of Brian Crowley, the alarming and frightening growth of the far right in parts of Europe or, on a slightly more progressive plane as far as I am concerned, the growth of left-wing forces in recent elections across Europe. Such forces, coming from a different perspective, are extremely critical of Europe and of the direction in which Europe is going. Meanwhile, we have a beauty contest over personalities. It is not focusing on the policies but rather on which personalities will get the spoils.

The Taoiseach should note these two things are connected. The growing legitimacy crisis for the European Union results from ordinary citizens' perception of the Union as being undemocratic, corporate dominated and a honey pot for the political class to get exceedingly well-paid jobs to further their own careers, while ordinary people across Europe are getting hammered with costs and austerity and while democracy is being slowly eroded and undermined for ordinary citizens. That is the reality and is why what is called euroscepticism is growing. I am interested not in the personalities but in the policies. The only point I would make in passing about Jean-Claude Juncker is that his surname of Juncker is appropriate because Europe is dominated by austerity junkies and I suppose it is appropriate that a man called Juncker is taking over as President of the European Commission. However, the issue is the policies. That is what people want to know about and they seek changes in the policies in order that Europe becomes more social and more democratic.

However, all the indications are that it is moving in the opposite direction and the more it moves in that corporate, undemocratic direction, the more one will see the rise of euroscepticism and growing resistance to the European agenda. Some of that scepticism can take worrying and alarming forms in the rise of the far right. While the Taoiseach began his speech by referring to what happened in the First World War, he should think seriously about how both that war and the Second World War broke out. It was blocs vying for influence and worried solely about the pursuit of profit, territorial control, expanding territories and so on that actually led to those conflicts and, of course, ordinary people paid a terrible price for that. There are worrying signs in this regard and I will provide a few examples. As some of us stated while opposing the various treaties, it is becoming increasingly apparent that European Union state aid rules mean Ireland cannot solve the social housing crisis because the State is not allowed to borrow money to build social housing. Effectively, the State must privatise or introduce water charges at least, because European Union state aid rules preclude the State itself from borrowing money to invest in the infrastructure but instead, the State must make it profit-orientated. At every turn, EU rules are acting in an adverse way to undermine the ability of the State to protect its own strategic interests, to protect its strategic industries, to solve the social problems facing its people and at every turn are encouraging a race to the bottom for ordinary people.

The transatlantic trade and investment partnership, TTIP, is a classic example of this, whereby the Americans are insisting that as part of this deal, we must have an investor-state trade dispute mechanism that essentially would allow multinationals to sue governments that try to protect the interests of their citizens and to get around domestic law. America is demanding that this be included in the agreement. Germany and France have indicated concerns about it because it would undermine precisely the capacity of the state, in so far as it represents the citizens, to represent the interests of those citizens by protecting industries, jobs and conditions. This is what is happening and Members should consider the examples of Bausch and Lomb, Greyhound and the Cement Roadstone dispute that is under way at present. All of them are demanding 20% pay cuts and all are multinational entities. In the case of Greyhound, its owners are not even tax resident in Ireland. As Members are aware, CRH was at the centre of the

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Ansbacher scandal and now is up to its neck in deals with Israel and so on. The interests of multinationals are being pursued at the expense of ordinary citizens and the workers who work for those multinationals. That is what is going on.

In the final minute remaining to me, this point brings me to an important issue that is not merely about economics but about the politics of all this. One aspect of where Europe is going wrong is corporate domination in respect of the economic impact on ordinary citizens in Ireland and elsewhere. Another aspect is the complete lack of morality when it comes to foreign policy, best typified by our relationship with Israel. It is absolutely extraordinary, as Members again witness another entire series of tragedies exploding because of Israel's illegal occupation of Palestinian territory and its resolute refusal to give the most basic civil rights to Palestinians. Members see the tragedies unfold again but Europe will allow Israel into the Horizon 2020 agreement, whereby we will give some of its major firms, which have been involved with building the apartheid wall and in doing all sorts of stuff for the Israeli military as it pursues its agenda of oppression in the West Bank, grant aid for research and development. It is absolutely unbelievable that we would do that. Consider the double standards when it comes to Russia. Europe jumps up and down stating it must have sanctions against Russia because of what it is doing in Ukraine. However, where are the sanctions against Israel for what it has been doing brazenly to the Palestinians for the past 20 or 25 years? Despite its brazen behaviour, the European Union gives Israel favoured trade status and grant aid to develop the industries it is using to persecute the Palestinians. Europe does not have a future if it does not change direction and policy.

**Acting Chairman (Deputy Joe O'Reilly):** We will now have questions and answers for 20 minutes. I ask Deputies to do their colleagues the courtesy of asking brief and succinct questions.

**Deputy Micheál Martin:** On the fundamental point of the Government's support for Mr. Jean-Claude Juncker's bid to become President of the European Commission, will the Minister of State indicate whether the Taoiseach held discussions with Mr. Juncker prior to his appointment? If so, did he seek to secure his support for Ireland's case for significant relief on bank-related debt? Did the Taoiseach and Mr. Juncker discuss that specific point prior to the appointment of Mr. Juncker? Did they discuss Ireland's urgent need for relief and if such engagement took place, what was Mr. Juncker's response? Mr. Juncker has not given any indication of his views or perspective on implementing the agreement that, according to the Government, marked a seismic shift in the European Union's position on debt relief and the separation of sovereign and bank debt. We were told Ireland would obtain debt relief.

Will the Minister of State outline in more detail the Government's position on the climate change agenda at European level? The Taoiseach made somewhat ambiguous remarks last night on Ireland's climate change targets. Are we pulling back from previous targets? The final communiqué is also somewhat ambiguous on climate change. In what direction is Europe heading on this issue?

What are the Minister of State's views on Ukraine, on which we heard different perspectives this morning? Does he agree that it is offensive to suggest there is some degree of moral equivalence between the behaviour of Europe and Russia? The European Union did not annex any part of Ukraine and its decision to enter into association agreements with countries such as Moldova and Ukraine is not an offensive or a mischievous strategy but a sensible one in terms of the EU and its neighbourhood. I am struck by the Sinn Féin position on this issue, which is

essentially one of support for an imperial power partitioning another country. Likewise, I was struck by some of the comments of Deputies Clare Daly and Richard Boyd Barrett who become animated - correctly - about many injustices in other parts of the world but are silent on Russia's behaviour in areas such as freedom of speech and protection of basic rights, even for its Russian, not to speak of Ukrainian citizens.

**Deputy Richard Boyd Barrett:** That is not true.

**Deputy Micheál Martin:** Yes, it is. We must be very clear on this matter. Will the Minister of State confirm that Ireland's support for the association agreements is not based on geopolitical manoeuvring on the part of this country or the European Union and that the agreement with Ukraine is a relatively minor step towards addressing its severe structural and economic problems?

The communiqué is clear that youth unemployment is a serious issue across the European Union and an area that is not showing improvement. Does the Minister of State accept that much of the language used in the text is hopelessly ambiguous on issues such as youth unemployment and economic growth?

**Acting Chairman (Deputy Joe O'Reilly):** I ask the Minister of State to bear in mind that a number of Deputies wish to ask questions.

**Minister of State at the Department of the Taoiseach (Deputy Paschal Donohoe):** I will respond first to Deputy Martin's questions on an area of agreement between us, namely, developments in Ukraine. I make the same point every time the House discusses Ukraine and developments in central and eastern Europe. There is no equivalence between the actions that were taken by the Russian Federation and European Union in the run-up to the crisis in Ukraine and since. The key point is that a democratically elected Government in Ukraine exercised its sovereign right to begin negotiations and discussions with the European Union. Ukraine began the process and the European Union participated in it. There was no coercion or force involved in Ukraine's decision to instigate the negotiations. In the run-up to the partnership summit in Vilnius, the Government of Ukraine took a different course of action and its decision was afforded the same respect as its decision to begin the negotiations. At each point in the process, the European Union has stressed the rule of law and the right and ability of countries to make sovereign decisions.

Last week, three countries, Ukraine, Georgia and Moldova, exercised their democratic right to sign agreements to deepen their respective relationships with the European Union. The President of Ukraine, who was democratically elected in a vote that was overseen by international monitors, last week expressed his wish to deepen his country's relationship with the European Union, as is its right. There is no equivalence between the role of the European Union and Russia in this crisis.

I disagree with Deputy Martin's contention regarding the language used in the communiqué on youth unemployment. The conclusions of recent meetings of the European Council have all contained a recognition of the crisis of unemployment and an acknowledgment of the role of bodies such as the European Investment Bank and the Youth Guarantee, which is designed specifically to address youth unemployment. While I acknowledge that youth unemployment is a scar on society and unemployment is a crisis, I also welcome the ongoing decline in the number of people on the live register. Unemployment has fallen for the past 22 months in a row. The

66,000 jobs created last year also benefited young people.

On the climate change agenda, Ireland is committed to delivering the objectives that have been set for addressing climate change and reducing carbon emissions. We note, however, that these are challenging objectives which must recognise two factors. First, the unique characteristics of different economies must be recognised. Ireland, for example, has a very large agricultural sector, which plays an important role in the economy and society. We have ambitious plans for agriculture, which can play an important role in addressing issues such as food security. Second, it is essential to measure accurately the current position of the economy and understand what climate change targets will mean for us. The Government is engaged in discussions with the Commission on these matters.

Deputy Martin asked a series of questions on Mr. Jean-Claude Juncker. The Government's remains committed to dealing with bank debt and the portion of the national debt that can be ascribed to the need to support the banking sector. Mr. Juncker, as a member of the Eurogroup and the head of state of Luxembourg, was present during many of the discussions that took place in the run-up to the decision to recognise the need to break the link between sovereign and banking debt. The Government will continue to work with him on this issue.

**Deputy Micheál Martin:** That is not an answer to my question.

**Deputy Paschal Donohoe:** Deputy Martin made comments about the leadership of the Fine Gael Party and the manner in which we conduct ourselves in Europe. He leads a party that does not have any Members of the European Parliament left, having recently managed to lose its only MEP.

**Deputy Micheál Martin:** Was the issue of debt relief discussed? That was my question.

**Deputy Paschal Donohoe:** The Deputy must also answer the questions he posed on leadership in the European Union.

**Acting Chairman (Deputy Joe O'Reilly):** To be fair to other Deputies, we must move on.

**Deputy Paschal Donohoe:** I will respond to other Deputies in a moment but this issue is directly relevant to the charges made about leadership and our conduct in Europe.

**Deputy Micheál Martin:** The Minister of State should have the decency to answer the question. He should not abuse the process.

**Deputy Paschal Donohoe:** As I stated, the Deputy leads a party that no longer has any Members of the European Parliament. His position reminds me of a comment made by Oscar Wilde when discussing a very difficult matter. To paraphrase Wilde, to lose two MEPs is a tragedy but to lose the last one is downright carelessness.

*2 o'clock*

Deputy Martin is leading a party that has no representation left in the European Parliament due to his actions and it is at least indicative of hypocrisy for him to stand up here and make charges on how we conduct ourselves in Europe.

**Deputy Micheál Martin:** Can the Minister of State answer the question?

**Deputy Seán Crowe:** Returning to what I was saying, we can talk about Ukraine and how

that situation came about. On the peace process and necessary negotiations in that regard, can the Minister of State outline Ireland's view of how the European Council sees that process developing? What role will Ireland play?

I note in the conclusions that the European Union will now ban all goods that it can prove came from Crimea. This is a point Deputy Boyd Barrett was making in response to Russia's takeover of the region. It is amazing that the European Union can do this in the case of Crimea, and yet it cannot do it in the case of the Palestinian-Israeli situation where, for instance, there are illegal settlements and the occupation of land. Is it a little strange that we can do it in the case of one region and we cannot do it in the case of another? That raises a number of questions. It comes across as hypocritical.

On climate change, on the last occasion I suggested the creation of a register of European multinational companies, some of which are involved in land-grabbing around the world. Did that arise on the agenda? Was there any discussion in that regard?

The Taoiseach, in his speech, spoke of new strategic guidelines in justice and home affairs. It is about the process we are going through. He stated, "The overall priority of the new guidelines is to consolidate and implement the legal [aspect]". I ask the Minister of State to read that paragraph. It states:

We must support this emphasis. It is important that there are periods when one reflects on what has been done already and on what tools are available to one. That allows one to consider if one is using them correctly and to maximum effect.

What does that mean? This is a speech that is supposed to explain what was going on at a meeting, and it is gobbledygook. Perhaps I am reading it out of context.

The process is supposed to inform us of what went on and what the Government said. I presume that is the purpose of this process. If the Minister of State cannot reply today, perhaps he could respond at some stage. Would he agree we need to review this process of statements from the group leaders and the question and answer session? One does not get a sense of what happened. It is important, not for our benefit but for the listeners at home, that we gain a sense of what goes on at these meetings, what they are discussing, who agrees with what, what are the flaws, what are the agreements and in what direction we are taking.

**Acting Chairman (Deputy Joe O'Reilly):** For the sake of efficiency and to give everyone fair play, I propose we take Deputy Boyd Barrett's questions now as well.

**Deputy Paschal Donohoe:** May I make one quick point? I am happy to do whatever the Acting Chairman wishes, but Deputy Crowe asked me about a particular number of lines which he quoted.

**Acting Chairman (Deputy Joe O'Reilly):** Then the Minister of State should take Deputy Crowe's questions.

**Deputy Paschal Donohoe:** If Deputy Crowe would identify where they are, I will answer his specific point, perhaps, when Deputy Boyd Barrett has put his questions.

**Acting Chairman (Deputy Joe O'Reilly):** Deputy Boyd Barrett has been waiting for some time.

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**Deputy Richard Boyd Barrett:** On Ukraine, if I can put the question clearly and in context for the Minister of State because Deputy Martin's mischaracterisation of our position is not helpful in clarifying the views on this. It is extraordinary that when Deputy Clare Daly clearly indicated her outright opposition to Russian activities in Crimea and Ukraine, as I have done, Deputy Martin mischaracterises our position as being somehow supportive of Russia. So that we are absolutely clear, what Russia has done is wrong. It is imperial manipulation for Russia's own strategic self-interest. The question arises, is Europe engaged in the same activity? The Minister of State says it is not. Does he accept, for example, that the expansion of NATO, the military alliance closely linked to the European Union, will represent a threat to Russia and produce a reaction? One would have to be a fool not to recognise that the Russians would perceive that, or the expansion of the European Union at the expense of Russian spheres of influence, as a threat. The Minister of State should not get me wrong. Russia does not deserve those spheres of influence, but neither have I any great sympathy for European spheres of influence. My point is that this big-power bloc politics is dangerous because it sets populations against one another.

The second point is related to the points I made earlier. If we had a social agenda rather than a NATO agenda and a corporate agenda, we might precisely be able to undermine the conditions where populations get set against one another, because underlying conflicts between peoples are nearly always issues, such as economic deprivation and unemployment, being channelled in dangerous directions. What we or anybody who has a progressive agenda must do is put the social agenda first in a way that undermines the conditions for war. Is it not the case that Europe is going in the opposite direction because of its focus on multinationals at the expense of morality, fairness, equality and the social agenda?

Lastly, is our relationship to Israel proof positive of this? I cannot understand, and ask the Minister of State to justify, how Europe imposed sanctions on Russia - not on those in Crimea or doing business in Crimea - for what it was doing in Crimea, but when it comes to Israel we do not impose sanctions on Israel for what it is doing in the occupied territories. We make a distinction, stating that while Israel cannot behave as it does in the occupied territories we will do nothing about it, but we will do business with Israel as if nothing is going on and, in fact, we will give favoured trade status to Israel. How can the Minister of State explain that contradiction?

**Deputy Paschal Donohoe:** I thank the Deputies for all of their questions.

I thank Deputy Crowe for sharing the text with me. On the paragraph to which the Deputy refers in regard to the language about "new guidelines", support of emphasis, etc., I agree with the substantive point he makes. The language we use to talk about what is going on in the European Union, and sometimes about politics in general, could be a lot more clear and unambiguous. That is why, for example, I welcome initiatives that we have seen happen this week in practical and tangible matters that will make a difference to consumers within the European Union and in a way that they can readily appreciate.

On Deputy Crowe's direct point here about what that language means, it is used in the context of a paragraph about justice and home affairs on how our police and laws will co-operate with each other to deal with matters of joint concern. The paragraph is trying to say that it is important, before we look at new measures and look at how we might develop that in the future, to reflect on what we have at present and to ensure it is working as well as possible. That is the intent of this.

On Deputy Crowe's question about the role of the European Union in the Middle East, Ireland has continually stressed at the Foreign Affairs Council the need for more prioritisation and continued focus from the EU on what is happening in the Middle East and all that can be done to ensure that the peace negotiations recommence. I am aware of what is happening at present with the initiative by the US Secretary of State, Mr. Kerry. The US has said it is paused and it will look to recommence it in the future. We welcome the fact that in Palestine a government has been formed that seeks to represent all of the different groups and factions in that area because we believe, based on our own experience, that an inclusive administrative will find a way of conducting negotiations with everybody in the region to lead to peace.

On the discussion on Ukraine, while I ended on a point of disagreement with Deputy Martin earlier, I agree with much of what he stated on the analysis and discussion on Ukraine. I genuinely disagree with Deputy Boyd Barrett when he asks what is the difference between the actions of the European Union and Russia in this situation. Deputy Boyd Barrett asked what is the key point of difference on the discussions and activities that have taken place. For me, it goes back to the point of consent. We have never forced anybody to join the EU and have never used any policy tools or instruments that might be in any way coercive. It is all about other countries either wanting to join the EU or associate themselves with it. It is an entirely peaceful and voluntary process. That is the core point of difference between what we see in the EU-----

**Acting Chairman (Deputy Joe O'Reilly):** I am sorry to interrupt, but the Minister of State has five minutes left. He can either use that time to make a formal statement or continue replying to those questions, or a combination thereof.

**Deputy Paschal Donohoe:** I will continue and will then make some concluding comments on the areas the Taoiseach has asked me to mention.

That is the main point of difference. The Deputy referred to the role of corporations and big business within the EU, and the difficulties and problems they can pose for the ordinary people whom he and I represent. I ask him, however, to look at the EU's role in regulating and dealing with them. I would point to the banking union. What better way do we have of dealing with large banks and global banking corporations if not through the member states' ability to pool their sovereignty - in other words, to work together to come up with better regulation methods than they could on their own?

For example, if a bank of systemic risk fails, arrangements are now in place for burden sharing among bondholders. In addition, owners and shareholders will have to take a hit and the consequences of that failure first. That role was directly negotiated through the EU. It is about dealing with the very point the Deputy raised on how we can deal with large business that have an awful lot of power.

The other side of the coin is that the very multinationals the Deputy regularly castigates and criticises are the same ones that employ many people in Ireland and elsewhere in the EU. They play a vital part in growing national economies and the European economy generally. I am very much aware of the other side of the coin. While large companies need to live up to their responsibilities, they do provide employment and tax revenue on which national governments depend. Many of them provide employment and services on which small and medium-sized companies are very much dependent. Apart from what the Deputy said, therefore, there is a wider picture. One of the EU's roles is to help national governments, particularly those in smaller countries, to deal with large organisations that could pose a systemic risk to a govern-

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ment or national economy.

I will now conclude by referring to some areas that were touched on in the debate. We have already discussed the association agreements. I repeat that these are voluntary arrangements that were entered into by the governments of Ukraine, Moldova and Georgia. I attended the ceremony where the association agreements were signed. On that occasion, President Van Rompuy said they represented a historic milestone within the history of the EU with partner countries. They also represent an important development in the EU's eastern partnership, whose aim is to create a zone of prosperity in that part of Europe. That objective has never been more important.

We welcome the decision of the European Council to grant Albania candidate status. I have visited that country, as did members of the Joint Committee on European Union Affairs last week. These are the early stages of what is a very important process for the Albanians. It will provide more incentives and encouragement for the Albanian Government to continue with the kind of changes needed to benefit the Albanian people in regard to legal, economic and public administration matters.

Some Deputies asked me where we currently stand on the climate and energy framework discussions for 2020. At the European Council, leaders took stock of where we stand at the moment. The main Council meeting on that, however, will take place in October. At the most recent Council, Heads of State and Government welcomed the publication by the Commission of the energy security strategy. That is all about making more efforts to reduce Europe's high energy dependency.

The Council meeting also touched on the European maritime security strategy which was developed under the Greek Presidency. It provided a welcome opportunity to highlight the importance of building a Europe-wide consensus on maritime security. As an island nation with an extensive coastline, we are obviously very much aware of that issue.

A large number of important topics were discussed at the European Council. Through this discussion, I have done my best to respond to the comments and questions put to me by Members. I look forward to participating at the Committee on European Union Affairs on the next briefing that will take place in the run-up to the next General Affairs Council.

**Acting Chairman (Deputy Joe O'Reilly):** I thank the Minister of State and other Members for their participation in the discussion. That concludes statements on last week's European Council meeting in Brussels, pursuant to Standing Order 102A(2)(b).

*Sitting suspended at 2.16 p.m. and resumed at 3.16 p.m.*

### **Message from Seanad**

**An Leas-Cheann Comhairle:** Seanad Éireann has passed the Health Identifiers Bill 2013, without amendment.

**Topical Issue Debate**

## **Cancer Screening Programmes**

**Deputy Helen McEntee:** I thank the Minister for Health for taking this issue and my colleague, Deputy O'Donnell, for raising it. BreastCheck, which is the national free screening programme for breast cancer, currently extends to women aged between 50 and 64 years of age. It is a fantastic programme.

The only figures available to me are from 2012 but I assume that the figures for last year and this year are similar. During 2012, some 183,632 women were invited to partake in a breast screening procedure and 71.4% of eligible women accepted the invitation. This was in excess of the 70% figure set as a target for the programme. The lives of thousands of women have been saved by BreastCheck.

Unfortunately, breast cancer is the most common cancer among women in Ireland. A woman has a one in ten chance of developing breast cancer but early detection is key to dealing with it. This is why women from the age of 50 years are eligible for the programme. I recognise that we must operate under budgetary constraints and that a bracket has to be put on eligibility but given that one in ten incidents of breast cancer occur among women aged between 65 and 69 years, we need to reconsider the age limits. Death rates from breast cancer are second highest in the 60 to 69 years age group. The programme for Government promised to extend the free screening service to women aged between 65 and 69 years. I ask the Minister to ensure this is done at the earliest opportunity.

**Deputy Kieran O'Donnell:** I thank the Minister for facilitating us as we raise this critical issue and I also thank my colleague, Deputy McEntee, for contributing. I feel strongly about the issue. BreastCheck should be extended to people aged between 65 and 69. These people could be our wife, a mother, a sister, a daughter, a relative or a female friend. The current BreastCheck scheme, which includes people up until the age of 64, works very well, and it is in the programme for Government that it would be extended to people aged between 65 and 69. Currently, women aged between 50 and 64 are invited for a free mammogram every two years but as my colleague mentioned, there is one in ten incidence of breast cancer in women aged between 65 and 69. I have already raised the matter with the Minister and I have written to the chief executive of the HSE, Mr. Tony O'Brien, about the matter. As Deputy McEntee stated, there is a commitment in the programme for Government to extend the initiative. HIQA made a similar recommendation in 2010.

Screening saves lives by catching cancer early, and for every 500 women screened, it will ensure that one life will be saved. Women between 60 and 69 have the second-highest incidence of breast cancer and the second-highest risk of dying from the disease. Nevertheless, the older half of this age group is currently ineligible for screening under BreastCheck. Almost 2,800 women are diagnosed annually with breast cancer, and it is the second-highest cause of cancer deaths in women after lung cancer. In 2012, 675 women died from breast cancer.

A plan to roll out the free breast cancer screening scheme to women aged between 65 and 69 should be included in the HSE national service plan for 2015, which will be published in the autumn. We must ensure these women can have continued care after they reach 65.

**Minister for Health (Deputy James Reilly):** I thank Deputies McEntee and O'Donnell for raising this important issue and I welcome the opportunity to speak to it. BreastCheck, the national breast screening programme, currently offers a mammogram every two years to women

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aged 50 to 64. This service is provided free of charge by the HSE through its national screening services, and BreastCheck is now in its 15th year of screening, having provided 964,000 mammograms to 409,000 women. Approximately 6,350 cancers have been detected through this programme. Deputies are well aware of the budgetary restraints under which we must operate but I can confirm it is my intention to extend the upper age range for BreastCheck to include the 65-69 age cohort as soon as possible in line with available resources.

A priority of the BreastCheck programme is to maximise national uptake in the 50-64 age cohort. As outlined in the recently published 2012 and 2013 BreastCheck report, 71.4% of eligible women invited for screening accepted their invitation, which is in excess of the programme target of 70%. However, acceptance rates for those invited for the first time have fallen to 66.4% and this is a matter of some concern. In the light of these figures I welcome the current BreastCheck advertising campaign, which aims to boost uptake rates. I realise we all lead busy lives these days but I call on women to take the time to do something very important for themselves by availing of invitations to have mammograms. At a minimum this will give some peace of mind but it might just be crucial in identifying cancers at an early and more easily treatable stage.

Breast screening is one element of our comprehensive cancer control programme and as part of its work across the full range of cancers, the HSE's national cancer control programme provides symptomatic breast clinics in each of the eight cancer centres, with a further satellite clinic in Letterkenny. Breast cancer survival in Ireland has improved significantly in recent years due to a combined approach of screening, symptomatic detection and improved treatment. Five-year survival for breast cancer is now estimated at almost 85% for people diagnosed between 2005 and 2009. This is a most encouraging figure, indicating a significant improvement from 75.1% for people diagnosed between 1994 and 1999. I very much welcome the progress being made, not just to the benefit of the people directly concerned but also to their families, loved ones and wider communities.

BreastCheck is aimed at the cohorts most at risk but breast cancer services are available for all women. Those of any age who have concerns about breast cancer should seek the advice of their GP, who will, if appropriate, refer them to the symptomatic breast services in a designated specialist cancer centre. Screening should never be taken as a substitute for attending a doctor if there is a health concern related to breast changes or other issues.

**Deputy Helen McEntee:** I thank the Minister for his response. After 15 years there have been over 950,000 mammograms, which is great news. As Deputy O'Donnell noted, these women are somebody's mother, sister, aunt or grandmother. It is more difficult for people to recover from an illness later in life and deaths from breast cancer are the second highest rate in the 60-69 age group. We are missing four years of that cohort in the current BreastCheck programme.

I welcome the Minister's statement that he is keen to implement this as soon as possible. I urge that it be done this year if possible and it would be great if the Minister could give us a timeframe. With all types of cancer and illnesses that can be screened, people should be vigilant, as the Minister indicated. This programme cannot cater for everybody as we are under budgetary constraints. People should be vigilant as well as availing of the screening if required. Will the Minister keep us abreast - to use an apt word - of what is happening?

**Deputy Kieran O'Donnell:** I thank the Minister for his response. BreastCheck was rolled

out in Limerick in recent years and I raised the matter in the Dáil at the time. I have seen its positive impact. There are benefits for women aged between 50 and 64 and it improves survival rates. For every 500 women screened, one life is saved, and the older cohort of those aged between 65 and 69 has a breast cancer incidence of one in ten, so this should be given immediate priority in line with the commitment given in the programme for Government. Will the Minister commit to achieving this in the lifetime of this Government? The programme has made an enormous difference to the women of Limerick and the mid-west region, as well as to their families.

**Deputy James Reilly:** I reiterate our commitment in the programme for Government to do this, although Deputies will be aware of the serious budgetary reductions which have occurred over the past years to facilitate our getting this country back on its feet. The Government has done that very successfully to date. There are great challenges in this year's budget with competing priorities and public health, prevention, early detection and screening are very important issues. When we considered the budgetary constraints, we had very difficult choices to make. For example, if we did not invest in diabetic retinopathy screening, citizens would go blind, never to regain their sight. If we did not roll out bowel screening for colorectal cancer, people would again be at risk of presenting late with poor outcomes. There are 12 clinical nurse specialists who have commenced training to carry out colonoscopies through the screening programme, with an additional €2 million for the continued roll-out of bowel screening in the HSE national service plan for 2014. That will facilitate retention of the three-year first round interval for screening in the 60-69 age cohort. This is a serious cancer affecting both men and women.

On top of that we had to consider organ transplants, as we have more living donors prepared to make that most generous of gifts, particularly with kidneys. Last year was a very successful year when there were 294 successful transplants, up from 239, which is a massive increase. We wish to see this continue and encourage people to be aware of it. There are competing areas for screening and cancer detection, in addition to our initiatives on the human papilloma virus, HPV, vaccine to protect young girls from developing cervical cancer later in life and the continued cervical screening. It is a Government commitment, one that I am very pleased to commit to as soon as possible and certainly within the lifetime of the Government.

