



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

|  |    |
|--|----|
| Ceisteanna - Questions . . . . .   | 2  |
| Priority Questions . . . . .   | 2  |
| UN Missions . . . . .  | 2  |
| Defence Forces Contracts . . . . .   | 6  |
| Defence Forces Deployment . . . . .  | 8  |
| Defence Forces Contracts . . . . .   | 10 |
| Other Questions . . . . .  | 12 |
| Defence Forces Personnel . . . . .   | 12 |
| Defence Forces Deployment . . . . .  | 14 |
| Programme for Government Priorities . . . . .  | 16 |
| UN Missions . . . . .  | 18 |
| EU Meetings . . . . .  | 19 |
| Merchant Shipping (Registration of Ships) Bill 2013 [Seanad]: Second Stage (Resumed) . . . . .       | 20 |
| Merchant Shipping (Registration of Ships) Bill 2013 [Seanad]: Referral to Select Committee . . . . . | 33 |
| Topical Issue Matters . . . . .  | 33 |
| Leaders' Questions . . . . .   | 34 |
| Order of Business . . . . .  | 43 |
| Water Services (Exempt Charges) Bill 2014: Second Stage (Resumed) [Private Members]. . . . .         | 48 |
| Topical Issue Debate . . . . .   | 71 |
| Homeless Accommodation Provision. . . . .  | 71 |
| Pyrite Issues . . . . .  | 74 |
| Motor Fuels Issues . . . . .   | 76 |
| Abortion Legislation . . . . .   | 79 |

# DÁIL ÉIREANN

*Déardaoin, 18 Meán Fómhair 2014*

*Thursday, 18 September 2014*

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

*Paidir.*  
*Prayer.*

---

## Ceisteanna - Questions

### Priority Questions

**An Ceann Comhairle:** Before we begin, I welcome viewers of Sky, eircom and UPC who are watching the proceedings live. I ask Members to be conscious of this fact when we are due to start at 9.30 a.m.

### UN Missions

1. **Deputy Seán Ó Feargháil** asked the Minister for Defence his plans for Ireland's participation in the UNDOF mission on the Golan Heights; and if he will make a statement on the matter. [34810/14]

2. **Deputy Pádraig Mac Lochlainn** asked the Minister for Defence his views that the UNDOF mission in the Golan Heights is still viable in its current format; his further views that the UN should review its mandate in this regard; and if Irish troops will be withdrawn from serving on this mission considering that the Golan Heights is now a conflict zone in Syria's civil war. [34812/14]

**Deputy Seán Ó Feargháil:** I hope Members will take note of the Ceann Comhairle's reminder about time keeping because we have lost valuable time this morning. I congratulate the Minister on his appointment to the Department of Defence. I am not sure about the combination of agriculture and defence but, no doubt, we will have an opportunity to discuss that issue later.

This is the vital question of what is to happen in respect of Irish participation in the peace-keeping-peace observation mission on the Golan Heights. It is something about which ev-

18 September 2014

everyone with an interest in the work of the Defence Forces is concerned. I know that since his appointment the Minister has given very considerable time to this issue.

**Minister for Defence (Deputy Simon Coveney):** I seek guidance from the Ceann Comhairle. The second priority question is also about the same issue and simply I do not want to repeat myself. Does the Ceann Comhairle want me to answer both questions at the same time?

**An Ceann Comhairle:** If Deputies are agreeable, we can take Questions Nos. 1 and 2 together but separately, if the Minister understands me.

**Deputy Simon Coveney:** I will answer detailed questions from both Deputies, but-----

**An Ceann Comhairle:** We will take them as if they are separate.

**Deputy Simon Coveney:** I thank Deputy Séan Ó Feargháil for his good wishes and look forward to working with Opposition colleagues on this brief. As Deputies know, there has been a lot of media coverage of the changing circumstances on the Golan Heights in recent weeks. We decided, at the invitation of the United Nations, just over a year ago to participate in this mission when the Austrians decided that it was no longer for them. We have 133 peacekeeping troops there - men and women - as part of the UN peacekeeping and peace observation mission. The United Nations Disengagement Observer Force, UNDOF, mission has been in place since 1974 and the United Nations considers it to be a hugely important and very successful mission, essentially keeping apart Syria and Israel, which were at war in the period prior to the putting in place of the mission.

In effect, since the 1970s, the mission has been about observing a demilitarised zone, a narrow strip of land about 75 km long on the Golan Heights, with Mount Hermon at the top. This strip has been respected by both the Syrians and Israelis and there has been little or no military activity or fighting there. The United Nations has supervised it and the mission has been very successful. However, in the past few months and, in particular, in the past few weeks, that has changed. There has been fighting in the region in recent weeks between Syrian Government forces and rebel forces, primarily the al-Nusra Front. The position changed dramatically some weeks ago when Syrian rebel fighters attacked United Nations posts, resulting in 45 Fijian peacekeepers being overrun and captured at their post and effectively kidnapped. Two other posts manned by Filipino troops were surrounded and attacked. I am proud that the Irish element of the mission, a mobile armoured unit, acting in a highly professional manner secured the release of 36 Filipino troops whose post had been surrounded. This has been a tense and difficult number of weeks.

The UN commanding officer has since deemed it appropriate to redeploy troops from all UN posts south of Mount Hermon because it is no longer safe to have troops stationed in the area. They have been redeployed behind the Alpha line, which is the Israeli line. Almost all UN troops in the region are now deployed in the Israeli controlled area on the Israeli side of the Alpha line, with the exception of Nepalese troops on Mount Hermon, a strategically important location in terms of UN control.

Since this dramatic change in circumstances on the ground, I have been working to ensure the management of the mission responds appropriately in terms of managing risk and the exposure of our peacekeepers to the changing circumstances on the ground. This has been happening. Last week, at a meeting in Milan with the UN head of peacekeeping mission, I made clear that Ireland wanted a statement from the UN Security Council confirming the structural

changes to the UNDOF mission if we were to continue to participate in it. We need an assurance that structural change is being made and while this change is taking place out of necessity, it must be confirmed by the UN Security Council. The Security Council met yesterday and I am pleased in principle with the draft statement that has been doing the rounds. Discussions are ongoing and amendments are being made to try to secure agreement on the text today. That is the updated position. If Deputies have questions, I will provide detailed replies.

**Deputy Seán Ó Fearghail:** I thank the Minister for his response and acknowledge again the work he has been doing on this matter. Many families are deeply concerned about their loved ones who are providing distinguished service on behalf of the country in this particularly difficult theatre. The families of troops who may participate in the next rotation are equally concerned.

Ireland committed to a Chapter VI mission to a demilitarised zone, which is clearly no longer relevant. The United Nations must make significant changes to address this issue. Has the Minister demanded that additional UN helicopters be positioned close to the area of separation to increase the lift and recovery capability of the UN force? Has consideration been given to strengthening the armed elements of other contingents in the region? I understand the Irish contingent is providing security for the 1,200 strong force. Should we not ensure the other contingents are armed to the same degree?

**Deputy Simon Coveney:** To respond generally to the Deputy, I have questioned the mandate, as has the Taoiseach. It is intended to maintain this mission as a Chapter VI mission. We will not move into the territory of peace enforcement and I will not, under any circumstances, send Irish troops on a peacekeeping mission to become involved in a civil war or trying to enforce peace in a civil war. That is not what we are doing. The purpose of the mission is to observe the 1974 armistice between Israel and Syria and it will continue to be to observe adherence to that armistice. The mission has been significantly complicated by the civil war in Syria. Most of the Golan Heights which was a demilitarised, supervised zone is now in the hands and under the control of rebel forces, which significantly complicates the position.

**An Ceann Comhairle:** The Minister is over time.

**Deputy Simon Coveney:** We have asked for a review of weaponry.

**An Ceann Comhairle:** I will allow the Minister to contribute again.

**Deputy Seán Ó Fearghail:** We have moved our troops west of the Alpha line to Camp Zouani. The question that arises is whether it will be possible for them to fulfil any mandate from that location. This poses a serious problem because they will be dependent on the capacities of other forces to support them in any endeavour in which they may engage.

Another issue that arises is the extension of the deployment of the current contingent of men and women who are serving in the region. It has been suggested they will remain in place for another fortnight or thereabouts. Will the Minister give an absolute guarantee that their stay in the region will not be extended beyond a fortnight? There is a desire to have them return home safe and sound as soon as possible. Can we continue to regard this as a Chapter VI mission in circumstances in which the area in question is heavily militarised?

**Deputy Simon Coveney:** To respond first to the Deputy's final question, I believe it can continue to be regarded as a Chapter VI mission. The medium to long-term goal will be for

18 September 2014

the troops to return to what was previously a demilitarised zone and observe the armistice, as was done in the past. There has been a temporary and significant setback arising from events in Syria.

Ireland has not yet made a definitive decision to proceed with the rotation. We are preparing, however, on the basis that it will proceed and the troops in question will continue their training. I visited Custume Barracks the other day and spoke to our troops. They are a fantastic group of people who have considerable experience. Of the 130 troops who will travel, only 33 are going on their first peacekeeping mission, with many about to participate on their second, third or fourth mission abroad. They are great people who are experienced, well trained, highly professional and up for the mission. I must ensure, however, that we are sending them on a mission that is being managed appropriately in terms of the risk levels to which they will be exposed.

We have extended the period of the current deployment by two weeks because significant structural change is taking place on the mission and it is deemed appropriate that the troops currently on the ground should make these structural changes as they are much more familiar with the area. This means that the new structure will be in place by the time the new troops arrive.

**Deputy Pádraig Mac Lochlainn:** We are very proud of the role the Defence Forces have played across the world under the United Nations and owe them a debt of gratitude. The problem with the UNDOF mission is that we had a debacle in the UN Security Council in issuing a response to the Syrian conflict. Moreover, the European Union's decision to remove the arms embargo on Syria created a serious difficulty. For this reason, Sinn Féin opposed the decision to deploy Irish troops to the region in the first instance. Unfortunately, it has since transpired that they have been exposed to the civil war in Syria. A number of the countries contributing forces to the mission are part of a European Union structure that has not been neutral in the Syrian conflict. One also has the unravelling scenario in respect of Islamic State. The situation is a mess. Will the Minister ensure our soldiers are not placed in harm's way unnecessarily in a mission that has become highly complex?

**Deputy Simon Coveney:** The Deputy asks a fair question. My role is to ensure we get the structures right and the change that is appropriate to reflect the highly complex realities on the ground. Even though our troops are highly trained, really professional and are able to manage very difficult circumstances, which they have proved over the past number of weeks, it is not responsible to send a new rotation of troops unless we are satisfied that the management of risk in this peacekeeping mission is being done appropriately, but I think it is. A significant effort is being made on the ground in Golan and in UN headquarters in New York to ensure this mission continues because it is the strong view of all stakeholders in the Middle East that keeping a UN presence in the Golan Heights significantly reduces the risk of a significant conflict developing there again. Ireland is a key part of that mission, given the role we have played over the past number of weeks. I am committed to the UNDOF mission but I want to see structural changes and the approval of those changes at UN Security Council level, if it is possible to get that.

**Deputy Pádraig Mac Lochlainn:** A number of issues have arisen in the media reporting of this in recent times which I have to put to the Minister. It has been reported that in one of the operations, but for the intervention of the Israeli Defence Forces, our troops would have been in a very dangerous situation. Will the Minister clarify what happened in that regard? It has also been reported that it was a United Nations requirement that the Fijian troops surrender, and this has caused huge concern in their home country. Will the Minister clarify whether troops are

expected to surrender in those circumstances?

**Deputy Simon Coveney:** I do not think it is appropriate for me to go into the detail of decisions taken by the force commander and the reasons behind those decisions. General Singha, the force commander, who is an Indian officer, has had to make very difficult judgments over the past number of weeks. His primary focus has been the safety of UN troops in the face of some very difficult situations which he has had to manage. In my view and in that of Irish officers who are there, he has made the right decisions. That is all I will say on that.

In terms of the involvement of Israeli troops in supporting, rescuing or coming to the aid of Irish troops, there was a misleading report in the Irish media that somehow Irish troops were rescued by Israeli forces. That is simply not true and I am glad to confirm that. The Irish forces' engagement here, which has got some accurate coverage, was that they were asked by General Singha to go in and, effectively, evacuate Filipino troops who were under huge pressure and were surrounded by rebel forces. They did that in a very professional way. They took some fire and returned some fire and they successfully helped their colleagues to get out of a very difficult situation.

Another UN post was surrounded, which had a different outcome, but it was also a solution that resulted in protection of the lives of peacekeepers. However, there was no incident in which Israeli troops had to rescue Irish troops.

**An Ceann Comhairle:** There is a time limit of six minutes per question.

### **Defence Forces Contracts**

3. **Deputy Clare Daly** asked the Minister for Defence if he will ensure that the Defence Forces cease security contracts with Israeli companies. [34814/14]

**Deputy Clare Daly:** I too congratulate the Minister on his extra brief. I do not know what the farmers were giving out about. I think he is one of a handful of people who could admirably handle the two posts and I wish him well.

The question relates to when the Minister will order the Defence Forces no longer to engage in contracts with companies which have been involved in, or profited from, illegal Israeli settlements and companies which have been involved in the violation of international law, particularly companies such as Elbit Systems Limited, from which the Defence Forces have purchased millions of euro worth of ground surveillance equipment.

**Deputy Simon Coveney:** I thank Deputy Daly for her good wishes, which I appreciate.

The primary purpose of the procurement of defensive equipment by the Department of Defence is to maintain the capability of the Irish Defence Forces on overseas support operations and to afford the greatest possible force protection to Irish troops when on such missions. The need for such equipment is self-evident given recent events.

Tender competitions for defence equipment for the Defence Forces are conducted by the Department of Defence in accordance with EU procurement guidelines and with the EU code of conduct on export controls. Accordingly, competitions are open to any individual or country in accordance with the terms of all UN, OSCE and EU arms embargoes or restrictions. There

are no such restrictions or embargoes in place on Israeli companies.

In following these guidelines and codes, the Department of Defence must deal impartially with all companies that are entitled to enter its procurement competitions and must evaluate tenders on the basis of objective criteria.

The principle of competitive tendering for Government contracts is used by the Department of Defence for the acquisition of defence equipment for the Defence Forces. Central to those procedures is the requirement to allow fair competition between suppliers through the submission of tenders following advertising of the tender competition, usually on the eTenders website, in line with the EU directive on the procurement of defence and security equipment.

A small number of Israeli companies have won orders for defence equipment in recent years as a result of tender competitions. This is not a new development. In each case, the contract was awarded by tender competition on the basis that the company concerned had submitted the most economically advantageous tender. To bar Israeli companies from entering tender competitions for the provision of military goods would be akin to Ireland's unilaterally placing an embargo on such goods from Israel, and this would raise serious implications for Irish foreign policy which are outside my remit. As the Deputy is aware, trade policy and market access are largely EU competencies and any restrictions or bans on imports from any particular country would have to be a concerted decision at EU level.

The Government has consistently been opposed to proposals for trade, diplomatic, cultural, academic, sporting or other boycotts of Israel. In the absence of a general trade embargo of Israel, the Department of Defence cannot unilaterally preclude Israeli companies from participating in tender competitions for military or any other type of goods.

**Deputy Clare Daly:** That really is not good enough. This demand is part of a Trócaire campaign. It is not exactly the most radical organisation making efforts to discourage countries from trading with or investing in those companies that have connections with illegal Israeli settlements. That campaign was initiated prior to the summer slaughter of the people of Gaza and the particular targeting of children and so on. While it is the case that EU procurement practices must be followed in such contracts, the reality is that the EU, the UN and the International Court of Justice have, on numerous occasions, condemned illegal Israeli settlements.

Other countries have provided positive examples of what could be done. The Norwegian ministry of finance excluded Elbit Systems Limited, with which our Defence Forces are currently trading, from its government pension funds on the grounds of serious violations of ethical norms in which the company had been involved, namely, the provision of hardware on the wall in Gaza and in the West Bank and supplying armoury to the Israeli Defence Forces.

The Minister can do more and I would advise him to look at the Trócaire campaign to see how he can play a proactive role in this very important human rights issue.

**Deputy Simon Coveney:** It would be helpful for the information of the House to give some details about the kind of equipment we have purchased through the tendering process from Israeli companies. The vast majority of it is not offensive weaponry. We are talking about X-ray equipment for explosive ordnance disposal duties, which is required to ensure we can dispose of landmines, bombs and so on, helmets for personal protection, unmanned aerial vehicles, which can allow us to improve our surveillance and protect our troops when they are in difficult situations, and ground surveillance radars. There is a small amount of spending on small arms

ammunition, but the vast majority of spending over the past ten years or so has been on equipment that makes it safer for our troops to operate in very difficult circumstances. However, I accept the principle of what the Deputy said.

*10 o'clock*

I remember having many conversations-----

**An Ceann Comhairle:** I will let the Minister back in.

**Deputy Clare Daly:** I believe the Minister deliberately did not answer the question which was not about the merits of what the Government was spending; rather, it was about the very fact that it was spending taxpayers' money with a company involved in illegal activity in Israel. Over the summer most Irish people were appalled at the slaughter of innocent people there. It is not just this military company that is involved, although it is involved in the case of the West Bank wall and in supplying the same unmanned aerial surveillance equipment to the Israeli defence forces that undoubtedly was used in recent combat against civilians. The issue that Trócaire and other organisations are putting, not simply in respect of defence issues but with regard to Cement Roadstone Holdings, Veolia, SodaStream and all of the companies that are profiting there, is that the only way to deal with them is to hit them in their pockets. If the Government is concerned about the slaughter that is ongoing, Ireland, as a neutral country, should take the lead and state it is not going to trade with these companies while they are engaged in such practices.

**Deputy Simon Coveney:** I believe I have answered that question. The manner in which the Department of Defence procures both services and products is consistent with international practice and European Union and United Nations decisions on trade embargoes and so on. That is the appropriate way in which to continue, rather than Ireland taking a unilateral decision to target individual companies or countries on their own. Like many others, I was left distraught by the images of death, destruction, misery and war in Gaza over the summer months. However, there are many ways in which Ireland can assist in trying to bring stability and peace to the region. The Government will certainly try to do this, but I am unsure that the approach the Deputy is suggesting would have any significant effect.

### **Defence Forces Deployment**

4. **Deputy Seán Ó Fearghaíl** asked the Minister for Defence his plans for the future of Custume Barracks, Athlone, County Westmeath; the number of Defence Forces personnel exclusively based there; and if he will make a statement on the matter. [34811/14]

**Deputy Seán Ó Fearghaíl:** This question is straightforward and seeks to establish the Minister's plans for the future of Custume Barracks. However, I put it against the background of the extraordinary decision taken by his predecessor as Minister for Defence, Deputy Alan Shatter, who, at the same time as announcing a Green Paper on the future of the Defence Forces, announced the disestablishment of the 4th Western Brigade and, effectively, the downgrading of Custume Barracks. This has come as a blow to the Defence Forces in general and, in particular, the many people throughout the midlands and west who have been associated with the Defence Forces and Custume Barracks.

**Deputy Simon Coveney:** Custume Barracks is and will continue to be an important opera-

18 September 2014

tional military barracks. The military authorities have confirmed that the current strength of personnel in Custume Barracks, Athlone is 1,038. Incidentally, that is significantly greater than when the Government took office. It includes personnel attending training courses in Custume Barracks. I am advised that the establishment for units based in Custume Barracks is 995, that is, approximately 1,000 people.

While the number serving in the barracks will remain in the order of 1,000, it should be noted that numbers, obviously, will vary from time to time. As with any barracks, there is a constant through-flow of personnel in and out. This is because military service involves personnel moving into and out of particular postings as they serve at home and overseas, receive training and undergo educational and career development courses.

I was asked the question, when I visited it the other day, as to my commitment and that of the Government to the barracks. There are no plans for any downgrading of the barracks in Athlone. The Government perceives it to be a highly significant facility that operationally will remain a major part of the Defence Forces at home, as well as for preparing troops to go abroad. That is why the 46th Battalion which I hope will be replacing the 44th Battalion in the UNDOF mission in the next month or so will be leaving from that barracks.

**Deputy Seán Ó Feargháil:** I must disagree with the Minister a little on the figures. According to my briefing note, on 30 November 2012 there were 1,441 permanent positions at Custume Barracks. These included personnel who had relocated from Longford in 2009 and Cavan and Mullingar in 2012. The disestablishment of the Western Brigade and the downgrading of Custume Barracks have been a disaster for the Defence Forces and, in particular, the military Permanent Defence Force and the Reserve alike. It was a bad decision for military and strategic security reasons. The two remaining Army brigade headquarters, located in Dublin and Cork, are in two geographical extremities. From a Defence Forces operational standpoint, the entire border with Northern Ireland is now overseen from Rathmines, County Dublin. A regional Army brigade headquarters in Athlone makes essential military sense. Athlone is the geographical centre of the country, equidistant from east and west and within easy reach of the centre point of the Border.

**Deputy Simon Coveney:** We must agree to differ on this point. The advice I have from the Defence Forces is that the restructured brigade structure in Ireland is working very well and that there have not been more than 1,400 troops in this barracks since the 1990s. Therefore, the numbers there currently are stronger than has been the case in the recent past. I accept, of course, that the restructuring of the brigade structure, if one wishes to call it that, has resulted in certain people being unhappy. However, it came as a recommendation from the Defence Forces and has resulted in an improved structure and greater efficiency. Certainly, no one within the Defence Forces of whom I am aware seeks to reverse the clock in this regard. As for Custume Barracks, from what I have seen, the motivation and the standards being set there are better now than they have been in many years.

**Deputy Seán Ó Feargháil:** I do not doubt that very high standards are set in Custume Barracks. Moreover, I do not doubt the commitment of the personnel there. However, I have also visited counties Westmeath and Roscommon and spoken to people who have been affected by the particular changes made. This change was all the more extraordinary, in that the Minister's predecessor had launched a discussion paper on the future of the Defence Forces, yet at the time he was launching it, he made one of the most fundamental and radical changes that might be made to the entire structure of the Defence Forces. Far from it leading to greater efficiencies,

my information is that vastly increased costs are involved in ferrying people around the country in buses that are carrying numbers of personnel in order that necessary duties can be fulfilled. When he speaks to people on the ground, as distinct from speaking to the military authorities who will be careful in what they say to a Minister for Defence, the Minister will find the response may be quite different.

**Deputy Simon Coveney:** I also speak to people on the ground. That is what one does as a public representative, as well as Minister for Defence. The change the Department of Defence and the Defence Forces have implemented in the past 15 years or so has been fundamental in respect of modernisation, performance and fitness improvement, changing the age profile, restructuring and reorganisation within barracks. It has been an extraordinarily successful change programme for which the Defence Forces should be commended. I can certainly understand the Deputy's point about a Green Paper and the preparation of a White Paper. However, when one is trying to finalise a White Paper on the back of a Green Paper, it takes time. This does not mean that in the interim, structures within the Defence Forces should not be modernised, changed and adapted to new realities, which is what has been happening.

### **Defence Forces Contracts**

5. **Deputy Pádraig Mac Lochlainn** asked the Minister for Defence his plans to continue to buy military hardware from Israeli companies. [34813/14]

**Deputy Pádraig Mac Lochlainn:** This is the same as a question the Minister dealt with earlier, but I want to develop it a little further. Undoubtedly, it is of considerable concern to the people of Ireland that we are involved in commerce with the arms business in Israel. I got the Minister's response to my letter. Regardless of the framework, we must make our own decisions in these matters.

**Deputy Simon Coveney:** It is important to qualify my answer by saying that I am the Minister for Defence, and much of what Deputy Mac Lochlainn is asking about, and what Deputy Clare Daly asked about earlier, is to do with foreign policy issues: whether we want to make decisions that will target Israeli companies and Israel in order to make a foreign policy statement. In my view, given my experience as a foreign policy spokesperson in the European Parliament for a number of years, and a human rights spokesperson at that, such a decision would not be the wisest course of action. In my view, engagement is what brings about change. However, as I said, those are foreign policy issues.

As regards the Department of Defence, we comply with all of the existing procurement rules of competitive tendering for services and equipment and we comply fully with decisions that have been made collectively by the EU and the UN in terms of arms embargoes or other restrictions on companies or countries that may be subject to such restrictions at an EU level. Generally, European countries act together in making decisions on embargoes because it is a much more effective way to achieve results, and it would be unusual for a country to take strong unilateral action against another country.

**Deputy Pádraig Mac Lochlainn:** Normally I would not disagree, but I am thinking of Russia. Currently, we have sanctions against Russia and our agriculture sector is facing the same sanctions reciprocally. Another example is the sanctions against Iran. I am sure there are other countries that face sanctions now. There should be severe sanctions against Israel. The reason

18 September 2014

there are not any sanctions against Israel is that it is protected at the UN Security Council.

How can we, who are proud of our neutrality and our international contribution to human rights, stand over doing commerce with the military-industrial complex in the country that bolsters a defence force that slaughtered 1,500 Palestinians a number of years ago in Gaza, and recently more than 2,000, most of whom were women and children?

**Deputy Simon Coveney:** First, the examples given by Deputy Mac Lochlainn of Russia and Iran are decisions that were taken collectively by the European Union. The European Union decided that it needed to respond collectively to what was happening in Ukraine and to Russian involvement in that, and, of course, there have been consequences. One does not impose sanctions on a country as powerful and large, and which is as big a trading partner, as Russia and expect nothing in return. Russia has decided to target the agrifood sector, which, of course, we need to manage. It is difficult for a country such as Ireland which exports 80% of the food and drink that it produces, but we will manage. We will find alternative markets and we will work with our EU partners to try to bring about a non-military solution to what is happening in eastern Ukraine. That is the right thing to do. That is a classic example of the European Union acting together. If individual countries started acting unilaterally with regard to Russia, we would be significantly weaker. That is why I say we would be well advised to make decisions about the relationships between Europe and other countries collectively rather than taking unilateral actions.

With regard to what has happened over the summer, there are two sides in this conflict. It is not simply a case of talking about Israeli slaughter.

**An Ceann Comhairle:** I will allow the Minister to speak again.

**Deputy Simon Coveney:** It is a much more complex-----

**Deputy Mick Wallace:** There are two sides to Ukraine.

**Deputy Simon Coveney:** There are.

**An Ceann Comhairle:** There is a clock. It is over time.

**Deputy Pádraig Mac Lochlainn:** This is a helpful discussion. It shows the conundrum we face around our neutrality and our partnership with European countries that are members of NATO. It is destroying our neutrality when we take collective decisions. For example, we abstained on the vote in the UN on the need for a report into what one, being gentle, would describe as human rights abuses that were taking place in the conflict in Palestine. How was it in the interests of the Irish people to abstain on that vote? We have coalesced with NATO countries which are often aggressors and we are undermining our own independence. We are also undermining our potential to use our neutrality in a positive way, to be involved in UN peacekeeping, to use our conflict resolution experience and to be one of the biggest *per capita* contributors to overseas development aid internationally. We can be leaders in conflict resolution and human rights, but we are losing our credibility because of our alliances with NATO countries in the European Union. That is not in our national interest. I ask the Minister to reflect on what we are losing here and the positive role we can play in these conflicts if we just do right by our own people.

**Deputy Simon Coveney:** Neutrality or military non-alignment allows us to make decisions

on a case-by-case basis. Sometimes we decide to work in partnership with NATO, such as in Afghanistan and the Balkans, sometimes we work in partnership with EU member states, such as in a training mission in Mali with British colleagues, and sometimes we are involved with UN efforts such as UNIFIL in southern Lebanon and in UNDOF on the Golan Heights. All of those missions have UN support. We have a triple-lock system which is there to protect our neutrality in terms of decision-making and sending troops abroad.

