



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Ceisteanna - Questions	2
Priority Questions	2
Northern Ireland Issues	2
Northern Ireland Issues	4
Northern Ireland Issues	6
Northern Ireland Issues	7
UN Reform	9
Other Questions	11
Trade Relations	11
Foreign Conflicts	13
Infectious Diseases Epidemic	15
Shannon Airport Facilities	17
Topical Issue Matters	20
Visit of Austrian Delegation	22
Leaders' Questions	22
Appointment of Minister of State	30
Ceisteanna - Questions (Resumed)	31
Cabinet Committee Meetings	31
Taoiseach's Meetings and Engagements	34
Order of Business	47
Topical Issues	52
School Funding	52
Road Safety	56
Pensions Levy	58
Radio Broadcasting Issues	60
Civil Registration (Amendment) Bill 2014 [Seanad]: Second Stage	64
Message from Select Committee	81
Agriculture Industry: Motion [Private Members]	82

DÁIL ÉIREANN

Dé Máirt, 7 Deireadh Fómhair 2014

Tuesday, 7 October 2014

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

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Northern Ireland Issues

74. **Deputy Brendan Smith** asked the Minister for Foreign Affairs and Trade if he will provide details of the latest initiative to reach agreement on the Haass proposals in Northern Ireland; the areas to be dealt with in these talks; if the devolution of further responsibilities to the Northern Ireland Executive and Assembly will be considered; and if he will make a statement on the matter. [37870/14]

Deputy Brendan Smith: I congratulate the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, and the Ministers of State at that Department on their appointments, and I wish them well in their responsibilities.

I welcome the statement made at the end of September by the British Secretary of State, Theresa Villiers, to the effect that there will be a new round of cross-party negotiations involving the Irish and British Governments. I also welcome the follow-up statement made by the Minister, Deputy Flanagan. Important and contentious issues must be resolved, specifically parades, flags and contending with the past. I have argued for most of the past year that both Governments, as co-guarantors of the Good Friday Agreement, must take a central, leading role in the talks to drive them to a successful and early conclusion.

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I thank Deputy Brendan Smith for his comments and look forward to working closely with him on this important issue. The British and Irish Governments have confirmed their intention to convene all-party talks involving both Governments. Over the recent period, the Northern Ireland Executive has been faced with a number of challenges on which it has been difficult to find agreement. I am strongly of the view that talks are required to overcome the current political impasse within the Northern Ireland Executive, including legacy issues such as parades, flags, identity and dealing with the past, which were the subject of talks chaired late last year by Dr. Richard Haass and Dr. Meghan O'Sullivan. A failure to address these issues would have serious con-

7 October 2014

sequences for the effective functioning of the Northern Ireland Executive. I am confident the North's political representatives will show the leadership needed to deliver comprehensive, fair and balanced solutions to the issues before them.

This will require compromise and committed engagement to the talks process. The goal is to ensure that Northern Ireland's political institutions not only function, but flourish, to the benefit of all, as envisaged by the Good Friday Agreement. I support partnership government in Northern Ireland and will continue to work with the Northern Ireland Executive parties and colleagues in the British Government, with the full support of our partners in the United States, in the period ahead.

The specific agenda and format of the talks have yet to be finalised. In addition to the above mentioned legacy issues, I expect budgetary and financial matters to also be on the agenda; these may include the question of the devolution of corporation tax powers to the Northern Ireland Assembly. I will report back to the House when a specific agenda has been agreed.

Deputy Brendan Smith: I thank the Minister for his reply and I am glad to note there will be an expansion of the particular issues to be discussed. Will the Minister indicate the timeframe and the work programme? When does he hope to have these agreed between the two Governments and the Executive parties? The Minister quite rightly stated that peace must yield benefits and dividends to all communities. Throughout these talks, urgency and momentum must be attached to show the people of Northern Ireland and throughout the island that politics work and that it is about delivering for people. Dealing with these issues will allow the Executive, the Assembly and the two Governments to deal more and more with the bread and butter issues in which the people throughout the island want to see us engaged. I hope progress can be made quickly. As I have stated previously to the Minister's predecessor, the two Governments need to take a leading role and I sincerely hope it will be the Minister's focus. Why was the statement of Theresa Villiers a stand-alone statement with a follow up statement from the Minister? I know he was in New York on the day. Why was it not a joint statement on a major issue? It is a departure from precedent.

Deputy Charles Flanagan: To deal with the final issue first, it was not a joint statement because, as the Deputy is aware, the Secretary of State for Northern Ireland issued her statement at her party conference. It would not have been appropriate for me to issue a statement at a Conservative Party conference. I issued a statement from New York at precisely the same time. We had been engaged in the process during the previous days. I was conscious of the fact the announcement would be made at a forum at which my attendance could not have been facilitated. If the Deputy checks the record, he will see the statements were made contemporaneously.

As soon as I took office as Minister for Foreign Affairs and Trade, I immediately engaged with all key stakeholders in Northern Ireland. In recent months I have regularly met and spoken with party leaders to exchange views on developments as they occur. This evening, I will have a meeting with the Secretary of State for Northern Ireland and we will work out the detailed agenda, the particulars of which I am not yet in a position to provide to the House. With regard to the timeframe, it is expected the talks will take place over the next two weeks or more. I am cautious of putting a definite timeframe on them but I will be disappointed if the talks are not under way within a period of two weeks. I expect they will intensify. With goodwill on the part of everybody involved, I hope that by the year end we will be in a position to report progress.

Northern Ireland Issues

75. **Deputy Seán Crowe** asked the Minister for Foreign Affairs and Trade if his Department will pursue the implementation of all aspects of the political agreements entered into since Good Friday 1998 in respect of the peace and political processes, as part of the newly convened all-party talks on Northern Ireland. [37869/14]

Deputy Seán Crowe: I congratulate the Minister and the Ministers of State on their elevation to their new jobs and I look forward to working with them. I welcome the Minister's statement that the British and Irish Governments are to initiate all-party talks. There is a growing sense of crisis in the North and it requires an immediate response. Will the Minister outline a date to begin all-party talks? He stated he is unsure but that he hopes it will be in the next two weeks. Unionists have sought to limit the role of the Irish Government and the agenda. The British Government continues to threaten the Executive with fines over welfare cuts. I ask the Minister to ensure the talks take place in an atmosphere free from preconditions and threats and that the agenda will include the issues outstanding from previous agreements, including Haass-O'Sullivan, powers and budgets for the North, as well as the operation of the institutions.

Deputy Charles Flanagan: The Government is firmly of the view that all commitments undertaken in political agreements from the Good Friday Agreement onwards must be fully implemented by the relevant stakeholders. The Government remains committed to fulfilling all its responsibilities under the agreements.

The Deputy will be aware that the Good Friday Agreement, as well as the values and principles underpinning it, is at the core of the Government's approach to peace, reconciliation and prosperity on this island. Implementing outstanding elements of the Good Friday Agreement, as well as the other agreements of the peace process, is a priority for the Government. Among the elements of the Agreement yet to be implemented are the establishment of a North-South consultative forum, a Bill of Rights and an Irish language Act. The Government's priority is to ensure that the institutions of the Good Friday Agreement function effectively to the benefit of all.

I do not envisage that there will be preconditions or threats. I envisage an opportunity for all parties to come together with the assistance, encouragement and support on an ongoing and active basis of the two Governments jointly.

The St. Andrews Agreement provided for a review of the North-South Implementation Bodies and areas for further co-operation. The first part of the St. Andrew's Agreement review is now largely completed. This involved examining the bodies in terms of efficiency and value for money. Part two of the review involved expanding the areas for North-South co-operation in line with the decision at the North-South Ministerial Council plenary meeting in November 2013.

As I set out in my previous reply, given the current political impasse in Northern Ireland, I am strongly of the view that these talks are necessary. As I said in reply to Deputy Smith, the format and agenda are yet to be agreed, but work is at an advanced stage to ensure all the issues, including those Deputy Crowe mentioned, are fully examined with a view to ensuring that normal politics takes place within Northern Ireland.

Deputy Seán Crowe: Sinn Féin is ready for the talks. We will enter them to resolve out-

standing issues and we will always abide by any agreements made. We have lived up to all our commitments in the past and sought to promote peace and reconciliation, inclusion and equality. We have tried to work with all parties and none in the institutions in good faith, and we are committed to the whole idea of power sharing. However, there is an agenda within political unionism that is being driven, it would appear, by an anti-Agreement axis and the unwillingness of the leadership of political unionism to share power is undermining the agreements.

We are concerned that the British Government has assumed an explicitly partisan and pro-Unionist party stance and has been cosying up to Unionist politicians, which may be to do with the next election down the road. Did the Minister discuss this with the British Government? Will the Government act as a defender and a champion of progress in the North and hold the British Government to account for its failure to implement key aspects of the Agreement? These outstanding matters have come up repeatedly at meetings of the Joint Committee on the Implementation of the Good Friday Agreement. We want to see clear progress in that regard. For too long we have stepped back and we need to move forward.

Deputy Charles Flanagan: I place on record my appreciation of Deputy Crowe's comments on the talks. I acknowledge the positive engagement on the part of his party and the very important role the Northern Ireland Deputy First Minister, Mr. Martin McGuinness, MLA, will play in the process. I assure Deputies that the Government will continue to use all appropriate avenues to progress implementation of the outstanding elements of the Agreement. I refer specifically to the matters of a Bill of Rights, the civic forum and the Irish language Act. I have already taken up these issues directly with the Secretary of State for Northern Ireland, Ms Villiers, MP, and will continue to do so. I hope these issues will form an integral part of the talks process once they get under way in Belfast later this month.

Deputy Seán Crowe: I welcome what the Minister has said. The US Administration has talked about playing a constructive and meaningful role in supporting the talks process. During his trip to the US last week, did the Minister have formal discussions with members of the US Administration, and what role does he see for it in these talks?