### **Further Education and Training Programmes Provision**

**Deputy Gerald Nash:** Before I address the issue at hand I wish to pay tribute to my friend, mentor and colleague, the Minister for Education and Skills, Deputy Ruairí Quinn. I would not be in this Chamber today if it were not for the constant support, guidance and example of the Minister who announced today that he will shortly exit the Government benches and leave the political stage. He is a Titan of the Labour Party movement and a liberalising and modernising force in Irish society. I am proud to say he is a political hero of mine. He can look back on his career safe in the knowledge that he has changed Ireland and Irish society for the better.

There is a very serious and troubling shortage of SOLAS-led courses available in the immediate Drogheda area, which the agency must address. All of us who are interested in ensuring people who have lost their jobs get back to work as quickly possible want to see them given the route back to work that they need. The unemployment rate in Drogheda, Ireland's largest town, has dropped by approximately 20% over the past three years, since this Government took office. The Louth and Drogheda area in general have done extremely well through a range of

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Government initiatives such as the provision of MOMENTUM and Springboard places and other schemes.

Local stakeholders who are involved in job facilitation and job coaching and guiding people through the system, and constituents have drawn my attention the fact that there are very few direct SOLAS courses available in the Drogheda area. There is no SOLAS training centre. That regional training centre is located in Dundalk. A mere six of the 150 SOLAS courses available in the north east are available in Drogheda. This is incongruous and unacceptable for the sixth largest urban area in the country. We need to ensure courses are available as close as possible to those who wish to access them. Travelling to the local FÁS regional centre in Dundalk can be problematic and expensive for a person from Drogheda, all the more so if the person lives in Laytown or Bettystown because that involves taking two or three buses. It is even more complicated for those attending evening courses because the last bus for Drogheda leaves Dundalk before the classes end. That is a practical problem that needs to be addressed with some imagination.

The unavailability of courses in the Drogheda area is a real problem and I am concerned that it can act as a real barrier to participation for people who should be in a position to take up courses to allow them get back to work quickly, and to equip them with the type of skills that the Minister wants to equip them with and that I want them to develop, to enable them get back into work as quickly as possible. The Department, SOLAS and all the other stakeholders need to work closely together to ensure all those issues are addressed, the obstacles removed and that there are many practical SOLAS courses available in the locality for people from the Drogheda area.

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I echo Deputy Nash's sentiments about the announcement by the Minister for Education and Skills, Deputy Quinn, today that he does not intend to remain in his position. It has been a privilege and honour to work beside the Minister over the past three years. He has been exceptionally supportive of the work I do and we have achieved a great deal together in a short time. It was very encouraging to work beside someone who has been in the political sphere for over 40 years but never lost his zeal and passion for reform. The programme for reform that he instigated over the past three years has put the learner, children and adult learners at the heart of that reform programme. I wish him every success in the future.

As of yesterday SOLAS is no longer involved in the direct provision of training, other than for certain national programmes. This comes about as a result of the radical reform of the further education and training sector undertaken by this Government. Thirty-three vocational education committees have been replaced by 16 education and training boards which have full responsibility for the planning and delivery of education and training in their areas.

To achieve that integration between education and training delivery, the former FÁS training centres have been transferred in two tranches. The second round of moves took effect on 1 July and included the transfer of the Dundalk training centre, and all the training activity contracted from there, to Louth-Meath ETB. The process of reform, however, involves more than changing structures and re-organising institutions. The Further Education and Training Strategy 2014-2019, the first such strategy published for this country, published by SOLAS in April, sets out a way forward for the sector through five key objectives: to deliver skills for the economy; to support active participation by citizens; to improve how further education and training, FET, is planned and delivered; to raise the quality of FET, and to improve standing of

FET as a strong option in the overall education and training sector.

One of the key initiatives under the strategy is the production each year of an integrated FET service plan. The first of these plans was produced this year and is available on the SOLAS website. It brings together all the FET activity across the 16 ETBs and sets a range of targets in respect of participation and certification. The annual planning process will be informed by an analysis of need in each ETB area and includes engagement with the Department of Social Protection, Enterprise Ireland, the IDA, enterprise boards, employers and other key stakeholders. A comprehensive analysis of available statistical data will also be undertaken considering unemployment trends, vacancies, local job opportunities and regional labour market reports. This process helps to determine the regional and local course types with a focus on providing market-led education and training opportunities, while also supporting early school leavers and others who are further away from the labour market.

This is the context in which the Louth-Meath ETB will plan its provision in Drogheda and other areas for 2015 and subsequent years. I understand there will be 554 training places delivered in Drogheda in 2014 across a range of programmes, including traineeships, specific skills training and local training initiatives. There will also be places delivered under the MOMENTUM programme. This is in addition to the range of former VEC provision available, including Youthreach, vocational training opportunities scheme and post-leaving certificate provision. I am confident the new ETB service planning process will ensure Drogheda is well served with further education and training options developed on a fully informed basis.

**Deputy Gerald Nash:** I thank the Minister of State for his detailed response. I have great faith in the service providers and State agencies working in this area. They have stepped up to the mark in recent years and have shown significant determination and imagination and a personal commitment to getting people back to work. They include SOLAS, local employment service, and Intreo staff in the offices in Drogheda and across Louth and elsewhere, and all manner of jobs facilitators who are extremely passionate about their work.

The ETB arrangement is very interesting and can lead to further integration and enhancement of the training opportunities available in real time. It is very important that the agencies are responsive and flexible enough to respond to the needs as they see them on the ground almost in real time. There is a gap in the availability of SOLAS courses in the Drogheda area. That is clear on the website. It is important that the ETB responds to that. I am confident that under the FET plan it will be enabled to do that. I look forward to the provision of 554 training places in the Drogheda area in 2014. Of course that is in addition to the many other opportunities that are available through other agencies and local initiatives. I think the prospects for those who are seeking training in this area are very positive. There are opportunities in the wider context of further education and training service plans to develop a more responsive system. I look forward to working with the education and training boards to make sure the system meets the needs of people who need support and training in order to move into employment.

**Deputy Ciarán Cannon:** We are investing over €800 million, which is a very significant amount of money, in further education and training each year. We have put in place a framework to secure the best possible results for the more than 200,000 learners who engage with the system every year. These are all unique individuals with unique personal challenges. They have a diverse set of backgrounds, needs and aspirations. A wide range of good quality provision, driven by a desire to service these unique individual needs, is required at this time if the achievements of each of those individuals is to match his or her potential and if each of them

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is to play a valuable part in society and the economy. In its five-year strategy, SOLAS has set out how the sector can raise its game. Like Deputy Nash, I am confident that the sector is raising its game as we speak. There is significant passion and commitment in SOLAS and within the education and training board structure at national and regional levels. There is significant collaboration between the Department of Social Protection, through its Intreo network, and the education and training boards at local level. That involves proper planning, targeting, provision and evaluation of the education and training offered by a range of providers. It does not and it will not involve the passive provision of funding to a system that changes little from year to year. Changes in provision will be made in towns like Drogheda on an ongoing basis arising from changes in the circumstances of those towns. The Louth-Meath education and training board will plan the provision for the various groups of learners in Drogheda in an informed and consultative manner. This will lead to the best possible use of the resources that are available to the board. I encourage the Deputy and all Members of the House to engage actively with education and training boards at regional and local levels in the future. This will best serve the interests of their constituents with regard to the provision of further education and training.

### **Civil Partnership Legislation**

**Deputy Jerry Buttimer:** I thank the Minister of State, Deputy O'Dowd, for being here. Over 20,000 marriages and approximately 500 civil partnerships took place last year. Most of those involved are continuing to choose religious ceremonies, but an increasing number of people are choosing to have civil or secular weddings. Approximately 30% of all marriages are civil marriages. When civil partnerships are included, it is clear that there are approximately 6,700 civil unions every year. As more and more people choose to get married outside traditional religious settings, the issue of where marriages and civil partnerships can take place is of increasing concern.

The Civil Registration Act 2004, as amended, requires that the solemnisation of marriages and civil partnerships should be done in a place that is open to the public. The Act allows for some degree of flexibility - it allows an tArd-Chláraitheoir or a superintendent registrar to grant approval for a marriage and civil partnership to take place at another location chosen by those getting married and agreed to by the solemniser. The Act itself does not go any further in setting out where civil marriages and civil partnerships can take place. Decisions on where people can get married and enter civil partnerships have been left to the general registrar's interpretation of the vague Civil Registration Act, rather than being made by the elected representatives of the people.

The effect of the legislation, as currently interpreted and applied, is that civil marriages and partnerships must take place in a fixed structure - a place with four walls and a roof - that is open to the public. Given that no guidance is provided by the Act or by supporting regulations, it is easy to understand how someone can reach this interpretation. The idea behind this interpretation is that it ensures the venue can be easily identified and accessed in the event that there is an objection to the union. Unfortunately, this interpretation seems to be overly restrictive. It is having an impact on people's ability to get married at a place of their own choosing.

Many hotels and country houses are not able to facilitate weddings in venues that would be ideal. The same thing applies to sites run by the Office of Public Works, such as Charles Fort in Cork and Fort Camden in Crosshaven, which would be idyllic settings for weddings. Hotels

are not allowed to use garden houses or marquees, which are often ideal settings. Many hotels in my constituency are affected by this. The marquee at Maryborough House Hotel, for example, would be a superb facility for weddings. However, weddings must take place in specified rooms in hotels. In many cases, the room in question is small and ill-suited to the needs of the people getting married or entering into a civil partnership. Rather than restricting people to one room, surely we could provide for regulations that would allow weddings to take place at various identifiable and publicly accessible locations within hotel complexes or OPW sites.

Perhaps the requirement for marriages and civil partnerships to be held in locations that are identifiable and accessible to the public could be accommodated by means of a less restrictive interpretation of the existing legislation. This is what happens in our neighbouring jurisdiction. It came to public attention this week that a legal challenge to the interpretation of the legislation is to be taken. It is unfortunate that the simple issue of where weddings and civil partnerships should take place now has to go before the courts. I ask the Minister of State, who is here on behalf of the Minister, Deputy Burton, to consider making the appropriate changes to legislation to enable people to get married and enter civil partnerships at a place of their own choosing. It is important for us to recognise that marriage and civil partnership are life-altering and memorable life events that reflect the commitment of two people to each other and to the vision of a shared life. It is disappointing that the State, which facilitates and supports these commitments, is preventing these great events from taking place in a range of suitable venues.

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd):** I am responding on behalf of the Minister for Social Protection, who is unfortunately unable to be here at this time. The notification and registration of civil marriages is governed by Part 6 of the Civil Registration Act 2004. The notification and registration of civil partnerships is governed by Part 7A of the Act. The Act provides that a civil marriage can be solemnised and a civil partnership registered in a registrar's office or some other venue that is approved by a registrar. People who wish to get married or register a civil partnership in a venue other than the registrar's office should contact the registrar for the district in which the venue is located to arrange to have the venue approved. This may involve the registrar inspecting the venue. There is an additional fee for a civil ceremony held in a venue other than a registrar's office.

The guidelines for the selection of a venue provide that only venues that allow unrestricted public access without charge will be considered. The venue in which the ceremony room is situated must conform to all the requirements of any venue open to the public in respect of planning permission, fire safety certification, public liability insurance and all relevant health and safety requirements. I think this is the point the Deputy was making. The ceremony room must be accessible to everyone, including people with disabilities. The place in which the marriage takes place must be a fixed structure that is clearly identifiable by description and location as a distinct part of a venue. The requirement for a marriage to take place in a fixed structure that is open to the public is necessary to ensure marriages take place in public. This avoids the possibility of coercion, fraud or lack of capacity on the part of a party to a marriage, prevents marriages from taking place in secret and provides an opportunity for objections. This requirement precludes marriages from taking place in the open air, in a tent, marquee or other temporary structure, or in a private dwelling.

Civil marriages and partnerships must be registered by civil registrars at assigned appointment times from Monday to Friday, excluding public and bank holidays. While civil partnerships may be registered only by civil registrars, marriages may also be registered by members

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of religious or secular bodies who are included in the register of solemnisers. The Minister is aware that the possibility of these events being overseen by religious and secular people at outdoor venues has been raised recently. Section 8 of the Civil Registration Act 2004 outlines the functions of an tArd-Chláraitheoir. Section 8(4) states provides that “An tArd-Chláraitheoir shall be independent in the performance of his or her functions.” Section 8(5) provides that “An tArd-Chláraitheoir may do all such acts or things as are necessary or expedient for the purpose of the performance of his or her functions”. In the performance of these functions, a letter was issued by an tArd-Chláraitheoir to all religious and secular bodies after it came to his attention that it was intended to have a number of marriages at private houses and at places where the exact locations were uncertain. Were the address of marriage to be a private house or be vague or imprecise, for example, a large public park, the public policy objective of the provision in section 51 would be defeated. The Minister for Social Protection is seeking clarification from the Attorney General on the question of where marriages can be legally executed under the provisions of the Civil Registration Act 2004. This advice should be received shortly and the next steps will be determined on that basis.

**Deputy Jerry Buttimer:** I thank the Minister of State for his reply. I welcome the fact that clarification is being sought from the Attorney General in these matters. The reality is that the current interpretation of where marriages and civil partnerships can take place is excessively restrictive. In the United Kingdom and the North, for instance, where essentially the same requirements apply, it has been possible to facilitate ceremonies at many suitable venues that are not restricted to permanent structures with four walls and a roof. It is possible to make small changes which will allow people a wider choice of venue. Even a minor amendment to allow for a statutory instrument to deal with this issue would be a significant step in the right direction. I hope the Minister for Social Protection will consider it.

Another problem people throughout the country are meeting in seeking to arrange marriages and civil partnerships is the shortage of registrars who can perform these ceremonies. While an increasing number of solemnisers from secular groups are available, the limited availability of civil registrars is causing great difficulty. As a consequence of these shortages, it is not possible to arrange ceremonies on Saturdays. This makes very little sense from a revenue-generating perspective because the fees and charges applying to civil marriages and partnerships more than cover the cost to the State. It would benefit everybody if we could facilitate the demand for Saturday ceremonies.

I hope there will be an opportunity to examine these issues and explore the possibility for changes that would allow people to get married and enter civil partnerships on days and in venues of their own choosing. I do not foresee there being any objections to open air weddings at Fort Camden or on Carlingford Lough. We can overcome the obstacles that have arisen if we want to, and I hope the will is there to do so.

**Deputy Fergus O’Dowd:** I will ensure the Deputy’s views are brought to the attention of the Minister. Moreover, if there is other information he might be able to supply, particularly in regard to how these issues have been dealt with effectively in other jurisdictions, it would be helpful to receive it.

## **Voluntary Sector Funding**

**Deputy John Browne:** I thank the Ceann Comhairle's office for allowing me to raise this important issue. Yesterday we learned that the national advocacy service of the Irish Deaf Society, IDS, has closed as a consequence of the refusal of funding from the Department of the Environment, Community and Local Government. This cut brings to a halt 11 years of services for the deaf population, with an estimated 5,000 people affected. Those people have been left high and dry by the Minister, Deputy Phil Hogan.

I am absolutely shocked, as we all are, that the Minister has completely withdrawn funding with immediate effect from such a vulnerable group. The Irish Deaf Society's national advocacy service, which has closed its offices with a full loss of staff, provided an invaluable service to deaf people, including helping them to access education and health care and offering avenues to employment. To take this service away from those who need it is appalling and seems to have been done without any thought as to the consequences. It is very doubtful that the Minister can justify his decision, but he has not even attempted to do so. He must provide a full explanation to the staff and service users.

In some respects, of course, we should hardly be surprised by this move. This Government, after all, has engaged in a continuous attack on people with disabilities in recent years. Cuts to respite care grants, mobility allowance and the medical card debacle are examples of how the most vulnerable have been targeted. It is a Government that seems to have lost all sense of humility and any sense of caring for vulnerable people. The deaf population has been described by the IDS as marginalised, socially isolated and discriminated against, which can lead to low participation in third level education and poor job prospects. These people need to be protected and offered continued support in order to integrate more fully into society.

This ill-thought out move defies logic and I appeal to the Minister to reconsider it. The IDS's unique advocacy service is the only service that is fully accessible through Irish Sign Language, with all staff possessing fluency in the language. Many members will now find it difficult and frustrating to access public services where no Irish Sign Language interpreter is available. When one considers that 80% of deaf adults have literacy levels akin to those of eight to nine year olds, compared with 25% of the general population who are at that level, we clearly have a serious case of social exclusion with no means of remedy. The closure of this advocacy service compounds the decision made earlier this year by the Minister of State at the Department of Health, Deputy Kathleen Lynch, to rule out the prospect of Irish Sign Language being recognised as an official language. She did so on the basis that services for deaf people must be in place before the language could be recognised.

This is a disgraceful decision. The Minister of State, Deputy Fergus O'Dowd, is a caring Minister and I urge him to appeal to the Minister, Deputy Hogan, to have it reversed as a matter of urgency.

**Deputy Maureen O'Sullivan:** I am grateful to have an opportunity to highlight an issue that is causing a great deal of concern, disquiet, and dismay among the deaf community. I am very much aware of the work done by Deaf Village Ireland in Cabra, in the constituency I represent, and the need for more engagement by organisations with the deaf community. It was very saddening to read of the decision for the funding to the Irish Deaf Society's national advocacy service to be cut with immediate effect. There was no lead-in to this decision, no analysis and no explanation as to why a service which has received funding in each of the 11 years it

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has been in operation should now have that funding removed. The advocacy service has been working with members of the deaf community on issues to do with employment, participation in education, access to health care and reducing social isolation.

This decision follows the decision by the Minister of State at the Department of Health, Deputy Kathleen Lynch, not to grant official language status to Irish Sign Language. The IDS's advocacy service is the only service whose entire staff is proficient in that language. The Minister of State said her decision was based on the premise that services for deaf people needed to be provided before Irish Sign Language could be recognised. What is happening instead, however, is that an important service for deaf people has had its funding withdrawn. It makes no sense.

The Irish deaf community has felt very isolated in the past and has suffered a decline in living standards. The funding to the IDS was granted every year for the past 11 years. Why is it being withdrawn now?

**Deputy Fergus O'Dowd:** I thank the Deputies for raising this matter, which I am taking on behalf of the Minister for the Environment, Community and Local Government, Deputy Phil Hogan. The funding scheme to support national organisations in the community and voluntary sector aims to provide multi-annual funding to national organisations towards core costs associated with the provision of services. The current funding scheme commenced in July 2011 and was due to expire in December 2013. The Minister extended it to the end of June 2014, however, with a view to a new scheme commencing from 1 July this year. The overall budget for 2014, under both the old and new scheme, is some €3.1 million.

During 2013, the Department carried out a review of the scheme, which found that it has fulfilled its main objective of providing multi-annual funding to national organisations towards core costs associated with the provision of services. The review recommended that organisations be required to demonstrate clearly the added value of the work proposed. The effective use of core funding in recipient organisations also requires that robust governance and cost control procedures are in place within those organisations.

The new scheme was advertised for applications earlier this year. The Minister has asked Pobal to undertake an assessment of the applications received, given that organisation's significant experience and expertise of both the design of assessment criteria and completion of assessment functions.

*4 o'clock*

A large number of the applicant organisations sought the maximum level of funding available or, in some cases, an amount in excess of that. As a result, the number of organisations that could potentially be funded under the scheme, within the budget available, was significantly lower than for previous schemes. The Minister had concerns in regard to this and considered the issue carefully as he was anxious to make funding available to as many organisations as possible within the prevailing resource constraints. The Minister concluded his assessment of the situation, taking Pobal's assessment and recommendations into account, and announced the scheme allocations this week.

Some 157 applications were received by Pobal. Of these, three applications did not meet the basic eligibility criteria. The remaining 154 applications were appraised by Pobal against the criteria as outlined in the application guidance and 55 applications were approved for funding for the two-year period from 1 July 2014 to 30 June 2016. The Irish Deaf Society is not one

of the organisations approved for funding on this occasion.

Pobal has put in place a dedicated team to deal with any inquiries from applicants and to provide detailed feedback. There is also an appeals process and Pobal has provided applicants with detailed information on this process. As this appeals process is now live, it would not be appropriate for me to make any further comment on the funding process or to the application of any particular organisation.

**Deputy John Browne:** I thank the Minister of State for his reply but it is the usual waffle from the Department and jargon from officials within it. As I said, this concerns 5,000 people and if one divides that into the 41 constituencies, one is talking about 100 people per constituency. Obviously, they are not important. They have no voice and the Minister has decided to cut their funding but now he says they have a right to appeal. Surely there should have been a lead-in time so that funding could have remained *in situ* until the appeal was heard but instead the funding was cut straightaway.

The Government and the Minister should be ashamed of themselves that they would allow the withdrawal of funding from the deaf to go ahead. Why does this Government always go after the most vulnerable groups in our society - the old, people with disabilities, the sick and, in particular, the deaf community which has no voice? It is important the Minister of State reflects on this, goes back to his Department and discusses with the Minister, Deputy Hogan, the serious implications it will have for deaf people in the community. As Deputy Maureen O'Sullivan said, we have wonderful facilities in Dublin for the deaf and the blind. As the Minister of State will know, most rural people who suffer from blindness or deafness travel to Dublin to avail of the facilities. It is very important this decision is reversed and that the funding is made available as quickly as possible to allow this advocacy service to continue. It is the only service there for the deaf and it is important that this decision is reversed without any further delay.

**Deputy Maureen O'Sullivan:** I refer to two points in the Minister of State's reply. He stated that the effective use of core funding also requires that robust governance and cost control procedures are in place. Is this suggesting that the Irish Deaf Society was not complying? This organisation received funding continually over 11 years. If there were issues, surely they would have been brought to its attention before now.

The other point is that the Minister of State stated that a large number of applicant organisations sought the maximum level of funding available or, in some cases, an amount in excess of the maximum funding available. How much thought went into looking at all of the organisations? If they are all looking for the maximum level of funding available or more than the maximum amount, why was the Irish Deaf Society's funding cut and why is it the organisation to suffer? The amount of funding it received was not massive. This funding is from a scheme to support national organisations in the community and voluntary sector. It is the only group dealing with the deaf community.

I have been in the deaf club, both in its old premises at the top of Clonliffe Road and in its new premises. It is a silent community. Deaf people can communicate with each other but the Irish Deaf Society gave them assistance to help communicate with other people. I hope those issues are taken into account when it comes to the appeal.

**Deputy Fergus O'Dowd:** I will ensure the Minister, Deputy Hogan, is briefed on the points raised. As was acknowledged, he cannot be here to reply to this issue. The decisions on pro-

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posals for funding under the scheme take into account considerations such as the social and economic benefits, consistency with current policies and long-term vision. As I said earlier, the decision-making process in this case took into account the outcome of a process under which all applications were assessed by Pobal. For those applicants which were unsuccessful in the decisions made, there is a process through which those applicants can get direct feedback from Pobal. There is an appeals process, to which I already referred, of which applicants can avail should they wish to do so. I urge the Irish Deaf Society to make contact with Pobal in regard to its application and to get total clarity on all of these issues involved. That is the most important thing, given what the Deputies said.

I will not respond to the political points made because it is more important that everybody knows the facts and that whatever needs to be done to get all of those facts is done to see what can happen.

**Deputy John Browne:** I was criticising the Minister, Deputy Hogan, and not the Minister of State.

**Deputy Fergus O'Dowd:** I accept that, but I was just making the point that we all want to ensure that there is adequate funding for all our voluntary organisations. That is what we are all about.

### **Competition and Consumer Protection Bill 2014: Report Stage (Resumed)**

**Acting Chairman (Deputy Catherine Byrne):** Amendment No. 18 arises out of committee proceedings.

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I move amendment No. 18:

In page 46, between lines 28 and 29, to insert the following:

#### **“Amendment of section 6 of Act of 2002**

**49.** Section 6 of the Act of 2002 is amended by substituting the following subsection for subsection (7):

“(7) In this section ‘competing undertakings’ means undertakings that provide or are capable of providing goods or services to the same purchaser or purchasers.”.

This proposed amendment changes the definition of competing undertakings in section 6(7) of the Competition Act 2002 by removing references to the applicable market and linking the concept to the provision of goods or services to the same purchaser or purchasers instead.

**Deputy Dara Calleary:** What is that in English?

**Deputy Richard Bruton:** It is the definition of a grocery undertaking.

Amendment agreed to.

**Acting Chairman (Deputy Catherine Byrne):** Amendment No. 19 arises out of committee proceedings.

**Deputy Richard Bruton:** I move amendment No. 19:

In page 55, between lines 31 and 32, to insert the following:

**“Amendment of section 50 of Act of 2002**

**72.** Section 50 of the Act of 2002 is amended—

(a) in subsection (1), by deleting “and in good faith”, and

(b) in subsection (3), by deleting “and in good faith”.”.

Amendment agreed to.

**Acting Chairman (Deputy Catherine Byrne):** Amendment No. 20 arises out of committee proceedings.

**Deputy Peadar Tóibín:** I move amendment No. 20:

In page 56, line 21, to delete “prevalent” and substitute “present”.

We mentioned this on Committee Stage. There is a concern here. The issue is one of diversity. One of the main points of good media policy is to ensure proper diversity within the media and that media reflect diversity. I ask the Minister to accept this amendment.

**Deputy Richard Bruton:** Having considered Deputy Tóibín’s explanation of this amendment on Committee Stage, I reviewed it in more detail but I am still not minded to accept the amendment to the definition of diversity of content, which is taken in its entirety from the advisory group on media mergers’ report. To do so would change the meaning of the definition as “present” is more absolute than “prevalent” and it would make the proper measure of diversity extremely complex. The backdrop to the situation is that a range of things define diversity of content and diversity of ownership. This is about striking a balance in the decision to make sure that where a merger is under consideration, there are criteria against which it can be judged. The view is that the way in which the media mergers report set this out in the first instance when it defined diversity of content was in the context of balancing, which is required in such a decision, whereas what Deputy Tóibín is seeking to do is effectively say that virtually every cultural identity that is present must in some way be reflected in a decision of this nature on a merger. In practical terms that would make it very difficult and on that basis I cannot accept the amendment.

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

Amendment declared lost.

**Acting Chairman (Deputy Catherine Byrne):** Amendments Nos. 21 to 24, inclusive, may be discussed together.

**Deputy Richard Bruton:** I move amendment No. 21:

In page 76, between lines 3 and 4, to insert the following:

“(2) The Minister for Communications, Energy and Natural Resources may, from time to time, following consultation with the Broadcasting Authority of Ireland and such other persons as he or she considers appropriate, prepare and make guidelines on the

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manner in which he or she shall carry out his or her functions under section 28H(2), including in particular, the factors he or she shall take into account in considering whether market conditions have substantially changed and, if they have so changed, the manner in which he or she shall review the conditions contained in a determination.”.

The amendment to section 73 introduces provisions under section 28L to enable the Minister for Communications, Energy and Natural Resources to prepare and make guidelines following consultations when he or she is considering whether market conditions have substantially changed and the manner in which he or she shall review the conditions contained in any determination made in respect of a media merger. The three subsequent amendments are consequential on this new insertion.

**Deputy Dara Calleary:** Reference is made to “such other persons as he or she considers appropriate”. Is there a listing from which those persons will be selected or is it up to the Minister of the day to decide who in his or her view is considered appropriate? Will they be people who hold licences in the sector or have an influence in the sector? Is there a mechanism to ensure transparency and accountability in terms of consultation with “such other persons as he or she considers appropriate”?

**Deputy Richard Bruton:** The Minister will have consultations with the Broadcasting Authority of Ireland and such other persons as he or she considers appropriate. Obviously, there is some discretion for the Minister but the purpose of the measure is to allow him or her to carry out his or her function under the Bill, which is to consider media mergers that might not be in the public interest. Clearly, if he or she is developing guidelines, he or she will want to embrace those who have a view. Obviously, such consultations would be held by way of invitations of interest in making such guidelines.

**Deputy Dara Calleary:** Where is the public element of the requirement? Is it attached to the regulation?

**Deputy Richard Bruton:** We are giving the power to the Minister to prepare and make guidelines. We provide for consultation. It is not in the nature of consultation to list who should be able to get involved. This is a public consultation in respect of guidelines that are in the public interest. The Minister will consult widely. It is not a case of giving a group other than the Broadcasting Authority of Ireland preferential access by listing it in legislation. The approach being taken is to provide the Minister with the authority to develop such guidelines, which is appropriate. If one started to list individuals who ought to be consulted, one would give them an inside track and one would in some way disengage from those whom one does not list. The approach being taken is the proper one.

**Deputy Dara Calleary:** My concern is that in the absence of a list some people will have an inside track. A Minister of any Government might have a preference as to who gets selected for consultation. A Minister might owe a political favour to a person who owns a broadcasting licence and might give him or her precedence over someone else. If the Minister could point me to the reference to the public nature of the consultation, he would assuage many of my concerns.

**Deputy Peadar Tóibín:** An interesting point has been raised. Could the Minister outline the possible outcome he would expect the Minister for Communications, Energy and Natural Resources to seek in such circumstances?