I agree with Deputy Mac Lochlainn's aspirations for Ireland to be a world leader in conflict resolution and peacekeeping and in making independent decisions, but that does not mean we cannot work with other countries that have similar outlooks and objectives on a case-by-case basis in trying to achieve solutions for destabilised regions following conflict. Just because there is an association or partnership with NATO countries from time to time does not mean we have an aspiration to be a member of NATO, but we should be open to working in partnership for them when it can result in a positive outcome that is consistent with Irish foreign policy.

## **Other Questions**

### **Defence Forces Personnel**

6. **Deputy Colm Keaveney** asked the Minister for Defence if he will review the 21-year rule for Defence Forces personnel enlisted after 1994; and if he will make a statement on the matter. [34557/14]

**Deputy Colm Keaveney:** The object of the question is to establish whether the Minister intends to review the 21-year rule for Defence Forces personnel. The Minister will be aware that many women and men are prematurely being discharged from the Army after 21 years' service. Generally, the position is that personnel in their 30s, who have large mortgages, child care costs and established family costs, are being prematurely discharged from the service. Would the Minister share with us his views on how he will address this situation?

**Deputy Simon Coveney:** The unsatisfactory age and fitness profile of the Permanent Defence Force was an issue of serious concern during the 1990s and was the subject of severe criticism in a series of external reports, mainly those by Price Waterhouse Consulting and the Efficiency Audit Group. One of the key areas identified for urgent action by the EAG was the development of a manpower policy with an emphasis on lowering the age profile of PDF personnel. The EAG report was accepted by Government in 1995.

In an effort to alleviate the situation, the Government had already decided in 1993 to enlist personnel on a five-year contract basis, following consultation with Permanent Defence Force Other Ranks Representative Association, PDFORRA. In 1997 agreement was reached with PDFORRA on a new manpower policy for the Defence Forces. This policy applied to personnel enlisted after 1 January 1994 and provided that service for private soldiers would initially be for five years, with the option of extension to a maximum of 12 years, subject to meeting standards of medical and physical fitness and conduct. Longer periods of service were envisaged for non-commissioned officers.

18 September 2014

In 2004 PDFORRA submitted a claim under the conciliation and arbitration scheme for a further review of the terms of service applying to personnel enlisting in the Defence Forces after 1 January 1994. A set of criteria was agreed with PDFORRA to provide longer careers for those who enlisted post 1 January 1994 while continuing to address the Government's objective of having an appropriate age profile to meet the challenges of a modern defence force.

The criteria require that any person re-engaging after 12 years' service must be able to continue to operate at his or her current level, both at home and overseas, on an ongoing basis. Re-engagement is subject to the individual soldier meeting specific criteria in regard to physical fitness, medical category, successful completion of military courses of instruction and service overseas.

PDFORRA has tried to have the 21-year rule, which came from the 12-year rule, which came from the previous five-year rule, extended again because people who joined the Defence Forces in 1994 are close to the end of their contracts. There is a very active and constructive discussion in the conciliation infrastructure in the Department of Defence. I understand that agreement is reasonably close and there are one or two outstanding issues. We are trying to be as flexible and reasonable as we can while at the same time ensuring we have an appropriate benchmark with regard to age profile in the Defence Forces.

**Deputy Colm Keaveney:** I welcome the Minister's commitment to demonstrate flexibility and I am sure he will agree that continuing in stable employment in one's 30s is generally a good thing. Being discharged from the Army in one's late 30s and not having any employment prospects is not good for one's family or community. Significant flexibility was offered to the chaps in the mess, such as the commandants, who received an extra two years. Psychiatric nurses and gardaí were also given significant flexibility to continue in service beyond retirement age.

It may be of assistance to compare our Defence Forces with those of some of our NATO friends. The retirement age in Malta and Finland is 55, in Belgium it is 56, in Cyprus it is 52 and in Australia it is 60. I am delighted the Minister has acknowledged that we have the best fitness programme available and that if people are fit to work they should not be discharged prematurely.

**Deputy Simon Coveney:** I thank the Deputy for his comments. It is important to put this into context, given the active role the Defence Forces have been playing abroad in recent weeks. We are speaking about front-line soldiers such as privates and corporals who are jumping in and out of Mowags and who need to be fit, adaptable, strong and at the peak of their physical and mental fitness for their own safety and the safety of the troops around them. I will not compromise this principle. Let us be clear on this.

If one progresses from private to corporal to sergeant, this is a non-issue. The 21-year rule applies to people who have remained as front-line soldiers in an effort to try to reduce the age profile and ensure we have a constant inflow of new personnel in their 20s coming into the ranks of front-line soldiers. We will try to show flexibility when and where appropriate, but being a soldier is different from being a member of many other institutions in Ireland because of the risks to which they are exposed and the demands in terms of mental fitness, flexibility and physical strength which we require of them to perform their duties.

**Deputy Colm Keaveney:** I do not suggest that we should introduce a bogus fitness pro-

gramme so people can remain within the service. If somebody is fit he or she should be allowed progress beyond the current arrangement of 21 years and retain employment. There is no suggestion that we are asking for something inappropriate to be introduced. All we are asking is for common sense to be considered. There is no doubt that the Minister could intervene immediately because there is a difficulty with respect to how he is managing the existing resources. There is no promotion from corporal to sergeant, but the Minister is promoting and accelerating a natural wastage of critical skills in areas which will never be built up by new intake. Significant resources are being lost with respect to the expertise which has been built over many years in the speciality. Will the Minister report to the Dáil on when he expects the review to be concluded and when he can re-engage with PDFORRA to make some kind of announcement on the flexibilities that we both consider fair and just?

**Deputy Simon Coveney:** The flexibilities being discussed are with regard to maintaining levels of expertise built up over time, while at the same time trying to ensure front-line soldiers are of an appropriate age. There is a balance to be found. We are not really speaking about people in their 30s. If there is a 21-year rule and one joined the Army at 19 or 20 or in one's early 20s, we are talking about people who are now in their 40s.

**Deputy Colm Keaveney:** Or 16, as is sometimes the case. The Minister met such people last week in Athlone. They are in their 30s.

**Deputy Simon Coveney:** I propose to let the infrastructure in the Defence Forces which exists to resolve issues such as this, and which has successfully resolved this issue in the past when there was a request by PDFORRA to do so, to finalise its work. It would be inappropriate for a Minister to wade in politically and tell people what the outcome should be. I would like to think our conciliation and arbitration systems in the Defence Forces can work here for PDFORRA and the Defence Forces generally. I understand PDFORRA's national conference will take place in several weeks' time and I will speak to them there. It is not appropriate for me to engage until we get an outcome from the conciliation process, which should happen in the coming weeks.

## **Defence Forces Deployment**

7. **Deputy Clare Daly** asked the Minister for Defence the number of occasions on which Irish Defence Forces personnel were present at Shannon Airport in June, July and August 2014; the nature of their duties; and the number of searches of foreign military aircraft conducted. [34551/14]

**Deputy Clare Daly:** This question relates to the activities of members of the Defence Forces at Shannon Airport in the presence of US military aircraft. As a neutral country, we have international obligations to search these aircraft, although it would appear the Defence Forces members seem to be present more or less to protect them. Will the Minister instruct the Defence Forces to search the aircraft or will it be left to civilians to try to do the job for them?

**Deputy Simon Coveney:** It seems, unfortunately, that sometimes we do need to protect these aircraft because there are individuals intent on trying to damage them.

An Garda Síochána has the primary responsibility for law and order, including internal security in the State. Among the roles assigned to the Defence Forces is the provision of aid to

the civil power, which in practice means assisting An Garda Síochána when requested to do so.

There is ongoing and close liaison between An Garda Síochána and the Defence Forces regarding security matters. The Defence Forces have deployed personnel to Shannon Airport, in response to requests for support from An Garda Síochána, since 5 February 2003. This has been ongoing for quite some time.

There were 33 security deployments of the Defence Forces at Shannon Airport in June of this year, 24 in July and 32 in August. This is entirely in line with deployments in previous years. The length of each such deployment and the number of relevant aircraft that land and take off during each deployment can vary. For example, if a single aircraft is on the ground for an extended period, perhaps overnight or over a number of days, this would involve more than one deployment of troops, as each shift is generally of 12 hours' duration.

The Defence Forces have no responsibility for searching aircraft that land at Shannon. This is our involvement.

**Deputy Clare Daly:** The Minister has confirmed that the activities over the summer were consistent and that on average once a day the Irish Defence Forces are present to protect US military aircraft. When the Irish Army goes there, at whose behest is it? Is it at the behest of the Garda Síochána? Who decides and who pays for it? We have a responsibility under international law to search the vehicles. This responsibility was confirmed by the UN Human Rights Committee at a recent meeting in Geneva, at which it said that relying on diplomatic assurances was not sufficient in respect of checking whether aircraft were, for example, carrying people for rendition. We have had similar judgments in the High Court - for example, in the *Horgan v. Ireland* case, in which it was clearly spelled out that a neutral state may not permit the movement of large numbers of troops or munitions of one belligerent state through its territory en route to a theatre of war. Under the Hague Convention, there is a legal responsibility for a neutral power which receives on its territory troops belonging to belligerent armies to intern them as far as possible. We have a responsibility to search the aircraft. Will the Minister instruct the Defence Forces to do so or talk to the Minister for Justice and Equality to get the Garda Síochána to do so or must civilians do the job to make sure we are compliant with our international obligations as a neutral country?

**Deputy Simon Coveney:** It is my understanding that the Defence Forces are there at the request of the Garda Síochána. When the Garda Síochána asks for support, backup and assistance on security matters, the Defence Forces takes it seriously and provides it. The cost is assumed by the Department of Defence. On the broader issue, being a neutral state allows us to make decisions for ourselves as a country. We have strong reassurances from the US on issues such as rendition and we have a relationship with the US that allows us to facilitate flights in and out of Shannon on the back of those assurances. Questions about decisions with regard to the Garda Síochána must be asked of the Minister for Justice and Equality.

**Deputy Clare Daly:** That is the problem of kicking it from one Minister to the other. The Minister has confirmed that we are facilitating the movement of US troops, in his words, and these troops have engaged in a 13-year invasion of Afghanistan, not to mind activities in Iraq and elsewhere. We have been complicit in the slaughter of innocents because of that. I quoted to the Minister the obligations in terms of what Irish courts have said and the international Hague Convention rules for neutral countries, which we are not adhering to. It is insufficient for the Minister to kick it to another Minister, and I would like the Minister to provide me with

the cost to the Defence Forces of the venture. It is simply not good enough.

**Deputy Simon Coveney:** On costs, I can be helpful straight away. In 2012, the cost was €275,000 and in 2013 it was €221,000. There is a cost to it and it is presumably because the Garda Síochána is concerned that we need to provide protection, which is an issue in itself, to planes landing and taking off at Shannon Airport. They ask for our assistance and they get our assistance, but the operation is the responsibility of the Garda Síochána, and the Deputy should address policy questions in this regard to the Minister for Justice and Equality.

### **Programme for Government Priorities**

8. **Deputy Seán Ó Fearghail** asked the Minister for Defence his priorities for the remainder of the Government's current term of office; and if he will make a statement on the matter. [34574/14]

**Deputy Seán Ó Fearghail:** In July, when the Government published its revised set of priorities or its revised programme for Government, there was no mention of defence. The question gives the opportunity to the Minister to set out his personal priorities for the remaining term of the Government.

**Deputy Simon Coveney:** I thank the Deputy for providing me with the opportunity to do this. My immediate priority will be to ensure that the Defence Forces retain the capability to fulfil all roles assigned to them by the Government, both at home and overseas. In this context, and within the available resource envelope, decisions to replace equipment and ongoing recruitment to the Permanent Defence Force will prioritise the maintenance of required operational outputs. The preparation of the new White Paper on defence is also a key priority, with the objective of setting the policy framework for defence for the next ten years. I believe this is a critical aspect of Government policy and I am determined to ensure that the new White Paper fully addresses the defence response to future security challenges in a comprehensive way.

The White Paper process provides an opportunity to critically examine future demands and consider how we might best meet associated operational requirements. I am conscious that many of the day-to-day services delivered by the Defence Forces are cross-cutting in nature and I am determined to ensure that defence resources and expertise are leveraged to maximum effect for the benefit of the State.

I intend to conclude the White Paper on defence and I would genuinely like Opposition input. I cannot assure the Opposition that I will agree with everything, but I would like input. There is much we can do to modernise the role of the Defence Forces in terms of its interaction with Irish companies and using the Defence Forces infrastructure as a test bed for new technology and new innovation. That is already happening in places such as Haulbowline and the Curragh. We need to question existing State infrastructure that operates in partnership with the Defence Forces, and maybe we could look at more efficient structures, such as interaction between the Naval Service and the Irish Coast Guard. There is a significant debate to be had. We need to review in an ambitious way Ireland's role in peacekeeping and conflict resolution. I look forward to the debate and I assure Members that I will be an active Minister for Defence in the relatively short time I will have between now and the next election.

**Deputy Seán Ó Fearghail:** I wonder whether there is a message in that about the relatively

short time to the next election.

**An Ceann Comhairle:** There is a short time for the Deputy's supplementary question and he would want to get on with it.

**Deputy Seán Ó Feargháil:** I thank the Minister for his response. He mentioned the White Paper, which is of vital importance. When does the Minister expect to publish it? Many of us have made submissions. The Minister talked about recruitment and equipment, and this gives rise to financing. When the Minister received his briefing documents in July, they indicated that in terms of GDP, Ireland provides to its Defence Forces about half the level of funding provided by other neutral countries such as Sweden and Finland. Is that something the Minister will address?

We speak frequently about the Irish public's awareness of the value of the overseas service of our Defence Forces and how proud we are of everything they do abroad. Does the Minister see himself highlighting the valuable contribution of the Defence Forces at home?

**Deputy Simon Coveney:** For many years I have been highlighting what the Naval Service does in respect of fishing. Somebody questioned the link between the Department of Agriculture, Food and the Marine and the Department of Defence in respect of the same Minister having responsibility for the both Departments. For many years and across a number of Governments, the marine and defence areas were linked because of the role of the Naval Service in fisheries protection.

I want to raise the profile of our Defence Forces from the point of view of the Army, the Air Corps and the Naval Service. Very few people serve the State in the way the Defence Forces do. It is a form of patriotism that we do not see in too many Irish people. Our Defence Forces perform an extraordinarily professional role at home and abroad and it is something that is taken for granted by people, but it should not be.

The White Paper on defence is an opportunity to highlight the service and talk about it in the future. I hope to have a draft on my desk by the end of the year so that we can have an active discussion in the new year about developing, amending and improving the draft.

**Deputy Seán Ó Feargháil:** I refer to how we address the issues in this House. I recall being Chairman of the Oireachtas committee on health in the previous Dáil when we found it extremely useful that the Minister and the officials from the Department of Health and the HSE came in every quarter to give the committee a presentation. I do not suggest this in respect of the Department of Defence but I ask if the Minister and his officials would consider coming before the justice and defence committee twice a year to update us on matters relating to the Department of Defence, the service abroad and at home and what the Minister is doing to develop the role of the Defence Forces.

**Deputy Simon Coveney:** I agree absolutely. I have been very anxious to attend the committee and I have been speaking to Deputy Stanton in this regard. I am aware that Deputy Ó Feargháil has asked for me to brief the committee on UNDOF which I intend to do but it is a question of finding an appropriate time to suit my timetable and that of the committee. I refer to my interaction with the agriculture committee over the past number of years which shows that I am very open to discussion and I try to take on board views and ideas which I regard them as credible and sensible. I hope to be before the defence committee at least twice a year, if not more frequently.

*Dáil Éireann*  
**UN Missions**

9. **Deputy Catherine Murphy** asked the Minister for Defence in view of the changing nature of the military situation in the Golan Heights and the recent intensification of violence in the region, his plans to seek a review of the UNDOF mandate under which Irish soldiers are serving in the area; if he or senior Irish military personnel have had discussions with the head of mission and force commander in relation to the changing nature of the conflict in the area; and if he will make a statement on the matter. [34571/14]

**Deputy Catherine Murphy:** My question is similar to the first two priority questions in that it relates to the changing situation in the Golan Heights. There have been developments in the situation since I tabled this question. I wish to know what the Minister's approach will be when he attends the summit on 26 September. I ask him to inform the House about the engagements, whether there was an exchange of fire and whether, as was reported, Irish troops were instructed to surrender.

**Deputy Simon Coveney:** I state categorically that Irish troops were never instructed to surrender. It is important to understand the role of Irish troops in the UNDOF mission; they are called a mobile force reserve. Most of the UN peacekeeping force are relatively lightly armed with rifles. However, the Irish contingent is different in that our troops operate in armoured vehicles known as Mowag vehicles with a mounted machine-gun. Troops are heavily armed and they are sent in to resolve difficult or awkward situations if and when these arise. This is the reason they have been so actively involved in the past weeks. For example, the Irish troops were the last troops to leave Camp Faouar, which was UNDOF's headquarters up to a few days ago. They have now redeployed into Camp Ziouani on the Israeli side of what is called the Alpha line.

I reiterate that the Irish troops were never asked to surrender. Other UN troops were in very difficult situations where the commanding officer needed to make sensible decisions to protect his troops and I believe he made the right decisions at the right time.

We have asked for reassurance from the United Nations which has extensive experience both in the Middle East and in Golan - UNDOF has been there since 1974. We need to respond on the ground to a significant change in conditions so that we can have a peace observation mission consistent with the mandate but which manages risk in an appropriate way. As I said earlier, I will not send Irish troops into a civil war situation; that is not their job nor is it the mandate and they should not be exposed to such a situation. They are highly trained and can deal with very difficult and awkward situations but the structures of this mission need to be adapted and are being adapted to address the change on the ground and we must wait to see whether this change may be temporary or permanent.

**Deputy Catherine Murphy:** With regard to the summit on 26 September I ask if there is a time line for sending the replacement force.

**Deputy Simon Coveney:** I have been invited to speak at the international peace-keeping summit which will be held in New York on 26 September, next week. It will have a focus on existing peace-keeping missions but it will also focus on attempts to build capacity for peace-keeping and conflict resolution on the Continent of Africa. This will also provide a very interesting opportunity for Ireland. However, the big decisions may well be taken today. The UN Security Council met yesterday and it will meet again today. Its members are trying to agree

18 September 2014

the wording of a statement on UNDOF which I think would give us reassurance with regard to structural change and potential equipment change available to that mission in the future, in order to remove the risk to which our troops may be exposed. I hope the UN Security Council will be able to agree an acceptable wording which it could publish today.

On the question about the timing for sending the replacement force, we delayed the rotation by two weeks because our troops on the ground who have been there for the past six months are implementing the new structures to ensure that when replacement troops arrive they will have the benefit of a new operational structure.

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

**Deputy Simon Coveney:** I expect that a rotation of troops will happen in the middle of next month, in October.

**Deputy Mick Wallace:** Given that the mission has been in place for over 40 years without having facilitated resolution of the Syrian-Israeli conflict which was what it was designed for in the first place, it appears there is very little we can offer there. Would the Minister agree that our troops would be better used somewhere like Ukraine where a peacekeeping mission could certainly be of significant benefit or in the Congo where more than 5 million people have been destroyed?

**Deputy Simon Coveney:** There are many conflict zones in the world requiring peacekeeping missions. However, Ireland and the Irish Defence Forces have a lot of experience in the Middle East. We have had a significant presence in southern Lebanon for many years. In my view our expertise is suited to this mission. We have also been asked in no uncertain terms by multiple countries to stay there because of the role of Irish troops in this mission and the professionalism they bring to it. I would need to think very carefully before making a decision to pull Ireland out but at the same time we need to be firm with regard to the changes needed to manage risk appropriately so that I can confidently send troops in the knowledge that the structure is appropriately framed to deal with changing circumstances on the ground.

**An Ceann Comhairle:** I ask Deputy Ó Fearghail to forego his introduction to his question as only two minutes remain for this question.

## EU Meetings

10. **Deputy Seán Ó Fearghail** asked the Minister for Defence if he has attended any meetings with EU counterparts since taking office; and if he will make a statement on the matter. [34576/14]

**Deputy Seán Ó Fearghail:** I ask the Minister to inform the House about the level of engagement he has had with his EU defence ministerial colleagues and in particular what has been the outcome of any discussions with regard to the formation of impending battle groups, the Nordic battle group in 2015 and the German-led battle group in 2016.

**Deputy Simon Coveney:** I have had two proper engagements with EU ministerial colleagues, the first meeting on the margins of a NATO summit which was an event for partners of NATO in certain peacekeeping missions. I had a very good bilateral meeting with my Dutch counterpart. Two Dutch officers are in the UNDOF mission. I made it very clear to my coun-

terpart what Ireland requires in order to stay. She was in complete agreement with Ireland's position. I have had a good engagement with colleagues at the informal defence meeting held in Milan last week. It was a very useful lengthy working session which gave me the opportunity to get to know my colleagues and the issues they are progressing. I can assure the Deputy that we have not made any radical new commitments but I have outlined an Irish perspective on some of the new challenges we face. For example, the mission in Afghanistan is coming to an end to be replaced by a peace observation and support mission in which there may be some limited Irish involvement. Ireland supports the battle group concept. The name "battle group" is unfortunate, but that is what it is. Under the battle group model, military forces from different European countries train with each other in order that if there is a need to undertake peacekeeping or observation missions, troops from the various member states will have an understanding of how their colleagues from elsewhere operate and work. This model also ensures the proper interoperability of both the equipment used and the personnel serving together.

*Written Answers follow Adjournment.*

### **Merchant Shipping (Registration of Ships) Bill 2013 [Seanad]: Second Stage (Resumed)**

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

**An Ceann Comhairle:** Deputy Seán Kyne was in possession and there are 17 minutes remaining in the slot.

**Deputy Seán Kyne:** As I will not need the full 17 minutes, I am sure I can share time with someone. I congratulate the Minister on his appointment.

I spoke on the Bill prior to the summer recess and take the opportunity to reiterate some of the points I made at that stage. I welcome the Bill which will replace an Act of the Oireachtas which is almost 60 years old and which takes into account some of the changes that have occurred in the context of maritime issues during that period. It also demonstrates the fact that meaningful and effective reform takes time. In that context, there was widespread public consultation during the drafting process.

The Bill contains a number of important and positive provisions. For example, it is welcome that all ships - with defined exceptions - will be required to register to operate in Irish territorial waters. I also welcome the creation of a new centralised electronic register of ships. Section 24 demonstrates the flexibility required in that it makes provision for specific visitor registration for small craft scheduled to operate in Irish waters for less than three months. This is vital in the context of the marine tourism sector which gives rise to substantial economic benefits.

Evident in the Bill is the new focus on safety which lies at the heart of the work of the Department of Transport, Tourism and Sport and which is championed by the Minister and Ministers of State. The provisions in respect of the seaworthiness of vessels and the obligation for vessels to be re-registered every ten years mirror those introduced in the area of road safety.

Section 17 deals with the appointment of registrars of ships, with subsection (4) empowering the Minister to appoint persons to carry out these duties. I note that the current arrangements for registration are undertaken by officers of the Revenue Commissioners and that this

will continue until the Bill's various provisions have been put in place. It would be interesting to discover the Minister's views on this matter and whether registration duties and functions will be placed with an existing State agency or if a new one will be created for this purpose. The former would be more appropriate in maintaining the efficiencies we achieved in recent years in State agencies, particularly in reducing costs.

On the previous occasion I also pointed out that issues relating to national flags, national colours and their display were addressed in sections 34 to 38, inclusive. While this matter may seem antiquated or lacking in relevance to some, it merits the focus and attention afforded to it. Aside from the importance of identifying vessels, particularly for an island nation, the use of registration for commercial benefit is also important. In the past, a commercial entity transferred the registration of its vessels from Ireland to other jurisdictions. This was not the result of a lack of patriotism - the company involved was more than happy to use its Irish identity to build a competitive advantage - rather, it was for the purely economic reasons of cutting costs and reducing staff remuneration levels.

We cannot discuss legislation relating to shipping without referring to ports and harbours. Schedule 3 to the Bill sets out the ports wherein ships may be registered. Galway is listed in this regard and, as the Minister is aware, Galway Harbour Company recently submitted comprehensive plans for the redevelopment and expansion of the port. I fully support these plans and share the view that the expansion of Galway Harbour is essential to the sustainable development of the entire western region. However, I take the opportunity to reiterate my concerns about the reclassification of ports and harbours. The national ports policy proposes that Galway be reclassified as a tier 3 port, that is, one of regional significance. This fails to take into account the planned expansion of the port and the potential which can be realised when this development occurs. In my submission to An Bord Pleanála on the matter, I highlighted the example of Barcelona. Once predominantly concerned with commercial cargo, the port in Barcelona can now cater for nine cruise ships carrying 3,000 passengers each. At the height of the tourism season, therefore, some 27,000 additional visitors can be brought into the city of Barcelona and the surrounding region on a daily basis. Galway is a smaller port, but if it attracted even a fraction of that number of visitors, the benefits to the western region would be huge.

I am sure the Minister will have an opportunity to travel to Galway and meet the board of the harbour company in order that he might discuss its plans for the future and visit the port's existing facilities. Operations at Galway are tidal based at present and it is necessary for the port's gates to be opened before ships can be admitted. This means that admissions must be timed, which obviously limits the potential for expansion. The harbour company has plans to construct a new port. The existing port is located at the heart of the city, just a short distance from Eyre Square, and this gives rise to huge tourism potential. On the commercial side, the port currently caters for a small volume of total national shipping cargo. However, this is simply because investment on the scale required for expansion has not been made in the past.

The proposed development of Galway Harbour would involve two phases of land reclamation. The larger of these would involve the reclamation of some 19.6 ha and be necessary in order to facilitate the transfer of activities from the existing port facilities. A deepening of the access channel is envisaged, as is the putting in place of a turntable to allow for safe docking at the proposed new pier. A breakwater would be constructed at the head of this pier, while a second breakwater would allow for the construction of a 216-berth marina. The new port would not be dependent on tidal flows or the opening of gates. This would, therefore, allow for more regular shipping activities. It would be a modern facility and allow Galway to compete with

other port cities in attracting activity. The new facility would provide greater scope for increasing the number of activities carried on at the port, particularly in terms of the rail access it is planned to provide. I highlighted all of these issues in my submission to An Bord Pleanála. The harbour company's plans are realistic and will come to fruition. I am confident that the requisite investment will be made. There are other ports in the country and Deputies who represent other constituencies have opposed the plans for Galway and made submissions in that regard. They obviously oppose the plans for Galway Harbour for their own reasons, but the stakeholders in the west are fully behind them.

I am confident that the reforms contained in the Bill will benefit the entire marine sector. I look forward to further reforms being introduced and implemented in the future.

**Deputy John Paul Phelan:** It is, perhaps, somewhat unusual for a Deputy who represents Carlow and Kilkenny to speak on a Bill about merchant shipping. Strangely enough, however, even though Kilkenny, in which I reside, is a land-locked county in theory, there are two ports there and they are located on the Barrow and Suir estuaries. I refer to the Port of Waterford, the entirety of which is located in County Kilkenny, and the Port of New Ross, part of which lies within the county.

I welcome the Bill which updates a very old item of existing legislation, namely, the Mercantile Marine Act 1955. Reform is required because, as has been the case in so many other sectors and areas of life, the shipping industry has changed dramatically in the intervening period. I welcome the introduction of a new register of ships under section 9 and the new temporary registration process in respect of pleasure craft, including jet skis, for which section 24 makes provision. I also welcome the widespread public consultation which took place on the Bill. Section 9 also makes provision for the introduction of a new centralised electronic register of ships.

My final point is similar to that made by Deputy Seán Kyne in respect of Galway Port. The old Port of Waterford was located in the centre of the city and the quays and many of the old facilities relating thereto remain in place. During the summer, several cruise liners visited the old port. In that context, there have been outstanding difficulties for many years with cruise liners accessing the facility. However, it is quite suited to accommodating them.