Deputy Charles Flanagan: The US Administration plays a very important role in respect of ongoing developments in Northern Ireland. In particular, I acknowledge its role in the lead-up to the historic signing of the Good Friday Agreement in the spring of 1998. I took the opportunity last week to have a productive and constructive meeting with the Vice President, Joe Biden, the Secretary of State, John Kerry, and other senior officials, during which I impressed upon them the need to continue their active engagement and refresh their interest in Northern Ireland.

In recent years, as the devolved institutions in the North went about implementing their own constitutional process and engaging actively in the community as an Executive and Assembly, it was perhaps appropriate that neither the United States nor other jurisdictions played a hands-on role. However, it is my considered view that we need the wider engagement that is expressed in the talks process, and I look forward to the continued active engagement of the United States Administration in encouraging, supporting and assisting matters. It has a very important role to play in ensuring we maximise the benefits under the Agreement for the entire community in Northern Ireland.

Northern Ireland Issues

76. **Deputy Thomas Pringle** asked the Minister for Foreign Affairs and Trade the contacts he has had with the Northern authorities in relation to prison conditions for separated prisoners; and if he will make a statement on the matter. [37956/14]

Deputy Thomas Pringle: My question concerns conditions in Maghaberry Prison, with particular reference to the separated prisoners who are held there. Will the Minister comment on the need to ensure the 2010 agreement, a review of which is ongoing, is implemented in full? What contacts has he had with the Secretary of State for Northern Ireland on this issue and in regard to the five prisoners currently being held in the facility's isolation unit?

Deputy Charles Flanagan: I thank the Deputy for his question. Since the devolution of policing and justice in 2010, policing, prisons and overall criminal justice policy in Northern Ireland have been the responsibility of the Minister of Justice, David Ford, MLA. The Government has an ongoing engagement with the Minister, Mr. Ford, on a wide range of security and political issues, including most recently, on 1 October, when my colleague, the Minister for Justice and Equality, Deputy Frances Fitzgerald, and Mr. Ford addressed the 12th annual organised crime seminar in Belfast. I spoke with Mr. Ford on Sunday, 28 September by telephone.

Since 2010, in addition to strengthening Garda-PSNI co-operation, a primary focus of the Government is to ensure the justice systems in place are robust and remain consistent with the principles and values of the Good Friday Agreement and the other agreements of which we are co-guarantors. In this context, my Department maintains an ongoing interest in the humanitarian aspects of prison conditions in Northern Ireland and engages as appropriate with the relevant authorities. A central aspect of our engagement is our absolute support for the men and women of the PSNI and the Northern Ireland Prison Service in their work to support the rule of law and a new beginning for justice in the North. I reiterate previous condemnations in this House of the unacceptable threats to members of the prison service and the PSNI from enemies of the peace process and call, once again, for such threats to be lifted with immediate effect.

As an executive agency of the Northern Ireland Department of Justice, the Northern Ireland Prison Service implements prison policy in that jurisdiction. The Prisoner Ombudsman is also appointed by the Minister, Mr. Ford, and operates entirely independently of the prison service. The ombudsman, Mr. Tom McGonigle, and his team investigate complaints from prisoners and visitors regarding prisons and prison conditions in Northern Ireland.

Since taking office, I have had regular and comprehensive discussions with the Secretary of State for Northern Ireland, Theresa Villiers, MP, on these specific issues.

Deputy Thomas Pringle: We all agree we want to see the system working and it is important that humane conditions are in place to ensure and show that the system can work and feed into that process. The Northern Ireland Minister, Mr. David Ford, does not have the final say about the prisoners in the care and supervision unit. In fact, the Secretary of State, Ms Theresa Villiers, is using a so-called threat against the lives of these prisoners as a way to keep those prisoners isolated, and in a way whereby they can be accessible to MI5 in order that it can attempt to get information from them. The other prisoners in the prison have said there is no threat against these prisoners but the Secretary of State continues to use that as a reason to keep them separated. The conditions in which they are being housed are not humane and it is not conducive to building a proper peace process. Will the Minister use his office to talk to the

7 October 2014

Secretary of State to have those conditions eased, at the very least, for those prisoners?

Deputy Charles Flanagan: I would be happy to keep a close eye on matters and to continue to engage with the Secretary of State for Northern Ireland on the issue. I assure the Deputy that my officials at the British-Irish Intergovernmental Secretariat engage very carefully in ongoing monitoring of prison issues, including prisoner conditions, and discuss them regularly with their counterparts. We all have a duty to use language responsibly in regard to these sensitive matters and to avoid giving any succour to dissident groups by our public statements in regard to them. I again deplore the continuing threats made against prison officers in Maghaberry Prison by so-called dissident republicans. The prison officers have a right to live their lives free from threat from faceless criminals.

I understand what the Deputy has said and assure him of my continuing engagement and that of the Taoiseach, to whom I understand he addressed some correspondence in the not too distant past.

Northern Ireland Issues

77. **Deputy Brendan Smith** asked the Minister for Foreign Affairs and Trade the initiatives he is taking to ensure the further implementation of provisions of the Good Friday and St. Andrews Agreements; and if he will make a statement on the matter. [37871/14]

Deputy Brendan Smith: Achieving the Good Friday Agreement and having it endorsed by the overwhelming majority of the all the people on this island were truly seminal moments in our history and gave us a whole new inclusive political architecture for the governance of our country. Sixteen years on, we need to have the remaining aspects of that agreement implemented in full, including the Bill of Rights for Northern Ireland, the Irish language Act, the North-South consultative forum and a review of the North-South bodies.

Deputy Charles Flanagan: I thank Deputy Smith. I do not disagree. As I set out in my previous reply, the Government remains committed to ensuring the Good Friday and St. Andrews Agreements, as well as the other agreements of the peace process, are fully implemented. The Government is determined that the potential of these agreements be fully realised to the benefit of all in the community.

In regard to outstanding elements of the Good Friday Agreement, I continue to urge all the parties in the Northern Ireland Assembly to engage in constructive discussions with a view to reaching agreement on the substance of a Bill of Rights for Northern Ireland. A Bill of Rights drawn up by agreement between the main parties of the Assembly could set out precisely and formally the rights underpinning a reconciled society in Northern Ireland. Officials of my Department remain in ongoing contact with representatives of civil society on the issue of a Bill of Rights.

As the Deputy will be aware, the British Government committed in the St. Andrews Agreement to introducing an Irish language Act and to working with the Executive to enhance and protect the development of the Irish language. Since the restoration of the devolved institutions on 8 May 2007, the question of an Irish language Act for Northern Ireland is a devolved matter and is the responsibility of the Northern Ireland Executive and, in particular, of the Minister for Culture, Arts and Leisure. The Government continues to follow developments closely in regard

to this proposed Act, as well as the overall enhancement and protection of the Irish language in Northern Ireland.

The Good Friday Agreement also provided for the establishment of an independent civic forum representative of civil society in Northern Ireland. The St. Andrews Agreement provided further that the Northern Ireland Executive would support the establishment of an independent North-South consultative forum. In September 2008, the Irish Government submitted proposals for the role, format, membership and operation of a North-South consultative forum to the Executive for its consideration and facilitated three consultative conferences, the most recent of which was in January 2011. The Government awaits a response from the Executive. We have since raised the forum at each plenary meeting of the North-South Ministerial Council. It was on the agenda for the most recent meeting on 3 October 2014 and will be discussed again at the next North-South Ministerial Council plenary meeting scheduled for 5 December 2014. I will continue to press the importance of implementing outstanding elements of the agreements in my discussions with the British Government and Northern Ireland Executive.

Additional information not given on the floor of the House

Officials in my Department will continue to monitor these matters in their ongoing contacts with the Northern Ireland Office and officials of the Northern Ireland Executive.

Deputy Brendan Smith: I welcome the Minister's clear indication that he wants to see the momentum restored to ensure the provisions of the Good Friday Agreement and the St. Andrews Agreement are implemented in full. At the North-South Ministerial Council meeting last Friday, did the members of the Northern Ireland Executive indicate whether they are attaching any urgency to achieving agreement on the Bill of Rights, which needs to be drawn up and agreed between the main parties in the Assembly? Following the St. Andrews Agreement, responsibility for Acht na Gaeilge was devolved to the Assembly and the Executive, and also the North-South consultative forum. Over the years, Governments here have put forward proposals on advancing that matter. Are all these issues being held up by non-agreement in the Executive? Is the British Government showing any interest in implementing the remaining elements given that it is a co-guarantor, along with the Irish Government, of an internationally binding agreement?

Deputy Charles Flanagan: Matters in the Northern Ireland Executive and Assembly present ongoing difficulties and are in something of a gridlock, which is why the current round of talks is taking place. Notwithstanding that, however, I was impressed by the meeting of the North-South Ministerial Council last Friday. It was the first time I had an opportunity for such engagement. All party representatives and Ministers came with a spirit of constructive engagement. Progress was made over a wide range of issues, with particular reference to trade, commerce and tourism. I accept what the Deputy has said, however, and I assure him that it remains Government policy that the Good Friday Agreement, as well as the St. Andrews Agreement, must be implemented in full.

Among the outstanding elements are the North-South consultative forum, the Irish language Act and the Bill of Rights. The agenda, format and schedule for the all-party talks are yet to be finalised but I will use all appropriate avenues to progress the implementation of the Good Friday Agreement and I assure the Deputy of my determination, and the determination of the Minister of State at the Department of Foreign Affairs and Trade, Deputy Sherlock, and all my Government colleagues. I will undertake to report back to the House when the format of the

agenda has been agreed and when the talks commence.

Deputy Brendan Smith: It baffles me why a North-South consultative forum could not be in place by now. Civil society does not threaten anybody. Civil society has also played an important role. In many areas of Northern Ireland where I have had opportunities to meet local communities, people feel they are not adequately represented by the political system. Civil society might assist in filling that deficit.