**Deputy Richard Bruton:** The circumstances involve the Minister considering market conditions that have substantially changed and the manner in which he or she will review the conditions contained in the determination made in respect of a media merger. If he or she is looking at a media merger in the context of an increased prevalence of online communication, social media or whatever else and he or she feels there is a need to look afresh at the perspective within which a media merger might be considered, he or she must work off guidelines. Rather than the Minister making up guidelines without consultation, what we propose is that such guidelines as he or she would institute as a context for such decisions would be subject to public consultation.

The way in which that would happen is that draft guidelines would be introduced by the Minister and then there would be an opportunity for people to comment and make submissions. The draft guidelines would be made publicly available and then consultation would ensue. What Deputy Calleary is seeking is an assurance that there will be a list but if one has a list it must be exhaustive. One cannot leave people out. The intention is not to give an inside track in the context of such guidelines. That is the approach being taken. The Bill provides that before making guidelines the Minister shall publish on the Internet a draft of the proposed guidelines and allow persons 30 working days from the date of publication to make written representations to him or her on the draft. Having considered the representations received, he or she may make the guidelines with or without modification. This is not, as Deputy Calleary fears, a way to ensure a cosy draft set of guidelines that would meet the needs of one or other party in contention; it is to provide a context within which decisions can be made. I hope the provision on page 76 meets Deputy Calleary's concern.

**Deputy Dara Calleary:** Yes.

Amendment put and declared carried.

**Deputy Richard Bruton:** I move amendment No. 22:

In page 76, line 4, to delete “(2) Before” and substitute “(3) Before”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 23:

In page 76, line 4, to delete “subsection (1)” and substitute “subsection (1) or (2)”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 24:

In page 76, line 12, to delete “(3) The” and substitute “(4) The”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 25:

In page 77, to delete lines 29 to 35 and substitute the following:

“(5) In this section—

‘confidential information’ includes—

(a) information that is expressed by the undertakings involved in the merger or ac-

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quisition to be confidential either as regards particular information or as regards information of a particular class or description, and

(b) submissions of a commercially sensitive nature made by any other person;

‘public body’ means—

(a) a Department of State,

(b) the Garda Síochána,

(c) the Permanent Defence Force within the meaning of the Defence Act 1954,

(d) a local authority within the meaning of the Local Government Act 2001, or

(e) a body established by or under any enactment or charter other than the Companies Acts;

‘submissions of a commercially sensitive nature’ means submissions the disclosure of which could reasonably be expected to—

(a) substantially and materially prejudice the commercial or industrial interests of—

(i) the person who made the submission,

(ii) the person to whom the submission relates, or

(iii) a class of persons in which a person referred to in subparagraph (i) or (ii) falls,

(b) substantially prejudice the competitive position of a person in the conduct of the person’s business, profession or occupation, or

(c) substantially prejudice the financial position of the State or a public body.”.

These amendments are intended to provide greater legal certainty by explaining what is regarded as confidential information and by providing definitions of the terms “public body” and “submissions of a commercially sensitive nature”. These terms are used in the provisions of section 28N, as inserted, on the sharing of information and documents and the disclosure of confidential information.

Amendment agreed to.

**Acting Chairman (Deputy Catherine Byrne):** Amendments Nos. 26 and 28 are related and will be discussed together.

**Deputy Richard Bruton:** I move amendment No. 26:

In page 78, to delete line 16 and substitute the following:

“(d) by inserting the following definition:

“ ‘relevant statutory instruments’ means the statutory instruments for the time being in force specified in Schedule 9;”,

(e) in the definition of “relevant statutory provisions”—

(i) by inserting the following paragraph after paragraph (a):

“(aa) relevant statutory instruments;”,

(ii) by substituting “(j) the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013 (S.I. No. 484 of 2013);” for

“(i) the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013 (S.I. No. 484 of 2013);”, and

(iii) by inserting the following paragraph after paragraph (j):

“(k) the European Union (Consumer Information, Cancellation and Other Rights) (Amendment) Regulations 2014 (S.I. No. 250 of 2014).”,.”.

Section 2 and the schedules of the Consumer Protection Act 2007 are being updated to reflect the establishment of the new competition and consumer protection commission and to include references to statutory instruments and so on that have been made since 2007. This has associated consequential amendments with an insertion of the defining of relevant statutory provisions, an expansion of the definition of relevant statutory provisions in section 74 to include relevant statutory instruments and the insertion of a new section 79 to refer to the new Schedule 9 of the 2007 Act. The other amendments correct a duplication in the sequence of statutory instruments listed under the definition of relevant statutory provisions and update the list to include a related statutory instrument signed by me on 5 June 2014, namely SI 250 of 2014, the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2014. This statutory instrument is recent and relates to people trading outside their premises and consumers making an agreement not at the normal point of sale. This can happen online, over the phone, by cold calling and so on.

Amendment No. 28 is a technical assembly of the relevant statutory instruments in order that there is a comprehensive list to which to refer.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 27:

In page 81, between lines 1 and 2, to insert the following:

**“Amendment of section 87 of Act of 2007**

**78.** Section 87 of the Act of 2007 is amended—

(a) in subsection (1), by deleting “and in good faith”, and

(b) in subsection (3), by deleting “and in good faith”.”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 28:

In page 81, between lines 5 and 6, to insert the following:

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**“Insertion of Schedule 9 to Act of 2007**

79. The Act of 2007 is amended by inserting the following Schedule after Schedule 8:

“SCHEDULE 9

Section 2

**Relevant Statutory Instrument**

<i>Number and Year(1)</i>	<i>Citation(2)</i>
<i>S.I. No. 63 of 2005</i>	<i>European Communities (Distance Marketing of Consumer Financial Services) (Amendment) Regulations 2005</i>
<i>S.I. No. 376 of 2007</i>	<i>European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2007</i>
<i>S.I. No. 587 of 2007</i>	<i>European Communities (Plastics and other materials) (Contact with food) Regulations 2007</i>
<i>S.I. No. 774 of 2007</i>	<i>European Communities (Misleading and Comparative Marketing Communications) Regulations 2007</i>
<i>S.I. No. 808 of 2007</i>	<i>European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No. 2) Regulations 2007</i>
<i>S.I. No. 316 of 2008</i>	<i>European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) (Amendment) Regulations 2008</i>
<i>S.I. No. 407 of 2008</i>	<i>European Communities (Machinery) Regulations 2008</i>
<i>S.I. No. 424 of 2008</i>	<i>European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2008</i>
<i>S.I. No. 566 of 2008</i>	<i>European Communities (Pre-packed Products) Regulations 2008</i>

<i>S.I. No. 61 of 2009</i>	<i>European Communities (Labeling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2009</i>
<i>S.I. No. 88 of 2009</i>	<i>European Communities (Plastics and other materials) (Contact with food) (Amendment) Regulations 2009</i>
<i>S.I. No. 383 of 2009</i>	<i>European Communities (Payment Services) Regulations 2009</i>
<i>S.I. No. 463 of 2009</i>	<i>European Communities (Plastics and other materials) (Contact with food) (Amendment) (No. 2) Regulations 2009</i>
<i>S.I. No. 1 of 2010</i>	<i>European Communities (Placing on the Market of Pyrotechnic Articles) Regulations 2010</i>
<i>S.I. No. 281 of 2010</i>	<i>European Communities (Consumer Credit Agreements) Regulations 2010</i>
<i>S.I. No. 416 of 2010</i>	<i>European Communities (Placing on the Market of Pyrotechnic Articles) (Amendment) Regulations 2010</i>
<i>S.I. No. 555 of 2010</i>	<i>European Communities (Court Orders for the Protection of Consumer Interests) Regulations 2010</i>
<i>S.I. No. 105 of 2011</i>	<i>European Communities (Plastics and other materials) (Contact with Foodstuffs) (Amendment) Regulations 2011</i>
<i>S.I. No. 310 of 2011</i>	<i>European Communities (Machinery) (Amendment) Regulations 2011</i>
<i>S.I. No. 333 of 2011</i>	<i>European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011</i>
<i>S.I. No. 337 of 2011</i>	<i>European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011</i>

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<i>S.I. No. 485 of 2012</i>	<i>European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) (Amendment) Regulations 2012</i>
<i>S.I. No. 13 of 2013</i>	<i>European Communities (Safety of Toys) (Amendment) Regulations 2013</i>
<i>S.I. No. 122 of 2013</i>	<i>European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) (Amendment) Regulations 2013</i>
<i>S.I. No. 160 of 2013</i>	<i>European Communities (Unfair Terms in Consumer Contracts) (Amendment) Regulations 2013</i>
<i>S.I. No. 200 of 2013</i>	<i>European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) (Amendment) (No. 2) Regulations 2013</i>
<i>S.I. No. 373 of 2013</i>	<i>European Communities (Placing on the Market of Pyrotechnic Articles) (Amendment) Regulations 2013</i>
<i>S.I. No. 381 of 2013</i>	<i>European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2013</i>

””.

Amendment agreed to.

**Acting Chairman (Deputy Catherine Byrne):** Amendments Nos. 29 to 32, inclusive, are related and will be discussed together.

**Deputy Dara Calleary:** I move amendment No. 29:

In page 82, between lines 8 and 9, to insert the following:

“(b) garden plants,”.

The Minister has adapted this to one of his own amendments. We discussed this area on Committee Stage. The list of goods outlined under the grocery goods undertakings in Chapter 5 should include garden plants as it is an area of huge growth. This issue relates to small sup-

pliers whose lack of protection in legislation is used against them commercially and I welcome the Minister's willingness to accept a version of the amendment.

**Deputy Peadar Tóibín:** Garden plants are a staple of the retail sector in recent years. This area raises again the issue of what constitutes a grocery good in 2014 and my later amendment will seek to widen this further.

Amendment, by leave, withdrawn.

**Deputy Richard Bruton:** I move amendment No. 30:

In page 82, line 9, to delete "and".

Deputies Calleary and Tóibín raised the issue of including garden plants in the definition of grocery goods on Committee Stage due to claims that serious issues affect producers in this market. Having considered the matter, I am prepared to accept the amendment with the addition of the words "garden plant bulbs". I thank the Deputies for raising this issue. However, the inclusion of garden plants and bulbs under the regulations means a new cohort of businesses, such as large garden centres and DIY retailers, suppliers and wholesalers now come within the definition of the grocery goods undertakings. These businesses had not, to date, engaged in any consultation process on the proposed measures to ascertain the extent of any problems with these products. To this end, a public consultation process will have to be undertaken but, as I do not wish to see any delay in the promulgation of regulations under this proposed legislation, a separate amendment, amendment No. 73, is being proposed to allow me as Minister specify the types of grocery goods that may be included in any set of regulations. This would allow relevant businesses to engage in a public consultation process on this issue in parallel with regulations that are being made for other classes of grocery goods.

The second element of Deputy Tóibín's proposed amendment is extremely wide and could cover everything from greeting cards to petrol to electrical equipment. Even occasional items that are offered for sale by a grocery goods undertaking would be covered. For the purposes of this Bill the term "grocery goods" means any food or drink that is intended to be sold for human consumption and can include any substance or thing sold or represented for use as food or drink for human consumption and any substance or thing sold or represented for use as an additive, ingredient or processing aid in the preparation or production of food or drink for human consumption. It also includes intoxicating liquors, household cleaning products and toiletries. We are adding garden plants and garden plant bulbs today.

Although it is clear that many relevant goods undertakings may sell other products along with grocery goods as part of their service to consumers, it is worth recalling that the inclusion of the products proposed by Deputy Tóibín would mean a new cohort of businesses such as retailers, suppliers and wholesalers could now come within the definition of "relevant grocery undertakings". None of these businesses has engaged in the public consultation process on this issue as the discussions centred on the traditional definition of grocery goods, which did not include this catch-all element. There would thus be an extra and unforeseen administrative burden imposed on such businesses without prior consultation.

The UK code does not include such a catch-all provision on the goods it covers and my Department is unaware of such a provision in the code or measures of any other state. The addition of an unspecified range of products, for which there is no evidence of any problem, is neither appropriate nor proportionate. In view of this I am not in a position to accept the second part

of Deputy Tóibín's amendment.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 31:

In page 82, line 10, to delete "toiletries;" and substitute the following:

"toiletries, and

(d) garden plants and garden plant bulbs;"

Amendment agreed to.

**Deputy Peadar Tóibín:** I move amendment No. 32:

In page 82, between lines 10 and 11, to insert the following:

"(d) garden plants, and

(e) all other goods sold in grocery goods undertakings;"

Amendment put and declared lost.

**Acting Chairman (Deputy Catherine Byrne):** Amendments Nos. 33 and 36 are related and will be discussed together.

**Deputy Richard Bruton:** I move amendment No. 33:

In page 82, line 12, to delete "supply or distribution" and substitute "supply, distribution, wholesale or retail".

These technical amendments refer to the definitions of "grocery goods undertaking" and "relevant grocery goods undertaking", respectively. They are intended to ensure there is consistency in the terminology used.

Amendment agreed to.

**Deputy Peadar Tóibín:** I move amendment No. 34:

In page 82, line 12, after "goods," to insert "newspaper and magazine distribution companies".

A number of organisations have made representations to me on how they are treated under the legislation. A large number of newsagents throughout the country feel the issue of newspapers and magazines should be included. One of their major fears is that an uneven balance of power exists between some newspaper distribution companies and newsagents. In their experience these oligopolies exert unfair leverage when trading with them because there are only two suppliers or distributors while there are hundreds of newsagents. In their experience they have had no option but to accept whatever has been dictated to them. The amendment was submitted in an effort to even out the power structure in the market.

**Deputy Richard Bruton:** We are regulating for a concern that large retail outlets have excessive power which has resulted in a number of sharp practices with regard to suppliers, about

which many of us have heard anecdotal stories. We are not trying to institute in this legislation new provisions for every sector; we are dealing with this particular sector. Under existing competition law there is capacity for the Competition Authority to investigate abuse by a dominant supplier in the marketplace. I am not trying to replace the general remit of competition law as it applies throughout most sectors. Most sectors have big and small players and the Competition Authority has the power to pursue any practices by dominant players which represent abuse of their dominance. This is the approach which should be taken if there are cases of such abuses in the distribution of newspapers and magazines. We are dealing with a specific issue in the grocery goods sector, on which a commitment was made in the programme for Government, where there is a fear because of very dominant retail players and small suppliers. There is concern about some activities, which are listed, such a lack of contracts and certain provisions which have not been properly applied. I am not seeking to usurp existing competition law which applies in every other sector. This legislation is targeted at a particular problem in the grocery sector. I am not willing to extend it to subsectors which have nothing to do with the primary target of the legislation.

**Deputy Peadar Tóibín:** There is hardly a grocery retail outlet which does not sell newspapers so it is a closely related product. My understanding is the newsagents' organisation went to the Competition Authority to seek redress because of what it felt was an imbalance. It did not have satisfaction and was forced to go to court, which added a large cost to a representative organisation which does not have massive resources. This is why newsagents' organisations throughout the State have sought, through their representative organisation, to have this amendment made.

**Deputy Richard Bruton:** I do not accept this is how we should go. The issue regarding groceries has long been building as a concern, and there have been many practices such as "hello money" and special promotions which have left suppliers exposed. There is also an issue with regard to how wastage and forecasting are used by large retailers to militate against the interests of suppliers. This set of problems is unique to the sector and we are seeking to address it by having written contracts and making general regulations in respect of the contracts. There has been lengthy consultation on this. In the first instance we hoped to have voluntary codes, but this proved impossible, so we are moving to a statutory approach, which is the only way we can achieve this. We will require retention of evidence of these contracts and compliance statements. We will give power to the Competition Authority to serve notice of malpractice in the sector. I do not propose to extend it beyond the grocery sector into any number of cases which could be made on individual experiences. The role to investigate these individual experiences rests with the Competition Authority and the new competition and consumer commission.

The Competition Authority has the power not only to take enforcement action but also to examine conditions of competition in any particular sector. It has this right so if it feels there is public concern about newspapers and magazines or another sector it has the power to have the necessary studies undertaken to examine what is happening in the sector. This is the approach we should continue to operate. I understand that a case can be made with regard to the small dealing with the large but it is not the approach we propose here. This is a specific targeted intervention to deal with a sector where, because of the sheer size of many of these retailers compared to the suppliers, this is the approach which we consider is appropriate.

**Deputy Peter Mathews:** As a follow-on to Deputy Tóibín's comments, what we knew as the newsagent is becoming more and more the convenience store, which falls under the groceries umbrella. Big multiple stores such as Tesco, are scaling down to convenience-type stores

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in certain locations, particularly in cities which have a passing population for convenience purposes. The blurring of the types of goods which appear in these types of stores suggest the types of products with which the newsagents was traditionally associated are now common convenience store items, which include groceries. This is the 21st century rather than the first half of the 20th century.

**Deputy Richard Bruton:** This is special legislation introduced to address a specific problem in the grocery sector which all parties, in Oireachtas committees, have examined. The legislation has a long provenance coming from work done, much of it driven by concerns about primary food suppliers of one type or another. I do not seek to rewrite completely the competition legislation. Our legislation is derived from articles 85 and 86 of the original European Union treaties which are against collusion, price-fixing and abuse of a dominant power. These remain the powers through which we seek to evolve flexibly the management of the marketplace. A considerable new obligation is being proposed and it requires the existence of written contracts, supervision of these contracts and having compliance officers. It requires a set of significant new requirements for very large grocery undertakings, namely those of €50 million and over. We seek to solve in a proportionate way a problem which has been a public interest concern. We do not seek to reinvent our competition legislation. To graft this legislation, which is designed for a very specific problem, on to every sector is not the approach in the programme for Government nor do I feel it is appropriate. This is targeting a particular set of problems. If it transpires that the Competition Authority identifies problems in other sectors, it can, of course, use its powers and can, obviously, ultimately come back here to the Oireachtas with reports outlining that there are difficulties in the enforcement of the existing legislation. As the sectors evolve, obviously, new challenges will come along. That is why I am not keen to stray into other areas. Today it could be newspapers and magazines, and tomorrow it could be another sector and we would suddenly be creating a huge regulatory structure to be imposed. As we will see later on, some people are looking to bringing down the threshold of business on which this sort of structure would be imposed.

I do not believe it is the right way to go. The purpose here is to tackle an issue highlighted by the Oireachtas committee in the previous Dáil under the chairmanship of Deputy Penrose and by the current Oireachtas Joint Committee on Agriculture, Food and Marine under the chairmanship of Deputy Doyle. This is an issue of public concern and that is why we are pursuing it in this way.

Amendment put and declared lost.

**Deputy Richard Bruton:** I move amendment No. 35:

In page 82, line 26, to delete “consideration or inducement” and substitute “consideration, allowance or inducement”.

This is a technical amendment to the definition of payment to include allowance as a means of payment.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 36:

In page 82, line 33, to delete “distribution or retail” and substitute “distribution, wholesale or retail”.

Amendment agreed to.

**Deputy Peadar Tóibín:** I move amendment No. 37:

In page 82, line 35, to delete “€50 million” and substitute “€10 million”.

A large representative group, the IFA, made representations to all the political parties. The idea was that many of the products in the fresh produce sector would not come into the remit of the particular floor the Government had envisaged resulting in the necessity to substitute €10 million for €50 million for the annual turnover figure. This makes sense, as especially in an Irish context it would be more protective of different organisations.

**Deputy Dara Calleary:** We had a long discussion on this on Committee Stage. There is no sense in us introducing this legislation and restricting its impact to the very biggest of multinational companies. The Minister has spoken today about the difficulties that lie in the relationships between very small - in many cases independent - producers and large multiples. The Bill goes some way to dealing with that, although there are issues we will discuss later. If we restrict the turnover to €50 million, many people will be protected from this legislation. Its potential benefits will be considerably weakened with such a high turnover figure.

**Deputy Richard Bruton:** Deputies Calleary and Tóibín have again called for a reduction in the turnover threshold specified in the Bill for a qualifying relevant grocery goods undertaking from €50 million to €10 million annually. As I set out on Committee Stage, the current threshold has been carefully chosen and I will repeat the main considerations again. First, I want to ensure these provisions are not disproportionate by including a broader swathe of processors, suppliers and retailers which are not regarded in major players in the national grocery goods sector. At the level of €50 million, we are bringing in 41 major retailers. The backdrop to this was that there are very large retailers which are exercising unfair power and the result is that they are imposing unfair contract conditions.

Many people advocated that we follow the UK approach where only 11 retailers covered as it chose a much higher threshold than we did. In the UK the threshold for qualifying designated retailers for the purpose of the Groceries (Supply Chain Practices) Market Investigation Order 2009 is any retailer with a turnover exceeding £1 billion with respect to retail supply of groceries in the UK. The €50 million we are choosing is based on an extrapolation of the qualifying turnovers under the UK legislation on a population basis.

We are also going beyond the UK legislation in including suppliers meaning that we are embracing, as an area where we will provide regulation of contracts, small retail outlets that feel a large supplier is treating them unfairly. No such protection is contained in the UK provisions. We are going beyond what is done elsewhere.

Moving the threshold to €10 million would bring more than 2,500 operations into the requirements to set out in writing, have compliance officers and all the rest of it, which we do not feel is proportionate. The sort of issue that has given rise to public concern in the Oireachtas Joint Committee on Jobs, Enterprise and Innovation, and the Oireachtas Joint Committee on Agriculture, Food and Marine has been around the really large players in the sector.

The other significance of €50 million is that it is the threshold that the European Commission uses for distinguishing between small and medium-sized enterprises, and large enterprises. I believe that is appropriate.

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We are trying to deal with a specific set of problems arising from the very significant market power of particular operators in the retail sector. We are trying to ensure fair sets of practices are applied to those who have to deal with them. We are not trying to go beyond the origin of this public concern. I do not want to be disproportionate about the approach being taken here which is why the €50 million is appropriate. Relative to the UK we are setting the right threshold. We are using the EU definition of SMEs.

This has had a very long history as the Deputies opposite know. Many people are saying on one side that the €50 million should be pushed up to €100 million and there are many people on the other side who say the €50 million should be brought down. In the consultation this emerged as a *via media*. As I have explained, it has been defined in a way that is much more in the middle compared with the UK whose provisions were extolled by those who were saying we should move to a UK-style approach in this area. We are striking a reasonable balance. I am not disposed to accept the amendment.

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

Amendment declared lost.

**Acting Chairman (Deputy Catherine Byrne):** As amendments Nos. 39 to 42, inclusive, are consequential on amendment No. 38, amendments Nos. 38 to 42, inclusive, may be discussed together by agreement.

**Deputy Richard Bruton:** I move amendment No. 38:

In page 83, to delete lines 2 and 3.

Again, this issue was raised by Deputy Tóibín on Committee Stage. As indicated then, I propose this amendment to clarify that there is no intention to include small franchise retailers in the category of relevant grocery goods undertaking. The majority of such small franchisees have a threshold of less than €5 million per annum. The renumbering of subsequent indents is consequential on this removal.

**Deputy Peadar Tóibín:** I welcome the Minister’s clarification in this regard because it caused a great deal of fear in small businesses that were part of small organisations that did not have particular muscle or power within the system. The Minister’s agreement in this regard will be greatly appreciated.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 39:

In page 83, line 4, to delete “(d) if” and substitute “(c) if”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 40:

In page 83, line 8, to delete “(e) if” and substitute “(d) if”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 41:

In page 83, line 12, to delete “(f) a” and substitute “(e) a”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 42:

In page 83, line 14, to delete “(g) if” and substitute “(f) if”.

Amendment agreed to.

**Deputy Peadar Tóibín:** I move amendment No. 43:

In page 83, lines 19 and 20, to delete “or indirectly through franchise arrangements,”.

Am I to take it that this amendment is defunct on the basis of the passage of amendment No. 38 and so on? The purpose of this amendment was to delete arrangements that dealt with franchises but as I believe the Minister has already conceded that point, I take it that this amendment is defunct.

**Deputy Richard Bruton:** As there are no wider issues in amendment No. 43, I believe I have dealt with the concerns raised by the Deputy in this regard.

Amendment, by leave, withdrawn.

**Acting Chairman (Deputy Catherine Byrne):** Amendments Nos. 44 to 48, inclusive, are related. Amendments Nos. 47 and 48 are consequential on amendment No. 46, therefore, amendments Nos. 44 to 48, inclusive, may be discussed together agreement.

**Deputy Dara Calleary:** I move amendment No. 44:

In page 83, between lines 33 and 34, to insert the following:

“(a) the importance to and impact on the economic viability and sustainability of primary producers of decisions made at processing and/or retailing level,”.

Again, I acknowledge the Minister has tabled a similar amendment. Members had a good discussion on Committee Stage on this issue, which concerns the importance of placing the producers in the legislation and on an equal footing, in terms of their importance, with the wholesalers and retailers. I welcome that the Minister has done this. A very good event was held last night at which many small food producers involved in Good Food Ireland came together to show their wares. Many colleagues attended and enjoyed those wares and consequently, I am glad to see the Minister giving some protection to those producers. However, he has not given enough, which is a subject to which Members will turn shortly. Nevertheless, I welcome that the Minister is willing to at least put into the legislation the language and the spirit of protection of small producers. What this actually means will be a matter for discussion a little later in this debate.

**Deputy Richard Bruton:** The wording I have chosen is what I consider to be the appropriate one. It gives the context within which consideration should be given in the framing of regulations. Deputy Calleary’s version goes too far in seeking to be too prescriptive. Consequently, I cannot accept the wording he has offered. However, the wording I have drafted as an alternative hopefully meets the concern raised by the Deputy.

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Amendment, by leave, withdrawn.

**Deputy Richard Bruton:** I move amendment No. 45:

In page 84, line 1, to delete “freely negotiated contractual arrangements” and substitute “maintaining freedom of contract”.

This is a technical amendment.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 46:

In page 84, between lines 4 and 5, to insert the following:

“(f) the economic importance to the State of the production, supply, distribution, wholesale and retail sectors in respect of grocery goods,”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 47:

In page 84, line 5, to delete “(f) the” and substitute “(g) the”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 48:

In page 84, line 8, to delete “(g) the” and substitute “(h) the”.

Amendment agreed to.

**Acting Chairman (Deputy Catherine Byrne):** Amendments Nos. 49 and 74 are related and may be discussed together by agreement.

**Deputy Richard Bruton:** I move amendment No. 49:

In page 84, line 11, to delete “persons” and substitute “persons (including relevant grocery goods undertakings and other grocery goods undertakings)”.

This is a technical amendments to ensure that relevant grocery goods undertakings and other grocery goods undertakings will be consulted when regulations and guidelines are being drawn up.

Amendment agreed to.

**Acting Chairman (Deputy Catherine Byrne):** Amendments Nos. 50 and 53 are related and may be discussed together by agreement.

**Deputy Dara Calleary:** I move amendment No. 50:

In page 84, between lines 14 and 15, to insert the following:

“(2) All retailers defined as relevant grocery goods undertakings shall disclose their profits in the Irish market.”.

Members had a very long discussion on this issue on Committee Stage and the Minister earlier mentioned the manner in which some large multinationals dance around in terms of their responsibilities regarding this legislation and also in respect of their moral responsibilities in the manner in which they treat suppliers and small suppliers in particular. The Minister has made some changes in this regard on Report Stage but for as long as there is no knowledge within the Irish market of the profit and margin levels of large retail organisations, one is shooting in the dark, which is what this legislation is doing. I cannot think of another situation in which organisations that provide an essential service, that is, food, can so do without being obliged to show how much people are paying properly for that food, how their business model works and what profit level they are taking from this market. At present, it is necessary to extrapolate how they are doing in the Irish market from their annual accounts published in the United Kingdom. The price of food on this island is higher than that of our neighbour. Depending on currency fluctuations, people regularly travel to the Six Counties to get the basic goods, yet there appears to be a queue of people willing to enter the Irish market to provide food because it appears to offer rich pickings for large traders and large grocery operations.

The fact that one cannot get this information also allows them to drive a coach and four through this legislation, because they have huge resources and are using the lacunae in it to offer products at below cost and as loss leaders. They can afford to do this because of the profits they are taking on other products. They are abusing Ireland's public health laws by offering products, that is alcohol, that are harmful. They use these products as an enticement to get people into their stores to buy other products they are selling at prices far above the margin and above cost to balance out their ability to sell stuff at below cost. They can do all this because there is no scrutiny or control over the profit level they are taking from the Irish market. This lacuna is not freely available to them in any other market.

It is time that Ireland stood up to these operators.

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

**Deputy Dara Calleary:** They have been allowed to run ramshod and before the Minister says it, I acknowledge my party allowed it to happen. However, I also point out that Fine Gael and the Labour Party were in power at a local government level, where these operators have been allowed to run ramshod through the planning laws for long enough. This is a major issue in respect of competition, the supplier relationship and with regard to public health. For as long as Members kowtow to them, they will give this Parliament and this country the two fingers.