*11 o'clock*

The old Waterford Port in the heart of the city is sufficiently big to cater for these liners. It is important that it is right at the heart or in the centre of the city, in particular on the north wharfs, as they are called, where there has not been much by way of activity, economic or otherwise, for many years since the port facility moved some miles downstream to Belview in Slieverue, County Kilkenny. There are new members involved in the board and I know that those in the port are keen to ensure that this cruise liner facility is extended and improved in Waterford.

Members will be familiar with the fact that twice in recent years Waterford has paid host to the tall ships annual event. This was a major success. I need not remind the Minister that Waterford city, in particular, as well as the south east as a whole, has the highest level of unemployment in the country. In or around or touching 20% of the population in the working category are not gainfully employed.

Tourism is a sector of the economy that has grown significantly in recent years and there is more room for expansion in Waterford and the surrounding areas of County Waterford, south

Wexford and south County Kilkenny. With this in mind I wish to use this opportunity to voice my support for the extension of the facilities at the old port in the centre of Waterford city for more cruise liners to be accommodated. Significant public funding has been invested already in the heart of Waterford city in what is now known as the Viking triangle. The Minister is probably aware of this because of another aspect of his brief. Recently, several festivals were held and several visitors from outside the city remarked on the investment and the special space and area that has been created in the heart of the city. It extends from Reginald's Tower, which is, in and of itself, a site of significant national importance and heritage in the heart of the city. It is situated off the quays and in the immediate area there has been investment in what is called the Viking triangle. With a view to maximising the possibilities for this I urge those in the Department to do everything in their power to ensure that the arrival of cruise liners and tourists into the heart of Waterford city, which services all of the surrounding hinterland in County Waterford and neighbouring counties, would be promoted as part of a significant new venture and a new departure for the tourism sector and thus benefit the economy of the city of Waterford and its immediate surroundings.

I welcome the fact that we are updating the 1955 Act with these provisions. I do not have any specific recommendations to make with regard to amendments or changes that I would like to see made.

**Deputy Richard Boyd Barrett:** I broadly welcome the Bill. As has been said, it updates the 1955 Act and seeks to streamline and centralise the registration system, which, up until now, was more fragmented with multiple registers and registrars. It is right and proper that it should be updated and streamlined and that we should have a proper system for registration and flagging which is coherent and transparent. This is important for many reasons but probably the reason that should concern us most relates to health and safety. We know that shipping and sailing is a dangerous business. Lives are lost regularly. Pollution is also a major issue in shipping and sailing. Therefore, to have a system whereby ships are registered and flagged properly and so on and to have a proper inspection regime to ensure ships are up to uniform standards is very important. For all these reasons I welcome the legislation. Similarly, extending the registration process to jet skis of a certain size seems to be a reasonable measure for the same reasons of ensuring safety, proper standards and so on.

Broadly speaking I welcome the Bill. It gives an opportunity to raise other issues although I am unsure whether they could have been dealt with in this Bill. Anyway, the Bill gives an opportunity, perhaps, to refer to them. I am referring in particular to the issue of flags of convenience. It is one thing for us to have a proper registration and flagging system, but we are in a globalised world and one feature of globalisation - it reminds me of multinationals and their journey throughout the world to avoid tax - and a major feature of shipping today, whether transport shipping or cruise shipping, is to flag or register vessels in several places. Coincidentally, in many cases these are the same places where multinational firms go to avoid tax such as the Bahamas, Panama or Liberia, places that have open registers. Many of the ships on the seas throughout the world flag themselves in these open-register countries even though really they have no connection whatsoever with those countries. This is a mechanism through which cruise companies and cargo shipping companies essentially avoid a proper system of regulation. The consequences are, in many cases, quite disastrous in terms of the safety of the ships, the safety of the crews of those ships and the conditions of employment of the crews of those ships. Furthermore, it is often disastrous in terms of pollution because of accidents, dumping and various consequences that flow from the fact that these ships are not properly regulated as

a result of this system of flags of convenience.

In my reading around this Bill, I studied some data from the International Transport Workers Federation, the international union representing ship crews throughout the world. The federation monitors and is campaigning vigorously on this business. It is rather shocking and startling how many accidents have resulted because of this system of flags of convenience. This comes back to a point that connects to my area of Dún Laoghaire. Many of the big cruise liners operate under this system. For example, the figures I have are a little old but the International Transport Workers Federation has suggested that 59% of all cruise ship passengers in the world are American and 26% are European. They make up the vast bulk of passengers of cruise ships and these are the places to which these cruise liners are connected. Fully 52% of the capacity carrying passengers came from two open registers, those of Liberia and Panama. Their business lies largely in Europe and America. They account for a disproportionate number of accidents, pollution incidents and breaches of working time and health and safety regulations. Often, such breaches contribute to accidents and, in some cases, sinkings, major spills, etc. Many ships on the world's seas register in this way to avoid proper regulation, with serious consequences.

Flag-of-convenience ships comprise two thirds of all ocean pollution cases cited by the US Coast Guard. According to the International Transport Workers' Federation, known as the ITF, at least 2,200 seafarers die each year at sea, and crews of flag-of-convenience ships are more than twice as likely to be killed on the job. Of the world's top six transport fleets, five are on open registers - Panama, Liberia, the Bahamas, Cyprus and Malta. Often, the disproportionate number of accidents, oil spills and deaths for which they account is a result of how they treat their crews, in that they make people work dangerously excessive hours, leaving them unable to man their ships properly. This is not something that the Irish Government can resolve, but all governments have a responsibility to work together to do something about it. I am not entirely sure how that can be done, but it must involve a better inspection regime in every country. Regardless of how a ship is flagged or registered, there must be a robust and rigorous inspection regime to ensure that ships meet proper standards and crews are treated properly and not exploited.

Some Deputies mentioned the Port of Waterford. I know quite a few people in Waterford and have heard of numerous cases of ships arriving with crews from Eastern Europe or Africa who claimed to not have been paid wages in months. The shipowners had disappeared over the horizon and the crews needed to occupy their ships to force the situation. Sometimes the ships have been sold to recompense the workers, but those people were often left in difficult situations because of flag-of-convenience shipowners who were trying to get around having their operations regulated properly. If we are discussing matters such as registration and flagging and the standards that should be associated with these, we must consider how we can play some part in addressing this significant problem.

To connect this with a slightly parochial concern, one of the main ambitions of the management of the Dún Laoghaire Harbour Company is to replace its declining ferry business with business from cruise liners. I wonder whether those cruise liners are likely to be from the same companies that are cited time and again by the ITF for flying flags of convenience, flouting health and safety standards left, right and centre and being the subject of many complaints over the conditions to which they subject their crews. Chances are, they are. The cruise business is dominated by a relatively small number of large, wealthy companies, most of which operate under the flag of convenience system and are more likely to be guilty of the infringements to which I referred, including dumping that can be dangerous to the environment. Anywhere there

is a port that can be visited by such ships, we should have a proper inspection regime to ensure that they are up to standard and workers are not being exploited. I am making this suggestion for the Minister's consideration. Perhaps he could insert a provision in this or another Bill so that Ireland might play some role.

We should consider the ITF's campaign objectives. It is campaigning for a major assault on substandard shipping. It wants acceptable standards on all ships irrespective of flag and the use of all political, industrial and legal means at governments' disposal to ensure this is achieved. We should be 100% behind these objectives. If we cannot enhance employment conditions, we should at least ensure there is proper regulation of same. All maritime workers, regardless of colour, nationality, sex or creed, should be protected from exploitation by their employers or those acting on their employers' behalf. We must consider this matter seriously, given the evidence that shipowners operating internationally - possibly the majority of them - are actively seeking to get around compliance with environmental, employment and health and safety regulations.

Several Deputies used this Bill on merchant shipping as an opportunity to discuss ports, but I will make a general point. One of my great inspirations in politics was Dr. John De Courcy Ireland, who the House may remember died a number of years ago. He was a great socialist and anti-war activist, but his greatest passion of all was maritime affairs, having been a sailor for much of his life. He was from the Dún Laoghaire area. He used to tell me that it was bizarre, absurd and tragic that Ireland, an island nation, did not have a merchant navy following the closure of Irish Shipping. I will use this opportunity to echo his sentiment, which he was forever repeating. There is a relationship between the subject of my previous points and the decline of merchant navies, whereby a state took direct responsibility for bringing goods in and out of its territory from other parts of the world. That also meant that there was better regulation of standards on those ships, treatment of employees and all of that, something from which nation states have pulled back. The "for profit" private mob have moved in and they seek to flout all sorts of standards because they are only interested in making money, regardless of the potential environmental consequences or consequences for the crews or passengers of ships. Even in terms of employment opportunities, if we are talking about having a sustainable economy and recovery, I do not understand why we would not have our own merchant navy and see that as being an economic opportunity for our State that is an island surrounded by water. Is it not logical and obvious that we should have our own merchant navy?

My final point is a parochial one about Dún Laoghaire, as I noted that other Members spoke about ports in their constituencies. I am aware a reclassification of ports is taking place in terms of ports of national and regional significance, how they will be managed and so on. Dún Laoghaire Port is part of that reclassification of ports and it has been designated as a port of regional significance and is to be put under the auspices of Dún Laoghaire-Rathdown County Council. I very much welcome the fact that Dún Laoghaire Harbour Company will come under the authority of a directly elected body and that the people in Dún Laoghaire can have some real influence and say in how their harbour is developed in the future because that has been distinctly lacking in how the harbour has been managed in recent years by the Dún Laoghaire Harbour Company which is a law unto itself. That has been evident when I have asked questions of the Minister about very serious issues such as big disputes going on and legal cases between the management and employees about major issues of health and safety within the port because of the run down in the numbers of maintenance staff and harbour police working in the harbour, which poses very serious questions in terms of health and safety. There are regular

suicide attempts in Dún Laoghaire Harbour and often they are only prevented because of the actions of the harbour police whose numbers have been drastically and dangerously run down by the harbour company. There are also major issues about the expenditure decisions of Dún Laoghaire Harbour Company where hundreds of thousands of euro - probably close to €1 million if one takes checks back on recent years - have been spent on crazy, fantastic master plans for almost Disney-type development plans for Dún Laoghaire Harbour of the sort we have seen with the Dún Laoghaire library, the same kind of madcap plans for huge inappropriate developments in the centre of the harbour when the harbour company would be far better investing that money in making it a safe, working and accessible harbour for the public rather than wasting vast amounts of money on consultants, developing plans that never come to fruition anyway. The most recent of these is a plan to buy a floating barge from the Germans for €3 million and build a nonsense-type structure halfway down the east pier for it when in fact everybody in Dún Laoghaire would say they do not need a floating barge with a pool on it in the harbour and all that money to be spent when what they would like is to have Dún Laoghaire baths fixed up, but the harbour company is a law unto itself.

While I welcome the decision for the port to come under the auspices of Dún Laoghaire-Rathdown County Council, which provides the potential for an elected body to have an influence, there is a big decision about whether it would be a corporate subsidiary of the county council or it would be under the direct control of it and its elected members. I appeal to the Minister that in making that decision it would be the latter and not the former. A corporate subsidiary would just replicate and continue a situation where the body is at one remove from any accountability either to the Department or to the local community through its public representatives.

**An Leas-Cheann Comhairle:** Thank you, Deputy. I must call the next speakers, Deputies Seán Kenny and Michael McNamara, who are sharing a 20-minute timeslot.

**Deputy Seán Kenny:** I congratulate the Minister on his appointment and wish him every success in his job. As a member of the Oireachtas transport committee, I welcome the publication of the Merchant Shipping (Registration of Ships) Bill 2013, which is one of the legislative priorities of the Minister, as I know he is keen to update and enhance the national maritime legislative code and ensure the safety of maritime transport services. I share this view as a Deputy representing Dublin Bay North, which includes Howth harbour and borders on Dublin Port where many of my constituents are employed.

The importance of ship registration is that it confers Irish nationality on ships, allowing them to fly the Irish flag and register ownership. The new Bill will provide a basis for the introduction of an updated and modernised registration system in Ireland and is the result of a detailed review of the existing registration regime, which dates from 1955, and involved an extensive public consultation process and meetings with interested parties involved in maritime activities. It has been prepared against a background of international growth in maritime trade, an increase in the use of pleasure craft and an increasing emphasis on safety, security and environmental issues both at EU and international level.

New categories of vessels for which the Bill proposes registration are fishing boats less than 15 m in length overall, jet skis, small fast powered craft and small angling boats. This registration will be mandatory, which I welcome. In general, subject to some exemptions, all ships operating domestically will be required to be on the register or to have a current valid registration conferring nationality from another country. Other than the small vessels to which I have

referred, registration of all leisure craft less than 24 m is not proposed.

A system of visitor registration is proposed for recreational craft 24 m in load line length and greater, personal watercraft such as jet skis and small fast powered craft, where such craft are not registered in another country and wish to operate in Irish waters for short periods not exceeding three months. This will be a simplified form of registration for a nominal fee so as not to impact negatively on tourism. In respect of jet skis, the proposed extension of a registration requirement to jet skis is being proposed in order to take account of the increase in the numbers of such craft in recent years. This is a response to the risks that can be involved in the operation of such craft and, in particular, it responds to a recommendation made by the Marine Casualty Investigation Board following a number of marine casualty incidents involving jet skis in recent years.

As my Dublin Bay North constituency includes beaches stretching from Dollymount to Portmarnock, I particularly welcome the registration of jet skis. During fine weather such as we had this summer the users of jet skis and personal watercraft must have regard for swimmers and be extra vigilant as jet skis can cause serious head injuries to swimmers on crowded beaches. Warm, sunny weather can sadly lead to drownings and increased demand on the Coast Guard and lifeboat rescue services. I would again call on swimmers and those engaging in water sports activities to exercise caution.

The new registration system will replace the existing arrangements that have been in place since 1955 and allow us to introduce a new, centralised, electronic Irish register of ships. Current arrangements for the registration of ships will continue until such time as the new register is in place and the relevant provisions of the Bill and subsequent regulations are signed into law. It is important to point out that under the Bill, Irish ships that are registered under the current regime will be transferred free of charge to the new register for an initial period of up to five years and, subject to compliance with the requirements of the Bill, will then become eligible for consideration for renewal of their registration.

Improvements to enforcement provisions include increases in penalty levels and a power of detention given to surveyors for ship registration-related offences, as well as the introduction of a system of fixed payments for certain offences involving personal watercraft, small fast powered craft and smaller angling ships. A range of State personnel will act as authorised persons for the purposes of enforcement.

In regard to this Bill, the concerns of the trade union SIPTU centre on the compliance by the shipping companies to the various agreements and their contracts of employment. It would also be supportive of the International Transport Federation, ITF, inspectors having access to ships and crews and being able to enforce sanctions. Another interesting point expressed by SIPTU is that this Bill would assist Ireland in signing up to the Maritime Labour Convention 2006. The Rail Maritime and Transport Union, RMTU, which has members in the UK and Ireland, has raised the issue of well known household ferries and holiday cruise companies operating in both jurisdictions who pay their staff rates of pay which are below the national minimum wage, which is a disgrace.

SIPTU, the RMTU and ITF are well aware of the use of flags of convenience by certain ship owners and hope that Ireland will be proactive in ensuring that seafarers' health and safety and terms and conditions are protected. I commend the Bill.

**Deputy Michael McNamara:** I join with Deputy Seán Kenny in congratulating the Minister, Deputy Donohoe, on his recent appointment. As stated, this Bill is the first piece of legislation being brought through the House by him as Minister for Transport, Tourism and Sport. I wish him every success with it.

I propose to focus in particular on the registration of ships section of the Bill. I welcome that it is proposed to introduce a modern registry but respectfully suggest that the Minister might consider particular amendments to the Bill in that regard. This legislation amends the Merchant Shipping Act 1955, which brings into focus the fact that in this jurisdiction we do not legislate as often as other jurisdictions on a variety of matters and that Irish legislation is amended less frequently than is the case in other States. In amending legislation, we should look to the future in terms of our needs. In this regard, I wish to draw attention to the International Convention on Maritime Liens and Mortgages 1993. As Ireland has not yet acceded to or ratified that convention one might well ask why it is important. It is important for a particular reason. Currently, there is in place a registry of property. This means that where a person takes a case against another person for failure to pay and is successful in that regard he or she can register a judgment against the other person's property. A register of ships has the potential to operate in the same manner.

Article 4 of the International Convention on Maritime Liens and Mortgages 1993 states:

Each of the following claims against the owner.....shall be secured by a maritime lien on the vessel:

(a) Claims for wages and other sums due to the master, officers and other members of the vessel's complement in respect of their employment on the vessel, including costs of repatriation and social insurance contributions payable on their behalf;

(b) Claims in respect of loss of life or personal injury occurring, whether on land or on water, in direct connection with the operation of the vessel;

On that basis, while I welcome the proposed establishment of a registry of ships I believe it is important that that register specifically allow for the registration of liens to enable the enforcement of judgments for failure to pay wages. As stated by Deputy Kenny, there are, unfortunately, as in the case of every other sector of society, unscrupulous shipowners.

The other two issues about which I am concerned would require only minor amendments to the register, thus enabling Ireland, should it choose to do so, to accede to the International Convention on Maritime Liens and Mortgages 1993. Even if it chooses not to do so, acceptance of the proposed amendments would make it easier to enforce judgments for failure to pay wages, etc.. First, the register should be a public document which can be inspected by the public. It is probably intended that the register will be public but that is not explicit in the Bill. Maritime law and any change in that regard in Ireland has international effect because, obviously, ships frequently travel from one jurisdiction to another. As such legislation introduced and enacted in Ireland might well end up being cited in the Spanish or Portuguese courts and *vice versa*. It would be useful if it were explicitly stated in the legislation that the register will be public. I have heard the Minister's friends frequently speak of particular issues being dealt with by way of statutory instrument. It is easier to produce primary legislation and state explicitly therein that a particular document will be a public document.

Second, it should be possible for the Minister to address the issue of conditions for de-reg-

istration by way of primary legislation or regulation. It is all well and good to register but how does one de-register? I raise this issue for the following reasons. Article 3 of the International Convention on Maritime Liens and Mortgages 1993 states:

1. With the exception of the cases provided for in articles 11 and 12, in all other cases that entail the deregistration of the vessel from the register of a State Party, such State Party shall not permit the owner to deregister the vessel unless all registered mortgages, “hypothèques” or charges are previously deleted or the written consent of all holders of such mortgages,.....

In other words, where a person is successful in court in obtaining a judgment which is then registered against a ship, the owner of the ship or boat cannot deregister it without first having paid the judgment. That is fairly logical. My amendments are relatively minor and I hope that the Minister will consider them. If there is any particular reason they cannot be incorporated into the Bill - I am not aware of any but there may well be - I would welcome an explanation from the Minister in that regard.

There is one other aspect of this Bill which causes me concern. I welcome that all fishing boats are to be registered. I am sure that as in the case of every other sector of economic activity there is exploitation of persons in the fishing sector. The Bill provides that a ship carrying not more than three passengers for the purposes of angling, as exempted in the licensing of passenger boats regulations, will now have to be registered. Does that mean that every lake boat in Lough Derg, Connemara, the Corrib, etc., must be registered? There may well be reasons for this. Perhaps the Minister would clarify the matter. I read last week about an invasive species in Lough Ree which has the potential to create considerable damage to the angling resource that is Lough Ree. Zebra mussels are an invasive species which are accelerating at a rapid rate in Lough Derg. Perhaps the reason for the registration of angling boats is to enable the State to more closely follow their activities. Perhaps the Minister would clarify if this is the case. I raise this issue because I believe it is one about which there is little awareness among the general public. There certainly is no awareness of it yet among anglers and persons who own lake boats. If it is the case that such boats are to be registered then there is a need for greater public consultation on the issue.

I thank the Minister for his attentiveness during my contribution, which is not always the case in regard to the passage of legislation through this House. I commend the Bill to the House.

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** How much time do I have to reply?

**An Leas-Cheann Comhairle:** The Minister has up to 30 minutes. We must move to Leaders' Questions at noon.

**Deputy Paschal Donohoe:** Thank you.

I thank all Deputies who contributed to the Second Stage debate on this Bill. While I have only been present in the House for the contributions made this morning I have been updated on the commentary and points made by other contributors. I welcome the general welcome to date for this Bill.

I listened carefully to all of the contributions made this morning, including by Deputy McNamara. I propose to respond today to some of the particular issues raised by him and to have a discussion with him at a future date in an effort to better understand from where he is coming

on the other particular issues. What I will do is discuss this with the Deputy afterwards so I can better understand where he is coming from and determine whether the issues he mentioned can be addressed. I greatly welcome the fact that he has obviously read the Bill and gone through it. He has come forward with some detailed points on which I would like to have the opportunity to engage, both in the House and elsewhere.

All speakers this morning have focused on the essential part of the Bill. The Bill seeks to focus more deeply and effectively on the issue of registration and to update a framework that has been in place since the 1950s. By doing that, it provides a renewed focus on the issue of safety, which will be at the core of the new registration regime. This will enable me, as Minister, to issue secondary regulations in the future. The Bill is not just important for what it does as primary legislation, because it will give me and my Department the ability to issue secondary regulations to tackle specific issues that need to be dealt with.

As some speakers have already acknowledged, the actions in the Bill are consistent with what is happening at EU and international levels to enhance ship safety and deal with an issue referred to by Deputy Boyd Barrett, that of pollution at sea and in harbours. The objective is to determine how that problem can better be dealt with. The Bill recognises that there has been a gigantic increase, both historically and recently, in maritime trade internationally, in addition to greater use of vessels for recreation. This was well exemplified in the point Deputy John Paul Phelan made in his contribution. He said that while it may seem odd for a Deputy representing a landlocked constituency to be referring to this Bill, he was doing so because there are locations in his constituency where vessels are used for recreation. This phenomenon has grown in recent years. It was always evident in Ireland, but because it has grown it is important that we address any gaps that exist in our national registration legislation to deal with these kinds of change.

The issues we are examining in particular include the absence of ship registration categories, ship registration renewal, and a facility to remove unsafe or unsuitable ships from the register. The latter touches on a point that Deputy McNamara raised with me in his contribution. Also being examined is the issue of inadequate enforcement and penalty provisions. By dealing with all these issues, we are aiming to put in place a far more accurate and comprehensive central record of ships under the Irish flag and of ships using Irish waters, all with a view to enhancing the safety and environmental compliance of Irish ships.

Until this Bill is enacted, current arrangements will remain in force. They will continue until a number of particular developments take place. First, the Bill must be passed by the Oireachtas. Once the primary legislation is in place, we must then consider its commencement and the issue of subsequent regulations. Then we will need to establish the electronic register in light of the legislation and, from that, we will have to ensure we have the necessary administrative systems. All of this work is challenging. A number of Deputies have commented on what is in place at present. It is worth saying that while we have 3,200 ships that are centrally registered, these registrations are spread over 11 locations within the State. Many of the registrations are in paper format, which, of course, is why we want to move to a centralised system that is operated electronically, as it should be.

Let me refer to some of the points made by Deputies this morning. I will respond first to some of those made by Deputy McNamara. He concluded with a question on the breadth of registration. I want to confirm to him that only commercial angling boats will be subject to the terms of reference of this Bill. A vessel registered as commercial will have to be covered in the

Bill.

With regard to Deputy McNamara's point on public access to the register, I draw his attention to section 9(10), which addresses the issue. It will put in place regulations to provide access. Currently, access is available to basic aspects of the register. That will continue to be the case. On Committee Stage, I will understand the Deputy's observations more deeply and perhaps I will examine his concerns regarding access at present. If I conclude that we need to address the issue, I will be happy to engage with the Deputy on it.

With regard to the more substantive point made by Deputy McNamara on liens, I will revert to the Deputy in the future on this. With regard to registration, I believe I have answered the question. On the issue of access, I can emphasise what is in place at present. We will seek to continue with this in the future. If the Deputy believes there is a gap, let us have a discussion on it in the Chamber, including on Committee Stage, and perhaps elsewhere. With regard to liens and the issue of deregistration, as raised by the Deputy, let me seek to understand the issue more deeply and determine how the Bill addresses it.

Before addressing the points made by Deputies Kyne, John Paul Phelan, Boyd Barrett and Seán Kenny this morning, I will address the issue of consultation. Considerable effort has been made to date through my officials and my predecessor to consult stakeholders on the Bill. It is evidence of the success of that consultation that, up to this point, the Bill has been broadly welcomed. Speakers who contributed before today referred to consultation in regard to my issuing enabling regulations or secondary instruments. It is very difficult for me to give a binding commitment regarding the number of instruments and regulations that I will have to sign and implement. However, because of the breadth and number of these, it is not normal practice to engage in consultation on them. What we try to do is to maximise consultation at primary level so that when we get to secondary level we will be doing something that is understood, if not always agreed to. However, if informal consultation is needed regarding certain decisions that need to be made, we will seek to have it as and when the need arises.

Deputy Kyne asked about outsourcing and how it would work. I will make two points on this and on what other speakers have said. First, our absolute intent at this stage is to create a central office within my Department to deal with registration and its administration. The reason, as outlined by many people, is that registration and safety are very much related. Therefore, I want the register in my Department and not under a new State body. That answers the specific question Deputy Kyne put to me. Of course we will examine particular administration or service delivery aspects of it and, if it is appropriate, we might seek to outsource areas of that if we decide it makes sense in the future. However, issues relating to the international status of the registry, the need to retain control over the registration of ships under the Irish flag and our international responsibilities under the United Nations Convention on the Law of the Sea are specific to my Department and are areas we would wish to retain under central control. I hope that answers the question put by the Deputy.

That brings me to section 10 of the Bill. If changes were to be made to the administration of the Bill or how that service was to be delivered and if another body were to play a role in that regard, I would wish to ensure it was a State agency that would be subject to the requirements in section 10 in respect of corporate governance, financial requirements and oversight and in respect of freedom of information. Any agreements, therefore, will stipulate the specific terms and conditions that will apply to the agency carrying out the functions involved, which must be undertaken in accordance with the provisions of the Bill and any subsequent regulations. It

would be the Minister of my Department, with the consent of the Department of Public Expenditure and Reform, that would have sole regulatory power under the Bill to set fees applicable.

Deputy Boyd Barrett, Deputy Kenny and other Deputies raised the issues of pay rates for seafarers and workers' rights. It should be emphasised that workers on ships that are registered under our current legislation and that will be registered under this legislation when it is enacted are absolutely subject to the provisions of Irish law irrespective of where a ship is sailing to or where it is located. That obviously includes the Irish minimum wage of €8.65 per hour. In the case of ships that are not registered in Ireland, Irish law relating to pay and working and living conditions does not apply to them. If the owner of a ship decides to register his or her ship elsewhere, our laws on pay and living conditions do not apply. However, the maritime survey office of the Department can inspect visiting ships under current legislation to ensure compliance with international law. The maritime safety office may, if it judges it to be necessary and appropriate, detain ships which it considers pose a safety hazard and do not comply with international law. It is only when those matters are resolved that the maritime survey office would make the decision to release the ship and allow it to exit the port.

I note what Deputy Dooley said on the issue of enforcement. This issue is covered by section 39 of the Bill, which details the authorised persons who would play a role in the implementation of the Bill. They include the surveyor, members of the Garda Síochána, officers of the Revenue Commissioners, harbour masters, sea fisheries protection officers, authorised officers of Inland Fisheries Ireland, defence personnel and officers of the Irish Coast Guard. These are all persons who, in the normal course of their daily activities, might come across registration contraventions and they will now be able to take action under the Bill.

Section 41 of the Bill refers to what I just mentioned. It gives power of detention to surveyors in respect of a ship in a port of the State or in Irish waters or an Irish ship in a foreign port in circumstances in which breaches of certain requirements arise.