The St. Andrews Agreement provides for an expansion of the North-South bodies and prioritisation of areas in which further co-operation can be achieved on a North-South basis. Was there any discussion at the recent meeting of the North-South Ministerial Council with members of the Executive or the Secretary of State on the need to prioritise other areas in which we can make progress, and which would contribute to strengthening the all-island economy, growing jobs and providing better services for our citizens, be it in health, education or other services that need to be provided to the people on all of this island? Is any urgency being shown by the Executive or the Secretary of State regarding the need to prioritise more issues on which we can make progress for the benefit of all the people on this island?

Deputy Charles Flanagan: I assure the Deputy that both the Secretary of State for Northern Ireland and I are actively engaged along the lines he suggested. I stress the importance of the engagement of my colleague, the Minister of State, Deputy Sherlock. For the first time in the history of the State we have a Minister of State with dedicated responsibility for cross-Border trade, economic development and commerce matters. He has on several occasions been actively engaged in Northern Ireland in Border areas. Next week he will attend a very important Chamber of Commerce initiative.

I take Deputy Smith's point about the engagement of civil society in the advancement of economic and social issues. The Good Friday Agreement provides for the establishment of the North-South consultative forum appointed by the two administrations and representative of civil society, comprising social partners and other members with expertise in social, cultural, economic and other issues. The Deputy is right that we need to engage civil society. We need to ensure that we maximise trade, commerce, economic development, job creation and cross-Border trade over a wide range of issues. I assure the Deputy of my positive engagement in that regard and the positive and active engagement of the Minister of State, Deputy Sherlock.

UN Reform

78. **Deputy Thomas Pringle** asked the Minister for Foreign Affairs and Trade his views on the way the United Nations can be enhanced in order for the international community to deal with current threats. [37741/14]

Deputy Thomas Pringle: This question concerns reform of the United Nations, UN, and how the Minister believes that could be enhanced to make it more effective.

Deputy Charles Flanagan: The essential requirement for effective action by the United Nations in the face of any challenge or threat is political will on the part of the member states and particularly the permanent members of the Security Council. The undoubted achievements of the UN organisation over the years amply demonstrate its capacity to act decisively and effectively when the necessary political will is forthcoming. This requires that all member states

demonstrate, and co-operate to ensure respect for, the norms that have been established to regulate relations between states and to protect the personal rights of all members of the collective human family wherever they may reside. These include respect for the rule of law, including the legal norms governing the sovereignty of states and the protection of human rights. Nevertheless, UN structures and systems are certainly capable of improvement and Ireland has been in the vanguard of countries working towards and for reform. In particular, the functioning of the UN Security Council is crucial for the effectiveness of the whole UN system as primary responsibility for ensuring the maintenance of international peace and security is vested in the Council under the UN Charter.

Ireland and its partners in the accountability, coherence and transparency, ACT, group, comprising 21 states across the world, have been actively promoting new approaches to the work of the Security Council. A particular concern is the veto power given to the permanent members of the Security Council in 1945 which has often proved an impediment to effective action or, in some cases, to any action at all. Accordingly, we welcome the initiative put forward by France and actively supported by Mexico to better regulate the use of the veto power by permanent members of the Security Council. While we consider this power an anachronism, and something which should eventually be abolished, the French proposal is a necessary step in the right direction and deserving of support.

Deputy Thomas Pringle: I thank the Minister for his response. He mentioned political will. That the permanent members of the Security Council have and maintain a veto means there is no need for political will because they can decide which issues are progressed and which are not by using that veto. How does the Minister propose to encourage removal of that veto or how would it be abolished? What is the process within the United Nations for that? What is Ireland doing to make that happen? Do the members of the Security Council have a veto on the removal of the veto?

Deputy Charles Flanagan: I recently spent some time in the United States and had the opportunity of spending four days at the UN General Assembly attending several important and positive meetings covering a range of issues. With particular reference to the French proposal on the veto, the permanent five, P5, would make a mutual commitment to the effect that if the council were required to make a decision regarding, for example, a mass crime, they would suspend their right to veto. A key element of this would be the mechanism used to determine that a mass atrocity has been committed. This has yet to be determined. There are ongoing meetings and discussions in that regard.

With regard to the question of whether the French proposal might be accepted by the five permanent members of the Security Council, I assure the House that there is, in all likelihood, little current prospect of the proposal winning the support of Russia or China. Even if it is not adopted in the near future, however, at least it has legitimised a debate about the ways in which the veto held by the five permanent members of the Security Council - a prerogative which is deeply unpopular - might gradually be dismantled. France is working hard to consult the UK and the US because it knows the support of both is crucial if Russia and China are to be put under real pressure on this issue. The UK has indicated its openness to the French proposal. The US has not ruled out such an arrangement. Russia and China have expressed reservations and are sceptical. I assure the Deputy of Ireland's positive and active engagement in making progress with these matters, in so far as that is possible.

Deputy Thomas Pringle: Can we be sure that the US is committed to the process of alter-

ing the veto? It is very active in using the veto to prevent anything that might look to harm its interests in the Middle East, particularly in Israel, from taking place. Have there been discussions with the US in relation to its commitment to easing the use of the veto?

Deputy Charles Flanagan: I assure the Deputy that we will actively encourage the French authorities to move on their proposal. We acknowledge the support of Mexico. That continues to be our position. We will continue to influence and encourage member states to deal with this issue, which we recognise to be most unsatisfactory in its current format and guise.

Other Questions

Trade Relations

79. **Deputy Brendan Smith** asked the Minister for Foreign Affairs and Trade the effects on exports from Ireland as a result of the EU-Russian trade sanctions; the further trade opportunities that have been pursued by the Department to counter the negative impact of the sanctions on Irish exporters; and if he will make a statement on the matter. [37720/14]

Deputy Brendan Smith: Given that Russia is the third largest non-EU export market for Irish goods, after the United States and Canada, the sanctions being imposed by Russia on EU exports have to be of serious concern to us. It is not just about the direct impact on Irish exports; the indirect impact also means there is more competition among European exporters for a smaller market share. Can the Minister of State give an indication of the particular initiatives that are being taken by the Department of Foreign Affairs and Trade, or by the relevant State agencies, to address the difficulties that have arisen following the imposition of those sanctions?

Minister of State at the Department of Foreign Affairs and Trade (Deputy Dara Murphy): I thank Deputy Smith for his kind words at the outset this afternoon. The crisis in Ukraine continues to be a major focus for the European Union. On 29 July last, the EU agreed a package of restrictive measures targeting sectoral co-operation and exchanges with the Russian Federation. These measures limit access by Russian state-owned financial institutions to EU capital markets, impose an embargo on new contracts for trade in arms, establish an export ban for dual-use goods for military end users and curtail Russian access to sensitive technologies, particularly in the field of energy. These measures came into force on 1 August. On 7 August, the Russian Federation imposed wide-ranging sanctions on food imports from the EU, the US, Norway and Canada.

In response to a marked intensification in fighting in eastern Ukraine, the EU moved last month to reinforce the restrictions put in place in July. They are carefully calibrated and can be intensified or lessened according to how developments unfold on the ground in Ukraine. The EU measures apply to future contracts and agreements. Our current assessment is that the direct impact on the Irish economy of these sanctions is likely to be modest. It is clear, however, that the retaliatory measures taken by Russia in August have greater implications for Ireland's agrifood exports. The Minister, Deputy Coveney, has described the ban as a significant setback to our strategic plans to further access the Russian market. He is fully aware of the need to seek out alternative markets for Irish agrifood exports. He has already had some success in this regard, with the recent opening of the Philippines to Irish beef, pigmeat and sheepmeat and Vietnam to Irish pigmeat. The Commission has also introduced a range of supports for EU farmers, growers and producers to mitigate the impact of the Russian ban that will benefit Irish

food exporters.

Additional information not given on the floor of the House

Specific measures are being taken by other Government Departments and their respective State agencies to examine potential in markets other than Russia in order to help alleviate the effects on exports from Ireland as a result of the EU-Russian trade sanctions, not least the Department of Agriculture, Food and the Marine, in view of market access for beef exports to Russia. My Department will continue to liaise with other Departments and State agencies, including in the context of the Export Trade Council, in closely monitoring the impact on Ireland of these sanctions and taking necessary steps as required.

Deputy Brendan Smith: I thank the Minister of State for his reply. In 2011, we exported food and drink worth approximately €150 million to Russia. In the meantime, there has been a substantial increase in these exports. The Minister of State referred to a modest impact, but this does not include the displacement factor. I know someone who exports a substantial quantity of food to Britain. His competitors are from central Europe. If they cannot export eastwards as they traditionally do because their products have been banned from Russia, they will export westwards. As such, some of our exporters are facing greater competition. I hope that the relevant agencies are not just examining the direct impact, but also the indirect impact of displacement.

I remember reading a figure in an Enterprise Ireland report to the effect that its client companies accounted for approximately 45% of total exports to Russia.

An Leas-Cheann Comhairle: A question, please.

Deputy Brendan Smith: Between 2008 and 2013, the growth in sales was a phenomenal 87%. This shows the potential of the Russian market. Will the Minister of State assure the House that his Department and the relevant State agencies besides Bord Bia will ensure that some initiatives are taken to seek markets for other sectors, given the possible displacement of our products from Russia?

Deputy Dara Murphy: Measures are in place specifically to seek other markets. The Deputy is aware that sanctions have only been in place for a number of weeks. Bord Bia has established a helpdesk for exporters. We must also acknowledge that the recent discussions on this difficulty give rise to the hope that a political solution involving the EU and Ukraine will be found. This matter has the attention of the Minister for Foreign Affairs and Trade, our Department, the Minister for Agriculture, Food and the Marine, Deputy Coveney, and his Department.

Deputy Brendan Smith: I thank the Minister of State. Perhaps he or his officials might check something for me. I have received representations to the effect that there is still great scope for some sectors that are loosely associated with the agrifood industry, including genetics, ingredients, food technology and agricultural consultancy, to increase their trade with Russia.