**Deputy Peadar Tóibín:** In many ways, the Minister's job is to manage the area of enterprise, innovation and jobs. I cannot think of another manager who would state that he or she did not wish to know a significant piece of information that would be a building block to that person's ability to manage the sector. It is inconceivable that anybody would shut the door and declare he or she did not wish to know.

The profitability of a particular business in Ireland is an issue of huge importance on a range of levels. It is very difficult for a government to be able to plan properly for taxation or for competition, or to plan properly to ensure there is no abuse of power unless this information is known. Resigning oneself to blissful ignorance on this vital issue is not good enough. I believe that when one takes a profit out of the country, one has a responsibility to that country. There is a need to move towards a business model of transparency, in which ethical business is based on the fact that the people engaging with that business know exactly what is happening to their

euro and what profits are being made.

*5 o'clock*

Our ability to rate businesses progressively is severely hampered by the absence of information on the profits being made by large retail companies. Indigenous retailers located on street corners are struggling to keep the shutters up and the lights on, yet they are rated at a level similar to some of the largest retailers, including Tesco, which are taking substantial profits out of the country.

Sinn Féin strongly supports the concept of progressive rates. The majority of organisations representing retailers that appeared before the Joint Committee on Jobs, Enterprise and Innovation stated that rates must be applied progressively. It will be impossible to introduce a progressive rate until we ascertain how much profits various companies are making. Access to this critical information will be key to the Minister's ability to make decisions. In that context, it is impossible to comprehend his statement that he does not want to know.

**Deputy Peter Mathews:** We have reached an important point in the legislation because this issue boils down to whether we know what we are doing. These amendments relate to transparency regarding the food and household goods bought by families and individuals. We need to know what are the sales of the large organisations in question and what costs they incur when they buy the goods they sell. The power of these companies over their suppliers is so great that they are, in effect, cash and purchasing managers, rather than companies providing a distribution service to customers. Their customers come by car or other means of conveyance and engage in a form of self-distribution by taking home the household goods and services they purchase. It is of paramount importance, therefore, that some fairness applies in respect of the costs and profits of these companies.

Ascertaining who owns the operations of the large retail companies, what are their gross profit margins and how much cash they control would be a form of quality control in this sector of the economy. Whereas these companies are paid by their customers upfront at the tills, they do not pay their suppliers for two or three months, which means they have a mountain of cash in their operations. Transparency is needed and now is the time to provide for it. We have arrived at a crossroads and it is time to be assertive rather than beholden to the companies in question. The only reason large retail operations have located here is that there is good money to be made.

**Deputy Richard Bruton:** Amendments Nos. 50 and 53 seek to have retailers, defined as relevant grocery goods undertakings, to be obliged to disclose their profits in the Irish market. The proposed amendments are stand-alone provisions, which are not related to the regulations that I, as Minister, may make to regulate certain practices in the grocery goods sector. The backdrop to this issue is a particular problem in the supply chain.

As I have stated on previous occasions, companies operating in Ireland are free to establish and organise themselves in the most suitable forms to promote and run their businesses, provided they comply fully with relevant national and European Union legislation, including relevant legislation on the content of their financial statements. The requirements regarding the preparation and publication of the financial statements of limited companies and groups are determined by the first, fourth and seventh EU company law directives, Regulation (EC) No. 1606/2002 and international reporting standards adopted by the European Union under its provisions. These requirements are largely reflected in the Companies Act 1963, Companies

(Amendment) Act 1986 and European Communities (Companies: Group Accounts) Regulation 1992, as amended. Equivalent requirements apply across the European Union. The fourth and seventh directives have been replaced by a new accounting directive 2013/34/EU, which is required to be transposed by July 2015. The requirements concerning the accounts of unlimited companies are governed by domestic legislation.

The extent to which profits are or are not disclosed is of general application and is not determined on the basis of the sector in which a company or group of companies operate. The requirements under company law are essentially the same for companies or groups that operate supermarkets as they are for companies or groups active in any other sector of the economy. I consider that a disclosure regime targeting a specific sector would be viewed as disproportionate and discriminatory and would have negative consequences in terms of business costs and in attracting foreign direct investment. For these reasons, I am not in a position to accept the amendments.

I have listened to the arguments advanced by the Deputies. Deputy Calleary claims that abuse of our public health laws is taking place. Every grocery undertaking must comply with our public health laws and there is no question that they do not all do so. We do not have a ban on loss leaders, which are a normal feature of competition everywhere. There is nothing wrong with offering loss leaders and sales are common in all business sectors. It is normal that sales are offered and consumers benefit from them.

**Deputy Peter Mathews:** We will have free bets next.

**Deputy Richard Bruton:** The Deputies are forgetting the objective we are seeking to achieve in the Bill, namely, fair treatment for the suppliers in the supply chain. We are setting out contract terms that will protect suppliers and it is not true, as Deputy Calleary alleges, that this is a waste of time if we do not know the profitability of different retailers. The motivation behind the legislation is to ensure abusive terms are not built into contracts with suppliers. A separate discussion will take place on whether the Government should adopt a particular approach to alcohol. We cannot pretend that supermarkets are obliged to make public policy as this is a matter for the Oireachtas.

Competition law addresses the abuse of dominance, price fixing, collusion and similar activities as opposed to the profits of individual companies. The description I offered of company law relates to general provisions. We enforce a substantial amount of competition law and it is not necessary to introduce particular sectoral approaches to profit reporting to deal with competition and fair contracts.

Deputy Tóibín raises other issues and wants to introduce a rating system that amounts to an additional profit tax for companies. I do not support such an approach. We have been steadfast in defending an approach to our laws on corporation profits that provides for certainty in respect of the obligations companies face. This policy has served us well.

I do not agree with the argument made by Deputy Mathews that to regulate the supply chain and the manner in which large retailers deal with their suppliers, we must have knowledge of their ownership, control, financial arrangements, business models and this, that and the other. Our objective in this regard is to provide that large retailers treat their suppliers fairly in the contracts into which they enter. While the Deputy is free to articulate different views on companies, he should not forget the objective of the legislation, namely, to ensure small suppliers

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are not abused by retailers, for example, by being compelled to pay what is known as “hello money” or pay for promotions.

Our approach is effective. Obviously, we must introduce the regulations, but they will deal forensically with the problem we seek to address here, not create a new obligation on a sectoral basis that we would not apply to other sectors.

Public policy must be proportionate. We should look at the issue we are trying to solve and address that issue in a proportionate and forensic way. That is what I am doing here. We are looking at a problem in the supply chain and we are addressing it in a fair and proportionate way.

**Deputy Dara Calleary:** The Minister tried to separate the notion of putting a restriction on grocery operators from the Bill, which contains ten pages devoted to the control and management of grocery goods, and that immediately puts them in a different category. They provide a basic service and there is certainty that many of the operators in the market are providing that service at a significant profit. I have no difficulty with one making a profit but if companies are willing to share that information and show how much consumers are paying for basic commodities, they are different from other companies.

On the public health issue, loss leaders are acceptable, although not when it is alcohol. We had this discussion at Committee Stage. The Minister is three and a half years in office and we are still waiting for legislation on alcohol sales, particularly off-sales. Nothing has been done on it and this is an opportunity for us to do something. I would have hoped that in the intervening month since Committee Stage the Minister might have taken soundings from the Minister for Health, Deputy Reilly and, although he has been busy, the Minister of State at the Department of Health, Deputy White, on the potential of the Bill to send a signal that the Government is serious about tackling the alcohol problem. In particular, as the Minister who is bringing in legislation on grocery supplies, Deputy Bruton has a responsibility. It is not good enough for him to wash his hands of the alcohol problem when he is bringing in a Bill that has ten pages about the sale of grocery goods, including reference to alcohol. It is not an issue for the Department of Health. It is not something we should have to wait for when Deputy Bruton has the ability, through the Bill, to send a signal and when he was given an opportunity some time ago to involve the Minister for Health pursuant to the challenge that we put to Deputy Bruton at Committee Stage.

It is relevant to this legislation when companies are using this market to make excessive profits and using those profits to ensure that they will drive a coach and four through every bit of this legislation and to ensure that they have enough well-paid lawyers to get around their responsibilities to the legislation. The Minister states this is legislation to protect suppliers. I am afraid they will not be well protected if they are using their resources to get a coach and four through it.

**Deputy Peter Mathews:** In World Cup terms, the Minister has an open goal.

**Deputy Richard Bruton:** I do not agree with the notion that one starts to introduce sectoral policies on companies’ accounting practices on the basis of the product they are supplying. We are trying to do a forensic job of dealing with the supplier supply chain here.

Deputy Calleary raises the much wider issue of alcohol abuse in society. There are many dimensions to that which need a broad-based public policy response. Those public policy re-

sponses, as I understand it as I do not deal with them on a day-to-day basis and I do not have an expertise in them, deal with looking at advertising, sponsorship, public education, the sort of activities consumers have as alternatives and role models, and they involve, as Deputy Calleary states, the price promotions where alcohol is concerned. The Ministers responsible are looking at a coherent response to that. They will bring forward the appropriate legislation in a coherent way to deal with what is a multifaceted alcohol problem. It is not appropriate for me to dream up public health policy in the context of legislation to deal with competition concerns. The issues of public policy in the health area are rightly the domain of the Minister for Health and those involved on the Joint Committee on Health and Children that is developing appropriate responses, including many Departments - not my own - which have an approach to this.

I understand that an approach on minimum alcohol pricing which has been introduced in Scotland is under consideration. That is being developed, I understand, by the appropriate Minister who must look at its legal viability in terms of EU law. I understand they are steering that legislation along, but it is complex legislation that must be viewed in its own right. It is not for me to pre-empt without proper consultation or appreciation of the legal issues and to agree to a piece of legislation that has not been properly developed. Indeed, Deputy Calleary has not offered a particular piece, but I would not be supporting it anyhow. One needs to have the issue of alcohol abuse dealt with in a coherent way and the Ministers will bring forward that approach.

What we are having here is a discussion about whether we should impose particular profit reporting on particular types of company in Ireland. Such an arbitrary approach should not be a feature of our approach to companies. We should approach this in a balanced and proportionate way. If we have concerns about public policies that are being affected by such companies, we regulate them in the public policy arena, for instance, in public health law or, as we are doing here with groceries, in competition law. It is not a proper approach to business regulation to introduce legislation that applies on an *ad hoc* basis.

Amendment put and declared lost.

**Acting Chairman (Deputy Catherine Byrne):** Amendment No. 51 is in Deputy Calleary's name. Amendments Nos. 51, 56 and 72 are related and will be discussed together.

**Deputy Dara Calleary:** I move amendment No. 51:

In page 84, between lines 14 and 15, to insert the following:

“(2) The Minister, having regard to subsection (1) may, from time to time, give a direction that a retailer shall not sell grocery goods at a price that is less than the net invoice price of the goods.”.

The Minister stated today on a number of occasions that the role of the producer and protecting the producer from the dominant relationship is central to this Bill and this is a chance for him to put his money where his mouth is. We had the bizarre situation - the Minister is all in favour of loss leaders - where vegetables were being sold for 5 cent or 6 cent immediately prior to Christmas. We have had the debate on alcohol, and one sees alcohol being sold in an off-licence at crazy prices that bear no relationship to the cost of producing it, when in some cases it is cheaper to buy it from a supermarket than from a wholesaler for many publicans, that is a competition issue, but the Minister is happy enough for that to continue.

If the relationship, in particular, between small suppliers and dominant suppliers is to change

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and is to be in some way levelled out, then we must be serious about below-cost selling. At present, the practice happens. The dominant providers are demanding it from their producers. They are putting such pressure on producers to provide goods at prices that have no relationship with the production price that many producers end up going out of business, we end up with unemployment and the choice available to consumers is that much less.

I will be calling a vote on this because this is crucial to the Bill which, the Minister states, seeks to protect producers. It is essential for consumers that the greatest possible choice be available to them, particularly in food. It is essential for us to continue to grow the food sector that small producers be given the opportunity to break into the market and be given the right to defend their goods in the face of the attack that is laid on them by large multiples. If this legislation is in any way true to what it seeks to do, which is to protect consumers, then the Minister should accept the amendment.

**Deputy Peadar Tóibín:** My amendment No. 72 is roughly the same. The majority of the population is actually in favour of legislation to ensure that farmers and other suppliers get fair prices. Three out of ten people believe that below cost selling of vegetables is of long-term benefit to consumers. In reality, below cost selling of products will not bring average or complete benefits to consumers. However, it does put fierce pressure on suppliers. It also reduces the understood value of a product in the view of consumers.

In recent times we have seen some German multiples selling vegetables at extremely low levels. At a time when a lot of food is being thrown out and food waste levels are high, that type of behaviour is accelerated when individual consumers can pick up products at such low prices. I therefore ask the Minister to support the amendment.

**Deputy Richard Bruton:** I do not support this amendment at all. The idea that one would allow suppliers to define the price at which their goods would be sold-----

**Deputy Peadar Tóibín:** It is the cost.

**Deputy Richard Bruton:** -----is totally contrary to any form of competition and would militate against the consumer. Any market is based on the meeting of two different sides and bidding down the price. It is a question of supply and demand depending on the pressure. However, the suggestion that people should be able, through the invoice they serve, to define the price at which goods will be sold is what would be called resale price maintenance. That is a well recognised abuse of competition, yet the Deputy is not only suggesting that we would tolerate resale price maintenance but that we would also make it an obligatory requirement by introducing it into our law. It is totally contrary to any form of competition approach that protects consumers. Consumers cannot have suppliers telling them the price at which they must buy, and enforce it by law. That is not a marketplace, it is some sort of regime for suppliers. I do not support that.

We need healthy competition in the marketplace, which involves people having to compete. They should not be able to write their own price and know they will get it because it is protected by law. That is not competition. When Deputy Calleary's own party leader had this portfolio, he decided it should not be in our law. The abolition of the restricted prices order-----

**Deputy Dara Calleary:** The groceries order.

**Deputy Richard Bruton:** -----has removed the statutory basis for the Minister to make

minimum price orders in any sector. Having price competition is a healthy feature of our marketplace. That is the way new businesses develop. They come in at a cheaper price and they undercut someone. We do not seek to underpin the established interests by underpinning in law the price they want to charge. If that were the case, the next thing they would want is barriers to entry so they could not be disturbed and because they like the existing incumbents.

The nature of the marketplace is dynamic, with new people coming in offering consumers better deals. That is perfectly right. In this legislation we are not trying to give such powers to retailers or suppliers. We are trying to ensure that suppliers are not abused by over-powerful retailers in the approaches they take. Upholding prices is not the way to do that. The way to do it is to ensure that there are no unfair terms in their contracts. That still leaves players to compete and negotiate on price. We are not stopping the normal commercial negotiations that should occur in contracts about price levels. That sort of competition and negotiation is in consumers' interests. One wants to see both sides, suppliers and retailers, setting prices in a competitive environment that protects consumers. That is the way the marketplace works.

I am surprised at support for the notion that suppliers would set their own prices and that we would underpin it in law. That idea was abandoned because it was not effective. It served to keep prices up. I am sure that Deputy Martin, when he was a Minister, made the changes for those reasons.

Predatory pricing is another issue that arises in this context. Aggressive price competition is fine but where it becomes predatory and is designed to drive someone else out of the marketplace there is a genuine competition concern. Low prices are not a concern in competition law but where the motivation is to undermine some legitimate player in the marketplace, then there is abuse of dominance and the Competition Authority has the powers to pursue it. It is the authority's right and obligation to go after such pricing. Low prices are good but predatory pricing is an abuse. It is prevented by our competition law.

Irish statute law and EU law recognise simple retention of title clauses of the kind set out in the amendment. The courts have also upheld such clauses. It is one thing for the law to uphold certain forms of retention of title clause, freely agreed to by contracting parties, but quite another for it to insert a mandatory title retention clause into commercial contracts. To the best of my knowledge no other jurisdiction has introduced a legislative provision of that kind. The aim of the Bill's provisions on grocery goods is to achieve a proper balance in commercial relations between suppliers and retailers, but this should not be done by introducing a potential imbalance into relations between suppliers and retailers, and other parties.

The proposed amendment would affect the interests of third parties, including the Revenue Commissioners, employees and unpaid service providers, who have no equivalent option to take back services that have been provided by reducing the pool of assets available for distribution to other creditors of an insolvent buyer, and effectively permitting an unpaid seller to jump the queue of creditors.

The potential for retention of title clauses to lead to inequity between creditors has, in fact, led a number of jurisdictions, including the United States, Australia and New Zealand, to treat such clauses as a form of security interest against third parties that must be registered by the seller. The Law Reform Commission proposed a similar system of registration and other conditions regulating the retention of title clauses. Those recommendations were not implemented. In its comprehensive 2011 report on legislation governing the sale of goods, the Sales Law Re-

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view Group also concluded that because of their impact on third parties who had no say in the contract, any reform of retention title clauses had to be considered in the context of a broader reform of the law on personal property security interests.

Although I have some sympathy with the aim behind this amendment, I am not in a position to accept it. I am referring to the one on retention of title.

**Deputy Dara Calleary:** Where do we start? I noted the Minister's comments about predatory pricing and retention of title, which he read from the memorandum, but when it came to protecting the big beast he was quite passionate about it.

I do not know if the Minister really understands what is happening with small producers. On "Planet Richard" all is lovely and everybody gets on well together. It is all fine, with suppliers being nice to producers. They all arrange a price and everyone is happy. In the real world, however, the supplier is a multinational or a major Irish company that goes to the producers - many of whom are in the Minister's own constituency - and tells them, "This is what we want and this is the price you are getting. In addition to that price, we want more money for shelf space. We want you to supply us and you might have to come in and lay out the stock. We basically want you lock, stock and barrel, and give us your children while you're at it." Is that all find and happy? That may be the kind of relationship the Minister wants, but it is not the kind of country I want. It is not the kind of business relationship that is healthy.

The Minister says that our amendment could stop competition but the current relationship is blocking competition. Big producers will be able to sustain that way of doing business but the small guy will not be able to disrupt the market, to use the Minister's phrase, in this kind of relationship. That is the reality. The Minister is a farmer's son and a former agricultural economist. He knows it is not possible to produce a cabbage for 5 cent. He appears to think those who produce the cabbages are able to tell the supermarkets the price at which they will sell their produce but they are told what they are going to get. Producers are being driven out of the market and consumer choice is being restricted.

I do not know if the Minister attended the reception organised by the IFA and Good Food Ireland last night for small producers from all over the country. The colleagues of the Minister who attended the reception, and who will troop into the House to vote in support of his version of events, told all the small producers they were super. Now that they have a chance to protect these producers, however, I suspect they will not take it.

**Deputy Peadar Tóibín:** A large number of producers are experiencing an increasing squeeze on prices. This is literally putting suppliers and farmers out of business. It is not just me that is saying this. Ms Mairead McGuinness, MEP, made a similar comment recently when she agreed with a suckler beef and tillage farmer from County Laois that the type of practices we are discussing are making it exceedingly difficult for businesses and farms to continue. Last year, the Joint Committee on Agriculture, Food and the Marine, which is chaired by a Fine Gael Deputy, stated that future supplies of milk could be endangered by the practice of below cost selling. Such is the squeeze on farmers producing milk that it is going to reduce future supply.

We also have a ludicrous situation whereby large retailers, such as the Tescos of this world, are selling alcohol below price and reclaiming tax on their sales. Through the tax code, the State is subsidising these retailers' as they sell products below price. Whenever the Minister sees a crate of beer on sale below cost in a large multiple, he should remember that his Govern-

ment is subsidising the store to sell it. It is reasonable to give producers a fair price for their products. A fair price has to include a margin that is above the cost not under it.

**Deputy Peter Mathews:** I find it difficult to deny the obvious. As Deputies Calleary and Tóibín have pointed out, we are staring at the obvious. It is an open goal. The Minister is at a landmark moment or a crossroads in that he is able to do something meaningful for all of the families and individuals in this country. The volume supply of food and household goods is controlled by a few large corporations, such as Tesco and Lidl. It is obvious that there is a disproportionate imbalance between the competitive presence in the market of those large corporations and their producers and suppliers. The Minister is living in a land of unreality if he thinks the small producer of vegetables or fresh produce has any sort of power, other than to the extent that the most efficient and effective producing methods have been employed, in delivering to the supermarkets. It is so simple that it is staggering if he cannot grasp that fact or see the opportunity that now arises to level the playing pitch. We need more transparency on the financial engineering and structures of these companies. I refer to simple stuff that could give us a benchmark or measurement of the fairness or otherwise in their operations. It is wrong that agricultural producers have to sell their goods at far below efficient agricultural production costs. It is an abuse of power and it should be recognised for what it is. It is that simple.

**Deputy Richard Bruton:** I do not know whether Deputy Mathews has read the amendment he is supporting. He supports the notion that companies like Kellogg's, Nestle or Procter and Gamble could set out on their invoices the price at which their products must be sold. These companies would be able to decide what consumers must pay for their grocery goods. The amendment provides that the Minister shall give a direction that a retailer shall not sell grocery goods at a price that is less than the net invoice amount of the goods. That is bizarre economics. We cannot hand over the authority to fix the price at which goods are sold to any such company. This is the amendment the Deputies are sponsoring. It is an attempt to revert to a situation in which suppliers decide the price at which their goods should be sold. That is a well known breach of competition known as resale price maintenance. If it was done under collusive arrangements the Competition Authority would pursue those involved. The Deputies propose to make it the law of the land that every seller to a retail chain can set its own price, and the retailer cannot do anything about it. That is not competition or a marketplace.

**Deputy Peter Mathews:** I did not say that.

**Deputy Richard Bruton:** That is what we are debating.

**Deputy Peter Mathews:** No, that is not what I said.

**An Ceann Comhairle:** Please allow the Minister to respond.

**Deputy Richard Bruton:** The amendment provides that the Minister shall give a direction-----

**Deputy Peter Mathews:** Excuse me, a Cheann Comhairle, the Minister was attributing to me something I did not say.

**An Ceann Comhairle:** You had an opportunity to speak. You are interrupting the Minister's contribution.

**Deputy Peter Mathews:** Are you going to allow him to claim I said something that I did

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not say?

**An Ceann Comhairle:** You have no right to start questioning him across the floor. You will have another two minutes to respond because you have only spoken once. Let the man make his point.

**Deputy Peter Mathews:** He is making a point on something I did not say.

**An Ceann Comhairle:** You have to learn about procedure in the Chamber. You cannot just interrupt.

**Deputy Peter Mathews:** You can allow him to say-----

**An Ceann Comhairle:** No, I cannot allow anybody to say anything. I only deal with procedure. That is all I do.

**Deputy Richard Bruton:** All I am saying is that the amendment which Deputy Mathews seems to regard as a no brainer or an open goal-----

**Deputy Peter Mathews:** I am saying we should do what is right.

**An Ceann Comhairle:** Deputy, will you ever stay quiet please?

**Deputy Richard Bruton:** It states that the Minister shall -----

**Deputy Peter Mathews:** I said that the Minister has an open goal.

**Deputy Richard Bruton:** Whatever he said, I am saying -----

**Deputy Peter Mathews:** He said he should introduce a level playing pitch.

**Deputy Richard Bruton:** I do not know what he is saying.

**An Ceann Comhairle:** Deputy Mathews, I warn you that you will be leaving the Chamber if you are not careful.

**Deputy Richard Bruton:** If we are not debating the amendment before us I do know what open goal the Deputy is referring to. There are always open goals but we are debating whether the Minister should be able to give a direction that a retailer shall not sell grocery goods at a price that is less than the net invoice amount of the goods. That is not the correct approach. It would militate against consumers' interests.

**Deputy Peter Mathews:** Does it say in every case?

**An Ceann Comhairle:** Deputy, stop interrupting or else leave the Chamber.

**Deputy Richard Bruton:** It says in every case. It proposes that the Minister shall give a direction that a retailer shall not sell grocery goods at a price that is less than the net invoice amount of the goods. The Bill defines grocer goods in a later section. These are all products that are sold as groceries and we have set out various categories.

**Deputy Dara Calleary:** The Minister has left out the phrase "having regard to subsection (1)", and that subsection outlines a range of conditions, including "the desirability of the promotion of competitive trade" and "the interests of consumers". There is a range of condi-

tions and this does not give *carte blanche* to a Minister or supplier. The notion that Kellogg's or similar companies could set the price of Rice Krispies is untrue, as this amendment has the security of subsection (1) and its seven paragraphs to protect the power given to the Minister. The amendment has included the protection of the consumer, supplier and the public interest. It is not a *carte blanche* amendment by any means.

Amendment put:

<i>The Dáil divided: Tá, 38; Níl, 84.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Boyd Barrett, Richard.</i>	<i>Bannon, James.</i>
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>
<i>Browne, John.</i>	<i>Bruton, Richard.</i>
<i>Calleary, Dara.</i>	<i>Burton, Joan.</i>
<i>Collins, Joan.</i>	<i>Butler, Ray.</i>
<i>Colreavy, Michael.</i>	<i>Buttimer, Jerry.</i>
<i>Coppinger, Ruth.</i>	<i>Byrne, Catherine.</i>
<i>Crowe, Seán.</i>	<i>Byrne, Eric.</i>
<i>Daly, Clare.</i>	<i>Carey, Joe.</i>
<i>Doherty, Pearse.</i>	<i>Coffey, Paudie.</i>
<i>Ellis, Dessie.</i>	<i>Collins, Áine.</i>
<i>Ferris, Martin.</i>	<i>Conaghan, Michael.</i>
<i>Grealish, Noel.</i>	<i>Conlan, Seán.</i>
<i>Healy, Seamus.</i>	<i>Connaughton, Paul J.</i>
<i>Healy-Rae, Michael.</i>	<i>Conway, Ciara.</i>
<i>Higgins, Joe.</i>	<i>Coonan, Noel.</i>
<i>Kitt, Michael P.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Costello, Joe.</i>
<i>McConalogue, Charlie.</i>	<i>Coveney, Simon.</i>
<i>McGrath, Finian.</i>	<i>Daly, Jim.</i>
<i>McGrath, Mattie.</i>	<i>Deasy, John.</i>
<i>McGuinness, John.</i>	<i>Deenihan, Jimmy.</i>
<i>McLellan, Sandra.</i>	<i>Deering, Pat.</i>
<i>Martin, Micheál.</i>	<i>Doherty, Regina.</i>
<i>Mathews, Peter.</i>	<i>Donohoe, Paschal.</i>
<i>Moynihan, Michael.</i>	<i>Dowds, Robert.</i>
<i>Murphy, Catherine.</i>	<i>Doyle, Andrew.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Durkan, Bernard J.</i>
<i>Ó Cuív, Éamon.</i>	<i>English, Damien.</i>
<i>Ó Fearghail, Seán.</i>	<i>Feighan, Frank.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Ferris, Anne.</i>
<i>O'Brien, Jonathan.</i>	<i>Fitzgerald, Frances.</i>
<i>O'Sullivan, Maureen.</i>	<i>Flanagan, Charles.</i>
<i>Shortall, Róisín.</i>	<i>Flanagan, Terence.</i>

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<i>Smith, Brendan.</i>	<i>Gilmore, Eamon.</i>
<i>Stanley, Brian.</i>	<i>Griffin, Brendan.</i>
<i>Tóibín, Peadar.</i>	<i>Hannigan, Dominic.</i>
<i>Troy, Robert.</i>	<i>Harrington, Noel.</i>
	<i>Harris, Simon.</i>
	<i>Hayes, Tom.</i>
	<i>Heydon, Martin.</i>
	<i>Howlin, Brendan.</i>
	<i>Humphreys, Kevin.</i>
	<i>Keating, Derek.</i>
	<i>Kehoe, Paul.</i>
	<i>Kenny, Seán.</i>
	<i>Kyne, Seán.</i>
	<i>Lawlor, Anthony.</i>
	<i>Lynch, Ciarán.</i>
	<i>Lyons, John.</i>
	<i>McCarthy, Michael.</i>
	<i>McEntee, Helen.</i>
	<i>McFadden, Gabrielle.</i>
	<i>McHugh, Joe.</i>
	<i>McLoughlin, Tony.</i>
	<i>McNamara, Michael.</i>
	<i>Maloney, Eamonn.</i>
	<i>Mitchell, Olivia.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Mulherin, Michelle.</i>
	<i>Murphy, Dara.</i>
	<i>Murphy, Eoghan.</i>
	<i>Nash, Gerald.</i>
	<i>Neville, Dan.</i>
	<i>Nolan, Derek.</i>
	<i>Ó Riordáin, Aodhán.</i>
	<i>O'Donnell, Kieran.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Mahony, John.</i>
	<i>O'Reilly, Joe.</i>
	<i>O'Sullivan, Jan.</i>
	<i>Penrose, Willie.</i>
	<i>Perry, John.</i>
	<i>Phelan, John Paul.</i>
	<i>Reilly, James.</i>
	<i>Ring, Michael.</i>
	<i>Ryan, Brendan.</i>

	<i>Sherlock, Sean.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>Varadkar, Leo.</i>
	<i>Wall, Jack.</i>
	<i>Walsh, Brian.</i>
	<i>White, Alex.</i>

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

Amendment declared lost.