With regard to ports, Deputy Kyne spoke about Galway Port and the development of the port that is currently under way. I am aware of that and I look forward to taking him up on his invitation to visit Galway Port and meet the board there. I listened to the points made by Deputy Boyd Barrett and his concerns relating to the operation of Dún Laoghaire Port. I will make two points in response. First, I am absolutely certain that all of our ports meet the safety and health requirements laid down under our law at present. This is an issue that all of our ports, including the board and management of Dún Laoghaire Port, take very seriously. Second, I believe it is an important and positive development that Dún Laoghaire Port and other ports of similar designation will move to the control and governance arrangements of the local authority in their area. This is in line with the national ports strategy, which I fully support and which I look forward to seeing implemented in my time in this office.

A number of points were raised about jet skis and some Deputies had questions about how they are currently regulated. The Maritime Safety Act 2005 provides for a range of control mechanisms in this area. Part 2 of that Act confers by-law-making capacities in respect of the operation and control of personal water craft. The 2005 Act also provides for a system of fixed penalties for offences that may be committed on those vessels.

There were also a number of questions regarding life jackets. This is covered by the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005, which provide that personal flotation devices are to be carried on every pleasure craft. They must be

18 September 2014

worn by people up to the age of 16 years and must be worn by persons who are being towed by a pleasure craft on a board or a vessel, or on an object being towed by a pleasure craft. Every person on a jet ski must wear a personal flotation device - a life jacket.

I hope I have responded to the questions raised by Deputies. I thank them for their questions and for the other points they raised. I welcome the fact that there appears to be broad support for the Bill. I look forward to taking it through Committee Stage, hearing the Deputies' specific observations on the sections of the Bill and to bringing it to a conclusion in the Dáil.

Question put and agreed to.

### **Merchant Shipping (Registration of Ships) Bill 2013 [Seanad]: Referral to Select Committee**

**Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe):** I move:

That the Bill be referred to the Select Sub-committee on Transport, Tourism and Sport pursuant to Standing Orders 82A(3)(a) and (6)(a) and 126(1) of the Standing Orders relative to Public Business.

Question put and agreed to.

### **Topical Issue Matters**

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Alan Farrell - the need to address the refusal of home insurance to owners of pyrite remediated homes;

(2) Deputy Terence Flanagan - the need for Irish Water to ensure that water meters are fully accessible to those with disabilities;

(3) Deputy Brian Stanley - the retention of funding for 24-hour emergency departments to allow them to retain the current number of beds, including in Portlaoise hospital;

(4) Deputy Michael McNamara - the position regarding beef prices;

(5) Deputy Finian McGrath - the proposed fuel pipeline to link Dublin Port and Dublin Airport;

(6) Deputy Éamon Ó Cuív - the need to review the operation of the rent supplement scheme;

(7) Deputy Michael Healy-Rae - staffing levels in Kerry General Hospital;

(8) Deputy Robert Troy - the need for the Health Service Executive to put in place an early access programme for patients with hepatitis C to receive new direct-acting antivirals;

(9) Deputies John O'Mahony and Michelle Mulherin - the measures in place to deal with petrol stretching;

(10) Deputy Seán Kyne - the need to commence the Claregalway drainage scheme;

(11) Deputy Anthony Lawlor - the issues concerning payment of the local property tax in full through social welfare deduction at source;

(12) Deputy Michael P. Kitt - the proposal to build prefabricated dwellings on derelict sites in Dublin;

(13) Deputy Paul J. Connaughton - the need to review the appeals process in relation to the allocation of teachers to small schools;

(14) Deputy Thomas Pringle - the need to provide a Garda car for Carrick Garda station, County Donegal;

(15) Deputy Sean Fleming - the future provision of services at the accident and emergency department of Midland Regional Hospital, Portlaoise;

(16) Deputies Clare Daly, Mick Wallace and Ruth Coppinger - the need to change our abortion legislation in light of the Miss Y case;

(17) Deputy Dessie Ellis - the need for better protections for women fleeing domestic violence and the support services on which they rely;

(18) Deputy Brendan Smith - the Scottish referendum on independence;

(19) Deputy Bernard J. Durkan - the issue of a medical card in the case of a person (details supplied);

and (20) Deputy Richard Boyd Barrett - the need for measures to deal with the rising cost of rental accommodation.

The matters raised by Deputies Michael P. Kitt, Alan Farrell, John O'Mahony and Michelle Mulherin, Clare Daly, Mick Wallace and Ruth Coppinger have been selected for discussion.

*12 o'clock*

### **Leaders' Questions**

**Deputy Micheál Martin:** I put it to the Tánaiste that there is mounting concern and, indeed, anxiety and fear among many people in regard to the prospect of water charges, which are coming in next month. That concern is genuine and many people will be hearing it on the doorsteps in particular.

There is also a lot of confusion. The Taoiseach said originally that the average cost would be about €240 but we now know the regulator has upped that by 20% to €278. The Taoiseach said children would be free but we now know that is not the case. They will not be free. They will have a daily shower and one daily toilet flush - that is what children are getting. We know that a family with two children over 18 years of age in full-time education could be paying up to €594, which will have a very severe impact on families in that cohort.

18 September 2014

Yesterday, I raised the issue of the boil-water notices and how incomprehensible I find it that people who have contaminated water coming in will have to pay for it, in essence, notwithstanding a basic principle that people should not have to pay for water that is contaminated. This morning we learned, courtesy of the *Irish Independent*, that people with medical conditions have not been provided for in any distinct way. I would appreciate clarity on that. Apparently, the Government has failed to draw up a list of specific ailments which would allow people to qualify for subsidised bills, given they would have particular medical conditions. We have had numerous parliamentary questions and replies from the former Minister, Mr. Hogan, and the Minister for Health saying they would be drawing up such arrangements or that there would be consultations. We have people in apartment blocks who are already paying up to €1,000 or €1,500 in management fees, who feel they are already paying for services and that they will be paying on the double.

The fundamental question I put to the Tánaiste is this. We had the Nevin Institute in with us recently and its representatives said the charges system the Government is bringing in, based on volume, is regressive and will impact disproportionately on lower income groups. Throughout the Government structure, there is no linkage to ability to pay and no linkage to income. Irrespective of how low a person's income is, they are expected to pay it. As a minimum, will the Government review the structures it has introduced and put in place an ability to pay framework?

**Deputy Emmet Stagg:** That was not in the Fianna Fáil proposal. It was €400 per house regardless.

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

**Deputy Micheál Martin:** That would be fair and would help people on the lowest incomes. Will the Tánaiste clarify the situation in regard to medical conditions and people with significant ailments who require large volumes of water due to their conditions? Will she indicate the current Government position in regard to people in that situation?

**The Tánaiste:** I thought the Deputy might want to talk about the economy and the fact the economy, according to the CSO, is actually performing very well-----

**Deputy Barry Cowen:** So scrap the water charges.

**The Tánaiste:** -----that it is not a credit-fuelled bubble recovery and that it is, in fact, around people going back to work.

Irish Water - I say this in the context of Deputy Martin's own party's proposals in regard to the IMF plans - was to have a very significant investment package and a programme of water charges which were to be flat charges of, on average, €400. That is what-----

**Deputy Barry Cowen:** Theirs are even more than that.

**The Tánaiste:** The documents are there. They were Fianna Fáil's own proposals so, obviously, its members have changed their minds in terms of where it is now at-----

**Deputy Finian McGrath:** Will they fix the pipes and get on with it? They are three years in power and they have not fixed one pipe.

**The Tánaiste:** -----to, in fact, being rather cynical, seeing they entered into international

obligations to agree to flat water charges of €400. Their current position is cynical in the extreme.

**Deputy Bernard J. Durkan:** Hear, hear. Well said.

**The Tánaiste:** In the context of the recovery of the economy, I do not think it makes sense because the actual investment programme of a couple of billion euro into really decent water infrastructure for the whole country is an essential provision for the economy recovering-----

**Deputy Barry Cowen:** There is no extra money.

**Deputy Mattie McGrath:** That will not wash.

**The Tánaiste:** -----and for the annual creation and employment of an additional 1,000 to 2,000 people. If we want to draw very strong international investment into Ireland, as today's CSO figures show-----

**Deputy Dara Calleary:** Answer the question.

**The Tánaiste:** The output of that is clear in today's figures, which show we are probably the strongest growing economy in Europe at this point. We see lots of people-----

**A Deputy:** That is nonsense.

**The Tánaiste:** These are the CSO's figures, not my figures. They are independent figures by a respected organisation.

**Deputy Finian McGrath:** What about the comrades in the Nevin Institute?

**The Tánaiste:** Let me explain. If we want to have-----

**An Ceann Comhairle:** Hold on a second. Would you all please stay quiet? Deputy Martin asked a question and Members should allow a reply without interruption, and show some respect to the House.

**Deputy Niall Collins:** What about an answer to the question?

**Deputy Dara Calleary:** She is not in Wexford now.

**The Tánaiste:** If we want to have a virtuous cycle, which is what the economics of this country recovering is all about, we want investment, we want employment and we want an environmental situation which stops the widespread wastage of water.

**Deputy Dara Calleary:** We want to be able to drink the water.

**The Tánaiste:** Is that going to be done in a couple of months? Was the original ESB investment into this country done in a couple of months? If Deputy Martin or many of the Opposition had been around at the time the ESB was developed in Ireland, they would have been out there with placards opposing the development of the ESB.

**A Deputy:** You guys tried to fight it.

**The Tánaiste:** Essentially, they are simply being-----

18 September 2014

**Deputy Barry Cowen:** People cannot drink dirty electricity.

**The Tánaiste:** They are simply being cynical and hyper-political in the context of what they were saying yesterday about Roscommon.

*(Interruptions).*

**The Tánaiste:** On the boil-water notices, the Taoiseach made it very clear yesterday that the Commission for Energy Regulation will shortly produce a ruling in that regard and the anticipation-----

**Deputy Mattie McGrath:** It is toothless.

**The Tánaiste:** It is the legal structure we are required by the European Union and by international-----

**Deputy Mattie McGrath:** The commission needs to get a toothbrush.

**Deputy Niall Collins:** It is like “The Late, Late Show” - no answers here.

**An Ceann Comhairle:** We are over time, Tánaiste. I call Deputy Martin.

**The Tánaiste:** The commissioner will, I anticipate, very quickly produce a ruling in that regard which will mean that people on boil-water notices will not have to pay for the delivery of water to their home.

**Deputy Micheál Martin:** That is not true.

**The Tánaiste:** On the health area-----

**An Ceann Comhairle:** You should not address the health issue. You are over time. Thank you very much. I call Deputy Martin.

**The Tánaiste:** It is provided for in the form, Deputy Martin.

**Deputy Barry Cowen:** That is the first form.

**Deputy Emmet Stagg:** What about the €400?

**Deputy Finian McGrath:** They cannot even fix the pipes.

**Deputy Micheál Martin:** The Tánaiste did not answer the questions that I asked.

**The Tánaiste:** I did.

**Deputy Micheál Martin:** If, indeed, the economy is doing as well as she was saying-----

**The Tánaiste:** Does the Deputy not believe the CSO figures?

**Deputy Micheál Martin:** -----why is the Government then charging families with two adults up to €594?

**Deputy Mattie McGrath:** Those are the facts.

**Deputy Micheál Martin:** That is excessive for any family with one or two 18-year olds in

full-time education. The Government now has the leeway to do something about it - that is my point.

The fundamental question I asked concerned the ability to pay.

**Deputy Emmet Stagg:** There was nothing in their proposal about it.

**Deputy Micheál Martin:** I met a widow the other day who is on €183 when the property tax is taken out. She does not know where she is going to get the money to pay. That is the question I asked her. She is the Minister for Social Protection. This is why I asked about people on the lowest incomes because the system conceived by Fine Gael in its NewERA document in terms of utility, regulator and full cost recovery rather than sustainable recovery is the model the Government has gone for. We did not go for that particular model.

**Deputy Bernard J. Durkan:** You did.

**Deputy Micheál Martin:** The bottom line is this. Equally, I say to the Tánaiste that I remember well when she said before the election that the Labour Party was against water charges.

**An Ceann Comhairle:** Would the Deputy put his question? He is over time.

*(Interruptions).*

**Deputy Micheál Martin:** I have two specific questions which the Tánaiste refused to answer. The bottom line is that there are people who do not have it. They are on very low incomes.

**An Ceann Comhairle:** Would the Deputy please resume his seat? He is over time.

**Deputy Micheál Martin:** Analysts are saying that the Government's system is hitting them more than anybody else. Is the Tánaiste going to do something about that over and above what she has already done?

**An Ceann Comhairle:** Will the Deputy please resume his seat? He is over time.

**Deputy Micheál Martin:** Could the Tánaiste answer the question?

**An Ceann Comhairle:** Before the Tánaiste replies, I want to make it quite clear to anybody who started this shouting racket on the second day of the 2014-2015 Dáil that I will not put up with it. I will switch off the microphones and that will be the end of it so the Members will not be heard outside here. They either obey the rules or change them. If they do not have enough time, it is up to the Whips to agree a new formula but we are not having this situation every day where we have to ask people to adhere to the rules. It is my job to apply them and, hopefully, I will do so fairly.

**The Tánaiste:** I said that I anticipate that the CER will report shortly and publicly in respect of the "boil water" notices. I hope the Deputy understands that. The Taoiseach told him that yesterday and I will repeat it today if it is helpful.

In respect of the second issue about which the Deputy asked, as he knows, the form that has been sent out to people by Irish Water asks them to give information about medical issues. The Deputy seems not to want to trust people. Irish Water is asking, as is common in income tax reporting, for people to self-report. So that is the answer to the second question.

The third question concerned people on low incomes and the widow on social welfare whom the Deputy met. As I said on a number of occasions, at the time when the new Government was appointed, the Taoiseach and I agreed that there would be a household water support payment. It is published in all of the documents relating to the programme for Government so let me explain it and spell it out in some detail. The first point is that it will apply to anyone on the household benefits package. It will be €100 per year paid on a quarterly basis and will apply specifically to people who are on the household benefits package, including pensioners. It will apply to people on disability and carer's payments and those in receipt of domiciliary care allowance. That is an estimated figure of 410,000 households at a cost of €42 million that has been fully agreed and provided for by both parties.

**Deputy Mary Lou McDonald:** This morning, there were reports in the media of a very shocking survey released by MABS, which is the agency that assists households in debt. The survey confirms what many of us already know, namely, that the average disposable income of people using MABS services is a mere €8.75 per week. That is all they have left after they pay the rent or mortgage and bills and pay for food and basic necessities for themselves and their children. There is no recovery for these families. Hundreds of thousands of families in work and out - those on low and middle incomes - are still struggling to survive. There is no virtuous economic cycle for them. In fact, they are at their wits' end and simply have no more to give. The MABS report confirms that the imposition of the property tax along with water charges will push many of these families over the edge. The Tánaiste knows this. She knows that these families are at breaking point yet she insists on pushing ahead with water charges.

My question to the Tánaiste is very simple. How does she expect or recommend to these families that they pay €500 or more per year for their water? What household essentials does she advise them to cut back on? What does she think these families ought to go without? I am sure the MABS report makes very sobering and startling reading for all of us and confirms yet again how wrong-headed and unfair this Government's approach has been, particularly in taxing the family home and now with the imposition of a tax on domestic water.

**The Tánaiste:** On Monday evening at the end of the Labour Party away day, I went to a MABS office that was not too far from where the away day was held. I spent something like two hours sitting down with the ten staff in that office to discuss the kind of cases that feature in the report. What the Deputy may not know and what Sinn Féin probably does not know is that the Department of Social Protection allocates a budget of €47 million per year to the CIB and MABS. That is significant in the current circumstances. It allocates it precisely because we want and I want a service for families who find it difficult for a number of reasons to manage budgets and families and individuals who end up with severe debts. The Deputy probably knows that credit was relatively easily available from some credit unions and, unfortunately, there are people who have legacy debt issues of the kind that we all know about.

I regularly talk to people in MABS offices. As recently as Tuesday evening, I spent nearly two hours in the MABS office talking to the staff - the money advisers - and getting their take on where things are at the moment because they are the people dealing with the cases. What they told me was very clear, that things are improving - I do not think they are improving quickly enough - which is why today's figures are so positive in terms of growth. This growth is not fuelled by a credit bubble because this is one of the reasons why MABS has so many people. Last year, it answered about 25,000 telephone inquiries and there was a similar number of case callers to the MABS offices. Some Sinn Féin Deputies would know about it. Deputy Ellis would know about the very detailed work the MABS office does for people in Finglas to help

people rebuild their budgets and get into things like the household budgeting system so that debt is not a problem. Things are improving. The report to which the Deputy referred relates to 2013. We have already seen from the CSO that the figures have improved.

The single best thing I can do for people calling to the MABS service and their families and communities is to help them get back to work. This is what I have been doing. Today's report about growth in the economy really helps those families because it is not fuelled by a credit bubble as was the last growth period which got many of those families into debt. Instead, it is fuelled by actual output, selling our goods in Ireland and abroad and in particular, growing employment and businesses. I welcome the MABS report which provides good information in the run-up to the budget. I will ensure the members of the Economic Management Council and the other members of the Government will read it. I hope all Oireachtas Members will take the time to read it in detail.

**Deputy Mary Lou McDonald:** That was a lengthy response in which the Tánaiste managed not to answer the question.

**Deputy Finian McGrath:** No substance.

**Deputy Emmet Stagg:** It was detailed.

**Deputy Mary Lou McDonald:** I do not know how anybody on either side of the House could welcome a report or data that reflect people living at this level of economic distress or in poverty. I am sure we are all agreed that we do not want any citizen to live in poverty, yet that is the reality for many families across the State. It is perverse for the Tánaiste to suggest the introduction of another tax on something as fundamental and basic as water is somehow an assistance to these families.

**An Ceann Comhairle:** A question, please.

**Deputy Mary Lou McDonald:** In Deputy Dessie Ellis's constituency in Finglas or my constituency in Cabra or every area across the State where families are struggling, it is not helpful to charge for domestic water, yet that is what the Government proposes to do. It is not that long ago when the Labour Party had a conscience and a stand on this issue.

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

**Deputy Mary Lou McDonald:** The party believed once upon a time that it was wrong to charge families for water.

**Deputy Derek Keating:** How much are they charged in Northern Ireland? What is the rate?

**Deputy Dessie Ellis:** There are no charges.

**Deputy Derek Keating:** Everything up there is free.

**Deputy Mary Lou McDonald:** The Tánaiste has come a very long way from that. I repeat the question. There is a considerable waiting list for MABS. On behalf of the Labour Party and the Government, will the Tánaiste advise on how they will pay this bill? How does somebody with such a low disposable income make this payment?

**The Tánaiste:** I know Deputy Dessie Ellis knows about the MABS services and I referenced him because I am aware of the work that goes on in Finglas. I am also very familiar with

18 September 2014

the work that happens in the Cabra area. I am not sure if Deputy Mary Lou McDonald is, but I certainly am.

I have maintained the money the Government spends on providing this service because it is a vital support-----

**Deputy Mary Lou McDonald:** I asked about water charges.

**The Tánaiste:** I will get to it. MABS provides an important service for people who get into difficulty with debt

**Deputy Mary Lou McDonald:** Agreed.

**An Ceann Comhairle:** Would the Deputy mind just listening?

**The Tánaiste:** If she wants to declaim, I will stop while she does.

**Deputy Mary Lou McDonald:** I would like an answer to the question.

**An Ceann Comhairle:** There is a time limit on Leaders' Question and the Tánaiste's time is up.

**The Tánaiste:** I thought the Deputy had something interesting to say. I welcome all of the reports from MABS because they provide important information for people like me, as Minister, and, I hope, people such as the Deputy, as a senior Opposition spokesperson, in formulating policy that helps people who have debt difficulties not just now but continuously through the years as they manage money. MABS places people in a structure that helps, but the Deputy denies this. I know this service, as does the man sitting beside her.

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

**The Tánaiste:** Why in Northern Ireland has Sinn Féin an average household charge of almost €1,000? What the Deputy is saying is really a bit of cant because her party in government in the North imposes significantly higher charges on householders, whether they are rich or poor.

**Deputy Joan Collins:** There has been much in the media about the Government gearing up into election campaign mode, with promises of tax cuts, beginning in the budget to be announced next month.

**Deputy Arthur Spring:** What about the growth figures?

**Deputy Joan Collins:** I am sure the Tánaiste, as leader of the Labour Party, would have nothing to do with such cynicism, using people's money to buy an election.

**Deputy Patrick O'Donovan:** Will the Deputy pay her property tax so?

**An Ceann Comhairle:** Stay quiet.

**Deputy Joan Collins:** These are the Fianna Fáil politics of old, which the Government promised to banish. We know how these promises worked out in practice. Will the Tánaiste commit to prioritising the reversal of cuts in social services and welfare payments before any consideration of tax cuts is made by the Government? That is essential following on from the MABS report. People should not have to go with a begging bowl. They should be able to main-

tain their dignity in securing an income to be able to live. Does the Tánaiste find it incredible that Ministers are talking about income tax cuts when the HSE is talking about shedding 700 jobs a month to come within budget, a budget which has been savaged for the past six years? The Minister of Health is looking for €1.4 billion just to maintain current health service provision.

Will the Government parties start considering the restoration of the Christmas bonus to welfare claimants and the reversal of cuts that have seriously affected people with disabilities? Will they examine the situation where only 16% of women are entitled to the full State contributory old age pension? Will the Tánaiste bring in the home-maker's credit scheme, which she promised to do when she changed the eligibility criteria for old age pensions? She claims we are at the end of austerity budgets and has come to the House with growth figures from the CSO. Few people will feel a benefit from this when they get their water tax bill next year. It has been claimed by some Ministers that tax cuts will put €5 or €10 extra in people's pockets, but that money will be taken directly out of their pockets through another austerity tax, the water charge. Will the Tánaiste make it clear to citizens that she will prioritise those people who have felt the austerity attack most?

**The Tánaiste:** I have published with the Taoiseach three commitments which are important in the context of the forthcoming budget. The first is, as I said in reply to Deputy Micheál Martin, an agreed budget of €42 million for a payment on a quarterly basis of €100 per year to people in receipt of the household benefits package. It will be paid to 410,000 households and includes retirees, carers, people with a disability and families in receipt of the domiciliary care allowance for children. That is a significant number and it is a budget commitment.

Some of the NGOs and others I meet regularly were concerned about the free travel pass, which is iconic and much valued by retired people. We gave a commitment that it would continue.

The third commitment we made, which cuts to the heart of the Deputy's question, was that in the budget we would introduce additional measures to support families with children on a social welfare income such as jobseeker's allowance and that we would incentivise people to take up employment as it became available. The great thing about the CSO figures is they show the economy is seriously in recovery. The figures are striking. GDP grew by 5.8% in the first half of this year, while GNP, year on year, was up 9%, which means that we have left the worst difficulties and the collapse of the economy behind. It is not a credit fuelled bubble, which is what happened in the 2000s as the economy recovered.

**Deputy Mattie McGrath:** The Members behind the Tánaiste do not even believe that.

**The Tánaiste:** Families with members returning to work receive approximately €30 per child. They will be able to hold on to that payment for a period.

**Deputy Mattie McGrath:** And pay for dirty water.

**The Tánaiste:** For instance, if someone has two or three children, it would be worth €60 or €90 to them per week, in addition to what they might be entitled to receive under the family income supplement scheme. The best way to help families and individuals who have lost their jobs, for the most part through no fault of their own, is to help them to get back into employment. This year we will spend an increased figure on family income supplement. By the end of the year it will be at least €280 million. I propose, and I am in discussions with our partners,

18 September 2014

that in the budget we examine what room we have to assist people. This includes examining whether there is room for tax relief for people on middle and low incomes. We also must consider people who are unemployed and whom we are able to assist more in getting back to work.

**Deputy Joan Collins:** While that is very good, I repeat that the Government is using the argument of tax cuts and putting it on the agenda as a ploy to get elected in the next general election.

**Deputy Finian McGrath:** It is a stunt.

**Deputy Joan Collins:** Will the Tánaiste give a clear declaration that she will prioritise reversing the cuts in social welfare and public services? We want to hear it from the Tánaiste. I want to hear the Government identify areas where cuts will be reversed and make a commitment not to introduce tax cuts as a ploy to try to get re-elected in 2016.

**The Tánaiste:** The Deputy will be glad to hear that this year we have spent an extra €200 million approximately on the additional pensioners who are reaching the age at which they qualify for a pension. We have a very positive demographic in terms of older people. We have more older people, and they are living longer. I do not know if anybody from the Technical Group attended yesterday's meeting of the Oireachtas Joint Committee on Education and Social Protection, where we spent two and a half hours going through the social welfare figures. Deputy Ó Snodaigh represented Sinn Féin for the entire meeting and the other parties were also represented. I explained in detail that we are spending more in significant areas of social welfare because, for example, we have more pensioners and we are paying child benefit to 600,000 households, comprising more than 1 million children. These are demographic pressures, due to our growing population, which we are meeting.

The Deputy should not be down on tax relief for ordinary workers on the average industrial wage.

**Deputy Catherine Byrne:** Hear, hear.

**Deputy Finian McGrath:** Deputy Joan Collins has a strong record on low-paid workers.

**The Tánaiste:** Young people going out to work find they are entering the top rate around €32,000 or €34,000. If we develop recovery for the economy, of course people relying on social welfare income should be assisted, but so should the people going out to work and paying the taxes and PRSI that allow us to have a good social welfare system. As Labour Party leader, I find it equally important.

### **Order of Business**

**The Tánaiste:** It is proposed to take No. 31, Merchant Shipping (Registration of Ships) Bill 2013 - Second Stage (resumed). Private Members' business shall be No. 55, Water Services (Exempt Charges) Bill 2014 – Second Stage (resumed), to be taken immediately after the Order of Business and, if not previously concluded, brought to a conclusion after 90 minutes.

**An Ceann Comhairle:** Second Stage of the Merchant Shipping (Registration of Ships) Bill 2013 was concluded just before the Order of Business. The Tánaiste was not to know that.

**The Tánaiste:** I apologise.

**An Ceann Comhairle:** No problem; it was ordered. There are no proposals to be put to the House.

**Deputy Micheál Martin:** I want an assessment from the Tánaiste regarding proposed legislation on the universal health insurance programme in the programme for Government. I have identified nine pieces of legislation in the programme for Government that were promised and that are key to universal health insurance. They need to establish the legislative basis for universal health insurance, the hospital insurance fund, the patient safety authority, the hospital care purchase agency, the HSE's function of purchasing care for uninsured patients and the treatment purchase fund to deal with the transition. That involves legislation that has been provided for. There are also the universal primary care Act and the integrated care agency Act. There is no sense that any of this will happen in the lifetime of the Government.

Yesterday I asked about the health reform Bill, which was to provide for the disestablishment of the HSE. It was first put on the list in January but was not on the October list which we received yesterday. It is gone. This suggests the Minister for Health, Deputy Varadkar, is getting his way. The Government owes it to the House. The programme for Government is redundant regarding universal health insurance and we will not see any of the related legislation before the end of the term of this Government. Could the Tánaiste clarify this? She has discussed the legislative programme and priorities for the next year and a half with the Taoiseach. The Minister for Health is trying to say these are not realistic propositions, and there is an onus on the Tánaiste and the Taoiseach to be honest and upfront with the House and the people and stop the mirage and almost fantasy-land speak about all these changes which are not going to happen. They will not even happen for the five years after this general election because somebody said it might be the following general election before we see this. If the programme for Government is to have any credibility, it must be specific and precise on what is going to happen, not on what is not going to happen.

Could the Tánaiste indicate the commission of inquiry following the Guerin report?

**The Tánaiste:** The Deputy asked the question on health legislation directly of the Taoiseach yesterday, and probably at greater length, and the Taoiseach undertook to supply the Deputy with a detailed written reply. The Taoiseach has requested answers to the Deputy's list of inquiries from the Department of Health and as soon as they are returned, they will be made available to the Deputy.