Does the briefing note prepared for the Minister of State by his Department mention adverse currency movements in terms of the ruble-euro exchange rate that could impact on us? If not, perhaps he might check.

Deputy Dara Murphy: If the Deputy has been contacted by groups that believe there is some potential, Enterprise Ireland would be more than willing to engage with them. If he

7 October 2014

passed on their details, we would happily facilitate him.

We are trying to secure a competitive advantage in new markets across a broad range of sectors, including the most vital one of agrifood products. The State has done significant work on trying to attract markets in Russia. The recent development is a setback, but we must be conscious of the bigger picture and our place within the EU. At this point, the impact is modest. As with Ireland through Bord Bia and the relevant Departments, the EU has a broad range of measures in place to support exporters and mitigate the effect on businesses and people to the greatest extent possible.

An Leas-Cheann Comhairle: As Deputy Kyne, who has tabled Question No. 80 is not present, we will proceed to Question No. 81.

Question No. 80 replied to with Written Answers.

Foreign Conflicts

81. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs and Trade the extent to which the international community can co-operate in its efforts to prevent the public executions of innocent civilians by hooded and masked executioners, whose disguise prevents subsequent retribution for war crimes; if specific initiatives may be taken in this regard at an early date; and if he will make a statement on the matter. [37685/14]

Deputy Bernard J. Durkan: This question attempts to focus on the issues with which Members have been greeted recently on their television screens, whereby there appears to be a policy in some quarters to wear camouflage uniforms to the extent that those who carry out executions of innocent civilians cannot be identified in the context of a war crimes tribunal. My inquiry is to ascertain the extent to which we in this country can influence the international community with a view to taking some action that may be suitable in this context.

Deputy Charles Flanagan: I thank Deputy Durkan. The murders to which he refers have arisen mainly in connection with the campaign of terror waged by ISIS across Syria and Iraq. I have been appalled by these atrocities and am of the view that there must be accountability for all such actions, including through referral to the International Criminal Court. The recent report of the United Nations Human Rights Council-mandated commission of inquiry on Syria reported extensive violations by ISIS, including summary executions, torture, enforced disappearances and forcible displacement. Ireland supports the ongoing work of the commission and regards its work of gathering records and evidence of war crimes as an essential component in achieving legal accountability for the victims of the Syrian conflict.

Terrorism poses a global threat and therefore requires a co-ordinated response from the international community. At EU level, a special meeting of the European Council in August called for accelerated implementation of a package of measures agreed in June 2013 concerning four priority areas, namely, prevention of radicalisation, detection of suspicious travel, investigation and prosecution and co-operation with third countries. The European Council will review this issue next December. More broadly, UN Security Council Resolution 2178 of 2014 on foreign terrorist fighters was adopted unanimously in September 2014. Ireland co-sponsored the resolution, together with 103 other states, which included all other EU member states. The terms of this resolution are consistent with the European Council's conclusions. The resolution

takes a comprehensive, human rights-compliant approach to tackling the foreign fighters problem in accordance with international law. It highlights the need to tackle the underlying causes of radicalisation through community outreach initiatives, while at the same time focusing on strengthening legal and security measures. This comprehensive strategy is very much in line with Ireland's approach on the issue.

Deputy Bernard J. Durkan: I thank the Minister for his reply and congratulate him and his colleagues on their appointments. I wish them well in their roles for what hopefully will be many a long day. The execution of innocent people or the prevention of normal society to function by people wearing masks or hoods appears to have become common practice. For example, when the Dutch authorities and the relatives of those lost in a recent air crash tried to recover their personal belongings and to visit the site, they were prevented from so doing by masked and hooded men in military uniforms. As a supplementary question, can I ask the extent to which Ireland and the European Union together can create an environment internationally whereby it may not be so desirable and possible for people to act in this fashion, be it ISIS or other bodies and agencies?

Deputy Charles Flanagan: The Deputy is correct and I believe that Ireland can play an important role, together with other member states of the United Nations and the European Union, in ensuring there is a co-ordinated approach across a range of issues. The Deputy will be aware of the EU approach to combating terrorism in the region, as outlined. Developments, particularly in Iraq and Syria, were discussed at a special meeting of the Council in August. The Council stated it was appalled and condemned firmly the indiscriminate killings and human rights violations perpetrated by ISIS and other terrorist organisations. The Council stated its determination to counter the threat and increased its emphasis on stemming the flow of foreign fighters. I wish to state with particular reference to Ireland that there are a number of issues in which we can engage to ensure we also are tackling the underlying causes of radicalisation. This is done through community outreach initiatives.

In terms of preventative measures, in this jurisdiction the Garda Síochána continues to monitor the movements of suspects and those involved in extremist behaviour. In tandem with the Garda, gardaí at the highest level operate a progressive community relations programme through the racial intercultural and diversity office. That office was recently the subject of favourable comment by the UN counter-terrorism executive directive. I am in constant contact with my colleague, the Minister for Justice and Equality, who recently published new counter-terrorism legislation, the Criminal Justice (Terrorist Offences) (Amendment) Bill 2014, and, when enacted, that Bill will create three new offences, the first being public provocation to commit a terrorist offence, the second being the matter of recruitment for terrorism, and the third being training for terrorism. I assure the Deputy that we look forward to ongoing engagement at national level, international level through our EU colleagues and partners, and the wider international community through our membership of the United Nations.

Deputy Bernard J. Durkan: I thank the Minister for his reply. Is there a danger that the European Union and United Nations may be intimidated by people from whatever background who carry out such executions? As a result of being unable to respond in a fashion likely to convince the perpetrators of the need to change their *modus operandi*, what can the international community then do to counter this kind of terrorism?

Deputy Charles Flanagan: I assure the Deputy that the international community will engage at the highest level. Last week, I had an opportunity of attending a specially convened

7 October 2014

meeting by the Secretary of State, John Kerry, in the United States at which this matter was discussed. The Deputy will be aware that in terms of our international engagement from a political, security and humanitarian point of view, our strength lies in the political and humanitarian areas. My colleague, the Minister of State, Deputy Sherlock, is actively engaged in ensuring Ireland is to the fore in providing humanitarian relief aid across the region, including in Ukraine, as the Deputy mentioned, Syria and northern Iraq. From a political dimension, we are actively engaged at the EU Foreign Affairs Council level with our colleagues in the European Union and the wider community of the United Nations. First and foremost, we see a non-military solution to these crises throughout the region. We will, through political and diplomatic channels, actively pursue and spread, in so far as we can, diplomatic solutions to what are very real and serious problems from an international perspective.

Infectious Diseases Epidemic

82. **Deputy Brendan Smith** asked the Minister for Foreign Affairs and Trade the actions his Department has taken to address the ebola virus epidemic in west Africa; the specific projects funded by his Department in this area; the risk this epidemic poses to Europe and Ireland; the actions being taken to reduce this risk; and if he will make a statement on the matter. [37717/14]

Deputy Brendan Smith: Last week, at the Oireachtas Joint Committee on Foreign Affairs and Trade, representatives of GOAL and Doctors without Borders presented a frightening and horrific picture of what is happening in west Africa. We know that the current ebola outbreak has caused the deaths of at least 3,000 people and west Africa is experiencing the biggest outbreak of this virus ever known. The World Health Organization predicts there will be 20,000 cases by early November. Does the Minister think there is an adequate European response to this crisis? Is there an adequate response by the international community to this serious issue? It is difficult to have confidence when it is known the World Health Organization is the object of criticism, quite rightly, in regard to the delay of three months in identifying this particular virus.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Sean Sherlock): Ireland is working directly in Sierra Leone and Liberia and internationally on a comprehensive and effective response to the ebola epidemic in west Africa.

I have just returned from Freetown, the capital of Sierra Leone, where I saw for myself the devastating effects of the epidemic on people already coping with the impact of conflict and poverty. While in Freetown, I met with a wide range of people including the President of Sierra Leone, the Minister for Health, the Minister for Social Welfare and other senior members of the government, as well as the head of the new UN Mission for Ebola Emergency Response, UNMEER.

If one were to say there was a time lag in the response of three months, one must go directly to Sierra Leone and its response internally as a sovereign state. Ireland is playing a key role. We have a diplomatic mission there. Our ambassador to Sierra Leone, Ms Sinead Walsh, is working tirelessly in assisting the co-ordination of the containment response, and I pay tribute to her. If the response was slow for the first three months, in the past 72 hours there has been a significant ramping up of the international response through the WHO and organisations such as Concern, GOAL, PLAN - including PLAN Ireland - the UN infrastructure and the Centers for Disease Control and Prevention. We have sought to influence the Government of Sierra Leone, because of the very poor state of its primary health care infrastructure and public health

care system, to lift its response from government control and transplant it to international co-ordinated response. Although I am satisfied that the response is robust, sadly, the crisis will get worse before it gets better. I estimate, based on my interaction with agencies on the ground, that because of the very poor health care systems there, the numbers may be under-reported and will increase. It could take a number of weeks for all the organisations to get ahead of containment.

Deputy Brendan Smith: I welcome the fact that the Minister of State, Deputy Sherlock, visited the region and the substantial funding he provided. Hopefully, he will be able to provide more funding to assist in the very desperate situation. Has the Italian Presidency organised a special meeting of the Council of Ministers for international development to deal with the issue, help in co-ordination and ensure the funding provided by the EU and the individual countries is put to best effect? There is always an important role to ensure the public is conscious that the political system is reacting in a positive manner with the greatest possible urgency. Last week, I saw a statement attributed to the Italian Presidency and, unfortunately, it was more about doing something *mañana* than acting now. I hope the Minister and his colleagues, in every available forum, will ensure urgency is attached to the European response. The focus is shifting to what European countries are doing to ensure they are ready to deal with this very serious issue. Maybe it is a matter for the Minister for Health. Is there co-ordination at health service level throughout Europe on this very important issue?