**An Ceann Comhairle:** Amendments Nos. 52 and 55 are related and may be discussed together by agreement.

**Deputy Dara Calleary:** I move amendment No. 52:

In page 84, between lines 14 and 15, to insert the following:

“(2) Subject to a grocery goods undertaking choosing to enter into a contract, relevant grocery goods undertakings shall have a contract with a grocery goods undertaking for the sale or supply of grocery goods.”.

The legislation as framed is very vague on the need to have a contract between a producer or a supplier and a grocery goods undertaking. The purpose of this amendment is to ensure that a contract is necessary that will outline the responsibilities of the supermarket, and of the supplier and the producer to the supermarket.

**Deputy Peadar Tóibín:** The amendment seeks to address the imbalance in the negotiation power in the supply chain. Providing for mandatory contracts gives a supplier a choice and the opt-out is there too. Some suppliers feel that their power within the supply chain is significantly reduced without this opportunity and this amendment seeks to resolve that imbalance.

**Deputy Richard Bruton:** These two amendments essentially propose the same thing albeit in a different manner, that where a grocery goods undertaking chooses to enter into a contract with the relevant grocery goods undertaking, the latter must have a contract with the former for the supply of grocery goods. I note a difference in the legal framing of the amendments tabled by Deputies Tóibín and Calleary. Deputy Tóibín’s amendment seeks to include this provision under the list of activities from which the regulations foreseen by the Bill will be drawn up, while Deputy Calleary’s proposal is to make it obligatory outside the regulations as a stand-alone measure.

The provisions of the Bill state on page 84, section 63B(2)(a) that the regulations “may specify the form of the contract that would be entered into by the parties”. While I do not want to pre-empt the final regulations, this section is pivotal to trying to ensure that situations such as unilateral amendments to terms, retrospective changes to terms, etc., are covered by the regulations. Without a written contract in place, it would appear to be impossible to enforce any regulations on issues such as unilateral amendments to terms, retrospective changes to terms, etc. It is worth noting that the issue of written contracts is a core part of the UK code of practice

for this very reason.

As regards the suggestion that grocery goods undertakings could decide not to have a contract, this would have the practical effect of the grocery goods undertaking having no protection under the regulations. I am not sure if that is what the Deputies intended in their proposals. There is always the possibility that the proposal could have the effect of a grocery goods undertaking being coerced into opting out of contracts by relevant grocery goods undertakings. This would leave grocery goods undertakings having no protection under the regulations.

Since Committee Stage the Department has received confirmation from the Irish Farmers Association, IFA, that it no longer wishes to pursue such an amendment. For all of these reasons I am not convinced that this is a good idea and thus am not in a position to accept the amendments. At the heart of the proposal is having a contract and if it is permissible to contemplate an opt-out there is a very real risk of coercion. The contract is the document which is the instrument of enforcement. It would be counterproductive to go with the proposed amendment.

**Deputy Dara Calleary:** I am happy to withdraw the amendment if the Minister can give me a guarantee that there will be strong provisions within the regulations on contracts, what they should contain and their enforcement. When is it planned to publish the regulations?

**Deputy Richard Bruton:** We are developing them in parallel but we need to wait until the Bill has been passed and know exactly what we are providing. We intend over the summer to put out draft regulations for consultation including by the Oireachtas Joint Committee on Jobs, Enterprise and Innovation.

*6 o'clock*

We will seek to implement them thereafter. We are developing them in parallel so that we do not have to wait until everything is completed. Obviously, the regulations will not cover everything from the word go. We will focus on food. We are not going to include garden plants, for example, although we have indicated we will engage in consultation in that regard. The way we have drafted this gives us some facility to introduce the more urgent piece first.

Amendment, by leave, withdrawn.

**Deputy Peadar Tóibín:** I move amendment No. 53:

In page 84, between lines 14 and 15, to insert the following:

“(2) A retailer defined as a relevant grocery goods undertaking must disclose the annual profits of its Irish outlets.”.

Amendment put:

<i>The Dáil divided: Tá, 34; Níl, 81.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Boyd Barrett, Richard.</i>	<i>Bannon, James.</i>
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>
<i>Browne, John.</i>	<i>Bruton, Richard.</i>
<i>Calleary, Dara.</i>	<i>Burton, Joan.</i>
<i>Collins, Joan.</i>	<i>Butler, Ray.</i>

<i>Colreavy, Michael.</i>	<i>Buttimer, Jerry.</i>
<i>Cowen, Barry.</i>	<i>Byrne, Catherine.</i>
<i>Crowe, Seán.</i>	<i>Byrne, Eric.</i>
<i>Daly, Clare.</i>	<i>Carey, Joe.</i>
<i>Doherty, Pearse.</i>	<i>Coffey, Paudie.</i>
<i>Ellis, Dessie.</i>	<i>Collins, Áine.</i>
<i>Ferris, Martin.</i>	<i>Conaghan, Michael.</i>
<i>Grealish, Noel.</i>	<i>Conlan, Seán.</i>
<i>Halligan, John.</i>	<i>Connaughton, Paul J.</i>
<i>Healy, Seamus.</i>	<i>Conway, Ciara.</i>
<i>Healy-Rae, Michael.</i>	<i>Coonan, Noel.</i>
<i>Higgins, Joe.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Keaveney, Colm.</i>	<i>Costello, Joe.</i>
<i>Kitt, Michael P.</i>	<i>Coveney, Simon.</i>
<i>Mac Lochlainn, Pádraig.</i>	<i>Daly, Jim.</i>
<i>McConalogue, Charlie.</i>	<i>Deasy, John.</i>
<i>McGrath, Finian.</i>	<i>Deenihan, Jimmy.</i>
<i>McGrath, Mattie.</i>	<i>Deering, Pat.</i>
<i>McGuinness, John.</i>	<i>Doherty, Regina.</i>
<i>McLellan, Sandra.</i>	<i>Donohoe, Paschal.</i>
<i>Moynihan, Michael.</i>	<i>Dowds, Robert.</i>
<i>Ó Cuív, Éamon.</i>	<i>Doyle, Andrew.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Durkan, Bernard J.</i>
<i>O'Brien, Jonathan.</i>	<i>English, Damien.</i>
<i>O'Sullivan, Maureen.</i>	<i>Feighan, Frank.</i>
<i>Shortall, Róisín.</i>	<i>Ferris, Anne.</i>
<i>Smith, Brendan.</i>	<i>Flanagan, Charles.</i>
<i>Tóibín, Peadar.</i>	<i>Gilmore, Eamon.</i>
<i>Troy, Robert.</i>	<i>Griffin, Brendan.</i>
	<i>Hannigan, Dominic.</i>
	<i>Harrington, Noel.</i>
	<i>Harris, Simon.</i>
	<i>Hayes, Tom.</i>
	<i>Heydon, Martin.</i>
	<i>Howlin, Brendan.</i>
	<i>Humphreys, Kevin.</i>
	<i>Keating, Derek.</i>
	<i>Kehoe, Paul.</i>
	<i>Kenny, Seán.</i>
	<i>Kyne, Seán.</i>
	<i>Lawlor, Anthony.</i>
	<i>Lynch, Ciarán.</i>
	<i>Lyons, John.</i>

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	<i>McCarthy, Michael.</i>
	<i>McEntee, Helen.</i>
	<i>McFadden, Gabrielle.</i>
	<i>McHugh, Joe.</i>
	<i>McLoughlin, Tony.</i>
	<i>McNamara, Michael.</i>
	<i>Maloney, Eamonn.</i>
	<i>Mitchell, Olivia.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Mulherin, Michelle.</i>
	<i>Murphy, Dara.</i>
	<i>Murphy, Eoghan.</i>
	<i>Nash, Gerald.</i>
	<i>Neville, Dan.</i>
	<i>Ó Ríordáin, Aodhán.</i>
	<i>O'Donnell, Kieran.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Mahony, John.</i>
	<i>O'Reilly, Joe.</i>
	<i>O'Sullivan, Jan.</i>
	<i>Penrose, Willie.</i>
	<i>Perry, John.</i>
	<i>Phelan, John Paul.</i>
	<i>Reilly, James.</i>
	<i>Ring, Michael.</i>
	<i>Ryan, Brendan.</i>
	<i>Stagg, Emmet.</i>
	<i>Stanton, David.</i>
	<i>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 Peadar Tóibín; Níl, Deputies Paul Kehoe and Emmet Stagg.

Amendment declared lost.

**An Ceann Comhairle:** Amendments Nos. 54 and 57 are related and may be discussed together.

**Deputy Dara Calleary:** I move amendment No. 54:

In page 84, between lines 16 and 17, to insert the following:

“(a) specify that payments for grocery goods supplied to relevant grocery goods undertakings to be made within 30 days.”.

It is current market practice that payment terms are being extended to 90 or even 120 days. Many small producers and suppliers cannot afford to sustain this practice, but there is no protection available to them. This amendment seeks to reduce the maximum payment period to 30 days.

**Deputy Peadar Tóibín:** This is a matter of simple economics for small business owners, many of whom find it extremely difficult to deal with elongated credit terms. Such extended payment periods are one of the levers by which large multiples may seek to improve the terms and conditions available to them. The provision of a 90-day credit term allows those multiples to make interest on the money they should be paying to small businesses. By agreeing to this amendment, the Minister would facilitate the flow of credit for a large number of small businesses. The protracted committee meetings we have had regarding banking credit made clear that credit flow is one of the major issues for businesses at this time. If they cannot achieve that blood flow of credit through their system, many businesses will die, even where they have a good business model.

The provision in this amendment offers a simple way to improve that situation. I cannot see how a multiple’s desire for 60 or 90 days of credit can be defended by the Minister.

**Deputy Richard Bruton:** The purpose of the provisions in the Bill relating to the grocery goods sector, and the regulations which I will make in due course on foot of those enabling provisions, is to regulate certain practices in the sector. On the issue of payment, subsection 63B(2)(p) of the Consumer Protection Act 2007, as inserted by section 80 of this Bill, provides that the regulations may specify the manner and timeframe in which payment for grocery goods supplied to relevant grocery goods undertakings is to be made. This issue of the timeframe for payment should be considered in the context of any regulations rather than in primary legislation in order to allow for more flexibility, if required, in any statutory instrument.

Payments are also covered by prompt payment legislation, which must be factored into any regulations. Setting out a period of 30 days or any set period in primary legislation may be too rigid compared with the making of regulations. Thus, while the text of any regulation is not yet finalised or agreed, these amendments are neither required nor appropriate for this Bill.

**Deputy Dara Calleary:** I welcome the indication that this matter will be provided for in the regulations. It is frustrating, however, that so much depends on those regulations, which we will not see before the legislation is passed. The Minister is saying that regulations cannot be brought forward in advance, but we can safely assume, based on the Government’s majority, that what we are looking at here will, in fact, be what is passed into law. On that basis, will the regulations be published before the Bill goes to the Seanad?

**Deputy Richard Bruton:** It is not my intention to publish regulations before the Bill completes its passage through the Oireachtas. After it is dealt with by this House, we must allow for the possibility of amendments being made by the Seanad. Any draft set of regulations must reflect the primary legislation. That, after all, is the function of regulations.

As I said, we are making provision to allow us to govern payment periods. My issue with what is proposed in these amendments is the inflexibility of including such provision in primary legislation. There already is improved legislation in this field. Under the EU directive, for

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example, there is penalty interest and the ability to charge for recovery where it is necessary to pursue such recovery in the courts. The regulations will provide an additional enforceability in the sense that whatever we put into them will be overseen by the Commission, which will have a role in ensuring this approach is honoured in practice as well as in the contract terms.

**An Ceann Comhairle:** Is the amendment being pressed?

**Deputy Dara Calleary:** I will withdraw it, pending the regulations.

Amendment, by leave, withdrawn.

**Deputy Peadar Tóibín:** I move amendment No. 55:

In page 84, between lines 16 and 17, to insert the following:

“(a) subject to a grocery goods undertaking choosing to enter into a contract, relevant grocery goods undertaking shall have a contract with a grocery goods undertaking for the sale or supply of grocery goods,”.

Amendment put and declared lost.

**Deputy Dara Calleary:** I move amendment No. 56:

In page 84, between lines 25 and 26, to insert the following:

“(c) specify Retention of Title for goods delivered until such time full payment is received,”.

Amendment put and declared lost.

**Deputy Peadar Tóibín:** I move amendment No. 57:

In page 84, line 34, after “undertakings” to insert “to be made within 30 days”.

Amendment put and declared lost.

**An Ceann Comhairle:** Amendment No. 58 arises out of committee proceedings.

**Deputy Richard Bruton:** I move amendment No. 58:

In page 84, line 35, to delete “promotion and sale of goods on promotion” and substitute “price, marketing and sale of goods on promotion and the duration of the promotion”.

This is a technical amendment to clarify the issues relating to promotions which might be included in any regulations relating to terms and conditions in contracts for the sale or supply of grocery goods.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 59:

In page 84, line 41, to delete “manner” and substitute “circumstances and manner”.

This is a technical and grammatical amendment.

Amendment agreed to.

**An Ceann Comhairle:** Amendments Nos. 60 to 63, inclusive, and 65 to 71, inclusive, are related. Amendments Nos. 66 to 71, inclusive, are consequential on amendment No. 65. Therefore, amendments Nos. 60 to 63, inclusive, and 65 to 61, inclusive, may be discussed together.

**Deputy Richard Bruton:** I move amendment No. 60:

In page 85, line 36, to delete “secure better positioning” and substitute “retain shelf space, or to secure better positioning on shelves”.

The two issues of introducing a prohibition in respect of compelling of payment in respect of shelf place to the list of prohibited activities that may be included in the regulations as well as a prohibition on requiring a grocery goods undertaking to obtain any goods or services from a third party from which the relevant grocery goods undertaking receives payment for this arrangement were raised by Deputy Tóibín on Committee Stage and I happy to propose amendments, agreed with the Office of Parliamentary Counsel, on these two issues.

I am also introducing a technical amendment to clarify that retention of shelf space is also an activity that may be covered by the regulations in the context of agreed payment for shelf space which would bring the wording of section 63(B)(i) into line with that of the new provision on prohibiting compelling of payments.

On the third and final element of Deputy Tóibín’s proposed amendment, which proposes to prohibit a relevant grocery goods undertaking from directly or indirectly compelling a grocery goods undertaking to make any payment or grant any allowance directly related to the value or volume of goods traded, my understanding is that this concerns a desire to prohibit contracts that include long-term agreements which provide for the payment of substantial off invoice rebates at the end of a trading period. I have reflected on this since Committee Stage and I am of the view that the issue of regulating for payments is covered by a series of subsections in the Bill - for example, section 63B(2)(d) - and the situation outlined by Deputy Tóibín appears to be already covered by these provisions. Thus, I am not in a position to accept this amendment.

**Deputy Peadar Tóibín:** I welcome the fact the Minister introduced an amendment which broadly reflects the amendment I tabled to copper-fasten the ban on hello money and to ensure there is no abuse in that regard.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 61:

In page 86, line 1, to delete “or”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 62:

In page 86, between lines 4 and 5, to insert the following:

“or

(iii) to retain shelf space, or to secure better positioning on shelves, or an increase in the allocation of shelf space, for the gro-

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cery goods of that grocery goods undertaking.”.

Amendment agreed to.

**Deputy Peadar Tóibín:** I move amendment No. 63:

In page 86, between lines 4 and 5, to insert the following:

“(iii) to secure or retain shelf-space, to improve positioning, or to increase an allocation of shelf-space of the grocery goods of the grocery goods undertaking, in the premises of the relevant grocery goods undertaking,

(iv) in respect of requiring a supplier to obtain any goods or services from a third party from whom the relevant grocery goods undertaking receives payment for this arrangement,

(v) directly related to the value or volume of the goods traded.”.

Amendment, by leave, withdrawn.

**Deputy Richard Bruton:** I move amendment No. 64:

In page 86, to delete lines 5 to 8 and substitute the following:

“(k) specify arrangements regarding promotions of grocery goods and related activities and the circumstances in which such arrangements shall be included in the contract for the sale or supply of grocery goods referred to in paragraph (a).”.

This technical amendment clarifies the scope of this provision relating to promotions.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 65:

In page 86, between lines 11 and 12, to insert the following:

“(m) prohibit a relevant grocery goods undertaking from requiring a grocery goods undertaking to obtain any goods or services from a third party from whom the relevant grocery goods undertaking receives payment for this arrangement.”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 66:

In page 86, line 12, to delete “(m) specify” and substitute “(n) specify”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 67:

In page 86, line 16, to delete “(n) provide” and substitute “(o) provide”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 68:

In page 86, line 20, to delete “(o) provide” and substitute “(p) provide”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 69:

In page 86, line 24, to delete “(p) specify” and substitute “(q) specify”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 70:

In page 86, line 27, to delete “(q) provide” and substitute “(r) provide”.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 71:

In page 86, line 32, to delete “(r) contain” and substitute “(s) contain”.

Amendment agreed to.

**Deputy Peadar Tóibín:** I move amendment No. 72:

In page 86, between lines 35 and 36, to insert the following:

“(3) The Minister may specify the Retention of Title for goods delivered until such time as full payment is received.

(4) The Minister shall give a direction that a retailer shall not sell grocery goods at a price that is less than the net invoice amount of the goods.”.

Amendment put and declared lost.

**Deputy Richard Bruton:** I move amendment No. 73:

In page 86, line 39, to delete “undertakings” and substitute “undertakings, or one or more classes of grocery goods,”.

This amendment provides that the regulations foreseen under the Bill can be made by classes of grocery goods rather than all classes of such goods. Not only will this allow for the possibility to produce more refined regulations, but it also allows me, as Minister, time to consult on the issue of whether regulations in respect of garden plants are required through a full consultation process.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 74:

In page 87, line 2, to delete “Commission” and substitute the following:

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“Commission and such other persons (including relevant grocery goods undertakings and other grocery goods undertakings) as he or she considers appropriate”.

Amendment agreed to.

**An Ceann Comhairle:** Amendment No. 75 arises out of committee proceedings.

**Deputy Peadar Tóibín:** I move amendment No. 75:

In page 87, between lines 13 and 14, to insert the following:

“(7) The Commission must provide for anonymity and confidentiality of a complainant who reports a breach of the Regulations, and a complainant who waives anonymity must be protected from discrimination, disadvantage or unfair treatment as a result of the complaint subject to natural justice being afforded to the accused.”.

There were much debate in this Chamber previously when Deputies from all sides indicated that if suppliers engage in a process whereby they identify problems and lift their heads above the parapet, they get punished and discriminated against. When Deputy Creed was on the Opposition benches and spokesperson for agriculture, he made similar points to myself. I think Ms Mary Coughlan was Minister for Agriculture at the time. This amendment is to give anonymity and confidentiality to the complainant. Where that is waived, there must be confidence that there will not be discrimination, disadvantage or unfair treatment. If that anonymity or confidentiality is not there, or if an individual does not have confidence that he or she will not be discriminated against, the Minister can be sure that a functioning business will not lift its head above the parapet and the injustice will continue.

**Deputy Richard Bruton:** Deputy Tóibín has proposed an amendment relating to the protection of anonymity and confidentiality from complainants and their possible subsequent treatment as a result of the complaint. As I outlined on Committee Stage, the commission will have authority under section 63C(2) to initiate an investigation of a relevant grocery goods undertaking on foot of receiving a complaint. Alternatively, it can act on its own initiative. This alternative is aimed at allowing the commission investigate independently of complaints being made. Equally, the provision to issue contravention notices, and making breaches of such orders an offence, is intended to allow the commission enforce the regulations made without having to base its actions on complaints.

In relation to anonymity for complainants, I am sure the commission will seek to protect the identity of persons who supply it with information in the first instance in the course of commencing its investigation. Indeed, section 25 provides for a prohibition on unauthorised disclosure of confidential information. However, it must be pointed out that in enforcing any regulations the basic tenets of fair procedure and natural and constitutional justice must be upheld. In that context, the right of an accused to details of his or her accuser is a core tenet of the constitutional and legal system. Thus, while understanding the rationale behind Deputy Tóibín’s proposed amendment, I am not in a position to accept it.

Amendment put and declared lost.

Amendment No. 76 not moved.

**Deputy Richard Bruton:** I move amendment No. 77:

In page 91, between lines 9 and 10, to insert the following:

**“Res judicata**

**83.** (1) Where, in proceedings under Chapter 5 (inserted by *section 80*) of Part 3 of the Act of 2007, a court finds, as part of a final decision in relation to the matters to which those proceedings relate, that a relevant grocery goods undertaking contravened—

(a) a provision of regulations made under section 63B of that Act, or

(b) a requirement in a contravention notice, then, for the purposes of any subsequent proceedings (other than proceedings for an offence) under that Chapter, the finding shall be *res judicata* (whether or not the parties to the said subsequent proceedings are the same as the parties to the first mentioned proceedings).

(2) In this section—

“contravention notice” has the same meaning as it has in Chapter 5 of Part 3 of the Act of 2007;

“finding” includes a conviction for an offence, whether or not that conviction is consequent upon a plea of guilty by an accused person;

“relevant grocery goods undertaking” has the same meaning as it has in Chapter 5 of Part 3 of the Act of 2007.”.

The introduction of this new section builds on the enforcement provisions already included in the Bill by providing that where a court has made a final finding in a particular case under this Part, that finding is *res judicata* for the purpose of subsequent proceedings whether or not the parties to those subsequent proceedings are the same as the parties to the first mentioned proceedings. In addition to strengthening the public enforcement regime for breach of the law, this Bill also encourages more civil enforcement through private litigation. By providing that a finding in earlier proceedings shall be *res judicata* in subsequent proceedings, it lessens somewhat the burden on a private litigant who, relying on this legal doctrine will not be required to prove the contravention of the relevant section afresh in a follow-on action in respect of the same contravention. Rather, he or she will be able to rely on the earlier finding for the purpose of an action for damages.

That replicates a provision inserted into the Competition Act 2002 by way of the Competition (Amendment) Act 2012. This is an additional powerful tool both for potential victims of breaches of the regulations as well as a powerful deterrent to potential offenders and adds to the suite of other provisions in the Bill to deter breaches and protect victims.

**Deputy Peadar Tóibín:** I apologise to Mrs. Murphy for not studying my Latin properly.

**Deputy Richard Bruton:** *Res* is a thing. I know that much.

**Deputy Colm Keaveney:** We could do with a bit of Greek.

Amendment agreed to.

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**Deputy Richard Bruton:** I move amendment No. 78:

In page 92, to delete lines 1 to 4.

Amendment agreed to.

**Deputy Richard Bruton:** I move amendment No. 79:

In page 95, to delete lines 1 to 40, and in page 96, to delete lines 1 to 28.

Amendment agreed to.

Bill, as amended, received for final consideration.

### **Competition and Consumer Protection Bill 2014: Fifth Stage**

Question proposed: "That the Bill do now pass."

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I thank Deputies for their participation in the debate. This is a long-awaited Bill, which makes worthwhile changes. The consolidation of consumer and protection issues in the marketplace is a good one, as it is more than the sum of the parts coming together and will add to the quality of oversight of our markets. We have made other good provisions in the Bill. I thank Deputies for active participation and the lively debate we have had.

**Deputy Dara Calleary:** I thank the Minister and his officials for their assistance on the Bill right through Committee Stage and Report Stage. I also thank the various groups that engaged with us. During the course of the Bill we pointed out some important issues that need to be addressed. Perhaps they are outside the remit of the Department but I hope the other Departments will note them. I do not know whether the Minister will be with us tomorrow. We notice there is a rush of legislation through his office this week. Will he be present for the Employment Permits Bill tomorrow?

**Deputy Richard Bruton:** I think so.

**Deputy Dara Calleary:** We will wait until tomorrow to wish the Minister well in the workplace relations issues that arise next week.

**Deputy Colm Keaveney:** Will the Minister be with us next week?

**Deputy Peadar Tóibín:** Ba mhaith liom mo bhuíochas a ghabháil leis na hoifigigh go léir as an gcabhair a thug siad dúinn. Ba mhaith liom freisin mo bhuíochas a ghabháil leis an Aire. Tá a lán rudaí maithe sa Bhille seo, ach tá fadhbanna leis chomh maith. I mo thuairim, is trua nach ndearnadh níos mó do ghnóthaí beaga na tíre seo. Freisin, ní oibreoidh an rud seo i gceart muna gcuirtear an t-airgead agus na hacmhainní cearta isteach. Caithfidh go mbeidh airgead ar fáil. Sa sean-chóras a bhí againn, chonaiceamar gur theip ar na heagrais a gcuid oibre a dhéanamh nuair nach raibh airgead nó acmhainní ann dóibh. Tá súil agam mar sin go mbeidh an fhadhb sin réitithe as seo amach.

Question put and agreed to.

**Public Health (Standardised Packaging of Tobacco) Bill 2014 [Seanad]: Second Stage**

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

We are sleepwalking through a public health epidemic and its time we woke up. Every year, 5,200 Irish people die from smoking. That figure is worth reflecting on. Almost one in five deaths is smoking related. This decade, a population with the capacity to fill the Aviva Stadium will die needlessly as a result of this deadly addiction. This year, more people in this country will die from smoking than died during 30 years of the Troubles in Northern Ireland. Twenty years ago, it seemed an aspirational dream that Northern Ireland could live in peace, but with cross-party consensus and political priority, that was achieved. We have the same cross-party consensus on tackling our smoking rate. If this public health epidemic is given the political priority it deserves, then we will achieve a tobacco-free Ireland by 2025. Standardised packaging of tobacco is the next step towards creating a tobacco-free Ireland. The Bill will regulate the appearance of tobacco packaging and products. The aim is to make all tobacco packs look less attractive to consumers, particularly children, make health warnings more prominent and prevent packaging from misleading consumers about the harmful effects of tobacco. The Bill will also implement some aspects of the newly adopted tobacco products directive of the European Union. It will give effect to Ireland’s obligations under the World Health Organization framework convention on tobacco control.

Standardised packaging means that all forms of branding, including trademarks, logos, colours and graphics, would be removed from tobacco packs. The brand and variant names would be presented in a uniform typeface for all brands, and the packs would all be in one plain neutral colour. We need to introduce this measure because the evidence indicates that tobacco packaging is a critically important form of promotion. Some in the industry call it the last billboard they have. This is more relevant in Ireland where we have comprehensive advertising and marketing restrictions. Standardised packaging is the next step.

The consequence of this legislation is clear. It will protect our children from marketing gimmicks that trap them into a killer addiction. If the tobacco industry did not get our children addicted, it would disappear within a generation. We all know that to be true and so does the industry. To replace the smokers who quit and, sadly, those who die, the tobacco industry needs to recruit 50 new smokers in Ireland every day just to maintain smoking rates at their current level. Given that 78% of smokers in surveys said they started smoking under the age of 18, it is clear that our children are targeted to replace those customers who die or quit.

Research has shown that smokers consuming cigarettes from the standardised packs we intend to introduce are 66% more likely to think their cigarettes are of poorer quality, 70% more likely to say they found them less satisfying and 81% more likely to have thought about quitting at least once a day. They also rate quitting as a higher priority in their lives thanks to standardised packs and we know all of this thanks to the experience in Australia.

I will now take Members through the Bill section by section to clarify its provisions. It is divided into four Parts and the first Part deals with preliminary and general provisions and covers sections 1 to 6. Section 1 of the Bill makes standard provisions setting out the Short Title of the Bill, the collective citation for the Public Health (Tobacco) Acts and arrangements for its commencement. Section 2 deals with its interpretation and defines the meanings of some of the terms used for the purposes of the Bill. Section 3 deals with regulations, allowing the

Minister for Health to make regulations to bring the legislation into operation. Section 4 is a standard provision dealing with expenses. Section 5 clarifies that nothing in the Bill operates to prohibit the registration of a trade mark or will be grounds for the revocation of the registration of a trade mark. It also makes clear that nothing in the Bill will affect the law in relation to tax stamps. Section 6 makes transitional provisions that will allow retailers and manufacturers time to comply with the new measures. Current packets may be manufactured until May 2016 and there will then be a one year period to sell outstanding stocks. Non-compliant retail packaging may not be manufactured from May 2016 and may not be sold after May 2017.

Part 2 of the Bill deals with the retail packaging and presentation of tobacco products and covers sections 7 to 14. Section 7 sets out the requirements for the retail packaging of cigarette packets. The Bill specifies that cigarette packets must be a prescribed matt colour on the outside and inside and may not have any decorative features such as ridges or embossing. They must have no coloured adhesives and may not have any marks or trademarks, other than a bar code or similar identification mark. Packets may not have anything inserted or affixed to them apart from items prescribed by law. The colour and decorative feature provisions will not apply to the health warnings that must be printed on packaging or other items prescribed by law.