**Deputy Micheál Martin:** The Department said it is not workable.

**An Ceann Comhairle:** We will not discuss it now. The Deputy should wait until he receives the list.

**Deputy Colm Keaveney:** Exactly; we will not discuss it.

**The Tánaiste:** The Deputy is an expert on commentary and reports from the Department of Health.

*(Interruptions).*

**Deputy Micheál Martin:** They are the Government's reports.

**The Tánaiste:** The Deputy has great experience of the Department of Health and he knows even better than I do that there are always views and discussions within Departments during the approach to the budget regarding the settling of departmental Estimates. We are in the period when we will settle the budget for 2015. The Taoiseach and I, on the formation of the new Cabinet, agreed the priorities for the rest of the Government's term. The Taoiseach will communicate with the Deputy on the details of the programme for Government. The two items on the A list from health relate to health insurance equalisation, which is important, and services for the over-70s, which are a priority, as has been mentioned right around the House. I am glad those items are being prioritised.

**Deputy Mary Lou McDonald:** Could the Tánaiste shed some light on the issue of the interdepartmental report in respect of the mother and baby homes and the timeline around its completion if it is not yet complete? When can we expect its publication and when will we see the terms of reference for the commission of investigation into those matters? I raised the matter yesterday with the Taoiseach and appealed to him as I appeal to the Tánaiste now to ensure the terms of reference are comprehensive and inclusive in the manner articulated by the advocacy groups. Furthermore, can the Tánaiste update the House on the consolidated domestic violence legislation?

I am sure the Tánaiste is concerned about the reported abuse of contracting and subcontracting regulations in the construction industry. In some cases, this relates to Government building projects such as Kishoge Community College in Lucan, County Dublin. Does the Government propose to bring forward legislative measures to deal with those abuses and the loopholes in the current system?

**The Tánaiste:** On the interdepartmental committee looking at the issue of the mother and baby homes, there were revelations on the mother and baby home in Tuam and subsequently on Bessborough in Cork. That would be personally known to a lot of us who have been involved in the issue over a long period of time, but not to the wider Irish public. The interdepartmental group pulled together in a very short period of time before the summer recess all of the available data and ensured it will be available as necessary to put into the public domain. Having been involved in the issue over a long period and having studied it, I consider that report to have been extremely useful. It sets out some of the facts and figures which some people in Irish society knew but which many, particularly almost everyone under 40 unless he or she is adopted, would not necessarily have been aware of. It has been very helpful.

I am very happy the Government has agreed to the commission of inquiry. It is an enormous step forward. We are dealing with legacy issues from the hidden Ireland of long ago. Many of those who are affected personally and deeply by this in terms of the whole of their lives are of advanced age and it is important that we address all of the outstanding issues. We will not be able to do that all at once. A well-recommended judge, Judge Yvonne Murphy, whose extensive experience of working in this area over the last decade and more is familiar to those who know the area, has been appointed. The terms of reference are being worked on.

I understand and accept the Deputy's two anxieties. The first is that this should proceed reasonably on a timeline that does not lag for too long. While I accept that, it is important to get the terms of reference right. The second is that a series of issues have been identified as we know from the information from the advocacy groups. It is important that we provide in the terms of reference an opportunity for all of those important issues to be inquired into in an orderly fashion within a reasonable time. Some of the issues are important to small groups of

people while others are of much wider social significance. I expect the terms of reference will be available in the near future. I cannot provide an exact date, but I am much more anxious to get this right than simply to rush it. That is my instinct having been involved in this for many years and having known a huge number of people personally affected by it. That is my view.

**Deputy Mary Lou McDonald:** I do not dispute that.

**Deputy Bernard J. Durkan:** When is it expected to bring the promised climate action and low carbon development Bill before the House? Have the heads been approved by Cabinet and will it be passed by the end of the session?

I have previously raised the bail Bill in the past and I am sure the Tánaiste is also concerned about it. It seems to have moved somewhat into the dim and distant future. Is it intended to bring the Bill before the House as early as possible? The legislation is still pertinent and the matter of bail needs to be addressed.

**The Tánaiste:** I am happy to say the climate action and low carbon development Bill is on the A list and I anticipate it will be dealt with in this session. The heads were cleared in April and I am happy to say the Government is proceeding with it. There is no date set as yet for the bail Bill.

**Deputy Mattie McGrath:** There is a great deal of confusion as to when the EirGrid Bill will be published. What is the status of the Central Bank (consolidation) Bill? Since we left here in July, evictions have carried on as has intimidation by banks and there is no control over them and their actions. The housing list is expanding. Why would it not when apartments are being de-tenanted? There are huge issues. When are we going to see the Bill?

**The Tánaiste:** The EirGrid Bill is for next year. I do not have an exact date for the Central Bank legislation, but I expect it will be dealt with next year.

**Deputy Anthony Lawlor:** When is the ratification of the EU free-trade agreement with Colombia and Peru expected to come before the Dáil? There are concerns about human rights in Colombia and the reporting and monitoring of the free-trade agreement. Will we be able to have a debate on the issue in the House?

**The Tánaiste:** I will have to obtain a report and write to the Deputy on the details. I suggest the appropriate place for a debate might be the relevant committee. Obviously, it is a detailed technical item. As the Deputy says, there are also human rights issues involved.

**Deputy Anthony Lawlor:** It has already been through committee.

**The Tánaiste:** In that case, the Deputy might talk to the Whips to see what might be appropriate to assist with the discussion.

**Deputy Robert Troy:** Each year, the independent rapporteur on child protection launches a report and provides it to the Government. My understanding is that the report is provided to the relevant Minister in January. It is now almost the end of September, but we are still waiting for the publication before the Houses of the 2013 report. When will the report be put before the Houses and when will Members of the Dáil and Seanad have an opportunity to discuss its contents?

My second question is on the health service amendment legislation with particular reference

to the early-access programme for patients suffering with hepatitis C. There are new direct-acting anti-viral drugs which will sustain patients who are contaminated through no fault of their own with hepatitis C. Ours is one of the few countries in Europe which is not providing these drugs to patients. When will we have an opportunity to have the legislation brought before the House so the Minister can direct the HSE to provide these drugs to critically ill patients?

**The Tánaiste:** I will have to make inquiries on the rapporteur's report. If the Deputy cares to take the matter up with his own and the Government Whip, we might get a date on that. I do not have the information to hand on it.

**Deputy Robert Troy:** It is the Minister who has to put it before the House.

**The Tánaiste:** The appropriate approach is for the Deputy to ask his own Whip to take it up at the Whips' meeting. I do not have a firm date for the legislation associated with hepatitis C, but I can come back to the Deputy on it.

**Deputy Charlie McConalogue:** Will the Tánaiste update us on the status of the value for money review of small schools? The Government has been sitting on it for 18 months and in the meantime has implemented many measures that have been damaging to small schools across the country. Can we have an indication of when it will be laid before the House in order that we can have a debate on it?

A second matter concerns the upcoming social welfare Bill after the budget. Are there plans to reform the way the back to education allowance is administered and properly empower Intreo officers to make decisions and work with applicants to ensure they can be supported in going back to education? Will the Tánaiste reform it in the social welfare Bill?

**The Tánaiste:** I will make inquiries of the Minister for Education and Skills on the value for money review of small schools and see if there is a date for it. With regard to back to education schemes, the Deputy is aware that we are supporting over 20,000 people extremely successfully in returning to education. Most people going back to education have a personal case manager and we maintain high levels of contact. If the Deputy has feedback or proposals on how to make it easier for people or for additional services through the new Intreo offices, he might let me know and I will come back to him on them.

**Deputy Dessie Ellis:** The Minister for the Environment, Community and Local Government, Deputy Alan Kelly, has indicated that a housing strategy document and plan will be introduced shortly to address the crisis in housing. This applies particularly to the homeless crisis, given that between 30 and 40 new families are coming into the homeless section every month. People are being sent to hotels to queue for places. A second housing Bill will be introduced. Could the strategy be brought forward and debated at the same time? We must get down and discuss the issue.

**The Tánaiste:** The housing regulation Bill is due for publication next year. There has been some discussion and criticism of the impact of regulation and how changes might help to speed up the building and delivery of houses. I do not have a date for the Bill, but I will talk to the Minister and come back to the Deputy on it.

**Deputy Ray Butler:** When is publication expected of the family law Bill to make provision for pension adjustments in the context of separation agreements and certain other reforms in family law?

**The Tánaiste:** I do not have a date for that legislation.

**Deputy Colm Keaveney:** The programme for Government provides for measures to be introduced to tackle welfare fraud. I congratulate the Tánaiste on the recruitment of additional gardaí to help her in her crusade in that regard. Why did the Minister for Finance, Deputy Michael Noonan, prevent the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, from recruiting additional Revenue inspectors to deal with white-collar crime-----

**An Ceann Comhairle:** That is not a matter for the Order of Business.

**Deputy Colm Keaveney:** -----and the projected loss to the Exchequer of €150 million-----

**An Ceann Comhairle:** The Deputy should table a parliamentary question or submit a Topical Issue. I ask him to resume his seat. He is out of order. That completes the Order of Business.

### **Water Services (Exempt Charges) Bill 2014: Second Stage (Resumed) [Private Members]**

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

**Deputy Tom Fleming:** I congratulate Minister of State, Deputy Paudie Coffey, on his appointment and wish him the very best in his term in office.

Water metering is the priority of Irish Water to the exclusion of required emergency works to deal with contaminated water supplies and provide for the replacement of deficient pipelines leaking millions of gallons of water every year. Kerry County Council has an extensive network of water pipes that are leaking continuously. The intermittent supply to thousands of households in the county is a nuisance and an inconvenience and financially demanding on householders who must make other arrangements such as purchasing bottled water for drinking from shops or going to a neighbouring townland to obtain potable drinking water.

There is an urgent need for Irish Water to give approval to Kerry County Council to proceed to upgrade pipelines. Recently, €850,000 was approved for the mid-Kerry area, but there is an urgency to provide, in the medium to short term, up to €10 million to deal with the burst pipes throughout the county. I commend Irish Water for giving approval for the replacement of lead pipes in Tralee. There is disappointment that the lead pipes within the boundaries of households will not be replaced. Perhaps the Minister might intervene and provide grant aid to allow the houses in question to be replumbed. Unknowingly, the people affected lived in their homes for the past 50 years without knowing there was contamination of their drinking water. It is calculated that the water supply in over 55,000 houses in the country is contaminated, as well as in schools. I ask the Minister of State to liaise with the Minister for Education and Skills to look after schools at an early stage.

**Deputy Ruth Coppinger:** We already pay for water. Who does the Government think is paying for it? Is it the tooth fairy? Some €1.2 billion is the cost of getting water to our taps, of which €1 billion is paid by households, with €200 million being paid by businesses. The amounts Irish Water is sending around in the packs are illusory. When the cap is lifted after six months, people will receive the real bill based on what they use. Some 148 litres per day is the usage level in the greatest study conducted in the greater Dublin area. That means that

18 September 2014

two adults will not be paying €278 but €380. It means that households with four adults, of which there are many, will pay €908. This will be the most savage austerity bill householders will face. The message of the Socialist Party and the Anti-Austerity Alliance, of which we are part, is simple: people should not pay. These bills will sink households and the Revenue Commissioners are not involved. The bill cannot be stolen or deducted from people's wages and income, in the way the property can, and we can build a boycott of bills and a mass campaign on non-payment to defeat it. The Anti-Austerity Alliance leaflet was launched on the Internet and, within a day, there were 3,000 likes. Some 65 people attended a meeting in Jobstown, west Tallaght, which is not an area in which there are normally large meetings. The Government seriously underestimates the levels of hatred and poverty.

My message is that we will build a campaign on non-payment which we will make a major issue in the Dublin South West by-election. It is rank hypocrisy on the part of Fianna Fáil to table this Bill as it signed off with the troika on full cost recovery. It is also hypocrisy on the part of the Labour Party. This is a totally unjust law and should be challenged by people in a mass campaign.

**Deputy Clare Daly:** This issue is a sad example of the doublespeak that categorises the Government. Ministers are lining up to tell us that austerity is at an end and that there will be a few crumbs thrown in the budget. Meanwhile, the Government is bulldozing through and putting its hands in people's pockets through water charges. It is ironic that we are having this discussion on the day MABS has issued a report and predicted that it will wipe out people's disposable income. The application packs landing on people's floors are causing consternation as they attempt to elicit private and personal information, inconveniencing householders in the process.

*1 o'clock*

What is more devastating is the prospect of a bill of hundreds of euro which people simply cannot afford to pay. It is a blow too far. Access to water is a fundamental human right and it should be available to all, based on their needs and not on ability to pay. That is a principle worth fighting for because people have already paid for this through their central taxation. Recent studies have shown that the poorest people have paid the most through the disproportionately high level of stealth charges in this economy.

The message the Government should take is that it will be resisted. Many people cannot afford to pay and many others will simply not bother sending back the application packs and why should they? The Government has warned that water pressure will be lowered for those with meters but hardly anyone will have a meter; it has threatened to take the allowances but for those determined not to pay, the question of whether they have the allowances is neither here nor there. I refer the Minister of State to a very frightening example which activists have put on YouTube and on which I ask him to comment which shows that the water system is being left exposed and open to outside interference because of the way in which the meter system has been structured. The Government should take a lead from what happened in Bolivia where a government was toppled over water charges. I think the Government will have a serious fight on its hands on this issue.

**Deputy Mick Wallace:** A spokesperson for Irish Water was asked on RTE this morning about the possibility of Irish Water being privatised in the future. She replied that this is possible because the 13 March legislation insists that is impossible. That is not true. The Lisbon

treaty has ensured that any private company wishing to buy a private utility when it suits will have that option. The notion that Irish Water will not be privatised is bunkum. If the Government has been so keen to solve the problems associated with water, why did it not give the local authorities the necessary funds to deal with the problems? A total of 40% of our water is leaking into the ground. It would take approximately half a billion euro to fix the problem and this would be a help. There is a waiting list of waste treatment plants and many of these projects have been put on hold in order to facilitate the situation with regard to Irish Water. It would make far more sense to invest in water services and the local authorities were well placed to do the work and it is outrageous to say otherwise. The local authorities are not responsible for the bad state of water; the fault lies with central government's refusal to give them funding to deal with the problems.

Instead of fixing the pipes and building the waste treatment plants, the Government's top priority has been to spend €500 million on installing water meters and giving consultants €85 million even though Bord Gáis was supposed to have all the answers and consultants would not be needed. It is clear the Government's top priority is to create an entity that will be saleable. God help us when Irish Water is privatised because we have only to look at England where a multiplicity of companies run the water services. Their profits have doubled in the past ten years and executive pay has gone from £220,000 to £500,000. The citizens pay for those salaries. When Irish Water is privatised it will be very expensive and it is outrageous that the Government would sell out something as vital as water to the private sector.

**Deputy Seamus Healy:** Water is a right and this water tax is an outrageous attack on families who will be unable to pay it. The MABS report issued today states that families have a disposable income of €9 per week after bills are paid. Even at this late stage the Government should reverse this charge which will be opposed tooth and nail right across the country. I support the Bill and it is outrageous that the exemption for boil-water notices has come at this late stage. Contaminated water is being supplied to households and the exemption should apply from day one and not after a period of time of three or six months. Houses in the Burncourt and Skeheenarinky area of south Tipperary, like 20,000 or 30,000 houses all over the country, must be exempt from day one.

Families who are supplied with hard water are being forced to pay over the odds to replace clapped out electric kettles and washing machines and dryers. They have been forced to buy machines to reduce the hardness of the water, costing anything up to €1,000 to install and with ongoing maintenance costs. These machines must be flushed out on a weekly basis which adds to the costs. There are thousands of such families across the northern area of Clonmel and throughout south Tipperary who should also be exempt from this water charge.

**Acting Chairman (Deputy Seán Kenny):** Deputies Frank Feighan, Bernard Durkan and James Bannon are sharing time with ten minutes each. Is that agreed? Agreed.

**Deputy Frank Feighan:** I remind the House that approximately 20,000 people in my county of Roscommon are on boil-water notices for too long to remember. A previous speaker said that the local authorities were the right people to provide the service but my local authority failed the people of County Roscommon. Many local authorities were provided with significant funding by the previous Fianna Fáil Government and I ask why are 20,000 people out of the population of 50,000 in County Roscommon are still on boil-water notices. Is it morally right that they have to pay for water unfit for human consumption? Is it morally right that they have to boil their tap water to prepare food, wash their hands and brush their teeth? People who are

affected cannot drink water directly from the tap. It is unacceptable that families and children must put up with this situation, some of whom have been dealing with it for more than ten years. Where were the local councillors and the local authorities for the past ten years? They said nothing because they assumed that the local authority was getting the funding and doing the work.

The approach to water quality in this country does not add up. People are objecting to septic tank inspections. Most of the septic tanks in rural areas in County Roscommon are seeping into our water supply. We want clean water but then we resist septic tank inspections; we cannot have it both ways.

I am delighted with the good news last October when the then Minister, Phil Hogan, came down to Roscommon and announced that the investment was happening. He announced the provision of €16 million for the five water treatment plants in Roscommon in Boyle-Ardcarne, Kelleglan in south Roscommon and Castlerea. Nobody took any heed because it was good news and it was not a story. However, one week later, a Deputy who has happily gone to Europe, brought a glass of water into the Chamber and asked how anyone could drink that water. That was the good story. That man did not say much before that but unfortunately, nobody wants good news or to hear of anything being done; all they want is good news. The good news is that the water treatment plants are under construction. I hope that we will have good infrastructure and good water for our people in the coming months. It is unacceptable that we have been let down.

There are currently 31 public water supplies under restriction, affecting approximately 26,000 people, 20,000 in my own county. Where were the local councillors and the local councils? They were getting the money and they did nothing. I wish to put on the record of the House that the then Minister, Phil Hogan, delivered the money to address that situation. This has not been recognised. The installation of water meters has created jobs.

It is proposed that households with an impaired water supply for less than a period of three months will receive a 50% discount on their water charge. Households with supplies that are impaired for more than three months will receive a 100% discount. I am delighted with this, particularly as I highlighted in a submission I made to the CER the fact that households in Roscommon should not be obliged to pay.

Our democracy has reached a very difficult stage. Democracy involves doing what one believes to be for the common good. Three years ago, journalists from RTE camped outside Roscommon County Hospital in the county in which I live and interviewed people who stated that individuals were going to die or that the facility was going to close. Some 50 lives have been saved and no one has died. The hospital is busier and patients are safer. A new wing - the endoscopy building - is currently being constructed and I invite members and reporters from RTE and other media outlets to come to visit it. The new building - it might be called the Frank Feighan Endoscopy Building - is only there because I stayed around to ensure it would become a reality. However, nobody is paying any heed to its construction. The RTE journalists to whom I referred earlier camped outside Roscommon County Hospital for three months listening to stories from unqualified people whose accounts went unverified. When it became evident that everyone had got it wrong, these journalists moved on. No one should take my word in respect of this matter. I invite Deputy Cowen and anyone else who wishes to do so to visit the hospital and ask the consultants and other medical staff whether the hospital is busier, whether patients are safer and whether lives have been saved. The answers to each of these

three questions will be “Yes.”

Another issue that arises in this regard is turf-cutting. Around 1,000 people in County Roscommon are being paid €1,500 per year, tax-free and index-linked, for a period of 15 years. This adds up to a total of €23,000 for each of them. They are being paid this money - and rightly so - as a result of the fact that their turf-cutting rights relate to lands that are part of special areas of conservation. Eighty-five percent of those people have been relocated from natural heritage areas, NHAs, as a result of the great work that has been done with Europe in this regard. All of the work to which I refer was done behind the scenes and, as a result, all one hears from people is that what is happening is awful.

These issues are being addressed but, unfortunately, all the local and national media want to report on are sad stories. I am of the view that journalists and reporters should revisit particular areas after the story has moved on in order to discover exactly what has happened. As already stated, no one has been back to investigate what happened in the case of water supplies. In that context, €17 million was allocated to the construction of five different treatment plants in a county that needed them. One week after the relevant announcement was made, a man who had never previously commented on this matter decided to enter the Chamber with a glass of dirty water and place it in front of one of the then Ministers of State at the Department of the Environment, Community and Local Government. As a result, everyone began discussing the safety of water supplies, and rightly so, particularly as businesses, families and so on have been affected. In the town in which I live - Boyle, County Roscommon - there are currently boil-water notices in place. This problem has been allowed to drag on for far too long. However, it must be noted that the Government has provided funding in order to ensure that people will have access to clean water. I reiterate that local authorities let us down in respect of this matter. As Deputy Cowen is aware, those authorities were allocated many millions of euro in funding but they failed to address the matter in the correct way.

I am of the view that we are going down a very dangerous road. The Government has a job to do and every action has its consequence. There are those who state that they are not going to pay water charges. If they do not do so, who will pay? We need rational politicians who will tell the people the truth. We do not need individuals who merely wish to go on local radio and so on in order to shout about things being awful. We must work together in order to try to deliver the best services possible for the people. Reforms are taking place, but if we continue down this road, the political system will not be able to meet the wishes of a demanding electorate. That electorate will eventually overload the State with demands and it will then seek a strong leader. In the 1930s, those in Germany sought a strong leader and they got one. This difference between remaining a democracy and descending into anarchy is very small. I accept that mistakes have been made but I again say that we must work together. I do not know whether it was a result of the boom, but in the past ten years people's expectations - I include my own - have reached a level at which they cannot be addressed by the State alone. Effectively, people are being told everything they want to hear - namely, that they should not pay and that they should protest. Eventually, we must stand firm and tell them the truth.

Two months ago, the previous Minister for Health, Deputy Reilly, visited Roscommon County Hospital in order to launch the construction project for the new endoscopy building. On the day he visited, there was a protest outside the hospital. Said protest was aimed at a man who had allocated €20 million in funding to this project and others. One would not see the like on an episode of “Killinaskully”. However, that is the road we are going down. I am extremely proud that I am part of a Government team that is standing up and delivering for this country.

Will I receive thanks for this? Probably not, but I remain proud of the fact that we have made a difference. The figures released by the CSO earlier today will provide a little more encouragement to people. Fine Gael and the Labour Party have accepted the difficult challenges and made the hard decisions. When the penny eventually drops, the people will come to realise this.

**Deputy Bernard J. Durkan:** I welcome the opportunity to contribute to the debate. It is approximately 25 years since I first tabled a parliamentary question about the availability of adequate supplies of domestic drinking water in all areas throughout the country. I submitted similar questions on each occasion on which successive Ministers with responsibility for this matter came before the House. It is extremely sad that this country underwent an economic boom during which nothing happened. At the end of that boom, local authorities were refusing to grant planning permission on the basis of a lack of adequate water supplies, treatment facilities and availability of domestic drinking water.

I am very fond of Deputy Cowen, who is a nice guy. There are many extremely nice people living in his constituency, which lies adjacent to that which I represent. I served in the House alongside the Deputy's brother and father, both of whom were honourable individuals. Deputy Cowen is also honourable, but he must be between a rock and a hard place to have come up with the Bill currently before the House. I understand where he is coming from. He is trying to weave a path through the people sitting behind him - who want everything to be free of charge for all and sundry - while seeking to remain realistic and take into account difficulties with regard to cryptosporidium in water supplies. It must be noted that in the past couple of years a number of individuals who sit in the seats adjacent to that which the Deputy currently occupies mounted huge campaigns in order to ensure that groundwater would not be improved and the new septic tank regime would not be accepted. There is a massive contradiction in terms of the Bill before us.

The reality is that the buck must stop somewhere. A famous former President of the United States had a sign on his desk which proclaimed "The buck stops here." The buck has finally stopped in this country. It is ironic that when it came to power three and a half years ago, the Government was obliged to address the major infrastructural deficit that exists in this area and that it had no money to do so. It is not that long since the water supply in the major tourism centre that is Galway was full of cryptosporidium, that Latin individual about which we hear so much. Tourists were afraid to visit the area as a result. We heard a great deal of blarney and rubbish about the matter at the time, when what was actually needed was a major plan to address the issues involved. The first of those is the fact that it will not be possible to encourage industrial development of the kind required in order to provide full employment unless there is access to adequate water supplies, telecommunications, road networks and transport. If we achieve the latter, then we will bring people closer both to each other and to the international community to which we sell our goods and services. Ireland's is an open economy and we sell almost 90% of what we produce abroad. It is extremely important, therefore, that this infrastructure is provided.

It is appalling that the quality of water supplies was allowed to deteriorate to the extent to which it has done in recent years. A number of individuals on the opposite side of the House who are not here at present have stated that water should be free. Of course, it should be free and it would be great if it was. I would be supportive of this, if I could get someone to lay the pipes, provide the purification plant and all that goes with it for nothing. If such a man or woman was willing to volunteer, it would be free.

There are those who say we pay enough in taxes. That argument is wearing thin. Whether we pay enough in taxes - we pay a good deal in taxes - providing services free is a very serious question.

As you will recall, Acting Chairman - I recall it well and imagine our colleagues on the other side of the House recall it, too - there were times in the past when services were provided by the local authority. Many campaigned and were elected on the basis that such services should be free. What happened? The services were taken from the local authority. Why? It was because the local authority could not afford to provide them. A particular example was an effective waiver in respect of water services. Another was refuse collection services. The waiver scheme was simple and cost-effective to operate. However, there were many protests about it, while the service was operated alongside those provided by the commercial private sector. What happened? The local authority had the privilege of serving all those with a waiver, for whom the private sector took no responsibility. What did we get? There was a discontinuation of the local authority service, which was both sad and an appalling thing to happen.

**Deputy Éamon Ó Cuív:** Fine Gael did it.

**Deputy Bernard J. Durkan:** Fianna Fáil did it - it was responsible.

**Acting Chairman (Deputy Seán Kenny):** Can we, please, have some order?

**Deputy Bernard J. Durkan:** Incidentally, now that I see Deputy Éamon Ó Cuív in the House, he was the man who was running around the country in recent years talking about septic tanks. He wanted a groundwater supply. In what world was he living? We are living in the real world. Does Deputy Éamon Ó Cuív remember cryptosporidium, the bacteria in the water supply in Galway, with which he has been living for the past ten years? What did you do about the problem?

**Acting Chairman (Deputy Seán Kenny):** Will the Deputy, please, address his comments through the Chair?

**Deputy Bernard J. Durkan:** I am sorry, Acting Chairman, but Deputy Éamon Ó Cuív irritated me at the vital moment.

*(Interruptions).*

**Acting Chairman (Deputy Seán Kenny):** Order, please.

**Deputy Bernard J. Durkan:** There is only so much rubbish one can put up with. There is plenty of the old nonsense.

*(Interruptions).*

**Deputy Bernard J. Durkan:** Incidentally, as I have not yet turned on Westmeath, Deputy Robert Troy should take it easy.

**Deputy Robert Troy:** Please sit down and do not put us through any more.

**Deputy Bernard J. Durkan:** There is only so much one can tolerate and my tolerance has been tested several times the recent years.

**Deputy Éamon Ó Cuív:** We are finding it hard over here also.

18 September 2014

**Deputy Bernard J. Durkan:** The Deputy may wish to look into his heart and ask himself what the people wanted. He should ask himself whether they want cryptosporidium in their water supply. Have they indicated that this is the way they want it, or have they indicated otherwise? I will ask him a further question. He should know well - he is an intelligent man - that if the groundwater supply becomes polluted, all water in the country will be polluted. Archimedes proved this a long time ago. Water finds its own level and if one pollutes part of the supply of groundwater, everything will be polluted over a given period.