Deputy Sean Sherlock: We must see it in the context of where Ireland sits. Ireland is very much part of the international response which sits within the UN infrastructure where there is a special UN envoy, Mr. Anthony Banbury, who is on the ground in the three countries, Sierra Leone, Liberia and Guinea in particular. I did not participate in the donor conference in London last week because I was in Sierra Leone. The President of Sierra Leone was unable to attend the conference and we met him in Sierra Leone.

3 o'clock

The issue here is not the monetary response *per se*. I am confident that, through the UN infrastructure, the political willingness exists given the mandate the United Nations has to deal with this. From a European Union perspective, I tend to agree with the Deputy's point in that there needs to be a more robust political response at an EU level to ensure that, with the €180 million which is committed by the EU, there is a political pressure or diplomatic effort applied in those countries as well as a medical and humanitarian response to ensure those systems-----

An Leas-Cheann Comhairle: Two minutes.

Deputy Sean Sherlock: I request a little latitude, if I may - just 30 seconds.

An Leas-Cheann Comhairle: I will get back to the Minister. Deputy Smith is entitled to ask another question.

Deputy Brendan Smith: One of the suggestions made at the Joint Committee on Foreign Affairs and Trade was that there should be a national co-ordinated response to ensure medical or nursing personnel, if willing to travel to the region to use their skills and knowledge in that area, will be facilitated with leave of absence. Will that be considered? Naturally, the co-ordination of funding was raised. As I stated earlier, it was terrifying to listen to those who had been out there in a medical capacity trying to assist the people. We should take the opportunity to compliment sincerely all of those working out there at the coalface, particularly the Irish NGOs and officials from the Department.

Deputy Sean Sherlock: If Deputy Smith is talking about medical evacuations, there needs to be a greater degree of clarity such that when Irish people go out there to help in the effort, there is some degree of assurance that they can have a pathway back to the most appropriate treatment centre. The national response on this was discussed at Cabinet this morning. This will take an interdepartmental group because we need to ensure if there are persons coming back from west Africa who display symptoms that there is a clear pathway from their houses or places of work directly to a fully staffed and equipped hospital - wherever that may be within the country - and that there is a clear protocol. That is something that is being discussed. It is a live issue as we speak.

If Sierra Leonean health care workers are not working on the ground, for instance, because they may not have been paid for a number of months, and if they do not have confidence in their own system on the ground, and I can only speak for Sierra Leone, it is difficult to ask an Irish front-line health care worker to work in those circumstances. That is where the UN co-ordinator, Mr. Banbury, is working. He is working with our ambassador and Irish NGOs, such as GOAL, Concern and Plan Ireland so that there is a cross-sectoral approach to dealing with this. I am not saying one takes it out of Sierra Leonean hands, but one manages and internationalises the effort. It is only in the past 72 hours that we are seeing a major ramping up of that effort. I assure the Deputy that this is being discussed in terms of an Irish response on the ground if somebody should contract the virus when on Irish soil.

Shannon Airport Facilities

83. **Deputy Richard Boyd Barrett** asked the Minister for Foreign Affairs and Trade if he will ensure Shannon Airport is not in any way being used to facilitate US military action in the Middle East; and if he will make a statement on the matter. [37745/14]

Deputy Richard Boyd Barrett: After the last US war in the Middle East claimed hundreds of thousands of lives and utterly destroyed Iraqi society, the United States and its allies are bombing again in the Middle East. Already the indications are that the consequences will be disastrous. The Minister might be aware that in recent days, all the major al-Qaeda affiliates in Pakistan and the Middle East who were previously fighting against ISIS have pledged their support for it. Incredibly, against this background of a disastrous move by the United States to bomb in Iraq and Syria, we continue to facilitate the US war machine at Shannon and the Government, like its predecessors, refuses even to search the planes going through Shannon to establish whether they are carrying arms and whether they are participating in a war effort in what is supposed to be a neutral country. Can the Minister offer us any hope that the Government will do more than the previous Government to protect our neutrality against a background of US warmongering?

Deputy Charles Flanagan: Successive Governments have made overflight and landing facilities available at Shannon Airport to the United States for well over 50 years. The Air Navigation (Foreign Military Aircraft) Order 1952 gives the Minister for Foreign Affairs and Trade primary responsibility for the regulation of activity by foreign military aircraft in this jurisdiction. Arrangements under which permission is granted for US military aircraft to land at Irish airports are governed by strict conditions. These include stipulations that the aircraft must be unarmed, carry no arms, ammunition or explosives and must not engage in intelligence gathering, and that the flights in question must not form any part of military exercises or operations.

Under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order 1973, the carriage of weapons on commercial aircraft, including chartered civilian aircraft, is prohibited unless an exemption has been obtained in advance from the Minister for Transport, Tourism and Sport. The majority of US troops transiting through Shannon Airport are carried on chartered civilian aircraft. Where it is proposed that troops on such a flight should be accompanied by their personal weapons, an exemption request must be sought in respect of each individual flight.

There are no plans to curtail or to stop the movement of military aircraft through Irish airports and air space which takes place in accordance with those strict conditions. I am satisfied that the arrangements are fully consistent with Ireland's policies and legal requirements, including our long-established policy of military neutrality which involves non-participation in military alliances.

Deputy Richard Boyd Barrett: I was one of the organisers of what was probably one of the biggest marches in the history of the State in 2003, namely, the march against the planned war in Iraq. At the time we warned that the US bombing campaign would possibly claim up to 50,000 lives. Some estimates suggest that nearly 1 million people died in the war, and certainly it was several hundred thousand. It was an utter disaster that devastated Iraqi society. Now, 13 years later the United States is doing the same thing again and already the consequences look disastrous. It is shoring up support for the crazy and dangerous people in ISIS among other extremists in the region and beyond. A potentially explosive and dangerous cocktail is being fermented by US bombing. Against that background and the clearly demonstrated support in this country over many years for Irish neutrality, how can the Minister justify the passage of US troops through Shannon Airport to conduct a disastrous repeat of the war we saw in the Middle East?

Likewise, how can the Minister justify the fact that the planes are never searched? He told this House that he depends on assurances from the American Government that it is not doing anything that it is not telling the Government. During the previous war the number of US troops going through Shannon dramatically increased and I have no doubt the same will happen again this time around. Why is the Minister allowing that to happen and not even searching planes when the US is involved in conducting a war?

Deputy Charles Flanagan: The Deputy will be aware of long-standing practice in that regard. The more he wishes to alarm Members of this House and the Irish community, the more the issue becomes surrounded in hyperbole of a type to which the Deputy is most accustomed. Lest there be any misunderstanding, let me repeat that the use of Shannon Airport by US military is a long-standing practice that has been in place for more than half a century. The period covers many crises and military confrontations. We have never withdrawn or suspended the facilities at any stage during that period. The transiting of US troops and aircraft through our airport will continue to be subject to the strict conditions of which the Deputy is fully aware and which I have outlined to the House.

Let me assure the Deputy and the House that there are no implications arising for Ireland's traditional policy of military neutrality, which involves the non-participation by Ireland in any military alliance. We have not entered a military alliance with the US or any other country or organisation and permitting the use of Shannon Airport neither challenges nor undermines our position in any way. Of course there are strict rules and regulations. Deputy Boyd Barrett has made wild allegations on the use of Shannon Airport by US personnel time and again and if he

has evidence that Ireland is in breach of national or international obligations he should come forward with it.

Deputy Richard Boyd Barrett: The problem is the Minister told this House that foreign military aircraft passing through Ireland with the permission of the Government are not subject to routine searches or inspections. How can we get evidence when the Government refuses to search the aircraft? The Government relies on assurances given by the US Government - the same government that told us there were weapons of mass destruction in Iraq and used that lie to justify the slaughter of hundreds of thousands of Iraqis and the devastation of society in that country. The current actions of the US Government are even more dangerous and this is not my hyperbole as, in a recent interview with "USA Today", the former director of the US Central Intelligence Agency, CIA, Mr. Leon Panetta, said we are now looking at a 30-year war. A lead spokesperson for the al-Nusra Front, which operates in the area of Syria near Irish troops and previously fought Islamic State, ISIS, was recently reported as saying it may support ISIS to fight the foreign crusader. Numerous groups are starting to support ISIS because of US bombing and Ireland is facilitating the military machine that is involved in that disastrous policy. Does this worry the Minister? Irish troops are in the area and Shannon Airport is facilitating this.

Deputy Charles Flanagan: I assure the Deputy we will follow the practice of successive Governments on this, in accordance with international practice. My Department and the Department of Transport, Tourism and Sport are kept fully informed of all developments. In spite of his assertions to the contrary, the Deputy will be aware that the vast majority of the flights in question concern civilians and have no military capacity.

Deputy Richard Boyd Barrett: The aircraft have troops on board.

Deputy Charles Flanagan: There may be troops but the transit of troops is in accordance with long-established practice.

An Leas-Cheann Comhairle: There is time for brief supplementary questions from Deputies Timmins and Wallace.

Deputy Billy Timmins: I come at this issue from a different angle to Deputy Boyd Barrett but, in fairness to him, this matter has been on the agenda for over ten years due to the ambiguous type of neutrality adopted by Ireland. The Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, would do this country a great service if he opened a debate on Irish neutrality, given the sham neutrality that has operated here. Successive Ministers have lacked the political and moral courage to have such a debate.

Deputy Finian McGrath: They ran away.

Deputy Billy Timmins: The Minister must have felt inadequate when he was in New York recently due to the Irish position on this. I heard his response to earlier questions but is there not something inadequate about a nation that refuses to defend what it believes to be right. It is time we matured and this Government should give the Irish public an opportunity to pass judgment.