The Bill allows for the brand, company or business name and a variant name to be printed on the packet but regulations will set the font type, size, colour and positioning of these. The wrapper must be transparent, not coloured, and may not have any decorative features, marks or trademarks or affixed items apart from those provided for by law. It may have a tear-strip, which will be prescribed for in regulations. These provisions will apply to retail packaging of all cigarettes intended for retail sale in the State.

This section also transposes provisions of the 2014 EU tobacco products directive which must be applied to those products for sale in the EU. It sets out that the cigarette packet must be cuboid in shape, although it may have rounded or bevelled edges, made of carton or soft material and may only have a flip-top or shoulder box hinged lid.

Section 8 lays down the requirements for the appearance of cigarettes. They must be white with a white or imitation cork tip. They may have a brand, business or company name and a variant name printed on them but in accordance with regulations that will set the colour, font, size, positioning and appearance. It will be an offence to manufacture, import or sell non-compliant cigarettes. These provisions will apply to all cigarettes intended for retail sale in the State.

Section 9 provides the specifications for the appearance of roll-your-own tobacco packets and they are similar to the requirements for the retail packaging of cigarettes. These provisions will apply to the retail packaging of all roll-your-own tobacco intended for retail sale in the State. This section differs from section 7 in that it allows a unit package of roll-your-own tobacco to be either cuboid in shape, similar to a cigarette packet, cylindrical or in the form of a pouch. As before, these provisions were included as they transpose parts of the 2014 EU tobacco products directive and therefore must be applied to the packaging of all cigarettes for sale in the EU. This section also sets out how the brand, business or company name and variant name is to be printed on different shaped packs. They must be printed in a colour, font, size and so on to be laid out in regulations.

Section 10 provides for the specifications for the retail packaging of tobacco products other than roll-your-own tobacco and cigarettes, for example, pipe tobacco and cigars. It contains

the same features as sections 7 and 9 pertaining to colour, decorative features and so on and allows for cuboid and other shaped packets. Section 11 deals with the linings of unit packets of tobacco products and provides that where a lining is present, it shall be of a prescribed colour and material. Section 12 provides that the tar, nicotine and carbon monoxide content shall not be printed on any form of retail packaging of tobacco products. As this provision is transposing part of the 2014 EU tobacco products directive it applies to all tobacco products for sale in the EU. The rationale behind this measure is to ensure tobacco companies cannot advertise in a way that makes certain cigarettes seem safe because they are labelled as “low tar”.

Section 13 deals with the general appearance of tobacco products and again transposes in part the 2014 EU tobacco products directive. As before, it therefore must be applied to packaging of all cigarettes for sale in the EU. It is an offence to manufacture, import or sell tobacco products that do not comply with section 13. Section 14 prohibits sound effects, scents and features that alter the appearance after sale.

Part 3 of the Bill sets out offences, proceedings and penalties and covers sections 15 to 19. Section 15 sets out the offences under the legislation. It will be an offence to package, manufacture, import or sell tobacco products that do not comply with sections 7 and 9 to 14, inclusive. However, the Bill provides for a defence if a person can show that he or she made all reasonable efforts to comply with the legislation.

Under section 16 there are three types of penalties for offences under the Act. For a first offence, a person may be liable to a class B fine or six months imprisonment or both. For subsequent offences a person may be liable to a class A fine or 12 months imprisonment or both. On conviction on indictment a person may be liable to a fine or eight years imprisonment or both. A person convicted of an offence may also be ordered to cover the prosecution costs and expenses.

Section 17 sets out provisions relating to offences committed by bodies corporate and their directors, managers or officers. Section 18 states that proceedings under the Act may be brought and prosecuted by the Health Service Executive. Section 19 sets out provisions relating to evidence brought before proceedings. It states that tobacco products or packaging bearing a name or trademark of an importer or manufacturer will be used as evidence that the products were manufactured, imported or packaged by that person unless the contrary is proved.

Part Four of the Bill deals with miscellaneous matters. Section 20 amends section 5A of the Public Health (Tobacco) Acts. The legislation will now provide that if a person registered to sell tobacco under section 37 of the Public Health (Tobacco) Acts is found guilty of an offence under the current legislation, he or she can be removed from the register for a specified period. Section 21 amends section 37 of the Public Health (Tobacco) Acts. Section 37 will now take the current legislation and any offences committed under it into consideration when a person is applying for registration for the sale of tobacco products. Section 22 amends section 48 of the Public Health (Tobacco) Acts, as amended. Section 48 will now provide the Health Service Executive with the necessary powers to enforce the current legislation.

A number of issues were raised on Committee Stage in the Seanad which I have agreed to examine. One relates to the possibility of shortening the product wash-through period allowed for in section 6 of the Bill. The other issue relates to the possible inclusion of a health information sheet inside the packs of tobacco products. The officials are examining these issues from a policy and legal perspective to determine if they are appropriate.

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I remind the House that for five decades the tobacco industry deliberately concealed facts about the dangers of smoking. Now it is using spurious arguments about illicit trade to terrify responsible retailers into opposing the legislation. Their arguments today remain as bogus and as dishonest as they have been for the past five decades. I ask Members of the House not to allow for any manipulation of the truth. As an old lady once said to me, the truth is not fragile and it will not break. The truth is that smoking kills. I commend the Public Health (Standardised Packaging of Tobacco) Bill 2014 to the House.

**Acting Chairman (Deputy Bernard J. Durkan):** The next speakers are Deputies Colm Keaveney and John Browne who will share time.

**Deputy Colm Keaveney:** Fianna Fáil supports the Bill in principle. We would do so because we published similar legislation in November 2012. That Bill would have prohibited the use of trade marks, logos, brands, business or company names and other identifying marks on packaging of tobacco products. Fianna Fáil's Bill would have provided for the regulation of the use of any design of packaging or any design of a tobacco product otherwise related to the appearance, size or shape of packaging or tobacco products; the opening and contents of packaging; and any information to be included or omitted on packaging. Manufacturers would only have been permitted to print the brand name in a required size, font and location on the package which would have been predominantly dark green. It would have contained health warnings, including provision for graphic imagery highlighting the damage done by smoking. It would also have been an offence to buy, sell, import or manufacture any tobacco product which did not comply with the aforementioned proposals. The provisions and objectives of the Bill before the House have much in common with our proposed legislation.

The Bill will control the design and appearance of tobacco products and will remove all forms of branding, including trademarks, logos, colours and graphics from packs, except for the brand and variant name which will be presented in a uniform typeface. The objective of the Bill is to make tobacco packs look less attractive to consumers, to make health warnings more prominent and to reduce the ability of the packs to mislead people, especially children about the harmful effects of smoking. It is not aimed so much at those already addicted to these harmful and lethal products but rather at preventing children from taking it up in the first place.

Like many here I have been subject to lobbying by various groups opposed to the Bill. Some of the arguments deployed include the view that the packaging of tobacco products make little or no difference to consumption levels of the drug. However, we know that the tobacco industry has cynically invested heavily in package design to communicate subliminally specific messages to various groups in society. The Bill will take away one of the industry's significant means of promoting tobacco as a desirable product. As the majority of smokers start when they are children, packaging elements are, by definition, directed mainly at young people.

International research has shown that plain packaging discourages young people from smoking in a number of ways. Young people find plain packaging less attractive. It is not as sexy and does not have the mojo. Plain packs are seen as less cool. Plain packs also prevent any confusion about lighter coloured packs being less harmful to smokers. We know from internal documents from the tobacco industry that this has been one of its most crass and cynical tactics to lessen the perception of the impact of health warnings on packages.

The Irish Cancer Society and the Irish Heart Foundation recently commissioned a quantitative study with 15 and 16 year olds. The study found that cigarette packaging viewed as

appealing has the power to generate buzz and motivate purchase whereas packaging seen as unattractive or old fashioned is immediately rejected. It also found that teens felt that the positive brand attributes of appealing packs, such as fun, glamour, masculinity and femininity can transfer to those who smoke them. For teens, packaging is not just about the look and feel of the pack, it is about how the smoker looks. They feel better with the brand. Plain packaging was immediately rejected by teens who expressed concerns about the look and feel of the packaging and how they were perceived by their peers, which was completely at odds with the image teens would like to portray of themselves. Overall the research established that teen smokers claimed they would quit when plain packs were introduced and non-smokers and light smokers said they were unlikely to seek to start smoking or to continue to do so.

The measure will also have positive benefits for those already addicted to tobacco. In December 2012, Australia formally introduced plain brown packaging for all tobacco products, accompanied by graphic health warnings taking up three quarters of the front of the pack. So far, it is the only country in the world to have taken this step. Early findings from a study in Australia suggest that plain packaging seems to make tobacco less appealing and increases the urgency to quit smoking. Smokers were asked whether they were as satisfied with their cigarettes as they were before plain packaging was introduced, and whether they felt the quality was the same. They were also asked how often they thought about the harms of smoking and about quitting smoking, and if they approved of the plain packaging policy. They were also asked if they thought the harms of smoking had been exaggerated.

The result indicated that smokers of plain packs were 51% more likely to look at immediately addressing their smoking addiction as a consequence of the initiative. Compared with smokers still using brand packs, the plain pack smokers were 66% more likely to think their cigarettes were of poorer quality than the previous year. They were 70% more likely to say they found them less satisfying. They were also 81% more likely to have thought about quitting at least once a day during the previous week and to rate quitting as a higher priority in their lives than they did when smoking brand packs.

#### *7 o'clock*

The authors of the study concluded: "The finding that smokers smoking from a plain pack evidenced more frequent thought about, and priority for quitting, than branded pack smokers is important, since frequency of thoughts about quitting has strong predictive validity in prospective studies for actually making a quit attempt." They also stated: "Overall, the introductory effects we observed are consistent with the broad objectives of the plain packaging legislation."

I am sure the Minister will agree that Fianna Fáil has a proud track record on combatting the harm done by tobacco products and in facing down the powerful lobby acting on behalf of the tobacco industry. On 30 March we marked the tenth anniversary of the smoking ban in public places. In January 2003, as Minister for Health and Children, Deputy Martin launched a report on the health effects of environmental tobacco smoke in the workplace and gave notice of his intention to bring forward a ban. The advice contained in the report on the dangers of passive smoking was unambiguous. Ventilation technologies were insufficient to give workers full protection from the hazards of tobacco smoke and that exposure could best be minimised by a full ban.

The World Health Organization's International Agency for Research on Cancer had also declared that environmental tobacco smoke included more than 50 known carcinogens. The

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bottom line is that one did not have to be a smoker to get cancer - one could get it from the smoker beside one.

Another priority was for the wellbeing of children. As they grow the exposure to environmental smoke reduces lung capacity and exercise tolerance. It lowers birth weight and has been identified as a significant contributor to asthma.

The ban, which was supported by all political parties, was brought forward as a positive, progressive health and safety measure that would bestow positive benefits to workers and the general public. Has the smoking ban saved lives and improved health? Last year a new study showed that more than 3,700 deaths have been prevented in Ireland because people are less exposed to second-hand smoke. The study showed that mortality decreases were primarily due to reductions in passive smoking, rather than a reduction in active smoking. The findings in the scientific paper were published in the medical journal *PLOS ONE* and follow research by Brunel University in London, the Environmental Health Sciences Institute, the Dublin Institute of Technology and the TobaccoFree Research Institute.

The study showed a 26% reduction in heart disease, a 32% fall in strokes and a 38% drop in chronic obstructive pulmonary disease mortality. This was the first study to demonstrate that a reduction in stroke and respiratory illness was as a direct result of that initiative.

Earlier this year the British medical publication, *The Lancet*, published a review of 11 international studies which showed that smoking bans, including ours, have resulted in sharp falls in the numbers of children being admitted to hospital with asthma attacks and the number of babies born before full term. The number of children born before full term who are smaller than they should be given the stage at which they are born has declined by 5%.

Other research in 2012 has shown a significant 12% reduction in hospital admissions for acute coronary syndrome just one year following the introduction of our smoking ban and again two years later a further 13% drop in acute coronary syndrome admissions was recorded. In Ireland, the percentage of smokers who banned smoking in the home rose by a considerable 25%, compared with 17% in France, 38% in Germany and 28% in the Netherlands. These are significant achievements and we look forward to playing our part in assisting this legislation's enactment.

However, the smoking ban was not the only measure we put in place to combat tobacco addiction. We were the first country in the EU to eliminate all tobacco advertising from retail outlets. All tobacco products in shops are now stored out of sight. We banned self-service vending machines except in licensed premises and registered clubs. Research has found that these measures resulted in a massive fall in young people's awareness of and accessibility to the drug, cigarette. Plain packaging is the next logical step in progressively combatting tobacco addiction.

However, despite the progressive approach of all parties in this House we cannot become complacent. The fact is that smoking remains the largest cause of preventable death and disease in this country. It kills half of all lifetime users. Some 5,200 people in Ireland die from smoking-related illness every year. That means that today 14 people have died or will die from cigarettes. We have to do more about this and while we do not question the Minister's sincerity in this regard, we are not persuaded that the Government as a whole is really committed to the fight.

Let us consider that last October's budget announced €666 million in cuts for our health services and imposed a derisory increase of 10 cent on a packet of 20 cigarettes. On top of this, last year the Taoiseach, the Minister for Finance, Deputy Noonan, and the then Minister for Justice and Equality, Deputy Shatter, hosted a meeting of the Irish Tobacco Manufacturers Advisory Committee. We need to remember this is an industry that costs this country €1 billion in health-care costs. To hold such a meeting essentially endorsing big tobacco and all the damage it does to the young people of the country was reckless. Obviously, the companies were ecstatic about the meeting. The Irish Tobacco Manufacturers' Advisory Committee described it as a very positive meeting with the Taoiseach, the Minister for Finance, Deputy Noonan, and the then Minister for Justice and Equality, Deputy Shatter.

The tobacco industry is not a normal industry and cannot be allowed a place up in the ministerial corridor. The Minister for Public Expenditure and Reform, Deputy Howlin, should consider broadening the scope of the Registration of Lobbying Bill 2014 to include a provision banning any lobbying by the tobacco industry of public representatives or officials. Prior to that, Ministers should lead by example and refuse to meet any representatives of the tobacco industry, an industry that is destructive to our society, our public services and to the delivery of our health service.

If asked why we are supporting this legislation I would respond that in Ireland, children start smoking at a younger age than in any other European Union country at approximately 16 years old. Some 87% of smokers started to smoke before the age of 18. Some 5,200 people die from smoking every year in Ireland - that is equivalent to the population of Tuam town being wiped out annually. In order to maintain current smoking levels, the tobacco industry has to attract 50 new smokers a day to replace those who have died. Given that most smokers start smoking before they are 18, it really needs to start recruiting children. So this is a critical initiative.

Our only concern about the Bill is that it has not secured EU approval for all its contents and that it is open to challenge in the courts which could result in the State being liable for damages. We hope the Bill is not being rushed purely for personal reasons as part of the Minister's enthusiasm to tackle this crisis.

It is essential that the legislation be watertight and any effort by the Minister to ensure that will be achieved will be fully supported from this side of the House.

**Deputy John Browne:** I welcome the opportunity to say a few words on the Bill. As Deputy Keaveney has said, Fianna Fáil supports the Bill in principle. We published our own Bill in 2012. We are all aware that tobacco companies invest huge sums of money in advertising and marketing their products in order to recruit new customers, who are nearly always children and young people. This is why legislation to introduce plain or standardised packaging is urgently required. Plain or standardised packaging will limit the tobacco industry's ability to attract young people by using marketing techniques that are essentially misleading. Australia has already introduced legislation to this effect which has proved to be very successful.

Enacting the Bill will mean that Ireland will be one of the leaders in implementing Articles 11 and 13 of the WHO Framework Convention on Tobacco Control, the global tobacco-control treaty that commits more than 170 parties to reduce demand and supply of tobacco products. As the previous Deputy noted, the only concern is that European Union approval has not yet been secured. In his reply, the Minister might outline how this will affect the legislation in Ireland

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and whether it will have implications whereby tobacco companies or other individuals will be able to claim damages against the State. I ask the Minister to clarify this issue.

I speak as someone who gave up smoking in 1984 following a bowel operation and on the instructions of the surgeon who carried out the procedure, the late Johnny O'Sullivan. He instructed me not to come back near him if I continued to smoke, as I would be wasting both his time and mine, and I took his advice. It always is difficult to give up smoking and some people believe Members are introducing nanny state-type legislation with regard to this and other issues that come before them from time to time, such as the sugar tax, the fat tax and tax on drink, beer and so on. However, I believe Members have come to recognise the importance of what Deputy Martin did in banning smoking in the workplace. It also is important to continue on with such legislation and I note that in the Minister's area of responsibility and particularly in the Health Service Executive, smoking has been banned in hospitals and other areas under the executive's control over the past year. I believe a few areas must be dealt with. At present, illegal cigarettes are being sold nationwide and operators in every town in Ireland are selling illegal cigarettes at enormous cost to the country's economy and they are out of control in many ways. In addition, a new type of cigarette has arrived in the form of e-cigarettes. While smoke comes out of them, I do not know what will be the implications for the customers in the years and months ahead. Certainly, I have noticed that such cigarettes now are being consumed by people in bookmaker's offices, pubs and other areas. While I do not know what damage they will do to people, there certainly should be an investigation into their operation, particularly with regard to children and other people. I am sure the Minister will deal with this issue in the future.

The Bill will control the design and appearance of tobacco products. It will remove all forms of branding, including trademarks, logos, colours and graphics from packages, except for the brand and variant name, which will be presented in a uniform typeface across all packets. As the Minister has noted, the Bill's objective is to make tobacco packs look less attractive to consumers, to make health warnings more prominent and to reduce the ability of the packs to mislead people, especially children, about the harmful effects of smoking. As all Members are aware, the tobacco industry has invested heavily in pack design to communicate specific messages to specific groups. This Bill will take away one of the industry's means of promoting tobacco as a desirable product. As the majority of smokers start as children, packaging elements are by definition directed mainly at young people. Packaging differentiates brands and is particularly important in homogenous consumer goods categories such as cigarettes. Marketing literature highlights the critical role played by pack design in the marketing mix. Cigarette packaging conveys brand identity through brand logos, collars, fonts, pictures, packaging materials and pack shapes. The world's most popular cigarette brand, Marlboro, can be identified readily through its iconic red chevron. The Marlboro brand is estimated to be worth \$21 billion and is estimated to be the tenth most valuable product brand in the world. Obviously, the branding of cigarettes and brand names are extremely important to tobacco companies.

In Ireland, children start smoking at a younger age than any other European country, at 16 years of age. Moreover, 78% of smokers started to smoke before the age of 18. Each year in Ireland, 5,500 people die from smoking, which is the equivalent of my home town of Enniscorthy being wiped out annually. In order to maintain current smoking levels, the tobacco industry must, as the previous speaker noted, attract 50 new smokers per day to replace those who either have died or quit. Given that most smokers start to smoke before they are 18, most of these new recruits are children. I reiterate that in Ireland, tobacco companies need 50 people

per day to take up smoking and that is the idea behind the branding, the packaging and their advertising. Standardised packaging will stop smokers from believing that some cigarettes are less harmful than others. Light colours and pack designs are used to give a false impression that some cigarette brands are healthier than others. Standardised packaging would make health warnings more effective. Research has shown that more smokers will seek to quit with standardised packs. Standardised packaging will reduce the appeal of tobacco products to younger people and, as I stated previously, younger people are very much the primary target for tobacco industry marketing. At present, cigarette companies use design-heavy packaging. The colours, imagery and design are used to attract smokers and reduce the impact of on-pack health warnings. In 2010, the trade magazine *Tobacco Reporter* ran a series of articles on the importance of packaging to the industry's business and stated:

In many countries, the cigarette pack is now the only remaining avenue of communication with smokers. This development is challenging packaging suppliers to be creative.

Obviously, much of the advertising on television has been banned, as has much advertising of cigarettes in the sporting arena. Consequently, the only opportunity now available to the industry is with the different types of packaging and the more sophisticated and enticing the package, the better to attract young people to smoke. The tobacco industry is aware that if it recruits smokers at a young age, they often will become lifetime smokers. Health legislation that is effectively reducing the smoking rates, such as the ban on cigarette displays in shops and on cigarette advertising, has restricted the ways in which the tobacco industry can attract new smokers. Consequently, as I stated, one of the few ways left is through the packaging. Tobacco companies invest huge sums of money on advertising and marketing their products to recruit new customers, who nearly always are children and young people. This is why legislation as outlined by the Minister to introduce plain or standardised packaging is so urgently required. I hope the Minister will proceed with this legislation as quickly as possible and that he will iron out any difficulties that may be involved with the legislation not being carried at the same time at Brussels level as it is here in Ireland. Hopefully, he will be able to get over that difficulty. Fianna Fáil believes that children should have a right to be protected from the marketing of a highly addictive and seriously harmful product. The only way to do so is through the production of plain packaging in the future. The only way forward is by making smoking less appealing and by making health warnings more effective. The faster this legislation is introduced, the more lives that ultimately will be saved.

I received a letter today from the Irish Cigarette Machine Operators Association, ICMOA, which represents the people who supply vending machines with cigarettes nationwide. The association supports much of the Minister's legislation in respect of the packaging and similar areas. At present, 145 people are employed in this industry in Ireland. The association is concerned about some of the proposals the Minister has been talking about introducing into the legislation. For example, the association is concerned that the Minister might propose an increase in the tobacco retail licence fee from a once-off fee of €50 to a potential fee of €1,000 per outlet per year. There are approximately 6,000 such outlets in Ireland. The association also is concerned about the proposal to restrict trading hours and how not being allowed to sell tobacco products after 6 p.m. also would have a detrimental effect on their businesses. They make the point that criminals are selling illegal tobacco from door to door, at street markets and on the streets. This legislation will not stop this and they seek some control of this issue. In summary, the people operating the vending machines have some concerns and perhaps the Minister would meet the aforementioned organisation and have discussions with it. As the organisation in

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question states in correspondence I and, I am sure, other Deputies received, while it accepts the general principle of the Bill, it has concerns that some aspects of it will have a serious impact on their business. The companies in question are primarily family businesses employing one or two people. I ask the Minister to consider this matter. He must also explain how he will overcome the barriers presented by European legislation.

The Fianna Fáil Party supports and welcomes this Bill. My party, specifically its current leader, Deputy Martin, introduced the first ban on smoking in the workplace, which has been extended by the Health Service Executive to hospitals and other health facilities. It is correct to take another step and introduce a ban on the packaging that appears to attract many young people to smoking. For this reason, my party will support the Bill.

**Acting Chairman (Deputy Bernard J. Durkan):** Is Deputy Ó Caoláin sharing time?

**Deputy Caoimhghín Ó Caoláin:** As I will not need the 30 minutes allocated to me, I will share time with Deputy John McGuinness provided I am in a position to conclude before 7.30 p.m. The Deputy wishes to make a statement at the end of my contribution.

This Bill is another element in the legislative framework designed to combat tobacco smoking. It gives us the opportunity to focus again on the serious damage tobacco smoking does to the health of people and the significant cost to society of tobacco smoking. It provides us with an opportunity also to address the ongoing campaign to reduce and, I hope, eventually eliminate this practice, thus creating a smoke-free society. While there will always be a remnant of smoking among a small minority, for maximum effect the aim must be to achieve a smoke-free society in Ireland.

Much progress has been made. Measures undertaken by successive Governments and the campaigning work of the Irish Cancer Society, the Irish Heart Foundation, ASH Ireland and others have helped reduce the numbers who smoke and unquestionably improved public health generally. A combination of awareness through public education and pricing measures has ensured a reduction in the numbers who smoke. It is, however, still a startling statistic that just under 25% of the population use tobacco. Furthermore, the numbers of young people starting smoking and becoming addicted at an early age has yet to be continually addressed.

It is estimated that smoking causes well in excess of 5,000 deaths each year, mainly as a result of conditions such as lung cancer, heart disease, stroke and emphysema. Nearly one third of cancer deaths and 90% of lung cancers in Ireland are attributed to smoking. The cost to society in human and financial terms is significant. According to one estimate, the cost to the State in health service provision in a single year is €1 billion, approximately one third of which is incurred through hospital admissions.

It is estimated that if smoking continues to expand globally at its current rate, it will be the single largest cause of death worldwide before the middle of this century. This is because the tobacco industry's great area of expansion is in developing countries which have not yet put in place the preventative measures that have been provided for in developed countries such as Ireland. The tobacco industry is an industry of death, which is exploiting the most disadvantaged people on the planet. Despite this, there are still people who lobby on its behalf, including in this country, happy to benefit from the enormous profits reaped by these multinational companies.

It has been correctly noted that if the tobacco drug had been first developed in our own time,

it would never be authorised to be sold and would be banned outright. That is not an argument for a ban on smoking, as prohibition would be unworkable and would merely drive the habit underground, thus benefiting organised crime. The point underlines, however, the lethal nature of this drug.

In terms of legislation, the ban on smoking in enclosed workplaces has been a major success. As well as improving the health of workers and those visiting workplace premises, the knock-on effect of making smoking less socially acceptable has been profound. It is now common for people who smoke, especially those with children, to do so only outside their homes.

The Bill provides for plain, standard packaging for products and, as such, it is a welcome addition to the legislative framework. While it will not, of itself, lead to a dramatic reduction in consumption, it must be seen as another element in the compendium of measures aimed at reducing smoking. The tobacco industry spends enormous sums on product design and presentation and is vehemently opposed to this legislation. This is reason enough to support its passage.

I will digress briefly by drawing to the Minister's attention the argument that there is a distinction between cigarette smoking and its continuing and, sadly, wide appeal, especially to vulnerable young people and pipe and cigar tobacco use, which is confined to an older and ever declining minority. The British Department of Health's proposed guidelines for the introduction of plain packaging were published last week. Pipe tobacco and cigars are excluded from the intended measures. If this approach is realised, we will have another case of cross-Border divergence rather than convergence. Will the Minister give further consideration to the impact of section 10? I am particularly keen to protect the legendary Kapp & Petersen business and its internationally known premises in the city of Dublin. That this is a landmark business is beyond question, despite having moved a short distance from its former location. No one I know and certainly no young person is being attracted to pipe smoking. I ask that the Minister address this issue in his closing contribution. The issue merits address and an answer must be recorded on the floor of the House. I will hand over to Deputy John McGuinness.

**Deputy John McGuinness:** I extend my apologies to Deputy Ó Caoláin as I mistakenly assumed he was speaking on Private Members' business. I propose to clarify the record from last night when I spoke on the Private Members' motion. The Minister for Health, Deputy James Reilly, indicated I made an incorrect statement. I subsequently read the record, which shows that I was correct. The Minister of State, Deputy Kathleen Lynch, stated that a whole new structure had been put in place and the new clinical director was Dr. Noel Sheppard and he had replaced Dr. Frank Kelly. The Minister for Health was, therefore, wrong to state this did not happen. It did happen and that is what was said. I am correcting the record.

**Acting Chairman (Deputy Bernard J. Durkan):** It should be noted that the Deputy has made a point of clarification as he may not speak twice on Second Stage of a Bill.

**Deputy John Halligan:** I admire the efforts of the Minister for Health, Deputy James Reilly, to address smoking. His intentions are good and I fully support measures to inform smokers of the damaging health effects of smoking. However, I propose to ask a question that many people are asking. What does the Government hope to achieve with this legislation? For instance, the Bill is not backed up by evidence of likely results. The only international comparison available is Australia, which became the first country to ban branded cigarette packs in December 2012. Deliveries of tobacco to retailers in Australia actually rose last year for the first time in at least five years. There is no quantitative evidence whatsoever that plain packaging has made

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any impact on the prevalence of smoking among minors in Australia. What can be quantified, however, is the notable increase in illicit trade and smuggling in cigarettes in that country.

My view is that plain packaging on cigarettes will make them more glamorous to young people since it will generate an air of secrecy and create a form of taboo.

Debate adjourned.