We are bound by national and international law to address these issues. We find ourselves in a situation - I understand how Fianna Fáil is in something of a quandary - because, as I said before-----

**Deputy Éamon Ó Cuív:** It is Fine Gael that is in a quandary.

**Deputy Bernard J. Durkan:** -----on the one hand, the party pre-elections used to oppose charges of all descriptions.

*(Interruptions).*

**Deputy Bernard J. Durkan:** I was here at the time.

**Acting Chairman (Deputy Seán Kenny):** May we have order, please?

**Deputy Bernard J. Durkan:** I have no wish for the Deputy to be put out.

**Acting Chairman (Deputy Seán Kenny):** Deputy Ó Cuív, no interruptions, please.

**Deputy Bernard J. Durkan:** He is irritating me a good deal, but at the same time he is inspiring me.

**Deputy Éamon Ó Cuív:** I am sorry, Acting Chairman, I could not hear you.

**Deputy Bernard J. Durkan:** I remember a time in the mid-1980s when Fianna Fáil was in opposition and opposed to a local charge. It was opposed to local charges, but when it entered government some years later, it turned out that it was only for electioneering purposes, not for anything else.

**Deputy Robert Troy:** That was Deputy Pat Rabbitte.

**Deputy Bernard J. Durkan:** There is now a great deal of confusion on the other side of the House. Incidentally, this is the alternative Government which is proposing, on the one hand, to have free water or no water charges at all - it believes most services should be free - and, on the other - this is a good one - maintains that we must get down to identifying what the precise number of litres per household should be, including the number each person uses in taking a shower. It should cop on and get real. The reality is that once we get into the minutiae we know full well that we are listening to rubbish. Deputy Éamon Ó Cuív and I know each other well. When he comes up with that nonsense, he should expect me to laugh rather than take it seriously because it is not.

**Deputy Éamon Ó Cuív:** It is serious and Fine Gael should do something about it.

**Deputy Bernard J. Durkan:** We all recognise the need to try to ensure the cost to the householder will be within his or her capacity to handle. That is something to which we all

aspire. I am unsure how well founded the notion is that we can have anything for free. I am unsure whether it is well grounded. I do not think there is anything that is provided free any more for anyone anywhere. If we were to go down that road, I would hate to be among the general public as they could be the victims of the joint policies of, on the one hand, the Fianna Fáil Party which wants to do this with the one hand and that with the other with a general policy of amelioration for everyone and, on the other, the Technical Group, the Independent Group or the Sinn Féin group which wants free services for all.

The Acting Chairman is a very tolerant man. I thank him for his tolerance. I will pardon Deputy Barry Cowen on the basis that he has fully recognised that what I have just said is absolutely true.

**Deputy James Bannon:** I am pleased to have the opportunity to contribute to this debate. I have listened to many of the contributions with great interest. Since the Government took office, several million euro have been invested to improve water quality, particularly in Counties Longford and Westmeath, something I have welcomed on many occasions in the past three years. There is, however, an ongoing problem in Newtowncashel, county Longford where there is a boil water notice in place. I have been in contact with Irish Water in the hope this problem will be addressed as soon as possible in the interests of local people.

**Deputy Barry Cowen:** The Deputy should vote for the Bill.

**Deputy Robert Troy:** What did Irish Water tell him?

**Deputy Barry Cowen:** If Fine Gael had voted for the Bill, the problem would have been solved.

**Deputy James Bannon:** I am pleased that this will be happening. The people want to see continued improvement of drinking water quality.

Over the years I served as chair of many group water schemes. It was quantity, not quality, that people wanted, but I am pleased to say we have moved on and now it is quality water that people want. Modernising the delivery of water services is a key priority for me and the Government, one on which it is delivering. That is annoying to those in the Fianna Fáil Party because they were in power for a great many years and did sweet damn all to improve water quality.

**Deputy Éamon Ó Cuív:** What about the figure of €4 billion?

**Deputy James Bannon:** Thus far the Government has had three key objectives in the reform programme to improve water quality. The first was the establishment of Irish Water as the State-owned utility responsible for water services.

**Deputy Robert Troy:** A €180 million quango.

**Deputy James Bannon:** Second, the Commission for Energy Regulation will act as the economic regulator for Irish Water. This will ensure the Irish Water charges plan will be subject to the approval of the commission. Third, this legislation allows for the establishment of a sustainable funding model for Irish Water.

I have always stated my belief that reform of water services is crucial for economic growth. For example, we have seen the creation of 1,200 jobs under the metering programme. I have no

doubt that it will attract investment to Ireland, particularly the midlands, in water intensive industries such as information and communications technology and pharma-chemical companies.

Increased investment in infrastructure will create much-needed employment. It is welcome that this legislation makes provision for the Government to issue a policy direction to the Commission for Energy Regulation in respect of the performance of its functions. I specifically draw attention to the water charges plan. The policy direction provides that the Commission for Energy Regulation must, in approving the plan, make provision for households which receive a poor quality water supply. It also provides for the provision of free allowances for households. The free allowance for children is a clear-cut example of how the Government is working towards making water charges as fair and equitable as possible. It will be based on the average water consumption level of children. The allowance of 21,000 litres is based on the most up-to-date data available and will be monitored by the Commission for Energy Regulation, CER, to ensure that children continue to receive free water.

There are many other clear examples of how charges will be balanced and well intentioned. There have been clear indications that the water charges plan will make provision for households with a poor quality of supply. In its recent consultations, the CER proposed that households with a poor quality of supply for less than three months will receive 50% discounts on their charges while households with a poor quality of supply for more than three months will receive 100% discounts. Currently, 31 public water supplies are under restriction, affecting approximately 26,000 people nationwide. These include 20 schemes with boil water notices. Under the CER's draft proposals, 18 of these would receive 100% discounts on their water supply charges.

As a midlands Deputy, I know all too well about how Roscommon has been one of the worst affected counties. Deputy Feighan outlined the situation. I am pleased to see that all eight of Roscommon's schemes fall under the CER's 100% discount proposal. I support this proposal and urge the CER to implement it when making a final determination later this month.

The Government has worked hard to ensure that the introduction of water charges is as fair and equitable as possible. I have outlined examples of this, but I will use my remaining time to highlight a particular issue that is close to my heart. Will the Minister, Deputy Kelly, ensure that Alzheimer's disease and other related dementias are included on the list of medical conditions for which water charges will be capped? Dementia-related diseases affect many families throughout Ireland and, in many cases, require round-the-clock care and supervision. As a result of these conditions, many people are confined to their homes, which would clearly lead to a higher usage of water. The nature of these conditions also means that many people could easily leave taps on and run up astronomical bills through no fault of their own. Some provision should also be made for accidental leaks, particularly in times of frost and hard weather.

We have worked hard to make this legislation rational and fair. The Government should take the final steps and ensure that people with medical and mental illnesses are properly cared for. Home owners must also be protected by ensuring that no additional costs will be incurred as a result of burst pipes or accidental leaks.

The harvesting of water from industrial and farm sheds is a matter that is dear to me. Grant assistance should be made available for this type of venture on every farm. I hope that the Ministers for Agriculture, Food and the Marine and the Environment, Community and Local Government will provide for such ventures under the rural development programme.

**Acting Chairman (Deputy Seán Kenny):** I understand there will be five Deputies from Fianna Fáil sharing the next time slot, namely, Deputies Kitt, Ó Cuív, Sean Fleming, Troy and McConalogue for five, ten, five, five and five minutes, respectively. Is that agreed? Agreed.

**Deputy Michael P. Kitt:** I commend Deputy Cowen on this Bill. While I enjoyed Deputy Durkan's interesting contribution, he was wrong in his comment on the charges. It is my understanding that the Fine Gael-Labour Party Government abolished water charges while forgetting about group water schemes. It took the former Minister and Deputy, Mr. Noel Dempsey, to introduce a subsidy for water schemes to ensure equality and equity across the country and to help people in rural Ireland.

The current Government has put the cart before the horse by introducing a regime of water charges before bringing the water network up to standard. The Bill proposes a simple measure, namely, that it would be illegal to charge for a service that did not deliver. This proposal should be supported. In County Roscommon alone, 21,000 people are living under a boil water notice. Across Ireland, the figure is approximately 36,000 homes. Families that have been dealing with the situation for many years are upset that this unfair system will be introduced.

The Bill introduced by Deputy Cowen is based on the principle of fairness. It is not just a question of substandard and dangerous supplies of water that need to be brought up to standard, but of the additional financial burden of buying drinking water on a daily basis. That water charges must also be paid is too much for hard-pressed families to bear.

Alongside the situation in Roscommon, I should highlight an issue in Galway, albeit one that does not relate to substandard water supplies. A headline in *The Connacht Tribune* on 12 September read: "No water - but here's your bill anyway". The article continued: "Residents in an East Galway village were furious to have received a notice from Irish Water asking for €100 per house ... for a supply that they do not have. And many residents contacted by The Connacht Tribune have vowed not to pay a penny to Irish Water as they are not connected to any scheme." The campaign to get a public water supply for Kilrickle has been ongoing for a number of years. Some of its residents collect rainfall while others have drilled their own wells. Like the people of Roscommon, they must buy water on a weekly basis. The bills from Irish Water were the ultimate slap in the face. There were proposals to bring water to Kilrickle from the Loughrea scheme, but there has been a great deal of confusion about the cost involved. This issue boils down to the fact that householders in Kilrickle must fend for themselves.

I also noted in last week's edition of *The Connacht Tribune* that the Society of St. Vincent de Paul mentioned how people were unable to pay water charges. The society referred to the fact that the €240 promise made by the Government before the May election had increased by 20% to €278. The overall average cost to households will be €594. There is a general concern throughout the country that, if the public subsidy is steadily reduced, home owners will need to pay more every year.

The group water scheme movement and its organisers are concerned about the lack of clarity concerning their operations. The group scheme system has been strong in the west, with generous grants from the EU and the Department. However, if Irish Water must now supply water where no scheme is in existence, it begs the question of what will happen and whether money will be available to take over group schemes or provide water from public schemes.

The charge per litre is one of the highest in Europe. This is a source of concern. The Society

of St. Vincent de Paul also made the point that the household benefits package was not targeted towards vulnerable people. The society believes that assistance should be directed to those who are in receipt of fuel allowance payments, thereby helping the elderly, the unemployed, one-parent families and people in receipt of disability allowance payments. This point was also made by the ESRI. Clarity is needed in respect of charges where there is a substandard water supply and those that will apply to people with medical conditions. Irish Water has said there will be a 50% discount on the net bill for such people and the regulator has talked about a three-month threshold. The question of 12,000 households coming off boil-water notices this year is something that should be clarified, and we need more details on that.

**Deputy Éamon Ó Cuív:** Having heard Deputy Durkan's contribution, I am tempted to respond in kind. His contribution was typical of members of the current regime who believe that if one can make a political point one need not mind about the truth. The simple fact of the matter is that time and again people such as myself spoke about the need to protect our water sources. What we said was unfair - this was finally accepted by the previous Minister - was that where one's source is the public mains system - that is, a public sewer or a public water supply - the cost is borne by the State by way of the taxpayer, including those taxpayers who do not have public wastewater systems, but under the former Minister's initial proposals for upgrading wastewater systems, the people of rural Ireland were expected to foot the total bill. We said there was a fundamental injustice involved and that if the State afforded assistance by way of providing funding for wastewater systems in towns and cities and for people on the public mains system, it should afford the same provision for people in rural Ireland. Eventually, after a long struggle, the former Minister met us some of the way. I am big enough, unlike Deputy Durkan, to admit that he came some of the way, although he did not come the full way. There are still huge anomalies in the scheme he introduced.

There is an issue that the Minister of State should address. It is ironic that if one has a substandard private wastewater system and wants to upgrade it, one will not get a grant for upgrading it, even though one knows the system is substandard, until the local authority decides to inspect it. In other words, if the local authority does not select a particular person's system for inspection, that person cannot get assistance to upgrade, even though he or she may know the system does not pass muster. That seems rather bizarre, because anybody who has a substandard system should be assisted in upgrading it. He or she should not have to wait for an inspection to take place, thereby prolonging the period during which there is the potential for groundwater pollution.

It is amazing that Deputy Durkan did not address the issue of the bill. The bill is a basic premise of most businesses. If one receives a faulty service or does not get a service, one does not pay for it. That is a very basic principle. Deputy Durkan seemed to think that it was outrageous of Fianna Fáil to state what should happen if one has a bad water supply and has to buy drinking water because the water quality is not up to standard. He seemed to say that people should be forced to pay for a product that is not up to standard. Does anybody here know anybody who would buy a faulty product, knowing it was faulty, and be forced to pay for it or be willing to pay for it? The simple answer to that is "No." What Deputy Cowen's Bill proposes is quite simple - namely, that people who are provided with a substandard product should not pay for it. A substandard product is one that is not fit for the purpose for which it is designed. If there are boil-water notices in some areas, it is clear that the water supply in those areas is not fit for purpose.

If this Bill is introduced, we will find that within a year or two Uisce Éireann will have de-

ployed the resources to where they are needed to resolve these problems. However, if we do not go down this route, Uisce Éireann will say that these are areas of low population density and that there are more urgent things to be done - let us forget about them and put them on the back boiler. Promises are being made by the Government. One day it says that the Commissioner for Energy Regulation will decide these matters, while another day it says it will do this and that. The simple fact of the matter is that if the Government accepted this legislation, the CER would have to accept it because it would be the law of the land. It would provide certainty to people into the future, which is very important.

Ba mhaith liom díriú ar cheist eile nach bhfuil mórán caint air sna meáin, ait go leor, is é sin an fhadhb a bhí ann i gcaith an tsamhraidh ar Inis Meáin agus Inis Oírr, áit a bhfuil na mílte míle euro á caith ag tógáil uisce isteach ar bháid chuile lá. Dhá bhád, lá le huisce, ceann acu ag dul chuig Inis Meáin agus ceann ag dul chuig Inis Oírr, mar nach bhfuil dóthain uisce ar na hoileáin sin. Go mór mhór i gcás Inis Oírr, bhí tacaíocht bhreise curtha ar fáil ag an Rialtas deireanach. D'oibrigh sin ar feadh deich mbliana. Ní raibh ciondáil uisce ar an oileán mar ghnáth chuid laethúil d'obair dhaoine i rith an achair sin. Ansin tháinig athrú ar an gcóras i mbliana agus cuireadh córas nua isteach atá ag cur go leor uisce amú. Dá bharr sin, ar oileán atá ag braith go hiomlán i rith an tsamhraidh ar thurasóireacht, níl aon uisce ó 6 um thráthnóna go dtí 8 ar maidin, mí i ndiaidh míosa. Níor tharla seo ar feadh seachtaine nó ar feadh coicíse. Tá sé ag tarlúint ar feadh an tsamhraidh. Tá sé fíorphráinneach anois go dtiocfadh an tAire nó an tAire Stáit, an Teachta Joe McHugh, agus Uisce Éireann le chéile chun staidéar sciobtha a dhéanamh ar an bhfadhb agus réiteach a fháil agus a chinntiú go mbeidh uisce ar na hoileáin. Beidh sé mícheart a bheith ag gearradh táille uisce ar theaghlaigh na n-oileán de bharr na heaspa uisce atá ar na hoileáin agus ní ceart táillí a ghearradh ar ghnó ar na hoileáin go dtí go mbeidh an fhadhb seo réitithe. An féidir a shamhlú duine ag iarraidh bialann a rith gan uisce a bheith ar fáil tar éis a sé a chlog um thráthnóna? Ní féidir gnó a rith ar an mbealach sin. Fós féin, beidh Uisce Éireann ag iarraidh táillí uisce.

Nuair a bheidh an tAire ag caint ag an deireadh b'fhéidir go mbeidh sé in ann a dheimhniú, ar a laghad go ndéanfaidh sé fiosrúcháin maidir leis an scéal agus go ndéanfaidh sé scrúdú, go suífidh sé síos leis an Aire Stáit, an Teachta Joe McHugh, le pobal an dá oileán agus go dtiocfaidh siad ar réiteach na faidhbe seo.

Beidh mé ag siúl le haisfhreagra ón Aire inniu nó go luath ar an gceist seo. Leanfaidh mé liom ag cur brú maidir leis an gceist go dtí go dtiocfar ar réiteach.

Those in the party that sits to the right of us here think we should charge for nothing and that there should be no limit to services provided, but they never tell us where they will get the money to fund them. There are two parties sitting on this side of the House who do not realise that the effect of the burden on citizens results from the cumulative bills they get and not each individual bill. The accumulation of the local property tax and water charges will put an imposition on low-income families that many cannot afford. The local property tax is higher in cities. It is often higher for people who may not have a large income but happen to live in an area where houses are valuable for historical reasons. It is indiscriminate. The reality is that the Government has not been willing to face these facts. The Government said there would be a 15% decrease in the local property tax, but then it made sure there was no money to implement that provision.

**Deputy Paudie Coffey:** That is not true.

**Deputy Éamon Ó Cuív:** It is true.

**Acting Chairman (Deputy Seán Kenny):** Can we have some order, please? Deputy Ó Cuív is contributing.

**Deputy Éamon Ó Cuív:** Was that the view of the Labour Party? It should be remembered that every member of Government is bound constitutionally to collective action. We cannot have one party in government saying one thing, constitutionally, and the other saying something else. It is time the parties in government woke up to their constitutional responsibilities. According to Members opposite, we have turned the corner and there are billions of euro available to give out. Why not start with abolition of the two most recently imposed charges - namely, water charges and the local property tax?

**Deputy Sean Fleming:** I thank my colleague Deputy Cowen for introducing this legislation on an issue which affects everybody and not only those entitled to exemptions in respect of poor-quality water supply. The issue of water charges is one that affects every household in the country. It is an issue that the people are watching closely. The manner in which Irish Water and the regulator handle the particular issues of concern today will be indicative of how they propose to deal with customers and the people of Ireland in the years to come. Simply put, if the product is not safe the customer should not have to pay for it. I do not believe any reasonable person would accept that people should have to pay for an unsafe product.

The Bill before us proposes exemptions from charges in particular circumstances. Government speakers have used the word “discount” in respect of boil-water notices that are in place for a three- or six-month period. Reference was also made to the possibility of 100% compensation in relation to the charge where a boil-water notice has been in place for a considerable time. However, it is proposed that the 50% discount will apply in respect of water coming into the house and not in respect of the overall bill. The regulator has not been clear or helpful in this regard. I recently read the regulator’s commentary on this issue, in which he says that only 15% of water is for drinking purposes. He appeared to be almost begrudging any discount beyond that. The regulator states in his report that to give more than a 15% discount would be to ask other water users to subsidise those people in receipt of that discount. The regulator is not on the side of the people. He is a tool of the Government and Irish Water. Before even commencing work in this area, he has failed. He is not looking after the interests of the people or their health and safety. As well as being the regulator for water services, he is also the regulator of the electricity market. One can imagine the view that would be taken of an unsafe supply of electricity to people’s homes, which could result in severe damage to people and their homes. It is the function of the regulator to address these issues and, in that regard, to put customers first. The need to ensure customers are looked after appears to have escaped everybody involved in this issue.

Simply put, if the product is bad there should be no charge for it. All the Government has succeeded in doing over the past two days is - pardon the pun - to muddy the waters. Much of our water is not fit for consumption. By the time this Government is finished, it will be even muddier. I do not believe, as we conclude this debate today, that anybody will be aware of the outcome of this issue. The Taoiseach and Ministers have stated that the regulator will issue a report in a few weeks’ time. Whether the Government hopes to use its muscle to get the regulator to do its bidding, I do not know. If the debate on this Bill has forced the Government to put pressure on the regulator, who up to now has not been doing his job in this area, it will have been a good three hours’ work. As I said, the regulator has made only token or minimal changes

to the proposals from Irish Water.

Another issue about which I am concerned is the question of access by Irish Water to the Department of Social Protection database and children's PPS numbers. In response to a question asked by me last May, the Government stated that households would receive an additional free allowance for each child under 18 years of age, aligned with entitlement to child benefit. On 15 May, I wrote a letter in this regard to Mr. Billy Hawkes, the Data Protection Commissioner. Unfortunately, as I received no reply to that letter, I had to write to him again on 18 July. The Data Protection Commissioner replied on 29 July to the effect that his office has been in discussions with Irish Water with a view to ensuring that only the minimum amount of information should be sought by it from the Department of Social Protection. According to the Data Protection Commissioner, Irish Water will use the PPS numbers to interrogate the Department of Social Protection child benefit database to determine on a yes-or-no basis whether a child is in receipt of benefit and thus qualifies for the free water allowance. In the view of the Data Protection Commissioner, this means Irish Water will not have direct access to personal information. However, in my view it is not satisfactory that Irish Water, a commercial company, will have access to the child benefit database records, as confirmed by the Data Protection Commissioner. The commissioner should ensure that the opposite is the case - namely, Irish Water should request the information from the Department, which should have overall responsibility for providing it. Irish Water should not have access to Department of Social Protection databases.

I have previously asked the Minister about the transfer of assets and liabilities to Irish Water. In response to a parliamentary question yesterday, the Minister said that when the result of the due diligence exercise was known, the opening balance sheet take-on from local authorities would be known, including the assets, debtors among non-domestic users and financial liabilities. Irish Water has been up and running since 1 January last, yet it does not know its liabilities or assets. I believe that in not knowing its own financial situation it is trading fraudulently.

**Deputy Robert Troy:** I welcome the opportunity to contribute to this important debate, which is timely when one considers that in the next few weeks people the length and breadth of this country will for the first time ever be billed for water.

It was interesting to hear members of Government highlight and confirm in their contributions last night that the proposed water charges are too high. They are correct. Prior to the local elections in May a charge of approximately €240 per annum for a household with two adults was advocated. The estimated charge is now €278 per annum, which is an increase of 20% on the previous figure. A household of two adults and two children in third level education will pay approximately €500 per annum, which will mean an additional €10 per week for each family, many of whom cannot afford it. Why are the charges so high? They are high because money is needed to fund the super-quango that is Irish Water, a quango established at a cost of €180 million and at a time when this Government, upon taking office, promised it would abolish all sorts of quangos. The 2011 PricewaterhouseCoopers report commissioned by the Government advised against the use of an existing State agency such as Bord Gáis as it would incur costs owing to the level of external support required to plan, manage and execute the integration of Irish Water into an existing utility. The Government went against the explicit advice of its commissioned PricewaterhouseCoopers report.

I would now like to focus on the issue before us today and the proposed charges for poor-quality water supply to more than 30,000 households across Ireland. Deputy Feighan is correct that €17 million was made available to County Roscommon. We welcome that, but what have

the people of Roscommon had to put up with over the past number of years? Previous speakers said there had been no capital investment in the area. That is wrong. In the period from 2000 to 2010, €4.6 billion was invested in improving the infrastructure of the water network. My question to the Government is this: what does it have against the people of Roscommon? Last night, the Minister for the Environment, Community and Local Government, Deputy Kelly, said that they need not worry because the draft water plan would be finalised by the Commissioner for Energy Regulation in the next number of weeks. This morning, Elizabeth Arnett, head of communications at Irish Water, said there was nothing new in what was proposed and that water charges had been known since August 2014.

*2 o'clock*

Is it not amazing that the Government chose the bank holiday weekend to publish the draft pricing? It sought submissions during the month when the Dáil was in recess and when most people in the State take their annual leave. Is it not quite amazing to come in here and listen to the likes of Deputy Bannon urging the CER to listen? He said he had made a submission. I remind Deputy Bannon that he is not on Longford County Council anymore and that he is a member of a Government party. As Deputy Feighan said, we live in a democracy. The people of this country put their faith and trust in Fine Gael and the Labour Party in 2011 to govern and implement national policy decisions. The Government will have an opportunity in less than 20 minutes to implement legislation that will ensure people who cannot brush their teeth, drink a glass of water to take their medication or make a cup of tea because of substandard water coming out of their taps will have their problems addressed. We are not saying water should be free for everybody; what we, including Deputy Cowen, are saying through this small Bill is that we should ensure that when there is no high-quality water coming out of the taps, people will not have to pay for it. This is quite fair.

It is incredible to listen to Government Deputies questioning the rationale of what is quite logical legislation. If tomorrow one bought a car that did not work, one would go back to the garage to get one's money back. One does not pay for something that does not work, and one does not pay for substandard produce. Why should the 21,000 people in Roscommon, the people in Newtowncashel in County Longford or others on the island pay for a service that they cannot utilise?

**Deputy Charlie McConalogue:** I join my colleagues in supporting this Bill, introduced to the Dáil by Deputy Barry Cowen. The Bill, which is very appropriate, deals with one aspect of the unfair charges that the public will experience as a result of the approach the Government is taking. Rightly, it deals with the matter on the floor of the House, where we are actually getting a chance to debate the charging structure. The Government of which the Minister of State, Deputy Coffey, is a member has not given the Oireachtas, including the committees, the opportunity to do so properly. Instead, we have seen the Government devolve responsibility for setting the costs that the public will face to the CER. This has been a standard tactic adopted by the Government regarding some very serious issues. Instead of taking responsibility and getting rid of many quangos, as it promised to do, it has reverted to default mode. Thus, instead of taking responsibility for certain actions itself, it has given responsibility to another body. We hear about this repeatedly on the floor of the Dáil, as we did this morning from the Tánaiste. We are told our question is not for the Government to answer but for the CER, which will be publishing its report in the coming months.

Unfortunately, when the Government takes big decisions, as on the charging structure, it

times its announcements to avoid scrutiny as much as possible. When it introduced its Bill for the first time, it was rammed through the Dáil in a matter of a day and guillotined without an appropriate opportunity for debate. When it introduced the charging structure, it did so over a bank holiday weekend in August, again to avoid scrutiny as much as possible. This morning our party leader, Deputy Micheál Martin, called for a framework for affordability to be brought into play to assist families across the country who dread the introduction of the charges and who, over recent months, have been wondering how on earth they will be able to afford another bill.

The best the Tánaiste could offer this morning was to indicate that there would be an assistance payment of €100 per household towards the cost. Despite this, the water cost for a one-person household, for example, will be €176, and for a five-person household it will be up to €584. The Tánaiste whimsically dismisses genuine concerns over the fairness of this and the ability of families to pay for water with the response that the €100 will be of massive assistance to them. The assistance payment of €100 will not go very far towards meeting the cost faced by families with five adults.

Unfortunately, this is a trend we have seen from the Government, despite the fact that it has consistently referred to how the economy is starting to improve. This is something we all want to work towards, but the reality of the policies the Government has implemented is that many of the most hard-pressed have taken a large part of the burden. Appropriate attention or priority has not been given by the Government to trying to ensure that those who cannot afford to pay and those who are most burdened will be assisted and protected. We witness this not only in regard to water charges but also in regard to school charges, for example. As my party spokesperson on education, I am more aware than anyone of the impact of cuts to schools' budgets. The schools have had to go back to families and ask them to fund-raise instead. This is another example of how the burden has been placed on families with the highest costs and the least money to meet them.

Consider the logic of the Government's investment of so much in metering and in Irish Water. We note that a total of €85 million will have been spent on consultant reports between now and the end of 2015. This concerns matters that do not have a direct impact on investment in our water infrastructure or network. It makes no difference whatsoever to it. Surely at this point, given our current environment, the money would have been better spent on infrastructure.

Deputy Barry Cowen's Bill is very sensible. It makes a very straightforward request, namely that those who are not getting water of appropriate quality or are getting water that is dangerous to drink, thereby costing them money, be exempt from having to pay water charges. I endorse the Bill and encourage support for it across the House.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey):** I thank all the Members who contributed to this debate last night and today. As the Minister, Deputy Alan Kelly, outlined last night, the Government cannot support the Bill tabled by Deputy Cowen. We appreciate that the intention of the Bill is to provide discounts for customers affected by sub-standard water supplies. However, as the Minister outlined last night, the legislative and policy framework put in place by the Government already provides a very robust and flexible system to ensure that Irish Water's customers are protected, and arrangements to provide discounts for customers affected by sub-standard water supplies are at an advanced stage.