Deputy Mick Wallace: The Minister says Ireland's military neutrality has not been breached, our non-participation in military activity is solid and we have not breached our international obligations. I beg to differ. Can the Minister explain why Shannonwatch has reported a serious increase in activity in recent weeks? The use of Shannon Airport by the US military is

directly linked with the ongoing conflict in the Middle East, a region that has been destabilised and devastated beyond recognition by US military activity. When will Ireland work for peace in the Middle East instead of supporting those who favour war and the arms industries that put them in power?

Deputy Charles Flanagan: I assure Deputy Wallace that Ireland will continue to use its powers to promote peace and diplomatic relations. As I said in an earlier reply before the Deputy entered the House, Ireland always opts for political, diplomatic and humanitarian aid solutions over military solutions.

Deputy Richard Boyd Barrett: The Government facilitates those who favour military solutions.

Deputy Finian McGrath: Deputy Timmins wants to join NATO.

Deputy Charles Flanagan: It strikes me as extraordinary that Deputy Finian McGrath, the Reform Alliance and Deputy Richard Boyd Barrett appear to be *ad idem* on this.

Deputy Finian McGrath: Deputy Timmins wants to join NATO.

Deputy Charles Flanagan: Lest there be any misunderstanding, I inform Deputy Richard Boyd Barrett that, in accordance with international best practice, foreign military aircraft passing through Ireland with the permission of the Government are not subject to routine searches or inspections.

Deputy Richard Boyd Barrett: Why not?

Deputy Charles Flanagan: The principle of sovereign immunity applies automatically to foreign state or military aircraft in the same way that it applies to Irish State or military aircraft abroad.

Deputy Finian McGrath: Why did Bank of Ireland close Cuban accounts?

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputies Lucinda Creighton and Peter Mathews - the need to ensure parental choice for secondary schools is preserved; (2) Deputy Dessie Ellis - the measures in place to tackle the misuse of small off-road vehicles in public parks and green areas; (3) Deputy Thomas P. Broughan - the programme and targets in relation to the future strategic infrastructure required for Dublin city and Fingal county; (4) Deputy Derek Nolan - the urgent need for a new emergency department unit at University Hospital Galway; (5) Deputy Willie Penrose - the need for legislation to facilitate the introduction of a quota for Irish music on the airwaves; (6) Deputy Mary Mitchell O'Connor - abolishing the 0.6% pension levy; (7) Deputy Anthony Lawlor - in light of An Bord Pleanála recently granting permission for major road works to be undertaken on the N7 which will include the Osberstown interchange, Sallins bypass and the widening of the road to three lanes, whether the estimated amount of €110 million required to complete the works be sanctioned by the Department without delay to allow the projects to commence as soon as possible; (8) Deputy Patrick O'Donovan - the urgent need for immediate works to be carried out on the Newcastle West Garda station to make it fit for purpose; (9) Deputy Maureen O'Sullivan - the need to address concerns about the emerging dealing of drugs being sold as

crystal meth here and its damage on families and communities; (10) Deputy Timmy Dooley - the need for the Minister for Transport, Tourism and Sport to discuss a resolution to the Irish airlines superannuation scheme dispute; (11) Deputy Róisín Shortall - the need to urgently update regulations under the misuse of drugs legislation and to take other measures to curb the open street trading of benzodiazepines and Z-drugs; (12) Deputy Paul J. Connaughton - the need to ensure primary school teacher training is not put out of reach of low and middle income families; (13) Deputy Brendan Griffin - the importance of the retention of the 9% rate of VAT for tourism services; (14) Deputy Noel Coonan - the need for the Minister for State with special responsibility for the Office of Public Works, Deputy Simon Harris, to provide an update on the current situation regarding Templemore flood relief scheme and to outline the reason for the delay in commencement of this scheme, which was originally scheduled to start in late summer, as there is much local concern as the scheme has been delayed on a number of occasions in past years; (15) Deputy Noel Harrington - to raise with the Minister for Health the current status of a constituent (details supplied) who had been waiting for hip replacement operation in Cork University Hospital, CUH, was referred to the Mater Private Hospital, examined for surgery, told he would be taken in for surgery in August 2014, informed on inquiring with the Mater Private Hospital at the end of July that he had been transferred back to CUH, and was informed on further inquiry that he would be seen by his original consultant in December 2014; (16) Deputy Peadar Tóibín - the need for an investigation into exploitative worker and tax practices at the publicly funded new Kishoge community college project in Lucan, County Dublin; (17) Deputy Richard Boyd Barrett - the European Commission's investigation into the corporate tax rate in Ireland and possible deals with certain multinational companies; (18) Deputy Clare Daly - to discuss the pressing need to address the lack of community-led midwifery services starting with the lifting of the injunction on Philomena Canning allowing her to attend the births of the 25 women for whom she is caring; (19) Deputy Billy Kelleher - the need for the Minister for Health to make a statement on the alleged manipulation of hospital waiting lists; (20) Deputy Mick Wallace - Part V of the Planning and Development Act in regard to the delivery of social housing; (21) Deputy Seán Ó Feargháil - the appointment procedure for members of State boards; (22) Deputy Martin Ferris - to discuss issues of concern with Irish Water; (23) Deputy Martin Heydon - an update on implementation of the national broadband plan with reference to rural areas, particularly in County Kildare, and in light of the ending of the previous national broadband scheme provided by Three; and (24) Deputy Joan Collins - to raise with the Minister that national school training colleges and the Department of Education and Skills will be charging €4,000 for future teachers of Irish to learn Irish in the Gaelteacht.

The matters raised by Deputies Lucinda Creighton and Peter Mathews, Dessie Ellis, Mary Mitchell O'Connor and Willie Penrose have been selected for discussion.

Visit of Austrian Delegation

An Ceann Comhairle: Before proceeding with business I wish, on my own behalf and on behalf of the Members of Dáil Éireann, to offer céad míle fáilte and a most sincere welcome to His Excellency Dr. Heinz Fischer, Federal President of the Republic of Austria. I express the hope that he finds his visit enjoyable, successful and to the mutual benefit of our countries.

Leaders' Questions

Deputy Micheál Martin: In November 2009 the Fine Gael Party published the NewERA document and the then Deputy Simon Coveney was responsible for developing the policy framework. Many people worked with him and the document was especially relevant to the

establishment of Irish Water because it said Fine Gael would bring all of Ireland's water assets under the ownership of one State company. Even in 2009 that company was named as Irish Water and local authorities were to be its agents. Before the troika, this was a clear policy of Fine Gael's.

Deputy Fergus O'Dowd was the Minister of State responsible for the legislation that introduced Irish Water on a statutory basis and he said today that the company is an unmitigated disaster, that it has abjectly failed and that it is arrogant and uncaring. He said low income groups are paying too much, that bands should be widened and that ability to pay should be a factor. In particular, he said unemployed people are being crucified by the charge. He said people are angry and intimidated by the sign-up packs that have been distributed and by requests for PPS numbers. He said there is an intense dislike for the process. The Taoiseach is quite good at understatement and he interpreted all of this as Deputy O'Dowd merely making a point that there is a need for better communications and more engagement with the community. I suggest that the Deputy said far more than that and got to the heart of the issue. Does the Taoiseach agree with what Deputy O'Dowd said regarding Irish Water? Does he feel it has been an unmitigated disaster and an abject failure? Does the Taoiseach consider that an ability to pay concept should be central to the water charges regime implemented by Irish Water? Will the Taoiseach take steps to ensure the poverty analysis referenced by Deputy O'Dowd this morning on "Morning Ireland" to determine the impact of all this on low-income groups will be published in order that we can all read it?

Deputy Michael Healy-Rae: The Taoiseach is sorry now he appointed him.

Deputy Billy Kelleher: He is sorry he dropped him.

The Taoiseach: I do not agree with Deputy O'Dowd's comment that Irish Water is an unmitigated disaster. I agree Irish Water certainly had teething problems during the course of its being set up. I also agree Irish Water is here to stay. It is a fundamental concept and it is an entity to deal with the situation which was allowed to develop over many years whereby we pay €1.2 billion to produce water, 40% of which leaks away, where many dozens of treatment plants are inferior, where many kilometres of pipe work are not fit for purpose, and where 20,000 people must live regularly with boil water notices. Deputy Martin is well aware this can only be achieved by having an entity that can borrow money to invest in this off the State payroll, as it were, to provide for the future, business, people and consumers.

Water is a very precious commodity. Given our geography and location we are blessed with an abundant supply of water. The situation which had pertained for so many years could not continue. I am the first to say that Irish Water had teething problems when it was being set up, and everyone understands that. There is always a need for clearer communication about the issues involved, who pays what and how one can pay. The Government has set out a number of policy directions to the regulator, which include the average metered water charge, the allowance per household and the allowance per child. This has been followed by other announcements in respect of facilities and further contributions for those who receive the household package and those who have particular medical ailments who might require a lot of water whereby the charge is capped. I do not accept the Deputy's assertion.

Deputy Billy Kelleher: Which Deputy?

Deputy Michael Healy-Rae: There are a lot of them.

7 October 2014

The Taoiseach: Irish Water is here to stay. It is a fundamentally important State agency held in public ownership for the development for the good of the country, unlike the situation, I might add, whereby Deputy Martin supported the Irish Water concept but had an average charge of €400 with no allowances.

Deputy Michael Healy-Rae: This is your charge.

The Taoiseach: In other words, the Deputy is a little bit like St. Augustine in that he wants it but not just now.

Deputy Barry Cowen: The Taoiseach is digging.

Deputy Timmy Dooley: It is a bit like the Taoiseach with McNulty. He wanted him now but not yet.

The Taoiseach: Irish Water is here to stay. The Government will move on a number of other proposals for the amalgamation of Bord Gáis and Irish Water into Ervia, with appropriate competency to run what is one of the largest entities since the foundation of the State, the fundamentally important issue of water for personal, social and economic reasons and the development of our nation as a place fit to invest in and fit to live in by having quality water at its core.

Deputy Joe Higgins: It will be the Taoiseach's Waterloo but he cannot see it.