### **Mental Health Services: Motion (Resumed) [Private Members]**

The following motion was moved by Deputy Caoimhghín Ó Caoláin on Tuesday, 1 July 2014:

That Dáil Éireann: notes that:

— mental health is an issue of vital concern to the nation in general and should be of special concern to policy-makers and legislators in particular;

— mental health services must be designed and delivered to aid the recovery of the individual;

— a person-centred approach is vital to the achievement of the best results; and

— the 2013 Annual Report of the Mental Health Commission, published on 25 June 2014, has highlighted many of the key issues and requirements for action by Government; affirms:

— its continuing commitment to the implementation in full of A Vision for Change;

— its commendation of the work of the Mental Health Commission;

— its support for the work of the National Office for Suicide Prevention;

— its appreciation of those non-Governmental organisations, national, regional and local who actively promote positive mental health and seek to reduce the incidence of suicide and self-harm;

— its commitment to eliminate the stigma in relation to mental illness; and

— that the mental health of each citizen and of the nation as a whole is a positive resource that contributes to our general social, cultural and economic well-being; and calls on the Government to:

— ensure a consistent high standard of care and support for all requiring access to mental health services;

— provide for independent monitoring of the roll-out and progress towards full implementation of A Vision for Change;

— commit to an annual allocation of €35 million for the development of community mental health teams and to make good any shortfall in any given year in the subsequent year's allocation;

— properly resource mental health services across the board, including the provision

of appropriate and adequate staffing and with a key focus always on recovery;

— promote awareness of the unacceptability of certain practices and continue to discourage their use, for example, the application of electroconvulsive therapy on detained persons against their will;

— end the practice of admitting children to adult psychiatric units;

— progress relevant legislative undertakings including completing the ongoing review of the Mental Health Act 2001 and to bring the Assisted Decision-Making (Capacity) Bill 2013 through Committee and Remaining Stages;

— require the Health Research Board to again carry out a national survey of psychological well-being and distress, last carried out in 2005-2006, and to continue to conduct such a survey at regular two or three yearly intervals;

— ensure a cross-departmental response to the risk of suicide and self-harm, including from the Departments of Health, Education and Skills, Children and Youth Affairs and the Environment, Community and Local Government;

— provide the necessary resources to establish and sustain a 24-7 crisis support service for people experiencing severe mental or emotional distress, to operate in conjunction with the local community mental health teams;

— arrange for greater co-ordination of all existing suicide prevention initiatives across all sectors and groups working in the area;

— ensure the prioritisation of address of the mental health needs of marginalised communities;

— guarantee that the new national strategic framework for suicide prevention will place mental health awareness among children and young people at the top of its programme; and

— provide an appropriate accessible alternative to general accident and emergency department presentation to victims of self-harm.

**Acting Chairman (Deputy Bernard J. Durkan):** Deputy Seamus Healy is sharing time. He has four minutes, and Deputies Halligan, Boyd Barrett and Clare Daly have two minutes each.

**Deputy Seamus Healy:** First, I compliment the various staff providing mental health services to the people of south Tipperary. They work above and beyond the call of duty on an ongoing daily basis. Despite their best efforts, the service has serious difficulties and is less than adequate.

Some would say the service is dysfunctional and others describe it as being in crisis. The reason for this is the changes over recent years by the Minister and the HSE to the mental health services for the people of south Tipperary. These changes were bulldozed through by the Minister of State, Deputy Lynch, and the Health Service Executive. There was sham consultation and no engagement whatsoever with stakeholders by the Minister and the HSE.

Stakeholders who were 100% committed to A Vision for Change were dealt with in an ar-

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rogant and dismissive manner and it was suggested in a mischievous and dishonest manner that stakeholders were opposed to A Vision for Change, which could not be further from the truth. The staff associations, service users, general practitioners, consultant psychiatrists and public representatives were not listened to and staff felt bullied, threatened and intimidated. Indeed, the Minister of State, at a deputation, indicated that not only were the changes she was proposing set in stone, but that they were set in blood. Of course, the Minister of State and the HSE have refused to honour the various commitments they made at the time.

For instance, there are five community mental health teams in south Tipperary, including three sectoral adult teams. None of these teams is properly staffed. Not a single team has the staffing levels provided for in A Vision for Change. The rehabilitation team, for instance, has no allied health professional of any kind. Earlier this year, clinics could not be held because of the shortage of consultant staff. Indeed, the closure of the inpatient beds at St. Michael's unit in Clonmel and the transfer of those beds to St. Luke's Hospital, Kilkenny has been a disaster. I am told by service users and family members that south Tipperary patients are being delayed in admission to that unit, south Tipperary patients are subject to early unsupported discharge from that unit, and family members find it difficult to visit and support their relatives who are patients in the unit. There is no continuity of care for south Tipperary patients at consultant level. The crisis house promised for south Tipperary has not been built and now, apparently, is on the back burner and the interim crisis house meant for short stay, a maximum of 72 hours, is being used for stays as long as weeks and months.

Particularly disturbing are the contents of a letter sent by nine consultant staff in the service in Carlow-Kilkenny and south Tipperary to the Minister of State, Deputy Lynch, in June 2013. That letter speaks of the service in terms of being unsafe, of them having serious concerns, of excessive numbers of deaths, of inadequate local governance arrangements, of nine fatalities between August 2011 and January 2013, and of meetings having been a sham. No response has been made to that letter since then, over 12 months ago.

The people and the service in south Tipperary have no confidence in the Minister of State, Deputy Lynch, or the Health Service Executive. I call on the Minister to personally intervene to ensure that a quality safe service is available to the people of south Tipperary.

**Deputy John Halligan:** Any move to improve mental health services in the country is to be welcomed. We all are keenly aware in our constituencies of the rise in suicide rates since 2008 and the devastating effect that has in homes and communities everywhere in the country. The male suicide rate is approximately five times higher than the female suicide rate, with the highest rate of male suicides between the ages of 60 and 64. The sad reality is that this can be closely linked by all agencies to economic recession.

While I support the principle of the motion, I would have questions about how it would work and its implementation. I would hate to see elements of it gathering dust, as the current Fianna Fáil designed national drugs strategy is doing under the current Administration. With regard to the creation of a 24 hour national help line, I acknowledge that Samaritans are already working hard to fill this role.

What I would like to see in the motion is greater attention to the manner in which dual-diagnosis services are handled, for example, where service users present themselves with both addiction and mental health problems which is often the case. In the south east, dual-diagnosis services are limited and this is creating serious problems for both addiction and mental health

professionals. They are working with the mental health problems of persons, for example, who are self-medicating, and addicts with mental health issues where there is little inter-agency collaboration. It has been acknowledged, even by Government, that it is a serious problem. That needs to be addressed. I would urge Sinn Féin to consider the inclusion of this aspect as it would make the motion some way relevant.

As I stated initially, any improvement is to be welcomed. However, the serious problem at present is the dual difficulty of both mental health and drug issues. Agencies across Ireland accept that this is a significant problem.

**Deputy Richard Boyd Barrett:** I commend Sinn Féin on raising this issue. In two minutes, one can say very little but I want to make a general point and a specific point.

The mental health crisis is serious and getting worse. As well as dealing with such matters as treatment and facilities, one also must ask the question, “Why?” There is a clear documented relationship between the rise in unemployment and the rise in suicide levels. The senior public health doctor in the NHS in Britain yesterday came out and said that if they moved to a four-day week, they would contribute more to reducing the level of stress and anxiety-related illness that is overwhelming the British health service. Cuts, austerity and unemployment - all the issues that are worsening the situation for many ordinary people - are contributing directly to a mental health crisis and, therefore, health services are overwhelmed.

In response to this, there is a consensus about A Vision for Change and having a common shared view about how we address this mental health crisis. A Vision for Change is a wonderful document. The problem is the resources are not being put in place to make it a reality and the claim that progress is being made is just not true. Under A Vision for Change, it was proposed there should be 12,000 staff in mental health services. At that time, there were 10,000 staff and now there are 9,000. A Vision for Change proposed an increase in the number of staff in this area, but there has been a reduction and the resources are not being put in. Similarly, with children being admitted to adult hospitals, the situation is not being progressed. There are still large numbers, which is unacceptable. The alternatives for children are not being put in place.

Lastly, the multidisciplinary teams are not being staffed. Some 54% of the multidisciplinary teams do not have enough staff to function.

**Deputy Clare Daly:** We need to adopt the slogan “Care not custody” as an absolute principle in terms of our social policy. People with mental health problems do not belong in our prisons, yet successive research has shown that people with a mental illness are greatly over-represented in our prison population. Almost 8% of male remand prisoners have current or recent psychotic symptoms, which is way out of kilter with the rest of the population. The evidence shows that large numbers of these people could have been accommodated in a local mental health facility if the correct policies were in place.

We know from research undertaken that large numbers of mentally ill prisoners have been in touch with social services as children. Many of them were in touch with the juvenile system and many of the women were victims of abuse. Early intervention and assistance, as an alternative to imprisonment, have got to be examined. We are far out of kilter in that regard. We have one specialist forensic mental health facility. I know that the Minister of State, Deputy Kathleen Lynch, has previously pledged to deal with regional ones to take people out of the criminal justice system, but it is not happening and so it is not working.

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It is a question of resources. When such people end up in prison, we discover that our prisons are not equipped to deal with what are, in essence, health problems. Mental health is a very serious problem. Some Deputies met the family of a young man from Derry who was on suicide watch in Maghaberry Prison less than four weeks ago. He first cut his throat, then his testicles and finally gouging his eyes out, thus blinding himself. That was on the third night in a prison where he was supposedly being watched. Too often, prisoners' behaviour is treated as a punishment or not understood for what it is, so they do not get the proper care and attention.

People with mental health issues do not belong in prison. We need to address this issue, and I appeal to the Minister of State to do so.

**Acting Chairman (Deputy Bernard Durkan):** Deputies Áine Collins, James Bannon, Helen McEntee, Dan Neville, Michelle Mulherin and Paul Connaughton have five minutes each.

**Deputy Áine Collins:** Over the years, we have been trying to deal with many and various injustices of the past, issues like child abuse, mother and children homes, and the Magdalen Laundries. As a society our attitude towards mental health has been appalling. We stigmatised people with mental health problems and in many cases committed them to institutional care. Care was not the motivation. We simply locked these people up in institutions that were more like prisons than care homes. The prevailing policy was “out of sight out of mind”.

Thankfully, in recent times huge strides have been made in addressing these mistakes of the past. The Government and the Minister of State, Deputy Kathleen Lynch, are making huge efforts to address the issues raised in this motion.

In rural areas suicides, particularly of young males, continue to be a huge problem. Social deprivation, drugs and alcohol are huge contributors to this situation. Social isolation, unemployment and lack of services are adding to the problem in rural Ireland. We must increase our support for organisations working with these vulnerable people.

The inability of communities to maintain sporting and cultural activities due to financial constraints adds to these difficulties. There is general acceptance that single-driver fatal accidents might be masking the real figures for suicide. Indeed, some cases have tragic outcomes, as happened in my area when a suicidal driver created an incident which resulted in the deaths of an entire family, except for the mother. This remarkable woman has since become involved in a campaign to ensure that gardaí are properly trained in how to deal with incidents like this. That woman recently met with the acting Garda Commissioner and will meet shortly with the Minister for Justice and Equality. Hopefully, as a result of those meetings, more emphasis will be placed on this aspect of training by the Garda authorities.

The real difficulty in dealing with mental health is the fact that we cannot generalise. Each person with mental health problems must, to a large extent, be dealt with on an individual basis. As the motion says a “person-centred approach is vital to the achievement of the best results”.

The Government must strive urgently to provide the necessary resources to establish and sustain a 24/7 crisis support service. This service must operate in close conjunction with local community health teams. This is critical for people experiencing severe mental or emotional distress.

Since 2011, the Government has prioritised reform of mental health services. Some €90

million has been provided, mainly to strengthen community mental health teams both for adults and children.

One issue that constantly arises is the ongoing practice of placing children and adolescents in adult psychiatric facilities. The Minister is doing everything possible to address this issue. It is hoped that community-based services, coupled with an increase in beds from 44 to 80, will soon put an end to this unacceptable practice.

About one in four people experience mental health problems in their lifetime. Some 90% of these cases of mental health problems are dealt with in primary care. The aim is to move from traditional institutional care to a community-based mental health service where the need for hospitalisation is greatly reduced. This approach will lead to closing strategies for the remaining old institutions.

It is recognised that appropriate services and accommodation will be necessary for some patients. The provision is currently being planned and implemented for these patients.

Replacing the Central Mental Hospital with an appropriate modern facility is a clear sign that this Minister and the Government is determined to change and reform the whole attitude towards mental health. It must be recognised that the Minister has been working, and continues to work, tirelessly towards achieving all the desired changes and improvements being suggested in this motion.

Enormous progress has been made, particularly considering the horrific economic circumstances this country has suffered for the last seven years. The work continues and will be accelerated as soon as funding allows.

In these circumstances, I commend the work of Minister of State, Deputy Kathleen Lynch, to the House and I support the Government's steps in this regard.

**Deputy James Bannon:** Mental illness is a private matter with very public consequences. It is devastating when people's lives collapse around them and it can tear families apart. The reconfiguration of mental health services is key to the implementation of A Vision for Change. I welcome the fact that this comprehensive change programme is underway within a number of the mental health areas around the country.

It is important that we address this crisis by giving mental health increased focus and attention and by reducing the stigma of mental health. This stigma has forced many to live in shame rather than seek support, even as their lives unravelled.

Mental health promotion remains the most underdeveloped area of health promotion in Ireland. There is an increasing recognition that there is no health without mental health. The need for positive mental health promotion is universal and relevant to all of us. It is important that, as policy makers, we comprehend that mental health and mental well-being are basic issues of everyday life. In doing so, we must place a greater emphasis on promoting positive mental health.

Positive mental health demands co-ordinated action by all concerned, including the Government, the HSE, various social and economic sectors, voluntary organisations and the various media outlets. We must develop a range of mental health strategies to increase public awareness and change public attitudes towards understanding mental illness in addition to the importance of maintaining positive mental health.

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The stigma against the mentally ill is so powerful that it has been codified for years into our laws. Few people outside the mental health system even realise it. This systemic discrimination in medicare laws has accelerated the emptying of State psychiatric hospitals, leaving many of the sickest and most vulnerable patients with few places to turn.

The system is in poor shape, starved of funding while neglecting thousands of people across the country each year. The failure to provide treatment and supportive services to people with mental illness both in the community and in local hospitals has overburdened emergency beds, crowded our jails and left untreated patients to fend for themselves on our streets.

The State routinely fails to provide the most basic services for people with mental illness, something the country would never tolerate for patients with cancer and other physical disorders. The health system also discriminates against those with mental illness by limiting the number of days during which patients can receive inpatient psychiatric care. The system imposes no such limits for physical health. Mental health is a separate but unequal system. Many people have died and have been disabled because of inadequate care or suffered from mental illness for years before getting help. These delays have led to frequent panic attacks, drinking and drug use, abusive relationships, suicide attempts and crime convictions. We need a comprehensive review of the country's mental system to ensure the Government's resources are being targeted effectively so that persons with mental illness and their families have access to treatment and support services.

I urge the Government to allocate a special fund for suicide prevention programmes that would raise awareness about how to deal with those who are suicidal and ensure services are available for people in crisis. We must ensure early intervention by improving access to modern mental health services in the community. I commend the various voluntary organisations, including the Samaritans and Aware, on the great work they do in this area. It is important that we focus our attention on mental health by reducing the stigma associated with mental ill-health. Longford-Westmeath Regional Hospital is deemed to be one of the best performing hospitals in the country but even though €57 million was ring-fenced for phase 2 of its development plan in 2003, the project never got off the ground. The development plan includes an acute psychiatric unit with 36 beds. This was subsequent to the closure of St. Loman's hospital. I ask the Minister of State at the Department of Health, Deputy Alex White, the current position of this project.

**Deputy Helen McEntee:** I welcome the opportunity to speak on this Bill because this is an issue that affects everybody. Sometimes our debates on Private Members' business or legislation can be focused on particular sectors or groups of people but mental health does not discriminate on the grounds of age, gender or nationality. Mental health is a vital issue for the nation and I agree with the motion. As policy makers and legislators, we should make mental health our concern. As Deputy Áine Collins pointed out, one in four people will experience mental health problems in their lives. Nearly everybody in this building has been affected either personally or through somebody else.

I printed a copy of A Vision for Change some time ago but I am still making my way through it because it is a lengthy document. The person-centred approach for service users, carers and providers is already playing a part in reducing the stigma attached to mental illness and physical disabilities. All of us know that a huge part of tackling mental illness is to take the first step of acknowledging it and speaking about it. We need to keep a close eye not only on the roll-out of A Vision for Change but also how it is being received. I have discussed this issue with a number

of people recently. There is a fear of the unknown because people are afraid to move away from the norm. Even if they have an opportunity to access better facilities and services they may fear that if they move away from what they have now they will get nothing in the future.

In the past few years we have seen a significant change in attitudes towards mental illness. We are beginning to discuss the issue and to promote good mental health. I have experience with a variety of organisations in my own county, including charitable organisations and groups of local people, which have sought to raise awareness. Unfortunately these efforts usually come on foot of knowing somebody who suffered from an illness or, in the worst-case scenario, died. At one stage at home, we had four similar deaths in a short space of time, one of which was my Dad. People are fantastic in rallying around but we need to do everything possible to prevent such situations from arising. Four young men in one community is a horrendous tragedy. We need to create a thriving environment, including the economy and living conditions, and put the wheels in motion to support communities and each other. Everybody should be able to avail of support systems when they need it.

I welcome the increased funding for mental health provided by this Government. The budget for mental health services this year is approximately €766 million, including the additional funding of €90 million provided over the last three budgets. This money has funded an increase of 1,100 new mental health posts.

There are many different types of mental illness arising in a wide variety of contexts. Some are hereditary and others arise from accidents, years of drug and alcohol abuse or stress. Sometimes it can affect young people when the pressures of life become too heavy. We need to start with our young people in schools by educating them. Now that we say it is okay to have a bad day or admit we are feeling down, it is easier to discuss these issues. Recently I met a man who was not afraid to tell me that he had a bipolar disorder. Now that we are moving away from the stigma, it is time to address mental ill-health at an early stage in life. As parliamentarians we can be role models in this regard. I have great respect and admiration for the Irish celebrities and sports men and women who have admitted to living with mental illness. These individuals are role models for young people and we must strive to be the same.

We must continue on our current path of implementing A Vision for Change but we must also keep an eye on how it is being received by people. We must also address the growing issue of alcohol and drug abuse, which often leads to mental illness. Finally, we need to look after young people and educate them. This Government is dedicated to tackling this issue. I thank Sinn Féin for introducing this very important motion.

**Deputy Dan Neville:** I welcome the opportunity to contribute to the debate on this motion. I have been aware for many years of Deputy Ó Caoláin's interest in this area and his contributions to the debate. This is a difficult issue which affects 25% of the population at some stage in their lives. They are affected by something that has been neglected not only over the decades but also the centuries in terms of services for those who suffer from problems of mental ill-health. While improvements have been made in recent years, we are coming from a low base.

A Vision for Change was a very good document but the commitment to implementing it has not been convincing. While the Government has invested an additional €90 million in mental health over the last three budgets, I am disappointed with the roll-out of that money by the HSE. In the first year it was allocated, recruitment did not commence until the October. I do not know if anyone had been recruited by the end of that year. What happened to the €35 million that was

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allocated? According to 2012 figures, there were 395 out of 414 posts, or 96%, which is fair enough. In 2013, €35 million was allocated for 477 posts but only 326 of these posts have been rolled out. Very little of the €20 million provided last year has been rolled out in respect of the additional 250 to 280 posts that were to be created. These posts were very important because they were in community based mental health services and were intended to establish teams of practitioners rather than having an individual professional deal with cases. The posts were for psychiatrists, psychologists, occupational therapists, family therapists and nurses. A care and recovery plan was to be developed in the community. We have one of the highest rates of in-patient care for mental illness in Europe because of a lack of community based care.

The Government announced that it would allocate this money when it came into office. The first thing the HSE should have done was to make plans for its expenditure. When the money rolled in, it should have been ready to publish advertisements rather than wait until May of the first year and then start recruiting in October.

*8 o'clock*

I will speak to issues with A Vision for Change. There is a need for the strategy to be recovery-oriented, with an absolute need for willingness by professionals to involve service users, or patients. There may be a debate about how to refer to these people but I am certainly a patient of my GP. There is still much reluctance by professionals to engage with service users and families in a recovery plan. Family carers are often excluded from a care plan and not consulted or informed. Their role should be recognised, as if a person goes to a consultant because a parent, wife or child has a serious illness, there would be discussion of aftercare and what happens when a patient returns home. If a person has had a heart attack, for example, there would be discussion of how much exercise he or she should have and what other treatment should take place. If such issues are discussed, why would there not be something similar for mental health issues? I am not painting all psychiatrists in this light and some of them are very good. I am only talking about a minority. That aspect of A Vision for Change should be considered, and there may be a battle to have the professions open up. There is another issue with individual care plans, as there is a reluctance in some areas to implement them for inpatients. Only 60% of institutions have individual care plans for the recovery of service users or the person attending for medical intervention.

There is another issue, which we raised last week and which is contained in the motion as well. It is completely unacceptable that children are in adult psychiatric units, and the matter has been flagged by the World Health Organization and recognised throughout all the institutions. Every professional would say it is not in the interests of the recovery and well-being of children, or those under 18, to be in these units. Some children under ten years old are in adult units, and they may be sharing it with people ranging from 20 years old to 90 years old with various conditions. Children should not be in that position.

**An Leas-Cheann Comhairle:** I must call the Deputy's colleague.

**Deputy Dan Neville:** I welcome that this is an agreed motion and the House will not divide on it.

**Deputy Michelle Mulherin:** I also welcome that this is an agreed motion, although it is a good opportunity to critique the service. The mental health issue is serious and I am thankful it is now being viewed in that way, so we must critique it and be honest about it. I welcome that

as a society and country, we have progressed to a point where mental health is not just on the margins for discussion or a kind of taboo subject that should only be discussed now and again as a crisis arises. We are a more mature society now, consisting of holistic beings that are physical, mental, emotional, etc. To ignore one major facet of our being would not make sense.

We have progressed to the point where we expect life to be about more than just managing to survive and getting by, living with some terrible, black issue by oneself. I hope at least that the message is now that there is always hope. As a person can be ill physically, he or she can be ill mentally, but there is help and hope for recovery, as Deputy Neville has stated. When we support and encourage good mental health for all our citizens, we are supporting the general well-being of our nation.

One welcome and wonderful initiative is the rolling out of the counselling and primary care service. This is aimed at individuals experiencing depression, anxiety or stress arising from a particular recent problem or life event, such as an injury, illness, loss and bereavement, or relationship or business difficulties that may impact upon a person's quality of life and the ability to cope. The idea of this counselling is to support people through a tough period, which can occur in anybody's life, as we know. When people feel overwhelmed and are weighed down, and if they feel they cannot get out of such feelings, this is the sort of service they need. It is an eight-week counselling service and a person is referred by a GP. It is part of the mental health service but it could stop people from having to enter acute services or developing more long-term mental health issues. It is the kind of initiative we need. This is currently only available to people with medical cards but we know there are people in different areas who could do with this type of assistance, which is perhaps transitional to a person returning to full health. We should look to open that service more fully.

In keeping with the way society has developed, I welcome the prioritisation that the Government gave when it took office in 2011 and through 2012 for the reform of mental health services. An additional €90 million has been provided, as well as 1,100 staff across the system. Having spoken to managerial personnel in my county, I know we have benefited as well. For example, there is an extra child and adolescent mental health service team. It is a big county and there is a counselling and primary care service in six different centres, so a person is not limited to just one location.

We must do more with the service within the community and, for example, crisis teams should provide a seven-day service. As planned, inpatient beds for mental health services have been closed and there must be support for people in the community who may have traditionally occupied those beds for a few days and weeks. We must also consider people with special needs and mental disabilities. There is a disparity in the medical care aspect of the educational system in special schools. There are children with high medical needs but some of these schools do not have nurses. The provision of nurses is *ad hoc*, with some of them funded through a block grant from the HSE and some through direct employment. We must also consider oversight issues and the lack of medical guidelines or expertise within boards of management. The HSE should have an oversight aspect to nurses in this area, as the process is now *ad hoc*. In the UK, nurses work in a school environment. I know there is a budgetary issue but this is a serious matter.

**Deputy Paul J. Connaughton:** I am thankful for the opportunity to speak to this debate. The vision which underpins the provision of mental health services in Ireland is based on a model of service where the emphasis is increasingly on service provision in a community setting. Although the ongoing employment of team members for community mental health teams

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is welcome, it is crucial that the people seeking help receive appropriate treatment in a safe and compassionate setting.

The question that needs to be asked continually is what the experience is of a person with mental health difficulties who presents at the various points of the health service. I understand that 90% of patients who present with mental health difficulties are dealt with in a primary care setting, but what happens to the other 10%? What level of service is presented to these people and what is their experience?

In recent weeks I have been approached by a number of families in County Galway who related their experience of mental health services to me. A major period of transition is under way but it has emerged that communication is a major issue at this time. This specifically concerns communication between community health teams and GPs, and between various health practitioners who may not be fully aware of the workings of the new system. We cannot allow situations to exist where people experiencing real, acute mental health difficulties are sent from pillar to post because health practitioners are not aware of the changes under way. Greater cognisance needs to be taken of people experiencing suicide ideation who present at the accident and emergency departments of acute hospitals. How are these people treated? Accident and emergency departments are often chaotic places where staff work at a frenetic pace to assess and treat patients. There must be ongoing assessments of the people presenting at these departments, their treatment, the level of service they receive and the time lag between their initial presentation and their next involvement with the community mental health team. This is a crucial juncture. In the former institutionalised setting those patients were in a safe and secure environment but now that treatment is increasingly community-based we must ensure their safety and well-being are not jeopardised at this critical time.

There is huge anger in the Ballinasloe region and further afield at the closure of inpatient beds at St. Bridget's hospital, in particular at the lack of consultation and clarity around how this decision was arrived at. There is also concern about the pressure this closure will put on the inpatient facility in Galway city. Staff in the psychiatric unit in Galway city have expressed major concern about their working conditions. I want the Minister of State and his colleagues to address those concerns and needs as quickly as possible.

Most, if not all, mental health professionals are in favour of moving treatment from an institutional setting to a community setting. It is crucial, however, that no patient loses out as this period of transition is under way. Every effort must be made at every level to ensure the transition is as smooth as possible. It is only through a properly equipped and staffed service that community health teams can provide the optimum service and it is imperative that a particular focus is placed on staffing levels in the Galway region as this important transition takes place. Much can be learned from regular reviews of patient experiences and while there has been significant engagement with service users and family members efforts on this front must be redoubled during the transition phase such as that under way in east Galway.

I welcome the fact that in recent years there has been a significant reduction in the number of children and adolescents treated in adult psychiatric units. In 2008 a total of 247 children and adolescents were treated in adult psychiatric facilities. Last year this number had reduced to 91. I look forward to the day when no children or teenagers will receive inpatient treatment in an adult psychiatric unit.

Staffing is the key issue in this transition. Recruitment is complete for 95% of the 414 posts

allocated in 2012. One third of the posts allocated last year have yet to be filled, although the recruitment process is under way in all cases. The extra 1,100 posts being put in place throughout the country will pay rich dividends in terms of assistance to people with mental health difficulties and their families. This is an investment in people and communities, rather than institutions that is crucial to our future success. Over 250 new posts will be created this year and I urge the HSE to make every effort to ensure these posts are filled as soon as possible. I understand the recruitment has commenced but it must be progressed as quickly as possible to ensure that all available resources are spent on community mental health teams.

**Deputy Dessie Ellis:** The mental health services of this State are in danger of “stagnating and moving backwards” claims the Mental Health Commission in its latest report. That stagnation has already taken place and mental health care is deteriorating. Like many of the vital services which cater for the most vulnerable in our society the mental health services were given a bit of a tidy up during the Celtic tiger period. Plans were laid out for reform and improvement but were not fully delivered and the necessary funding was never realised. Now that the economic climate is more difficult the mental health services have fallen victim to the austerity agenda and so too have the people who depend on these services. According to the most recent report of the Mental Health Commission, 56% of the services are operating under the standards for staffing laid down in regulations. There is a shortage of at least 3,000 staff across the service where a total of 9,000 are employed. This comes after long years of hard work by mental health professionals to reform the system and to bring it more in line with international best practice. Much has changed in the treatment of mental health problems and it has become easier for people to reach out and seek the care they need. Unfortunately, the ability of the service to respond in kind given its very limited resources is a major problem that needs to be addressed. This understaffing which has been a growing problem over the past few years of austerity has taken its toll not just on patient care but the morale of workers, their conditions and safety in their workplace. The work of mental health professionals, their ability to intervene and provide care can often be a matter of life and death. These professionals face challenges daily which, if handled incorrectly, can have far-reaching and tragic repercussions. Yet we refuse to ensure they have adequate support. A mental health service must ensure the best conditions for its workers in order to ensure the best treatment for those suffering health problems.

The recent spike in suicide rates and the fact that many of our acute mental health units operate at or above capacity certainly indicate that the best environment for treatment is not being provided. I know from my work with many constituents that there is a serious problem. The system is not adequately resourced to provide the care needed. I have dealt with many families who have been distraught when their loved ones have been discharged early without being admitted for treatment to a mental health service despite presenting at accident and emergency departments with self-inflicted injuries, either as a result of self-harm or a suicide attempt. This is due to the pressure on the system to provide care to so many with so little. The consequences of this situation are dire. It has undoubtedly led to people who should have been in care engaging in further self-harm and ending their lives.