The CER has been given the role of independent economic regulator for Irish Water, and its primary statutory purpose is to ensure the protection of customers' interests. This is underpinned in statute. Section 39(1) of the Water Services (No. 2) Act 2013 provides that the commission shall perform its functions in a manner that best serves the interests of customers of Irish Water. Section 21 of this same Act provides that Irish Water's charges are subject to the approval of the regulator. In July, the CER undertook public consultation on Irish Water's charges to provide the public, and public representatives, with an opportunity to make their views known before the approval of the final plan toward the end of this month. Among the measures announced were proposals to address the very issue dealt with in this Bill.

Section 42 of the 2013 Act provides that the Minister for the Environment may issue a general policy direction to the CER. A policy direction was issued by the previous Minister to the CER in July 2014, taking account of decisions the Government had taken in regard to allowances, customer protection and affordability. In its consultation documents, the CER proposed that households in receipt of a restricted supply for more than three months would receive a 100% discount on their water supply charge, with those under restrictions for less than three months receiving a 50% discount. As the Minister stated last night, the effect of these proposals would be that all households currently on long-term boil-water notices would be eligible for the 100% discount from 1 October. Details of the final arrangements for the discounts to be applied will be announced by the CER as part of its determination of the overall water charges plan. This is expected by the end of this month.

There are, regrettably, more than 25,000 people on public water supplies which are the subject of some form of restriction, including boil water notices. As part of its statutory monitoring responsibilities, where Irish Water, in consultation with the Health Service Executive, HSE, considers that a water supply is a potential risk to human health, it is required to ensure that the supply of such water is prohibited or its use is restricted and that consumers are informed promptly and given the necessary advice. Irish Water is taking action in this regard by prioritising drinking water quality as its main priority in its first interim investment plan, including an urgent focus on the provision of water treatment plants in County Roscommon and an action plan to address other water supply schemes in need of investment.

Although not directly relevant to Deputy Cowen's Bill, I wish to address an issue that was mentioned in the debate last night and in earlier exchanges yesterday. In the application packs that Irish Water has begun to send out, it is asking householders to provide their personal public service, PPS, numbers, including in respect of children. The purpose of this is to ensure that the free water allowance for primary residences and the additional allowance in respect of children's use of water that the Government is providing are allocated appropriately. Under section 20 of the Social Welfare and Pensions Act 2014, Irish Water is a specified body and is allowed to request PPS numbers to authenticate the identity of the person being provided with an allowance. It has stated its commitment to comply with all data protection legislation requirements.

I acknowledge Deputy Stanley's comments last night regarding the misinformation that is being peddled to the public about possible ways of avoiding water charges. It is important that this House condemns any irresponsible actions being advocated in regard to legislation that has been approved by the Oireachtas. I have seen public representatives encouraging non-payment not only of water charges but also of the local property tax. Indeed, some held public meetings to encourage this across the country, and then deserted those people. I believe that is totally irresponsible.

**Deputy Alan Kelly:** Hear, hear.

**Deputy Paudie Coffey:** I also wish to address another point raised during last night's debate. Deputy Cowen suggested that the establishment of Irish Water was a precursor to privatisation. To use a phrase employed by Deputy Cowen during his speech, it was like *déjà vu* again.

**Acting Chairman (Deputy Seán Kenny):** The Minister's time is concluded.

**Deputy Paudie Coffey:** This issue has been raised previously and it has been shown to be without foundation. In fact, the position is laid down in statute. Section 46 of the Water Services Act (No. 2) 2013 expressly provides that neither the Minister for the Environment, Community and Local Government or the Minister for Finance nor Bord Gais Éireann, now entitled Ervia, can dispose of their shares in Irish Water. This provides a clear legal prohibition on the sale of Irish Water.

To conclude, as has been clearly outlined today and last night, the policy and legislative framework the Government has already put in place addresses the objectives of this Bill in a more comprehensive and, indeed, flexible manner. On that basis, the Government is opposing the Bill.

**Acting Chairman (Deputy Seán Kenny):** The remaining speakers are Deputies Brendan Smith and Barry Cowen. As the debate must conclude in ten minutes, they have five minutes each. Is that agreed?

**Deputy Brendan Smith:** The Acting Chairman could extend it by a few minutes. Everybody else got an extra minute or so of injury time.

**Acting Chairman (Deputy Seán Kenny):** Members on both sides of the House go over their time and they were warned about that.

**Deputy Brendan Smith:** The concluding speaker should not be denied a minute or two.

**Acting Chairman (Deputy Seán Kenny):** The Standing Orders provide for it and I have been reminded of that.

**Deputy Brendan Smith:** The Standing Orders should be implemented throughout the debate. However, I will proceed.

First, I congratulate the Minister, Deputy Kelly, and the Minister of State, Deputy Coffey, on their appointment and wish them well in the Department.

I welcome this important legislation introduced by Deputy Cowen, which provides that homeowners will have absolute assurance that they will not have to pay for a water supply that is contaminated. Ensuring that the onus is put on a public utility to provide a service that meets the required standards is a basic way of doing business. Irish Water will control an overwhelming part of the water supply to households, businesses, farms, public institutions and community facilities, and the proposals for charging for water are deeply unfair. It is abundantly clear that the network should be brought up to the required standards before households with substandard supplies are obliged to pay substantial charges for a product that is inferior.

Water charges will be collected from 1 October, with bills due in January 2015. Our party's

18 September 2014

spokesperson, Deputy Barry Cowen, made a detailed submission to the regulator, along with this legislation. It is our basic contention that it should not be possible for Uisce Éireann to charge for a contaminated water supply. Try to explain to a hard-pressed household that it must pay the charge, which will be considerable, not for water that is not for consumption but for wastewater. Any fair minded individual will understand the anger, annoyance and frustration of such a household.

The energy regulator has denied any confirmation of the recent claims by Fine Gael relating to water-in and water-out contentions. This legislation brings absolute clarity and provides a way to deal properly with this issue. It is an issue that constituents bring to our attention as they require clarity about it. People are understandably very concerned about these new charges and the imposition of new additional costs on households, so there is an onus on the Government to ensure at least some fairness. If enacted, this legislation would ensure fairness. Apart from a partial payment by householders for contaminated supplies, those households have the considerable additional expenditure of purchasing bottled water, which is not cheap by any means. Public expenditure and the generation of revenue should be predicated on fairness. Fairness should be at the heart of central and local government decision making.

I wish to respond to a narrative that has been promoted by the Government in the last year or two, that there was a lack of investment in the period from 2000 to 2010. Almost €5 billion in public expenditure was provided by the Fianna Fáil Government for the upgrade and preservation of our water services during that period.

I refer to a matter which the Minister might clarify at some point in the future. I also raised it with his predecessor. It is the continuation of the subsidy for rural group water schemes. Thankfully, Fianna Fáil in government put in place a massive rural water upgrade programme. It encompassed not just rural group water schemes but also the schemes for smaller towns and villages. We must have an assurance that the subsidy, which is so important and was paid through the local authorities, will be continued and that a system of ensuring that rural households are not discriminated against will be put in place. Perhaps the Minister or Minister of State might reply to that concern.

I regret I do not have more time to speak but I will hand over to my colleague.

**Acting Chairman (Deputy Seán Kenny):** Deputy Cowen has five minutes.

**Deputy Barry Cowen:** I am mindful of the fact that the Tánaiste was a couple of minutes late today, but we did not seek to restrain her in what she had to say.

I omitted to congratulate the Minister of State, Deputy Coffey, last night. I congratulate him now and wish him every success. He is a well respected Member of the House and I have no doubt he will give his all in that post.

I thank all Members for their contributions on the Bill. One of the most recent speakers, Deputy Bannon, summed up the content of the Bill, perhaps unconsciously from his perspective. He referred to the recent boil notice that was placed on the townspeople of Newtowncashel and said the first thing he could do was contact the CER and, as Deputy Troy said, urge that office to do something to help those people. The only thing he can do to help those people immediately is vote for this Bill today. If the House voted for this Bill, there would be no charge for dirty water going into any house. Nobody would be expected to pay to wash their children or their dishes in cryptosporidium infested water. That is the bottom line. I do not think Deputy

Bannon realised it when he said it, but if he really wanted to do something for those people, or anybody else, he would vote for this legislation today. He could do something for them immediately, and they would not be charged from 1 October for the dirty water they are receiving.

We have heard various concerns. Deputy McGrath, for example, spoke about students over 18 years of age being charged the full rate. The Minister referred to the fact that the PPS numbers are being sought to establish that a household would have an allowance. It does not matter if there is one, ten or 20 in a house. There is a household allowance and that is all there is about it. As we know, the PPS number is being sought to correlate it with the Department of Social Protection in order to see who is in receipt of child benefit and who is not. It is as simple as that.

Deputy Dara Calleary pointed to his fears which are shared by many about the consumer protection Act 1980 and noted that there might be contradictions in the Water Services Act. That leaves people open to going to court to test the validity of what is contained in the policy direction given by the Government and also its implementation by the CER.

Deputy Seán Ó Feargháil mentioned that, despite the best intentions and a commitment from the Minister and Bord Gáis at the time that a national audit would be carried out by the new body in order to ascertain the level of the programme in the coming years to deal with the issue of leakages throughout the system - as we are reminded so often, there is a 40% deficit - such an audit had yet to be produced and there was no roadmap for how that issue might be dealt with.

Deputy Michelle Mulherin said, from the Government benches, that she had great fears about the proposed charges and their excessive nature and that they were not affordable for many in County Mayo. I remind her that they are not affordable for many throughout the country, let alone County Mayo. Given the great level of Government representation in the county, one would have thought they would have had their fingers more on the pulse and devised a mechanism to ensure they would not hit people as hard as they will.

We heard a speech last night from the Minister with responsibility for this area, although that might no longer be the case, given that one of his first actions on being appointed was to hand over responsibility to the Department of Finance on the basis that the collection of water charges was a revenue generating exercise. That has been the *modus operandi* of the Government from day one, namely, the rush to charge. In that rush to charge, however, it has made many mistakes and incurred much expense for the State. This is another. The Minister read from his script last night when he gave us the history of the process by which the Water Services (No. 1) Bill and the Water Services (No. 2) Bill were brought before the House. I remind him that, in line with his efforts to explain it in the little time available to him last night, his party gave little time for the passage of that legislation because the debates on it were guillotined within an hour or so of its presentation. That is the response and attitude of the Government when Opposition Members wish to properly scrutinise such legislation.

I want to raise another issue that was raised during the debate and which was also raised this morning by a spokesperson for Irish Water who, as Deputy Robert Troy said, informed the nation that, irrespective of what we might have heard in the Minister's speech last night, nothing new was contained within it. Irish Water had sought from the CER a six-month allowance and for people to pay for up to six months in the case of a boil water notice, irrespective of the quality of the water provided. The period is three months and it has not changed. Nothing the Minister said last night was different from what we had heard before.

Persons in receipt of the application forms are asked to inform Irish Water if they believe they have a medical condition that might necessitate the excessive use of water, for which there should be some allowance. I have asked this question specifically in the last six months. I asked the then Minister, Mr. Phil Hogan, if he had met his then counterpart in the Department of Health, Deputy James Reilly, to discuss the issue and instruct his officials to devise a mechanism by which those with medical ailments who needed a larger supply of water would be compensated in any recommended pricing structure.

**Acting Chairman (Deputy Seán Kenny):** The Deputy should conclude.

**Deputy Barry Cowen:** Irish Water was again asked this morning to wing it because no record of such a consultation has been made available, published or given to the House, despite the fact that, as usual, the charges will be railroaded through next week in the absence of that information, among many other things. I ask for the support of all Members of the House, including those of my own party, obviously, but more particularly those such as Deputies Michelle Mulherin, James Bannon and others who said they had issues with the legislation governing this matter. The only way they can have them addressed today and for all time is by supporting the motion.

Question put:

| <i>The Dáil divided: Tá, 40; Níl, 69.</i> |                                    |
|---|------------------------------------|
| <i>Tá</i>                                 | <i>Níl</i>                         |
| <i>Boyd Barrett, Richard.</i>             | <i>Bannon, James.</i>              |
| <i>Calleary, Dara.</i>                    | <i>Butler, Ray.</i>                |
| <i>Collins, Joan.</i>                     | <i>Buttimer, Jerry.</i>            |
| <i>Collins, Niall.</i>                    | <i>Byrne, Catherine.</i>           |
| <i>Colreavy, Michael.</i>                 | <i>Byrne, Eric.</i>                |
| <i>Coppinger, Ruth.</i>                   | <i>Cannon, Ciarán.</i>             |
| <i>Cowen, Barry.</i>                      | <i>Carey, Joe.</i>                 |
| <i>Crowe, Seán.</i>                       | <i>Coffey, Paudie.</i>             |
| <i>Daly, Clare.</i>                       | <i>Collins, Áine.</i>              |
| <i>Doherty, Pearse.</i>                   | <i>Conlan, Seán.</i>               |
| <i>Dooley, Timmy.</i>                     | <i>Connaughton, Paul J.</i>        |
| <i>Ellis, Dessie.</i>                     | <i>Conway, Ciara.</i>              |
| <i>Fleming, Sean.</i>                     | <i>Coonan, Noel.</i>               |
| <i>Fleming, Tom.</i>                      | <i>Corcoran Kennedy, Marcella.</i> |
| <i>Halligan, John.</i>                    | <i>Costello, Joe.</i>              |
| <i>Healy, Seamus.</i>                     | <i>Deasy, John.</i>                |
| <i>Keaveney, Colm.</i>                    | <i>Deering, Pat.</i>               |
| <i>Kelleher, Billy.</i>                   | <i>Doherty, Regina.</i>            |
| <i>Kitt, Michael P.</i>                   | <i>Dowds, Robert.</i>              |
| <i>Mac Lochlainn, Pádraig.</i>            | <i>Doyle, Andrew.</i>              |
| <i>McConalogue, Charlie.</i>              | <i>Durkan, Bernard J.</i>          |
| <i>McDonald, Mary Lou.</i>                | <i>Farrell, Alan.</i>              |
| <i>McGrath, Finian.</i>                   | <i>Feighan, Frank.</i>             |

|                               |                                 |
|-------------------------------|---------------------------------|
| <i>McGrath, Mattie.</i>       | <i>Fitzgerald, Frances.</i>     |
| <i>McGuinness, John.</i>      | <i>Fitzpatrick, Peter.</i>      |
| <i>McLellan, Sandra.</i>      | <i>Flanagan, Charles.</i>       |
| <i>Mathews, Peter.</i>        | <i>Gilmore, Eamon.</i>          |
| <i>Murphy, Catherine.</i>     | <i>Griffin, Brendan.</i>        |
| <i>Ó Caoláin, Caoimhghín.</i> | <i>Harrington, Noel.</i>        |
| <i>Ó Cuív, Éamon.</i>         | <i>Harris, Simon.</i>           |
| <i>Ó Feargháil, Seán.</i>     | <i>Hayes, Tom.</i>              |
| <i>O'Brien, Jonathan.</i>     | <i>Humphreys, Heather.</i>      |
| <i>Pringle, Thomas.</i>       | <i>Humphreys, Kevin.</i>        |
| <i>Ross, Shane.</i>           | <i>Keating, Derek.</i>          |
| <i>Shortall, Róisín.</i>      | <i>Kehoe, Paul.</i>             |
| <i>Smith, Brendan.</i>        | <i>Kelly, Alan.</i>             |
| <i>Stanley, Brian.</i>        | <i>Kenny, Seán.</i>             |
| <i>Tóibín, Peadar.</i>        | <i>Kyne, Seán.</i>              |
| <i>Troy, Robert.</i>          | <i>Lawlor, Anthony.</i>         |
| <i>Wallace, Mick.</i>         | <i>Lynch, Kathleen.</i>         |
|                               | <i>Lyons, John.</i>             |
|                               | <i>McEntee, Helen.</i>          |
|                               | <i>McGinley, Dinny.</i>         |
|                               | <i>McNamara, Michael.</i>       |
|                               | <i>Maloney, Eamonn.</i>         |
|                               | <i>Mitchell O'Connor, Mary.</i> |
|                               | <i>Mitchell, Olivia.</i>        |
|                               | <i>Mulherin, Michelle.</i>      |
|                               | <i>Murphy, Dara.</i>            |
|                               | <i>Murphy, Eoghan.</i>          |
|                               | <i>Neville, Dan.</i>            |
|                               | <i>O'Donnell, Kieran.</i>       |
|                               | <i>O'Donovan, Patrick.</i>      |
|                               | <i>O'Dowd, Fergus.</i>          |
|                               | <i>O'Mahony, John.</i>          |
|                               | <i>O'Reilly, Joe.</i>           |
|                               | <i>Penrose, Willie.</i>         |
|                               | <i>Perry, John.</i>             |
|                               | <i>Phelan, John Paul.</i>       |
|                               | <i>Rabbitte, Pat.</i>           |
|                               | <i>Reilly, James.</i>           |
|                               | <i>Ryan, Brendan.</i>           |
|                               | <i>Shatter, Alan.</i>           |
|                               | <i>Stagg, Emmet.</i>            |
|                               | <i>Stanton, David.</i>          |
|                               | <i>Tuffy, Joanna.</i>           |

18 September 2014

|  |                       |
|--|-----------------------|
|  | <i>Varadkar, Leo.</i> |
|  | <i>Wall, Jack.</i>    |
|  | <i>Walsh, Brian.</i>  |

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

Question declared lost.

### Topical Issue Debate

#### Homeless Accommodation Provision

**Deputy Michael P. Kitt:** I thank the Ceann Comhairle for allowing me to raise this issue. I congratulate Deputy Coffey on his appointment as Minister of State at the Department of the Environment, Community and Local Government with special responsibility for housing. It is an important area and I wish him well in his role.

I wish to raise the efforts being made to provide accommodation for homeless people, a matter which has been the subject of many debates in the House. I have received a number of submissions in this regard. For example, one relates to Galway city where there is a long housing waiting list. COPE Galway, a local charity, proposes an allocation of €500 million for the social housing building programme, with a portion of that ring-fenced to tackle homelessness, particularly in the context of the 2016 Government target to eliminate long-term homelessness and the need to help people who are sleeping rough.

I was a little concerned, as were many other Members, when Dublin City Council, DCC, brought forward a proposal to use prefabricated buildings on derelict or vacant sites to house homeless families. Most people reacted by asking why not consider permanent housing. When the Tánaiste and Minister for Social Protection was asked about this, she acknowledged there was a need to consider permanent housing and to examine the programme to refurbish many vacant housing units in Dublin. It would be useful if we concentrated on such housing for families and refurbished houses that are boarded up. I hope the funding DCC has received will be used as a priority for these buildings as well as for the social housing programme. The chief executive officer of ALONE said he was astounded that such a proposal would be made because he felt that had nothing to do with the dignity of a person. Many of us have fought for temporary accommodation for schools and so on. However, we should consider permanent housing solutions given the housing crisis we face.

Mr. Sean Moynihan, the CEO of ALONE, said 25% of calls to ALONE relate to older people's housing needs. This is a measure of the fact that more than 4,700 older people in Ireland are in need of housing.

Some 156 families, including 341 children are living in Dublin hotels, which is unaccept-

able. The important thing is to try to get a programme going that would deal with this situation. The Minister should bear in mind the words of Brother Kevin Crowley, the founder of the Capuchin Day Centre for Homeless People, about the fact that we are badly in need of emergency accommodation. He also referred to the fact that the night bus service had ceased, which included ring-fenced accommodation. There are serious issues which we should examine. Brother Crowley talked about very vulnerable people being pushed to the bottom in the housing crisis, and we should keep this in mind. I would like the Minister to give us an idea of the Government's thinking about dealing with homeless people.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey):** I thank the Deputy for raising this important matter, which presents a challenge in Irish society. There is significant pressure on homelessness services. Recent figures show that 127 people are sleeping rough and more than 150 families are residing in commercial hotels in the Dublin area. More than 2,500 individuals are using section 10-funded emergency accommodation nationally. On 20 May 2014 the implementation plan on the State's response to homelessness was published, in which the Government's approach to delivery on its objective of ending involuntary, long-term homelessness by the end of 2016 was outlined. A copy of the plan is available on my Department's website. It sets out a range of measures to secure a ring-fenced supply of accommodation to house homeless households within the next three years and mobilise the necessary supports. This will be in line with the Government's homelessness policy statement, which emphasises a housing-led approach, accessing permanent housing as a primary response to all forms of homelessness. The availability and supply of secure, affordable and adequate housing is essential in ensuring sustainable tenancies and ending long-term homelessness. The plan is a blueprint for how this challenging ambition will be realised.

Homelessness is a national issue and, properly, the plan reflects this, but there is a concentration of the problem in the Dublin area. For this reason, Dublin City Council, the lead authority for the region, is taking a number of immediate steps to quickly bring the problem under control and begin the process of finding permanent solutions for those affected. These actions are in the context of the national implementation plan and are set out in the Dublin action plan. In June, Dublin City Council launched a public awareness campaign aimed at households in the private rented sector seeking to prevent such households from becoming homeless. The results so far indicate that the campaign has been very positive in that a number of households have been prevented from becoming homeless.

Bringing vacant local authority properties back into productive use as quickly as possible is one of the critical actions in the implementation plan and steps are being taken across the country to bring 1,800 such units into use before the year end. Other suitable vacant residential properties in State ownership are also being considered to be brought into productive use as quickly as possible. Some large sites in Dublin City have been identified by key stakeholders including the OPW, the Department of Defence and the HSE, and they are being considered by Dublin City Council. I share Deputy Kitt's concerns about Dublin City Council's proposal to use prefabs. The Department will carefully consider such proposals before any further action is taken.

My Department, the Housing Agency and NAMA continue to work with housing authorities and approved housing bodies towards identifying suitable NAMA housing units and bringing them into social housing use, including accommodation for homeless households. The number of homeless families presenting in the Dublin region has increased significantly in recent

months. An average of 32 families are presenting each month. With the volume of new presentations, it is becoming increasingly challenging to provide appropriate and suitable accommodation, particularly in light of significant housing supply issues in the Dublin area.

The Dublin local authorities are statutorily responsible for providing accommodation for homeless persons and, unfortunately, hotel accommodation has had to be used as a form of emergency accommodation so as to avoid the need for families to sleep rough. This is unsustainable. The homelessness policy implementation team, charged with overseeing and monitoring the delivery of actions outlined in the Government's implementation plan has been considering the matter further and options are being considered to alleviate the immediate problems in the Dublin region. The broader supply of housing will be addressed in the short to medium term by the actions being progressed in the Construction 2020 strategy, as well as the social housing strategy, which will be published shortly.

**Deputy Michael P. Kitt:** I support what the Minister of State said about vacant housing. I would like to follow up on the point he made about NAMA. Every local authority should have a transfer unit for NAMA property and, hopefully, we will have more opportunities to avail of the NAMA properties. The number of NAMA properties that have been used has fallen far short of what should be made available. A proposal by the leader of the Green Party, Eamon Ryan, on the use of timber-framed housing would be a very speedy way of providing very comfortable accommodation in a sustainable way.

A comment by Tony Geoghegan of Merchants Quay that homelessness seems to be becoming acceptable is very frightening and worrying. While Dublin has always been mentioned as the area where there is the greatest need for housing, figures from COPE Galway show that 112 families including 246 children are either homeless or at risk of homelessness. We must ensure people, particularly in Galway City, have a good chance of getting a house. However, applicants could be on a waiting list for a house for ten or 12 years. I hope the Minister of State will bear in mind the issues I raise and that something might happen shortly, rather than having long-term plans that are of no use to those who are suffering now.

**Deputy Paudie Coffey:** Again, I thank the Deputy for raising a critical and urgent matter that will require a mixed response in the short, medium and long terms. I note the Deputy's comments on the use of construction innovations such as timber-framed housing and the possibility that it may be used to meet an immediate need on sites that become available. While myriad personal, financial and social reasons can contribute to a person's becoming homeless, for those involved the effects on their lives are similarly traumatic and disabling. Societally, the ramifications of homelessness are equally destructive and costly.

More than €500 million in funding is being made available through my Department in 2014 across a range of housing programmes and I expect that approximately 6,000 social housing units will be provided this year. The Department is also committed to continuing to develop innovative and sustainable approaches to the provision of social housing. An increase in the supply of new social homes is necessary, and it is acknowledged. Every available, appropriate unit needs to be transformed into a home as quickly as reasonably possible. It behoves all of us to consider where capacity already exists in building stock around the country and to respond to demand. There are many vacant and under-utilised units, which may not be houses but over-shop units and apartments, for example. I thank the Deputy, again, for raising this important matter.

*3 o'clock*

### **Pyrite Issues**

**Deputy Alan Farrell:** I welcome the Minister of State and congratulate him on his appointment as Minister of State at the Department of the Environment, Community and Local Government. I raise an issue which is close to my heart, as my own home was affected by the issue and remediated three years ago. I have thankfully not had difficulty in obtaining insurance, as the firm with which I have my mortgage is also my insurer and it would not be in its interest to refuse insurance. That is not the case for many hundreds of other properties right across north Leinster, from the fringe between Dublin and Fingal to Malahide, Swords, Rush, Lusk and as far away as Meath, Louth and parts of Kildare. The Pyrite Remediation Board has stated that as many as 12,000 properties are affected, of which only a portion will be remediated by the board and the Housing Agency. My aim is to bring to the attention of the Minister the difficulties property owners are having in obtaining quotes for home insurance policies to cover fire, theft and structural problems. Through no fault of their own, these people own properties which contain pyrite. This is the case for more than 1,000 properties across north Leinster which have been remediated and many hundreds more which the Pyrite Remediation Board and the Housing Agency propose to remediate in the coming months and years.

Currently, there is no obligation for an insurance company to issue a quotation or insurance policy for home insurance, but when one considers that mortgage protection policies, which are often linked to home insurance policies, and similar policies are being refused, it is obvious that it is not in the public interest for this issue to be allowed to fester. I draw the attention of the Minister of State to the consumer protection code, which is administered by the Financial Services Ombudsman under the auspices of the Department of Finance, where Deputy Harris is Minister of State. An arrangement is in place whereby, in theory, if a policy is refused, the ombudsman can direct an insurance company to provide a quote. I would like to see us reaching agreement on this rather than having to go in with some sort of legislative response that might have unintended consequences. I draw the attention of the Minister of State to the voluntary code that exists in the motor insurance industry among the Department of Transport, Tourism and Sport, the Irish Insurance Federation and individual insurance companies. Over the last 30 years, they have agreed to a committee structure which acts an appeals mechanism. If an individual is refused three quotes, he or she may take the first quote to the committee, which will adjudicate on it. It may require the first company that refused insurance to provide a quote to the motor vehicle owner. I would like to see the creation of a similar system whereby a committee can be comprised of the individual insurance companies and, perhaps, the Financial Services Ombudsman, taking into account the consumer protection code. I would like to see the Department and perhaps even the Minister of State, Deputy Coffey, head it up, as it is a matter related directly to housing, an area in which Deputy Coffey has a great deal of experience. The Department should convene a meeting with the relevant stakeholders, including the insurance companies, the Pyrite Remediation Board, the insurance federation and a number of Departments. Insurance falls under the remit of a number of Departments; it is not restricted to the housing area. The Department of Finance would be involved in any legislative changes that might need to be brought in. The aim is to ensure that homeowners who have had pyrite remediation carried out on their properties and, on paper at least, have no issue with the pyrite scourge that has befallen many properties across north Leinster have an option to insure their

homes so that they are covered if something happens.

**Deputy Paudie Coffey:** I thank Deputy Farrell for raising this important matter of concern. While my Department has no regulatory function in the area of insurance or insurance-based products, I will raise this issue with the appropriate regulatory bodies and Departments and will be supportive of any proposals that may be put forward by them in this matter.