Deputy Timmy Dooley: That is why the Government had a Waterford councillor on the board.

An Ceann Comhairle: I ask Deputy Martin to ask his friend beside him to stay quiet and let Deputy Martin get on with his question. I cannot control him but perhaps Deputy Martin can.

Deputy Micheál Martin: Welcome back, a Cheann Comhairle.

An Ceann Comhairle: Thank you.

Deputy Micheál Martin: I love the Taoiseach's sense of the English language. When a former Minister of State says something is an unmitigated disaster and abject failure and uses phrases such as "intense dislike of the whole process" and states people feel angry and intimidated, the Taoiseach says yes, it had teething problems. These are not teething problems. There is utter confusion about health. People with all sorts of ailments simply do not know where they stand now with regard to water. I respectfully suggest to the Taoiseach that families with two or three adult children, as they are termed, namely, those who are over 18 and in full-time education or unemployed, face bills of between €500 and €590 with no mitigation and nothing to alleviate the impact.

Deputy Michael Healy-Rae: Disgraceful.

Deputy Micheál Martin: This is excessive by any stretch of the imagination on a particular type of family.

An Ceann Comhairle: A question, please.

Deputy Micheál Martin: Deputy O'Dowd correctly pointed to the unemployed and low-paid workers. The household benefits package does not cover any of these. The charges are excessive and he is correct in his analysis. He stated a poverty analysis was done in the Depart-

ment but we have not seen it.

An Ceann Comhairle: I ask Deputy Martin to put his question.

Deputy Micheál Martin: Everybody knows consumption taxes such as these are regressive and will disproportionately hit people on low incomes. I have put this question to the Tánaiste, Deputy Burton, but it was water off a duck's back and did not have any impact. I thought it might have had. The bottom line is there are fundamental issues which have gone wrong. At least Deputy O'Dowd is honest now that he has left office. He now states what he believes and perhaps he felt he could not say it when he was in office. The Taoiseach should take heed of it and he should not dismiss it as lightly as he does.

Deputy Joe Higgins: Will Deputy Martin support the boycott?

The Taoiseach: I am not dismissing it. I have admitted that obviously there were teething problems in the setting up of Irish water. The former Deputy O'Dowd was the Minister of State who dealt with setting it up.

Deputy Timmy Dooley: He is still a Deputy.

The Taoiseach: He dealt with NewERA and piloted the Bill through the House. Perhaps if some of these issues had been brought to his attention then-----

Deputy Sandra McLellan: They were.

Deputy Micheál Martin: It looks like he brought them to everybody else's attention at the time but no one listened.

The Taoiseach: -----he might have been able to change them before it went through. The water regulator has determined the average bill will be less than €240 per year.

Deputy Billy Kelleher: When did he determine this?

Deputy Barry Cowen: At the Cabinet meeting this morning?

The Taoiseach: He further confirmed that 80% of all bills will be less than €24 per month.

Deputy Barry Cowen: The Taoiseach is digging.

The Taoiseach: We also welcome the fact the regulator has adhered to the Government direction that there be a free allowance of 30,000 litres per household for water usage and an allowance for every child under 18. I have said to the Deputy before that a person living alone will have approximately 40% of his or her water needs provided by the allowance and will pay approximately €138 per annum or less than 50 cent per day. All 411,000 recipients of the household benefits package, who are pensioners, carers and disability recipients, will receive an additional €100 per year to assist with water costs. Charges will be capped for people with particular medical ailments. People on boil water notices will not have to pay for their water supply after 24 hours until the notices are lifted.

Deputy Micheál Martin: They will.

The Taoiseach: These reforms are essential for future provision of quality water services following the debacle that went on for years.

7 October 2014

In respect of the pay situation, the regulator has ordered and instructed Irish Water to reduce its cost base by €170 million, or 8%, by 2016 which includes a substantial element of the pay situation.

Deputy Barry Cowen: Consultants.

Deputy Micheál Martin: Not the bonuses.

Deputy Michael Healy-Rae: The Taoiseach is making it up as he goes along.

Deputy Gerry Adams: The former Minister of State the Department of the Environment, Community and Local Government, Deputy Fergus O'Dowd, established Uisce Éireann on behalf of the Government. These are his words and not mine or those of an Teachta Martin. Deputy O'Dowd pointed out it has become "another cosseted quango with a bonus culture". This is what he said. An cuma atá ar an scéal seo anois ná go bhfuil uisce faoi thalamh agus nach bhfuil cúrsaí soiléir agus oscailte. He stated he simply could not believe when he heard last January that bonuses were to be paid to Uisce Éireann staff, and he recommended they be scrapped. He stated he made the point at every high-level meeting that disadvantaged groups should not suffer an unfair burden. He stated he was ignored. He also stated he raised these issues with the Taoiseach. He stated the exemptions are not wide enough and appealed to the Taoiseach to look again at the support services available. These remarks are not those of the leader of Sinn Féin nor of a Teachta Dála ó Shinn Féin. Seo iar-Aire Stáit ag caint, an fear a chur an dlí os comhair na Dála. It is an example of dysfunctionality at the heart of the Government.

I have a number of ceisteanna. Does the Taoiseach agree with former Minister of State, Deputy O'Dowd, on these specific questions? Does he accept that Irish Water-Uisce Éireann is not working? Will he scrap the bonuses? Will he acknowledge that many households simply cannot afford to pay the Government's water tax? Will he abolish this water charge as the former Minister of State indicated?

The Taoiseach: I thought Deputy Adams was coming here to tell us why he did not submit his budget proposition today. I thought he was coming here to explain to the nation why Sinn Féin suddenly decided water charges for residential households should be scrapped. The one thing the Deputy forgot with all his information was that by so doing in the way he proposes, it goes back on to the public pay bill at a cost of an extra €850 million. I would like to know how he proposes to raise this money in addition to all the-----

Deputy Michael Healy-Rae: These are Leaders' Questions.

The Taoiseach: -----extra money with the scrapping of-----

Deputy Micheál Martin: The general election has not happened yet.

An Ceann Comhairle: Please-----

The Taoiseach: I know it is very easy to-----

Deputy Timmy Dooley: The Taoiseach needs his head examined; he does not know where he is.

An Ceann Comhairle: Would you settle down?

The Taoiseach: -----knock on the doors and say, "We're opposed to water charges". This

is the usual Sinn Féin stock; it is also opposed to property charges. In respect of water, it had better revise its budget submissions because it will cost an extra €850 million. What will it do for USC, income tax, PRSI and so on?

No bonuses have been paid to anyone in Irish Water and the chief executive will not be paid a bonus. Irish Water does not have a policy of pay increments and has a pay freeze until 2016.

Deputy Barry Cowen: Performance-related pay.

The Taoiseach: As I said to Deputy Martin, the regulator has instructed that it reduce its costs by €170 million, some 8%, between now and 2016.

I do not share Deputy O'Dowd's view about Irish Water. I have to admit there certainly were teething problems, both in respect of the perception of the spend on this and the breakdown of that detail, and the inability in many cases to communicate the message very clearly in the beginning. That is all changing. Government will continue to roll out proposals to make Irish Water a really important fundamental State entity, held in public ownership, to deal with the inadequacy of the water infrastructure we have had for many years.

Deputy Adams knows this. Does he want the people in this city and its greater region to be on a knife's edge from day to day in respect of water supply and water facilities? The Deputy saw what happened when we had the virus at Ballymore Eustice and hundreds of thousands of people with an inadequate water supply had to turn off the taps at night because of that situation. The Deputy is now saying they do not have to pay for anything, it is only a cost of €850 million-----

Deputy Joe Higgins: No, we have paid already. We are paying every day.

The Taoiseach: -----and they will find it from the rich or something like that.

Deputy Joe Higgins: How does the Taoiseach think we have water at home?

The Taoiseach: I am disappointed that the Deputy did not come in with his party's budget today and I am even further disappointed that there is no mention that there is a charge of €850 million involved in that.

No bonuses were paid, and no bonus will be paid to the chief executive. There is a pay freeze until 2016 and the regulator has requested a €179 million reduction in its cost base, which includes a substantial element of the pay involved.

Deputy Michael Healy-Rae: And no jobs for the boys.

An Ceann Comhairle: Would the Deputy mind allowing Deputy Adams to ask a supplementary question?

Deputy Gerry Adams: It is very important to have a sense of humour when coming in here to ask questions. Flann O'Brien could not have written the script the Taoiseach articulates from day to day. I do not think he gets it at all. There are people who just cannot afford an additional tax on top of all the other taxes the Government has imposed on them.

He just cannot come in here and say he disagrees with an Teachta O'Dowd; the Taoiseach appointed him to the job. He made these points not in an off-the-cuff interview, but in a scripted article, so I presume he considered what he was saying. He made a series of criticisms of how

Uisce Éireann is being operated. More importantly, he said that he raised these questions with the Taoiseach. Is this again what we have seen with the Minister, Deputy Reilly, and the former Minister, Deputy Shatter? Is this the way the Government does its business?

I will put, if I may, the questions to the Taoiseach again. I am very mindful, by the way, that this was a Fianna Fáil proposition, but the Government is going ahead with it. Does the Taoiseach acknowledge that many households simply cannot afford to pay the water tax? I seek a simple “Yes” or “No”. Will the Government give struggling families and hard-pressed citizens a break by abolishing the tax? Will it turn off this water tax for the sake of citizens?

I will ensure that the Taoiseach has an off-the-top-of-the-press copy of Sinn Féin’s budget.

A Deputy: Off the top of the HP.

Deputy Gerry Adams: I commend it to the Taoiseach.

An Ceann Comhairle: I thank the Deputy.

A Deputy: Aengus is into the printing again.

(Interruptions).

Deputy Gerry Adams: It has a word in it that is writ large through every single line and that word is “equality”, a word that is alien to the Taoiseach and his backbenchers. I ask the Taoiseach to turn off the water tax.