Recently a young man from Finglas was discharged in a clearly unfit state having made a number of attempts on his life in the recent past. He was admitted in a very serious condition to the Mater Hospital and was placed on a ventilator for three days. When he had physically recovered he was discharged. His mother pleaded with the doctor and staff to have him admitted to the mental health services as he was a danger to himself. He was allowed to sign out and was seen on CCTV leaving the hospital. He went missing for over a week and his body was

found in the canal.

This man died because of a failure in the system. He was in the hospital. It was clear he was a danger to himself and that his mental state had not improved following his treatment for his injuries. There were not sufficient staff to ensure that his case was dealt with properly and that he was admitted for treatment under the Mental Health Act 2001, as would seem to have been the necessary step. This is one case but it does seem that in similar situations doctors have been slow to act on admitting people involuntarily who are a threat to themselves.

The Psychiatric Nurses Association at its recent conference said that it was aware of several cases in which people had been discharged or turned away. These people went on to end their lives by suicide. The clinical director of Beaumont Hospital, Professor Shane O'Neill, resigned recently because of the serious state of the service. He said he could not stand over significant clinical risks. He was referring to the treatment or failure to treat many severely unwell people at grave risk of suicide or self harm.

In response to his resignation, Mental Health Reform stated that acutely psychotic patients were being left in emergency departments for hours on end. They do not receive appropriate care there nor are they in an appropriate environment given their mental state. The distress that is being caused for sufferers who have attempted suicide and their families being turned away from accident and emergency departments is hard to fathom. They can see that their loved one needs immediate care but because of understaffing and a lack of beds they are being left to their own devices and in too many cases this has led to a tragic ending. Families I have spoken to have tried all avenues to have their loved ones admitted but the obstacles due to lack of resources block their way. Some have gone to the gardaí but have had to wait hours for the doctor on call, who may or may not sign an order. Their families had made numerous requests for them not to be discharged. They wanted them to be readmitted immediately. This is the tip of the iceberg. There is no family in our small country that has not been touched by suicide and mental illness. Every sector of society, particularly those in vulnerable and disadvantaged positions, has been affected by this problem. These people are victims of the inequality which is so tightly wound into this State's DNA. They have been failed by the State. They have been wronged by austerity throughout their lives. When they are on the brink, they are far too often failed again by a system that does not want to resource services that could save their lives.

My family is not very different from many other families that have had to deal with the challenges that arise when a loved one is plagued by mental health problems. I know the details of the cases I have mentioned all too well. I have been in an accident and emergency department with a loved one, pleading for them to be admitted. I have seen at first hand the obstacles that are placed in the way of those who seek to have a family member cared for properly in life or death circumstances. I know what I have said about the struggles of these families to be true because I have lived with it for the past three years. Times were very dark at one stage, but our family banded together. With the help of the work of the excellent staff of Connolly Hospital, we have come out of those times and there is hope again. The nurses and doctors succeeded in this case in spite of the obstacles and challenges they faced in their vocations. Their dedication was second to none, but they had an uphill struggle due to the understaffing and inadequate resources with which they had to deal.

We have fantastic mental health professionals and good strategies, but we need the right focus. We need to resource our mental health services and prioritise suicide prevention. We can turn back the tide which has undermined the progress of A Vision for Change. We must begin

now by helping our excellent mental health professionals to do their jobs. In the past, citizens were put into mental health institutions by their families, their friends and State bodies. Many people spent long numbers of years - in some cases, their whole lives - in these institutions. Some people did not see the light of day even after the family members who had put them into these institutions had died. This is another example of a scandal in this State that needs to be investigated. I urge the Government to examine the scandalous manner in which people were put away in some of our mental institutions over the years. It should be hitting the radar because it has huge implications for many families. I commend this motion and ask the Government to support it.

**Deputy Martin Ferris:** It is a very good statement that the entire House is united here tonight in support of this comprehensive and constructive motion. It is also an indication of the commitment and diligence of my party's health spokesman, Deputy Ó Caoláin, and his staff to campaigning for the provision of a proper mental health service in this country. It is plain to see that we need to improve our mental health services, particularly in the area of suicide prevention. My own county of Kerry has a very bad suicide record, particularly among young men living in rural areas. Families across the county have been devastated by the loss of loved ones to suicide. Kerry has the second highest rate of suicide of any county in Ireland, according to reports from the HSE and the National Office for Suicide Prevention. Crucially, that rate dropped after a young lad in Kerry, Donal Walsh, who is known to many people, went on the national airwaves while terminally ill to plead with young people who might be in a bad place to appreciate the importance of the gift of life and to hang in there. Even though Donal has gone from us, there is no doubt that his example and his plea had a huge impact on young people. The suicide rate among young people in County Kerry dropped as a consequence of his work.

There is a responsibility on the Government to provide the necessary funding to assist people suffering from depression and similar illnesses. Equally, it needs to assist those who deal with mental patients who are often very sick. I have been in contact with the Psychiatric Nurses Association of Ireland regarding the mental health services provided at Kerry General Hospital. I have been told - this is on the record - that there has been a sharp increase in the number of assaults on staff in the acute psychiatric service at Kerry General Hospital. The association believes this is a serious health and safety issue. I would like to read into the record details of the litany of physical assaults on the staff of the acute service last month. On 1 June, a female nurse was bitten. Three days later, a male nurse was scratched. On 6 June, there were two separate incidents, with a female nurse and a male nurse being assaulted. The following day, a female nurse was injured. On 17 June, a female nurse was assaulted and another was struck with a telephone. The following day, a female nurse was injured and a security man was assaulted by being sprayed with aerosol that was ignited using a cigarette lighter. A female nurse was assaulted on 27 June and the same thing happened on 29 June. All of what happened during the single month of June can be attributed to a lack of staff. There is not enough nursing care to help the patients who are in need. They cannot be blamed because they are ill. If an appropriate number of staff is not made available to provide an adequate service, the consequence will be what happened at Kerry General Hospital in the month of June. This is widespread across the State.

When I was coming up here tonight, one name kept coming into my head. John Michael was my neighbour. He lived around the corner from me. I knew John Michael very well. He was a relative of mine. John Michael came from a broken family. His mother was an ill person. She had been in and out of psychiatric homes. John Michael ended up on drugs. He made a big effort after he was released from prison, but he slipped and went back on the drugs. He ended

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up taking his own life. I expect that every Deputy has a John Michael somewhere in his or her family background. That is why there is such an onus on all of us to do what we can - everything possible - to ensure all the John Michaels out there get the support necessary to help them. Facilities need to be available, in the community and elsewhere, to help them.

Many Deputies will recall what happened some years ago in a fishing village not far from where I live. I grew up there. We had five tragedies, one after the other, within the space of a year and a half. All of them involved young men under the age of 23. Four of them came from one small housing estate and one of them came from an adjoining village. The manner in which these tragedies were portrayed by the terrible gutter press affected the families that were grieving and suffering terribly as a consequence of what had happened. I say that to remind the House that the press has a responsibility. Role models are there to help people who need assistance. As legislators, we have a responsibility to do the right thing. The Government is responsible for providing the funding that is necessary.

**Deputy Brian Stanley:** I welcome the opportunity to speak on this important motion on the issue of mental health. While mental health problems manifest themselves in many ways, suicide is the most dramatic expression of them. Suicide rates in Ireland, particularly in this State, have been increasing steadily over the years. Perhaps the most alarming aspect of this trend is the increase in the number of young people taking their own lives. In 2013, this State had the highest rate of suicide among young women under the age of 19 in the entire EU. We had the second highest rate of suicide among young men in the same age group. It is striking that more than twice as many young men as young women choose to end their lives in this way. This should be a matter of real concern. It is clear that this serious issue - the mental health of young people - needs to be addressed as a matter of urgency. To that end, our motion recommends that the continuing practice of admitting children to adult psychiatric units should be ended as a priority under the national strategic framework for suicide prevention. The issue of mental health awareness among young people must also be addressed.

Another worrying factor that has emerged in recent years is the high rate of suicide among men living in rural communities. To their credit, the GAA, Irish Farmers Association and others have sought to address this, but it is clear that many of the changes implemented for economic and financial reasons have contributed to the type of isolation that can cause mental health problems, which in some cases leads the person affected to take their own life. Isolation is fundamentally caused by people living on their own, particularly in rural areas, but cutbacks in public services such as transport, policing and rural post offices have contributed to cutting people off from regular contact with others. In addition, hundreds of thousands of people are in negative equity and struggling to meet their mortgage repayments and other debts. Too many people are teetering on the edge on a daily basis, wondering how to break out of the trap in which they have found themselves. Many elderly people living in rural areas feel very isolated and vulnerable to being targeted by violent criminals, which is a significant source of stress.

My own county of Laois, which has a higher than average rural population, had the seventh highest rate of suicide in the State between 2008 and 2010. Sixty-one people took their lives in the county between 2000 and 2009. In fact, more people died by suicide in that period than died in road accidents. Our neighbouring county of Offaly had the highest rate of suicide in those years. In Portlaoise, which is close to my own home, in one relatively small housing estate there were two suicides and one attempted suicide in the space of a few weeks. Of course, not every case of death by suicide is recorded as such, so the figures could well be higher. Urban areas have the lowest rates of suicides, which suggests that living in rural isolation is a signifi-

cant factor contributing to suicide. However, urban working class areas of Dublin city and Cork city have higher rates than those applying generally to those counties.

Another issue of concern is the suicide rate among the Traveller population. Yesterday I had the privilege of speaking at the annual conference of the Irish Traveller Movement, where participants heard that suicide and issues of mental health generally are of real concern within that community. A 2011 UCC study showed that suicide rates within the Traveller community are six times that of the settled community and accounted for 11% of all suicides. These are alarming statistics which cannot be ignored. Without wishing to be too cynical, the fact that Travellers traditionally have not voted in elections might account for why this issue has not been given the priority it merits. They are now voting in increasing numbers, but even if that were not the case, this is a need that must be addressed. I am aware that some good work is being done in this area, but it needs to be ramped up and a programme of action put in place by Government.

Community-based programmes to tackle suicide such as those run by GROW and Pieta House are doing an excellent job of raising awareness and responding to the needs of those people with whom they come in contact. However, despite the great efforts of those involved, such initiatives can only hope to skim the surface of the problem. As our motion states, the mental health of our citizens and measures to prevent suicide are the responsibility of the State. Families and communities have a responsibility in this regard, of course, but it is primarily a matter for the State to ramp up its efforts in this area. The figures in regard to the services available and the shortage of staff have been well highlighted and I will not reiterate them. I welcome the all-party support for the motion. As somebody who has had to deal with this issue twice within my extended family, I urge the Minister of his State and his colleagues to give this issue the attention and priority it deserves.

**Deputy Seán Crowe:** There are two viewpoints regarding the issue of mental health and suicide in Ireland, one being that we are facing an epidemic in the not too distant future and the other that we are already in the middle of that epidemic. Figures released by the European Child Safety Alliance in March show that Ireland has the highest rate of suicide in Europe among young females and the second highest rate among young males. What is going on in this country that we are seeing such worrying statistics? Part of the answer can be found in the recession and austerity policies of the past six years, which have led to huge job losses, home repossessions and homelessness. Men and woman in all age brackets have been thrown into mental health crises as a consequence and some have ultimately died by suicide.

According to NGOs and specialists in this area, there is a particular mental health impact for men who have lost their jobs and livelihoods. Societally enforced ideas of masculinity, which place an emphasis on their being the breadwinner and provider, are also a factor. These ideas emphasise the importance of being a strong man who takes everything in his stride and does not speak about his feelings to friends, family or professionals. When people get knocked off track and feel they have failed to live up to these and other stereotypes, it can lead them to self-harm or even take their own lives. There is not a family or community across this island that has not been rocked by suicide.

I wish to send a clear message this evening to everybody in this Chamber, in the Visitors Gallery or watching at home that it is okay not to feel okay. It is a very important message. I have attended too many funerals of suicide victims, all of which saw a huge turnout. What everyone says on such occasions is that if the person who has died had only known how many people cared and were willing to help, things might have turned out differently. Not long af-

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ter I was first elected to this House, I was asked to identify the remains of a friend of mine in a field in Tallaght. To this day, I am haunted by the memory of Seán lying dead in that field. Another case in my constituency involved a young child who came home from school one day to find her mother hanging in the attic. What does one say to a child in that situation? In yet another instance, a woman, tiny in stature, came to me seeking help for her son who is 6 ft. 3 in. and suffers from psychosis. She told me how he had beaten down the door, assaulted her and even threatened to rape her. What does one say to a mother in that situation? Should one advise her to telephone the Garda Síochána or to seek out professional help that might not be available? These are the types of difficulties facing people on a daily basis. Deputy Ellis spoke about families presenting at hospital emergency departments and begging the services to take their loved one in. What happens too often, however, is that they are released and some end up taking their own lives.

We need to tackle this epidemic. We have heard the figures in regard to staffing levels and so on. We have heard heart-breaking stories of parents in absolute despair and begging for help only to be turned away in many cases. We are all agreed that this is a massive problem and now is the time for action. It can be tackled effectively with the right resources and funding and, more importantly, the right approach. The message that should go out to those who are hurting is that there are people who love them and will want to help them. That is the message we are all trying to get across. We should also be able to say to the people out there who are seeking support that it will be provided, whatever the difficulties in terms of resources and so on. We all want to see an adequate service delivered, and the responsibility to achieve it rests on us all.

**Deputy Aengus Ó Snodaigh:** Gabhaim buíochas leis an Teachta Uí Chaoláin as ucht an rún seo a chur os comhair na Dála. Is maith an rud é go bhfuil sé glactha ag an Rialtas go bhfuil gá ann labhairt amach ón Teach seo le haon ghuth amháin. Táimid i gcrúachás. Tá fadhb mhór sa tír seo. Ní fadhb pholaitiúil í, ach ba cheart dúinn na maoinne a chur ar fáil agus gach rud eile gur féidir linn a dhéanamh chun déileáil ní hamháin le ceist an fhéinmharaithe, ach freisin le ceist na meabhairshláinte ina iomlán.

Over the past two evenings, much has been said about mental health and the state of the services in this State to help those suffering from a variety of mental health ailments. There has been an acceptance by the Government that more needs to be done to deliver the responsive, community-based services and supports, as envisaged in the mental health strategy, A Vision for Change. By accepting the Sinn Féin motion, the Government and all Members of this House are committing to an urgent response to a crisis facing our society and our health service.

Without the response outlined in the strategy and in this motion, we as a society will see far too many of our friends, neighbours, colleagues and relatives die as a result of suicide. We must remember that suicide is not the end result of mental illness for the vast majority of those suffering from mental illness but it is the tragic end for far too many people, especially young people. Like Deputy Crowe, I have been to far too many funerals of friends, loved ones and neighbours over the past couple of years, in particular. It is heartbreaking for me as a friend, but how much heartbreak do close colleagues and close family members suffer? It is becoming far too common, especially in this era of economic distress.

Some of this is as a consequence of cutbacks in our health service. The shortage of social workers affects families. I have dealt with families who are frustrated trying to get social workers to listen to them and to return their calls. It is not the fault of the social workers because they have a workloads over and above what they are supposed to have, sometimes covering

the caseloads of two or three social workers. I know how CAMHS is affected by a lack of resources and a lack of professionals on which it can call, especially for young teenagers. It does not have the level of resources and the number of professionals required.

Like Deputy Ellis, I know of tragic cases where people have presented in accident and emergency departments. I have come across cases of late where people have sat in the queue but have died very quickly thereafter in the hospital. That is part of the scandal. We need another way. It is not an appropriate response that people must present in accident and emergency departments to get emergency help. There must be another way in these chaotic times for those families and friends who end up bringing people to look for the services and who sometimes must go from pillar to post.

Without the help of Pieta House, Teenline, turn2me and Console, we would be in a much worse situation. A great debt of gratitude from society is due to those organisations and they deserve every support this Government and any future Government can give them.

I refer to a group of people who are often forgotten in this, namely, the carers of those suffering from mental illness, because they face major challenges. One of the challenges to which I refer is the fact that they are often left out of the clinical and medical decisions and we need to look at some way in which health professionals can share information with those who will care for people so they are not a danger to themselves, their carers and their families. That little bit of work should be done. As the Carers Association said, a change to the Mental Health Act might be needed to require health professionals to involve the carers, or future carers where somebody is not identified straight away, to ensure patients get full treatment when released into the care of the home.

**Minister of State at the Department of Health (Deputy Alex White):** I welcome the opportunity to conclude this debate on behalf of the Government side concerning the important issue of how best to progress mental health policy and services into the future. I and the other Government representatives have listened carefully and seriously to the constructive contributions made in this debate. I welcome the obvious commitment of contributing Deputies of all political parties to developing mental health policy and service. In that spirit, it is right that the House should not divide on this issue.

As the Minister, Deputy Reilly, indicated yesterday, a fundamental requirement that applies is the need to change attitudes to and reduce the historic stigma associated with mental health issues. The debate has focused on the progress made on mental health in recent times and the continuing clear need to develop many aspects of mental health and suicide prevention services. In not opposing the motion on this occasion, the Government recognises a common desire to build on what we have achieved and to pursue the same overall objectives.

This Government has taken real action in terms of hard decisions and prioritised investment to develop mental health policies and services. It should be remembered that by common consent, the service had significant historic deficits and these have only begun to be addressed in a meaningful way in the past decade or so. We have provided €90 million and approximately 1,100 new posts since 2012, resulting a total provision of approximately €765 million this year for the HSE and, more important, we are ensuring the new investment and the new personnel are targeted towards what is actually needed to effect real change in the system.

I would like to address briefly some of the issues raised during the debate. I, too, acknowl-

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edge the tremendous work being carried out by the many voluntary and statutory agencies working in the mental health area with those experiencing a personal crisis. In these difficult economic times, with increasing demands and resource limitations, it is important we work together in an effort to tackle this serious issue and create an environment that is enabling for people in distress. The Government recognises that this cannot be done in isolation. Managers, professionals, service users and carers must all work together, utilising resources and actively involving people in their own recovery. Notwithstanding the fact we must take cognisance of overall and evolving resource pressures each year, the Government will continue to develop our mental health service in line with A Vision for Change and the programme for Government.

With the benefit since 2012 of new investment coming through, we will continue to reduce the incidence of children and adolescents being accommodated in adult facilities. That point is well taken and was repeated in this debate.

As reflected also in the debate, reforming mental health services requires a multi-agency and multifaceted approach. The Department of Health and the HSE will continue to work with other organisations in addressing the needs of vulnerable groups and tackling issues such as cyberbullying, negative Internet messages and eating disorders in addition to having better diversion mechanisms between the judicial and health systems.

A strong thread coming through the debate was the need to balance change, in particular in the context of safety and quality, against genuine concerns that may exist at local level. Such is the case, for example, with the changes that have occurred or are planned for mental health services in the Carlow-Kilkenny and south Tipperary areas or in HSE west. The HSE has engaged, as appropriate, to address all genuine concerns while taking account of recommendations arising out of reviews of mental health services at local level. We will continue with this approach so that all involved have an appropriate and meaningful say in modernising services. Change can only work through a responsible and co-operative approach by all concerned. I reassure the House that we will continue to improve our policies and services relating to suicide prevention, primarily through a new strategic framework over 2015 to 2018 to replace and build upon the Reach Out strategy.

Again I thank Deputies, in particular Deputy Ó Caoláin and his colleagues, for providing the House with this opportunity to discuss a matter of concern to all, whether inside or outside this House. As stated repeatedly in the debate, there is hardly a family in Ireland not affected in some way by mental health issues and, indeed, some Deputies spoke in a very affecting way in respect of how they are affected by such issues. There is no reason people in this country suffering from mental health problems cannot have the same modern high-quality service that works so well elsewhere. We will continue to work with these aims in mind and will continue to co-operate with colleagues across the House to achieve these objectives.

**Deputy Sandra McLellan:** Sinn Féin has tabled this Private Members' motion hoping to highlight the ongoing need to improve the State's response to mental health and to highlight the need for a comprehensive response to suicide prevention. No one Member of this Oireachtas is immune to mental health problems. No family is immune to the tragedy of suicide. Three years ago tomorrow I lost a good friend who took her own life and I miss her every day. We must also remember that none of us know when we will need to access mental health services. The mental health of the nation is a positive resource that can help both economic and social recovery. The World Health Organization's paper on mental health in times of economic crisis, published in 2007, said:

Mental health is an indivisible part of public health and significantly affects countries and their human, social and economic capital. Mental health is not merely the absence of mental disorders or symptoms but also a resource supporting overall well-being and productivity.

Thankfully in recent years the stigma in regard to mental health is reducing. The Government has run successful campaigns, including the recent Green Ribbon campaign, and See Change where mental health champions speak about their own experiences. That has done a lot to address stigma. Unfortunately, there are huge challenges in our mental health services. Many of the shortcomings are a result of Government policy. Cutting back on funding and resources in the current climate is a recipe for disaster with serious life-threatening consequences. The Mental Health Commission, the Government watchdog, indicated in its annual report that mental health services are in danger of stagnating and moving backwards. That is due to a combination of staff shortages and slow changes to work practices meaning progress in some areas has ground to a halt. Only 44% of services complied with staffing requirements last year, while 60% met regulations on individual care plans for patients. That is unacceptable. In all, a total of 9,000 staff work in mental health services in the State, although official policy states there should be 12,000. Our health care system is overstretched and understaffed.

The Labour Party in its election manifesto 2011 gave a commitment to develop, “a strengthened role for GPs, and through the ongoing development of community mental health teams and child and adolescent mental health teams, as resources allow”. Unfortunately the party has not seen fit to grant the necessary resources to community mental health teams. The fact that at the end of December 2013 the overall staffing levels for community mental health teams were still nearly 25% less than recommended in *A Vision for Change* points to the need for increased investment. Another unacceptable practice, to which the Minister of State alluded, is the placing of children in inappropriate adult hospital wards. Sadly, last year a total of 91 children were placed in adult psychiatric units despite warnings from the commission that such practice should only occur in extreme cases.

We must also ensure that those in prison receive appropriate mental health care. It is totally inappropriate for people to be isolated from supports and services simply because they are awaiting trial or in custody. They still have rights and the State has a responsibility to ensure those in prison receive proper care. Prisoners should have access to mental health services, visits and supports in order that the isolation of incarceration does not take hold. The denial of family visits and supports has certainly contributed to suicides in the prison system.

Suicide is a complex issue that demands a national, cross-departmental, co-ordinated response. We must have a comprehensive, all-Ireland suicide prevention strategy. The World Health Organization suggests that national suicide prevention strategies can make a difference to suicide rates. International research has shown a 10% to 17% reduction in suicide rates can be achieved over a three-year period when suicide prevention strategies involve a range of approaches at an individual, community and whole population level. A key priority for suicide prevention in Ireland is the development of an adequate 24/7 crisis support service for people experiencing severe mental or emotional distress. *A Vision for Change* states that a protocol for crisis intervention should be agreed upon for each area by the local community mental health team, CMHT, and that the agreed-upon response should be available 24/7. The motion seeks to refocus the Oireachtas on mental health and suicide prevention and on the need to implement *A Vision for Change* by ensuring sufficient resources and firm political commitment.

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**Deputy Caoimhghín Ó Caoláin:** Gabhaim buíochas le gach Teachta a ghlac páirt sa díospóireacht seo. Tá súil agam go leanfaimid ar aghaidh tar éis na díospóireachta ag obair le chéile agus ag cur sláinte intinne chun cinn sa tír seo.

I thank all the Deputies who have taken part in the debate last night and tonight. I acknowledge also all the groups and individuals who have had an input into the debate, in terms of informing the construction of the motion itself, the contributions we have heard over both evenings, and also the attendance in the Visitors Gallery last night and tonight and the ongoing work of so many of those present with us this evening on the issues of mental health and suicide prevention. I record our thanks to each of them.

I very much welcome the decision of the Minister for Health and the Ministers of State, Deputy Alex White and Deputy Kathleen Lynch, not to proceed with the Government amendment and to accept our motion as tabled. That is a good development. Where consensus can be reached in the Dáil it should be achieved. It is very appropriate that on these issues of mental health and suicide prevention we have achieved consensus over these two evenings.

The basis of the cross-party consensus on mental health is support for A Vision for Change, its principles and its implementation. The Minister in his contribution last night reaffirmed the Government's commitment to that plan and to reform of our mental health services. Of course, that commitment carries no weight unless it is backed up with sufficient resources. In that regard I recommend that the Minister for Finance and the Minister for Public Expenditure and Reform should read the report of this debate and, especially, that they should read the agreed motion carefully. The Minister stated last night that implementation of A Vision for Change has been affected by a number of factors, including constraints in public spending and the moratorium on recruitment. That should be noted by the Cabinet colleagues of the Minister for Health, regardless of who the Minister may be after the reshuffle next week. More resources must be made available and the recruitment embargo must be lifted if A Vision for Change is to be implemented and if existing services in this and other areas of health care are to be maintained, let alone expanded.

The Minister pointed out that the promised €35 million for development of mental health services was delivered in 2012. However, it must be pointed out that in that year the funding was not all used for mental health services. There is a significant question over how much was spent on the area, if at all. The same sum was made available again in 2013 but in 2014 the figure has been reduced to €20 million. The Mental Health Commission in its 2013 report has noted the ministerial commitment to the reinstatement in 2015 of the expected €15 million not forthcoming in 2014. Although the Minister did not restate it last night, I trust that commitment stands. I say to the Minister of State, Deputy White, that we will certainly hold the Government to that commitment.

Much progress has been made in recent years but, as I stated in proposing this motion last night, much, much more remains to be done. The recruitment achieved thus far is welcome but, as was clear from the Minister's outline of the figures and timelines last night, the process is far too slow and every effort needs to be made to accelerate it. An important element of the motion, which I highlighted in my earlier contribution, is to provide an appropriate accessible alternative to general accident and emergency presentation to victims of self-harm. The experience of many people in mental distress in accident and emergency departments is totally unacceptable. The Minister stated last night that if by "appropriate" we mean there is no physical or medical risk, we are on the same page. That is the correct interpretation and, I would add that we mean

also that an alternative should be available where and when appropriate. Alternatives must be in place.

*9 o'clock*

We cited the various reactions of people to mental health issues and reform in advance of this debate.

People in accident and emergency departments can be in grave mental distress and this cannot be ignored. It should be added also that this must be seen in the context of the pressing need to address the chronic overcrowding and excessive waiting times in hospital accident and emergency departments that so adversely affect all patients and not only those in distress. Eliminating that scandal must be a Government priority too.

I want to highlight another aspect of mental health that I did not get a chance to include last night due to time constraints and that is the link between eating disorders, mental health, self-harm and suicide. I commend the organisation Bodywhys on the work it has done on this area. It points out that anorexia has the highest mortality rate of any mental health condition, either through suicide or organ failure, each of which constitutes 50% of fatalities caused by anorexia. Up to 200,000 people in Ireland may be affected by eating disorders, including anorexia nervosa, bulimia nervosa and binge eating disorder. These are complex and serious mental illnesses. A report on mortality in eating disorders found that women with anorexia nervosa face more than 50 times the risk of completed suicide and suicide was determined to be the second most common cause of death in anorexia nervosa cases.

Suicide attempts occur in up to 20% of patients with anorexia nervosa and 35% of patients with bulimia. The mortality rate associated with anorexia is 200 times higher than the suicide rate of females in the general population. As relapse is high and recovery often episodic, the disorder can result in lifelong physical and psychiatric morbidity and risk of suicide. Furthermore, mortality due to eating disorders is likely to be higher where service provision is inadequate. The recent My World survey found clear evidence to link suicidal behaviour and eating pathology. Fear of being overweight was significantly associated with having thoughts that life was not worth living, deliberate self-harm and a suicide attempt. The prevalence of self-harming behaviour among adolescents is especially high in those with eating disorders. Official death certification may underestimate the incidence of suicide associated with this disorder and this, all too sadly, is the case across the board. These findings underscore the severity and health significance of eating disorders.

Bodywhys reports that it is often the first port of call for people affected by eating disorders as the crisis often occurs out of hours. It also points to the lack of regulation of counselling and psychotherapy professionals, which can put those who are vulnerable at severe risk, and the organisation suggests that regulation of this area needs to be progressed. In examining in detail the contributions made to this debate last night and tonight, it is very important that we look at these issues holistically and in the round. This is why I have taken the time to expand into the area of eating disorders, which was otherwise overlooked yesterday and today.

I thank all Deputies for their participation in this mature and sincere debate. Government and Opposition Deputies have contributed, all parties participated and Independent voices have been heard. There is unanimous agreement on this and I look forward to us moving forward on this issue in the same spirit of co-operation. We must vindicate the rights and needs of all who

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use our mental health services and significantly reduce the level of suicide in the country. We must enhance the mental health of Irish society.

I thank the Minister of State and his colleagues for the wise and welcome decision to allow this motion through unanimously.

Question put and declared carried.

The Dáil adjourned at 9.05 p.m. until 9.30 a.m. on Thursday, 3 July 2014.