The pyrite remediation scheme, which was published by the Pyrite Resolution Board in February 2014, was developed having regard to the recommendations set out in the report of the independent pyrite panel. The scheme is one of last resort and applies to dwellings with significant pyritic damage. The scheme is fundamentally a works scheme aimed at remediating pyrite-damaged homes to Irish Standard 398-2:2013, Reactive Pyrite in Sub-floor Hardcore Material - Part 2: Methodology for Remediation Works, published by the National Standards Authority of Ireland in January 2013, to ensure the restoration of the quality that affected homeowners expect and are entitled to. All works under the scheme will be completed to the required standard by competent builders and overseen by construction professionals in accordance with the requirements of the board and the Housing Agency. At the end of the works, homeowners will be provided with certification to confirm that their homes have been remediated to the appropriate standard. Given that the contaminated hardcore will be removed and replaced with compliant material and all damage remediated, any risk to the structural integrity of remediated homes will be eliminated, thereby removing any impediment towards the future insurance of these homes.

As matters stand, approximately 560 applications have been received by the board, of which 375 have been validated and referred to the Housing Agency for the next stage in the process: assessment, verification and recommendation. In the region of 150 dwellings have now been recommended for inclusion in the pyrite remediation scheme and the applicants have been notified accordingly. The first remediation works under the scheme commenced earlier this month on a small group of houses in a development in north Dublin.

Given that IS 398:2013 - Part 2 sets out a clear methodology for the remediation of dwellings with pyritic heave, and the fact that all dwellings under the pyrite remediation scheme will be remediated to that standard, as indeed may other dwellings outside the scheme, I urge all insurance providers to reconsider their position in these matters and provide the insurance cover that homeowners need for peace of mind, notwithstanding any obligations they may have under their mortgage conditions.

**Deputy Alan Farrell:** I thank the Minister of State for his response. My home was remediated three years ago last month. While I outlined at the outset that I do not personally have difficulty obtaining insurance, properties in my estate have changed hands in the meantime and a number of individuals have struggled to get insurance. My particular concern is cases in which properties have been remediated, the necessary certification of remediation has been provided and the NSAI standard under the 2013 regulations has been adhered to.

In certain instances the Housing Agency has commenced remediation of properties under the scheme, on which I compliment the Department, but insurance companies are still refusing cover. The reason they have outlined is that in order to assess a structural problem with the property, they must first rule out pyrite, which costs money. They are not prepared to take the risk. In effect, we are talking about an insurance policy which does not cover structural problems. If a property has a structural fault, whatever it might be, the family cannot get insurance.

This prevents properties from being sold in certain instances, as the purchaser is aware that the property has been remediated and knows he or she will have difficulty getting insurance. I have been contacted by brokers and I have contacted underwriters directly and been told the same thing throughout the conversations I have had, which is that these firms will not insure pyrite-affected properties even after they have been remediated, as it costs money for them to exclude the possibility of pyritic heave or structural damage having been caused over preceding years, even with current certification.

The suggestion I have set out to the Minister of State is a possible step the Department or the Minister of State's own office could spearhead with a view to ensuring families have recourse. We could rely on the existing model in the motor insurance industry to establish a cross-departmental, cross-industry group to agree a similar approach, which I believe will resolve the matter for what is only a small number of properties. We are only talking about a few hundred properties in the large scheme of things. It would certainly put the owners' minds at rest in terms of being able to insure their own properties in the future.

**Deputy Paudie Coffey:** I thank the Deputy and assure him that the issue will be raised with the statutory bodies and Departments involved in the regulation and oversight of insurance. I will be fully supportive of any proposals that may be put forward to bring a satisfactory conclusion to the difficulties homeowners with pyrite damage are facing even when remediation has been carried out. I also expect the insurance industry to respond. I am confident that all homes remediated to "Irish Standard 398-2:2013 Reactive pyrite in sub-floor hardcore material — Part 2: Methodology for remediation works" published by the National Standards Authority of Ireland, will be fully compliant with the appropriate requirements of our national building regulations and will be restored to the quality homeowners expect and are entitled to. Accordingly, there are no valid reasons why insurance cannot be provided to homeowners whose homes have been remediated to this standard given that the risk of any further pyrite damage will have been removed and existing damage will have been repaired and properly certified by a competent professional. I call on all insurance providers to reconsider their policy on this matter and to provide the insurance cover that such homeowners require to ensure their homes are protected against future unforeseen risk.

### **Motor Fuels Issues**

**Deputy John O'Mahony:** I thank the Ceann Comhairle for selecting the topic and I thank the Minister of State, Deputy Simon Harris, for cancelling other business to reply to this debate. I also congratulate him on his appointment.

This concerns fuel contamination, which has been happening throughout the west, the midlands and in the Mayo constituency. It involves mixing kerosene into petrol. Kerosene costs 80 cent per litre and petrol is €1.55 per litre and doing this increases the amount of petrol but it destroys the engines of cars more quickly than laundered diesel was doing some years ago.

It has reached epidemic proportions in my constituency over the past number of weeks, as unsuspecting motorists buy fuel at certain outlets. Some people have had more than one engine destroyed and some insurance companies are excluding it from cover or not covering it in new policies that are issued. Almost 400 people attended a public meeting in Swinford, County Mayo on Tuesday. What measures are in place to deal with this? There must be immediate action to identify and eliminate the source of the practice. There must be some help for unsus-

pecting motorists, some of whom have also had a replacement engine destroyed by this.

A few years ago, there was diesel laundering and legislation was introduced making the amount of green diesel purchased by retailers traceable. When I checked, I found that it is not true for petrol. It would help to eliminate the source of this fuel.

**Deputy Michelle Mulherin:** I welcome the Minister of State in his new capacity agus go n-éirí leis. This is a massive problem and it urgently needs attention. There is a crisis of consumer confidence and a crisis of public confidence, particularly in east Mayo where there are numerous cases of petrol stretching. I attended the meeting last Monday, along with 400 people. More than half of them stood up and said they had problems with their vehicles stretching back to July. It is shocking that people can go into the forecourt, get a fill of petrol and find the engine is destroyed. Our local garages are full of these vehicles. I have spoken to several assessors in garages and they listed the various scenarios that arise. They are dealing with insurance companies. We need immediate intervention because I cannot answer the question of where it is safe to buy petrol. Imagine that in this day and age. There is uproar and outrage about the issue.

This falls under the remit of Customs and Excise, which is why the Minister of State at the Department of Finance is present, but there was no one from Customs and Excise at that meeting. The Garda Síochána attended and are trying but this is within the expertise and gift of Customs and Excise. If people's confidence is to be encouraged, we must know we are getting to the bottom of this and that culprits are taken to task.

With regard to the Garda Síochána, there is only one public service vehicle officer in County Mayo and if resources are needed they must be pumped in now. It may not be simple because the fuel is burned off and taking a fuel sample will not help. In any event, a criminal prosecution takes time and victims are seriously out of pocket. It is estimated that only 30% of people are covered by insurance and new cars are clapped-out because of this. Warranties do not cover this and only people with comprehensive insurance are covered. People cannot afford the thousands of euro to fix their vehicles. There must be some scheme for this. Of course, the culprits should ultimately pay but the victims do not have the time or deep pockets of the insurance companies or the State to get to the bottom of this. It needs urgent attention.

**Minister of State at the Department of Finance (Deputy Simon Harris):** I thank Deputies John O'Mahony and Michelle Mulherin for raising an issue that is causing considerable concern to constituents in Mayo. I am pleased to have this opportunity to respond to the issues raised on behalf of the Minister for Finance.

I am aware that the Revenue Commissioners have recently received reports of the alleged stretching of petrol using kerosene or other substances. Any illegal activity of this kind would be a matter of serious concern because of the significant risks to the Exchequer, the threat to legitimate businesses and the damage that can be caused to the vehicles of unsuspecting purchasers of adulterated fuel. Revenue is investigating the matter and is working in co-operation with representatives of the motor industry.

Petrol stretching is an offence under S102(1A) Finance Act 1999 and carries a penalty on summary conviction of €5,000 or at the discretion of the court to imprisonment for a term not exceeding 12 months or both. It is an indictable conviction and the fine is to a maximum of €126,970 and the prison term is to a maximum of five years or both. The public can take steps

to protect itself from this activity by purchasing fuel from reputable dealers only. Where an individual is aware of, or has specific information relating to, shadow economy activity, he or she should pass that information to Revenue which will ensure it is sent to the relevant State agency for the necessary action. Such reports specifically relating to fuel fraud or indeed other areas of the shadow economy may be made in confidence to Revenue's free hotline, 1800 295 295.

The Revenue Commissioners review strategies on fuel fraud on a continuous basis and, where it identifies a need for legislative provisions to strengthen the legal framework for tackling illegal activity and protecting legitimate business, the Minister for Finance will consider such proposals very carefully. Action against the illicit oil trade in the period since 2011 has led to the detection and shutting down of 30 oil laundries and to the seizure of some 3 million litres of illicit fuel. In addition, more than 120 filling stations were closed for trading without a licence or for breach of licence conditions. I am satisfied with the progress made by Revenue in tackling fuel fraud and with the excellent co-operation between Revenue and the fuel sector in implementing very significant supply chain controls over the past three years. I am also pleased with the positive feedback from the fuel sector about the positive impact of the measures and the reduced incidence of laundered fuel on the market.

The Minister for Finance looks forward to continued co-operation with the implementation of the new fuel marker and in tackling continuing problems in the fuel sector, including petrol-stretching. I understand that Revenue, as part of the investigation of this illegal activity, is working in co-operation with the fuel and motor trades. The interests of consumers and compliant businesses are best served by them playing their part in combating shadow economy activity by knowing their suppliers and providing information, anonymously or otherwise, to Revenue or to other relevant State agencies on persons involved in the shadow economy. In that regard, Revenue has recently launched a dedicated section of its website specifically on the shadow economy and this includes an electronic reporting facility for anyone who has information about shadow economy practices. I take the point made by Deputy Mulherin about resourcing and the lack of attendance by the Customs and Excise at the meeting. These are matters I will raise with the Minister for Finance and the Minister for Justice and Equality.

**Deputy John O'Mahony:** I raise the issue of the innocent motorists who have been caught out and have incurred significant costs as a result. I ask if there could be some form of engagement with insurance companies on their behalf so these motorists might not be at a disadvantage. The legitimate outlets are paying their taxes and doing everything by the book. I acknowledge the great work of the Customs and Excise service and the Garda Síochána to combat fuel laundering. The independent petrol retailers' association is an independent group with whom I have worked over recent years. The association's members guarantee the quality of fuel sold in their forecourts. They carry out independent testing regularly and their premises are designated by a flag.

A concerted approach is needed from the Customs and Excise service, the Garda Síochána, the Minister and all involved. The issue of fuel laundering was dealt with and the people involved are now moving on to petrol stretching. It will be necessary to weed them out. The traceability of petrol needs to be regarded as a matter to be dealt with urgently.

**Deputy Michelle Mulherin:** The Minister will agree that I have described a crisis situation. Confidence must be restored. People are unsure where to buy fuel even though there are reputable dealers. It is not good for business in general. Petrol stations send returns to Revenue every month stating where they source their petrol supplies. What is the Customs and Excise

18 September 2014

doing about the situation which has been ongoing for a couple of months? If it is a resources problem I ask that it be nailed and resources injected into the service, including the drafting of staff from elsewhere. We cannot ignore the apparent 70% of people who are neither covered by their insurance nor by warranty. I ask what can be done for them. I am aware of people who are unable to afford the several thousand euro to buy a new vehicle and many have been left without the use of a vehicle. The case is similar for new vehicles.

I have attended many public meetings in my area. The main agitators who are throwing oil on the fire are Sinn Féin members but not one Sinn Féin person attended a meeting of 400 people. It begs the question whether Sinn Féin condones the practice. I ask if it could be intrinsically associated with the fact that the IRA has been oft associated with fuel laundering. We know of the very close ties of Sinn Féin with the IRA. I wondered with great interest on the night whether it is condoning what is going on.

**Deputy Simon Harris:** I reiterate my thanks to both Mayo Deputies, Deputy O'Mahony and Deputy Mulherin, for raising and highlighting this issue in the House and giving me an opportunity to outline to the House the seriousness with which the Minister for Finance treats this matter, as does the Revenue Commissioners. The Deputies have both made the point that as well as this illegal activity a significant number of innocent motorists who are going about their business trying to purchase cars and to keep their car on the road, are falling victim to this crime. The practice of petrol stretching is illegal for which a concerted approach is required. I agree there is a role for Revenue and also for the Garda Síochána and the Customs and Excise. There is also a role for the public and this is a message I wish to publicise on behalf of the Minister for Finance. Anyone with information about such activity can avail of at least two fora to convey that information, by means of the Freefone telephone number, to pass on tip-offs anonymously to Revenue on 1800 295 295, or by means of the new section on the Revenue website where it is possible to log electronically any complaints or concerns in this regard.

If either Deputy or any Member of this House or the Revenue Commissioners has ideas for legislative solutions or shortcomings in this regard, the Minister for Finance will treat these very carefully and seriously, as he always does. Petrol stretching is affecting legitimate business at a very difficult time for them. I look forward to a continued engagement with Members on this issue.

**An Leas-Cheann Comhairle:** Deputies Clare Daly, Mick Wallace and Ruth Coppinger have raised the next matter and are sharing time with two minutes each.

### **Abortion Legislation**

**Deputy Clare Daly:** It is with great sadness that we raise this issue again in the House. When it was discussed previously in the context of the death of Savita Halappanaver the words, "Never again", were frequently used. Of course, it has happened again and it will keep happening until we deal with Ireland's abortion reality.

The latest case known as Miss Y concerns a young woman impregnated as a result of rape and violated again by the State, has sickened Irish people to the core. It has exposed very graphically how our lack of provision for abortion in cases of rape has meant that if a person does not have the money or the means to travel, then she is forced to carry a rapist's child. This fact sickens Irish citizens; it is not what women want for themselves, their daughters, their

mothers or their partners. It is cruel and degrading treatment.

This latest horror story has again exposed the hypocrisy of how successive Governments have failed to deal with Ireland's abortion reality, where Irish women have a legal right to abortion enshrined in our Constitution through the right to travel, but we simply cannot have that health treatment at home. It is disgusting hypocrisy, a scenario which the UN recently described as contributing to mental torture.

Deputies Mick Wallace, Joan Collins and I raised this issue and moved legislation and we made the point that the root of this issue is the eighth amendment which has resulted in a Chinese wall being put between a woman's right to health and a woman's right to life, rights which are indistinguishable in international human rights legislation, but for Irish women are qualified rights. The recent case means that the legislation which the Minister's Government introduced has not even been able to deal with what it was supposed to deal with, to give a right enshrined under the European Court of Human Rights for a woman to access a legal abortion where her life was in danger. We have seen crocodile tears about the treatment of Irish women and their children in the past but this is an unbroken thread.

Will the Minister finally shape up to this issue and repeal the eighth amendment? We had a very successful event earlier this month, a conference to repeal the eighth amendment at which delegates from across various sectors agreed with me when I said that we would use our Private Members' time in January to move a repeal of the eighth amendment if the Government does not do so. I hope the Minister will take up the challenge and do it first.

**Deputy Mick Wallace:** In recent weeks the issue of abortion has dominated the headlines once again. News broke that a migrant woman, pregnant as a result of rape, was denied access to an abortion under the Protection of Life During Pregnancy Act, even though she clearly expressed the desire to die rather than to carry the pregnancy to term. How can the Government stand over the manner in which this woman was dealt with by the State? Does the Minister agree this amounts to cruel, inhuman and degrading treatment? If a woman whose case bears some similarity to the X case cannot access an abortion under this legislation, how can we expect any woman whose life is at risk because of her pregnancy to have confidence in the system? It is not fit for purpose as we warned during the debate.

The UN Human Rights Committee characterised the panel system for assessing pregnant women at risk of suicide as mental torture. Why would any vulnerable woman put herself through this if she has the means to travel abroad for a safe and legal abortion? This case will terrify those who cannot travel. The State took steps to force a rape survivor to continue with her pregnancy against her will. It sought court orders to hydrate her forcibly against her will. This is frightening. Even before we heard about this latest horrific case, the UN Human Rights Committee expressed serious concern about the severe mental suffering caused by the denial of abortion services to women seeking abortions due to rape, incest, fatal foetal abnormality or serious risk to health. What are the Government's plans to address the UN recommendation that Ireland should revise this legislation and the Constitution, to provide for access to abortion in these cases?

Will the Government continue to ignore Ireland's obligations under the international covenant on civil and political rights? During the UN hearings in Geneva, the State acknowledged that Irish abortion law discriminates against women who are unable to travel abroad. How can the Government stand over such blatant inequality?

18 September 2014

**Deputy Ruth Coppinger:** It is unfortunate we have to squeeze into six minutes our contributions on a very serious case which arose over the summer. We are forced to raise it as a Topical Issue matter instead of time being set aside. A young rape victim who had already been sexually violated was further violated by this State. She was prevented from having a timely, early abortion and the Government then saw fit to obtain a court order to facilitate her being forcibly hydrated.

The Protection of Life During Pregnancy Act was meant to deal with the small number of situations where someone who is suicidal is supposed to have a right to an abortion. However, it has failed the first test and has proven to be completely and utterly barbaric. This is the latest in a long series of the Irish State taking control of women's bodies and their lives. The thread runs from the Magdalen laundries, through the mother and baby homes and on to the practice of symphysiotomy, which led to women having their pelvises broken during childbirth because ideological doctors saw fit to do that to them. The Government is continuing to uphold the *status quo*. For too long the State has leaned on the Catholic Church for support and given it inordinate power. At a time when support for that church within society is so limited, the State continues to grant it inordinate power over women's lives.

The Socialist Party will be challenging the Government to hold a referendum on this matter in the spring. The constant mantra to the effect that there is no appetite for such a referendum runs completely contrary to the views of young people. Their views and those of the individuals in government are light years apart. This is not an issue for most people in society. The majority of citizens would support the idea of abortion in circumstances where a woman's life or health are at risk, where she has been raped or where an abnormality exists. Is the Government stating that we must wait a further 31 years before we change this medieval law? It should be remembered that no woman of childbearing age had a vote in the referendum held in 1983. Is the Government determined to wait until another poor or sick woman dies as a result of its rank hypocrisy, which is based on the fact that it might lose a few backbenchers and is ideologically opposed to abortion? We must end the hypocrisy of forcing thousands of working-class women to gather together €1,500 in order to go abroad to have an operation, when, for example, they could pay €90 for an abortion pill in this country. It is time for the hypocrisy to stop and for the Government to name the date for the referendum in order that people might have their say.

**Minister for Health (Deputy Leo Varadkar):** I thank the Deputies for raising this important issue. The case of the young woman who has become known as "Miss Y" is very sad for all concerned. I do not wish to comment further on it until I have all the facts available to me. It is wrong to jump to conclusions on any matter without knowing all the facts, as I am sure Deputies will agree. What I can say is that the young woman involved arrived in Ireland in late March 2014 and sought and was granted asylum in this State. In early August, she had a termination of pregnancy under section 9 of the Protection of Life During Pregnancy Act by planned pre-term caesarean section. On 18 August, Tony O'Brien, director general of the Health Service Executive, requested that a report be completed for him in order to establish all of the facts surrounding the care given to her.

The purpose of the report is to establish all of the factual circumstances and the sequence of events as they relate to the care provided to Miss Y during her pregnancy, her care and welfare, to include her mental health, and, where relevant, the operation of the Protection of Life During Pregnancy Act 2013; and to examine and document the chain of communication among different service providers, including referrals between services and the flow of information on Miss Y both within the HSE and externally. In the event that any failings in service delivery

are identified, the report is to establish the causes and contributory factors involved in order that they might be addressed. The period to be covered by the report will be from the time Miss Y first had contact with HSE and related services or other agencies and NGOs regarding her pregnancy, until the time that her pregnancy was ended by caesarean section. When the report is submitted to me, I will consider it and contemplate any appropriate action which may need to be taken. I am very keen to have the report sooner rather than later. However, anyone who is referred to in the report has the right to see and comment on it before publication. That is what natural justice dictates and it will determine the final date of publication.

In the meantime, I wish to clarify that the Protection of Life During Pregnancy Act was used in this case and that a termination of pregnancy was performed by means of an early delivery by caesarean section. This was the case as a result of the stage of gestation the child involved had reached. The Protection of Life During Pregnancy Act 2013 was enacted in July 2013 and commenced in January 2014. It provides for lawful termination where there is a real and substantial risk to the life, as distinct from the health, of the pregnant woman which may only be averted by termination of pregnancy. It does not allow for a termination on any other grounds. The Act also creates procedures which apply to the lawful termination of pregnancy. The objectives of these procedures are to ensure that where lawful termination of pregnancy is under consideration, the right to life of the unborn is protected, where practicable and as required by the Constitution and that a woman can ascertain, by means of a clear process, whether she requires this procedure. At present, there are no proposals to amend the Protection of Life During Pregnancy Act in the lifetime of this Government - it will be reviewed, as required, next June - or to hold a referendum to repeal the eighth amendment of the Constitution.

**Deputy Clare Daly:** We were not discussing the individual case but there is no doubt that the words of warning expressed by the UN Human Rights Committee really ring true in respect of it. The woman in question was treated as, and shown to be, no more than a vessel in the eyes of the State. The legislation in this area has been deemed to be absolutely inadequate in the context of dealing with the very graphic circumstances in this case, which are similar to those of the X case. A woman whose life was in danger and who needed an abortion was not able to get one under the legislation, it is as simple as that. The UN highlighted the fact the way in which the legislation is structured has led to excessive scrutiny of women by members of the medical profession. In essence, the chilling effect remains.

The Minister is a young man and he should wise up. Ireland's abortion rate is pretty much the same as in every other country. This matter has affected all Irish families, whether they know it or not. The only thing that is different is that women are not allowed to avail of the relevant medical treatment at home and surrounded by their families and friends. What this means is that women and couples in situations of crisis pregnancy who have money can access abortion for all of the many and different reasons - none of them easy, all of them valid - that arise. Women and couples who cannot access it either have babies or take risks. That is simply not acceptable in a modern society. Even some of the Government's own backbenchers have realised that we need to face up to this disgusting hypocrisy and legislate for abortion at home.

**Deputy Mick Wallace:** Can the Government continue to ignore the fact that approximately ten women leave this island each day in order to end crisis pregnancies? Can it continue to ignore the fact that an unknown number of women illegally import abortion pills and risk a 14-year prison sentence by so doing because they are so desperate to end their pregnancies? Does the Government feel any obligation towards these women? No woman of childbearing age had a say in the 1983 referendum. The people of Ireland have never voted to make our abortion

laws less restrictive, even though opinion polls have consistently shown that views on abortion have become far more liberal during the past three decades. Does the Government have the courage to face up to its responsibility towards women and hold a referendum to repeal the eighth amendment of the Constitution? The Minister stated that this will not happen. I find it difficult to believe that he can just dismiss the possibility out of hand. A number of Government Deputies have stated that the issue needs to be revisited but not within the lifetime of this Dáil. What is the point of being in power if one is not going to use one's power to good effect? I do not see the point of being in office if one is prepared to leave it to the next Government to take action. Is the current Government more focused on the next election than it is on the suffering caused by the denial of services to women who are seeking abortions as a result of rape, incest, fatal foetal abnormalities or serious risks to their health? The former certainly appears to be the case, which is just too bad.

**Deputy Ruth Coppinger:** There is no doubt that we must wait for the report on this particular case. When it is forthcoming, we will put questions to the Minister and his colleague, the Minister for Justice and Equality, Deputy Fitzgerald, regarding their knowledge of events. I am particularly interested in discovering whether the Minister for Justice and Equality knew about this case when she was questioned, and subsequently condemned, by the UN Human Rights Committee and said nothing about it.

The Minister is correct. The constitutional ban on abortion is the problem. As long as a grown woman is equated with a foetus, we will continue to have major difficulties. That women are so degraded in this way by the Constitution is the problem. The ban must go because as long as it is in place, there can be no humane provision of abortion in this country. The referendums lined up to take place in the spring include one on marriage equality. We could easily have a referendum to repeal the eighth amendment on the same day as the marriage equality referendum. In fact, it would be a double endorsement of progress in this country. It would be a signal to the rest of the world that the Catholic Church's writ does not run despite the wishes of the majority in society and it would be a hammer blow to the Catholic Church's domination of many areas of life in this country. The For Reproductive rights, against Oppression, Sexism & Austerity, ROSA, campaign and Socialist Party Deputies will be calling for a referendum to be held on the same day. It makes absolute sense. The people are coming out to vote and this is a crucial topic that they would like to have a say in. The referendums could be held at that time.

**Deputy Leo Varadkar:** There are several issues. I am pleased that we are all agreed that we are not discussing this individual case, because if it transpires or turns out that one of the factors of this case was that this young woman's confidentiality was breached at some point, then that is truly awful in its own right. I believe it is wrong, under any circumstances, to jump to conclusions about any individual case until we know the facts. One of the things that disappointed me about this case was hearing so many voices on the radio in the initial days saying so many things that were factually incorrect. I heard that from both sides of the abortion debate as well as from several State-funded bodies, which, quite frankly, should know better in respect of their utterances.

**Deputy Ruth Coppinger:** Her wishes were ignored. We know that much.

**Deputy Leo Varadkar:** In her original contribution Deputy Daly used the expression "never again". I understand where she is coming from in that regard but the sad truth is - this is the truth - it will never be possible to pass legislation that can prevent all tragedies related to pregnancy or abortion. Even if we had liberal legislation, like in the United States or the United

Kingdom, for example, we would still have the dilemma of late-term pregnancies, that is, people who are 25, 26 or 27 weeks' pregnant seeking a termination. That happens. That dilemma occurs in the United Kingdom all the time.

**Deputy Ruth Coppinger:** She asked for one at eight weeks.

**Deputy Leo Varadkar:** Thankfully, it does not make the newspapers. Furthermore, even if we did have abortion on request in this country, we would then have the tragedy of people who can die as a result of a termination of pregnancy - that happens; it is rare but it does happen - as well as people who are injured or who lose their ability to reproduce in future.

**Deputy Ruth Coppinger:** That happens when they cannot have an abortion as well.

**Deputy Leo Varadkar:** All of these things are rare but they do happen.

When we have the debate about this matter in this country, I hope that we do not shout each other down and interrupt each other. The problem with this debate in this country is that it has been dominated by the extremes and it is framed in the Catholic versus anti-Catholic view of things rather than what is right and what is wrong. It is framed in terms of Christian ideology versus socialist ideology, being pro-life or anti-life, being pro-choice or anti-choice, as if one could ever reduce it to that. Human experience is not black and white and medicine is not black and white either. The idea that there could ever be perfect legislation that removes all tragedies related to pregnancy and abortion is simply wrong.

Reference was made to the eighth amendment. People calling for its repeal should consider what that means. Simply repealing the eighth amendment means deleting from the Constitution any protection of the life of the mother and the unborn and replacing it with nothing. People need to consider whether that is what they want and whether they want to replace it with a different amendment, for example. Even if we do change the Constitution, it will not change the legislation. The law would not change at all and we would then need to legislate subsequently. I believe it would be a really bad idea in 2015 in the run-in to a general election for us to have that kind of debate in that milieu. We have been there before. That is exactly what happened in 1983. People were put in a position where they made commitments in the run-in to a general election that perhaps they should not have made. Let us not repeat the mistakes of 1983 and have all of that again in 2015. There is a time and a place, I believe, for a considered non-ideological debate and conversation on this matter in this country, but it should not be done on foot of a tragedy or a very hard case and it should not be done in the run-in to a general election.

The Dáil adjourned at 3.45 p.m. until 2 p.m. on Tuesday, 23 September 2014.