The Taoiseach: I point out to the Deputy that we are all the same across the country. People in rural areas have been paying water charges for years. Many people pay privately for pumps, chemicals and treatment for their own water supplies. Those on thousands of group water schemes have contributed every year for water and they never ask the question because they know it is important. The Deputy comes along and says that people should not have to pay and he does so for particular political purposes - specifically because there are a couple of by-elections.

Deputy Gerry Adams: I never mentioned by-elections.

The Taoiseach: The Government wants to be fair, equitable and affordable. The Government, of course, recognises that any charge has to be an imposition on people, but this charge is a necessary contribution as we set out to develop a proper water infrastructure for the country. That is why the Government has set policy directions for the regulator in terms of the average metered water charge, the household allowance, the child allowance and the knowledge that people have particular medical ailments that require lots of water. That is why there is an extra €100 for the household benefit for disabled people, carers and those who live alone as pensioners. The intention is to have everybody enabled to make a contribution that is fair, affordable and equitable.

Deputy Joe Higgins: We are paying for it already. What is wrong with the Taoiseach?

The Taoiseach: All of that means that many hundreds of thousands of people will benefit as a consequence of having better water and not having to live under boil-water notices. Businesses will know that the water supply they have is not on a 98% knife-edge all the time. It will allow us to be a country that can continue to be attractive for investment, attractive for the

location of industry and jobs throughout the country. Consumers, ordinary people, businesses and big industry will be able to have a proper supply of high quality and high volume water for its needs. That is why Irish Water is being set up. That is why it is an important entity and why the Government supports it and will continue to bring in proposals, including competencies, on the new Ervia entity to run Irish Water which is one of the largest infrastructure developmental projects since the foundation of the State.

Deputy Mick Wallace: The former Minister for Justice and Equality, the former Garda Commissioner and former Secretary General are gone, but little else seems to have changed. The old guard is still in place. Complaints of Garda misbehaviour continue to flood into our offices. The Taoiseach has talked a lot about political reform in the Garda area and made a lot of promises, but we have not seen much action.

The Taoiseach talks about strengthening the Garda Síochana Ombudsman Commission. The organisation is still seriously underfunded. It still bears all the hallmarks of an organisation that was designed to fail. The Taoiseach talked about giving GSOC power to investigate the Commissioner and then the Government introduced a veto for the Minister for Justice and Equality. Why did the Taoiseach tolerate his backbencher and former Minister for Justice and Equality coming in here and rubbishing the GSOC commissioners?

The Taoiseach placed himself on the Cabinet sub-committee to oversee Garda reform so I would like to think he has a personal involvement in it at this stage. Why have the terms of reference that were promised after the Guerin report not been delivered even though the Taoiseach promised that they would come in before the summer recess?

The Government appointed seven barristers without advertising the jobs to the review mechanism. Does the Taoiseach not think that Government jobs should be advertised? Does he want to keep it in house so that it is nice and cosy and he is in control of it? With regard to the review mechanism, the families and complainants have no right to interview and no right of appeal. It does not smack of a very good system and the chances of it getting to the truth do not look great.

The Government promised that the Garda authority would be up and running in 2014. Why is it not on the Government's list of legislation for this year? The Minister for Justice and Equality said that the Garda Commissioner would not be selected until the Garda authority was in place. While I might be wrong, if the Government is to appoint the new Garda Commissioner before the police authority is in place, we will get a 100% total political appointment once again. Why has the Government not given the priority to this area that it promised?

The Taoiseach: I expect the Garda authority will be set up before the end of the year. The person who is appointed chairman will also be in a position to contribute in respect of the advertisements that have been placed for the appointment of a new Garda Commissioner. I understand Deputy Wallace was invited to Farmleigh to discuss the concept of the police authority but was unable to attend on the day. It would have been an opportunity for him to make his contribution at that point.

The barristers appointed by the Minister for Justice and Equality were to assess a range of claims and allegations which came both to my Department and the Department of Justice and Equality and were made following publicity on this issue. All of these claims, as I understand, have been sent to GSOC for analysis. I still get claims coming in from people, whom I advise

to report directly to GSOC for an analysis. The budget to be presented next week will include the conclusion of the allocation of the Vote for the Department of Justice and Equality covering this issue.

Work is ongoing in regard to the terms of reference for the commission of investigation following Guerin, and will be brought before the House in due course. As I said, I expect the new authority to be set up by the end of the year. Just because the legislation is not on the A list does not mean there is not a great deal of work happening. If there are individual issues the Deputy wishes to raise, I will come back to him on them.

Deputy Mick Wallace: I am not entirely familiar with the procedures in this place, but if the Garda authority is to be in place by the end of the year, I do not understand why the relevant Bill is not on the Government's legislative programme. Unless we have an independent police authority that is free of Government control and interference and can undertake constant monitoring and oversight of how the Garda Commissioner and his or her force operate, there will not be accountability for citizens. The degree of independence and power afforded to the new authority will be a litmus test for how interested this Government really is in reform.

In regard to the political appointment of the new Garda Commissioner, I welcome the Taoiseach's indication that he will wait until the police authority is in place. Will he make public the names contained on the short list that will be presented to him by the review group that is examining the applications? Will he indicate which members of Government will be involved in the selection process and the criteria that will be used? Three people are gone from the ranks of Garda management, but the whole hierarchy is still in place and nothing has really changed on the ground. If there is to be real change, we must change that hierarchy. The notion of choosing the new Commissioner from the existing hierarchy is outrageous.

The Taoiseach: I do not disagree with the principle of what the Deputy is saying. The decision by the Government to set up an independent police authority is a radical change from what has applied since the foundation of the State. It is a change we intend to follow through, and it will be a litmus test in many ways for the independence and authority of the new body.

The advertisements have been placed for the appointment of a new Garda Commissioner. It is not just a national but an international competition and I do not have any direction over it. Those who wish to be considered for the post will apply and there will be a strict set of criteria and assessment set out for the selection of the appointee. The reason for having an independent Garda authority is to ensure there is transparency and accountability in respect of the fundamentally important entity that is the Garda Síochána. That work is proceeding, both in terms of the advertising for the appointment of a new Commissioner and the establishment of the independent police authority.

Regarding the assessment of claims and allegations, they all, as I explained, have gone from my Department and the Department of Justice and Equality to GSOC. That work is under way. The Minister for Justice and Equality is very focused on doing this right and in such a way that it will be a litmus test of how serious we are about completely changing the direction of what applied before. As I understand it, the interim Commissioner has appointed a civilian person to deal with the HR issues in the Garda Síochána, which is a first.

Appointment of Minister of State

An Ceann Comhairle: Before we resume Question Time, the Taoiseach wishes to make an

announcement regarding ministerial responsibility.

The Taoiseach: I wish to announce, for the information of the Dáil, that the Government today assigned Deputy Dara Murphy as Minister of State at the Department of Justice and Equality with special responsibility for data protection. This is in addition to his responsibility for European affairs and data protection at the Department of the Taoiseach and the Department of Foreign Affairs and Trade.

Deputy Gerry Adams: May I ask a question, a Cheann Comhairle?

An Ceann Comhairle: No. The Taoiseach is making an announcement and no debate is allowed.

Deputy Gerry Adams: I wish to make a point of order.

An Ceann Comhairle: On what basis?

Deputy Gerry Adams: First, I wish the Minister of State, Deputy Dara Murphy, well in his new responsibilities. Second, will his new data protection remit encompass the concerns expressed in regard to Uisce Éireann's use of PPS numbers?

An Ceann Comhairle: That is not a point of order. I ask the Deputy to resume his seat.

Ceisteanna - Questions (Resumed)

An Ceann Comhairle: Questions Nos. 1 and 2 are in the name of Deputy Joe Higgins. Deputy Higgins sends his apologies for being unable to attend the Chamber this afternoon.

Cabinet Committee Meetings

1. **Deputy Joe Higgins** asked the Taoiseach when the Cabinet committee on health last met. [26765/14]

2. **Deputy Joe Higgins** asked the Taoiseach when the last meeting of the Cabinet committee on health was last held and for when is the next one scheduled. [35181/14]

3. **Deputy Micheál Martin** asked the Taoiseach if the Cabinet committee on health met recently. [35594/14]

4. **Deputy Micheál Martin** asked the Taoiseach the number of times the Cabinet committee on health has met since 2011. [35601/14]

The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

The Cabinet committee on health last met on 29 September and the next meeting is scheduled for early November. The committee has met on 27 occasions since this Government came into office in 2011.

Deputy Micheál Martin: I thank the Taoiseach for his reply. The frequency with which the Cabinet committee on health meets is instructive in itself. For three and a half years, every time the Taoiseach was asked a question in this Chamber about the health service, he replied that everything was going fine and getting better. Waiting lists were disappearing, treatment

was getting better and reforms were on the way that would cure all our problems. The work of the Cabinet committee on health, we were told, was all about the health reform programme. In the midst of all this, we had the Taoiseach's consistent denial of there being any attempt to take medical cards away from families. Eventually, after months and months of our pursuing that issue, he had to change tack, admit he had made a fundamental error and reinstate discretionary medical cards to many needy families across the country. We now have new evidence that waiting lists have been falsified. Not only was the budget last year falsified, but we discover the waiting lists were rigged to give a better picture. This all happened since the then Minister, Deputy James Reilly, abolished the independent HSE board without putting anything in its place, which was a big mistake.

The Taoiseach indicated that the next meeting of the Cabinet committee on health, chaired by him, will be in early November. The Minister, Deputy Leo Varadkar, and his officials are saying that the health reform proposals initiated under the previous Minister are not workable or implementable and will be pushed out to 2023 or some other date in the next decade. That shows some amount of arrogance. Do we need more frequent meetings of the Cabinet health committee to get a grip on the situation? One has to wonder what that committee has been doing for the past three and a half years. The Taoiseach chaired the meetings at which the publication of the White Paper and the reform documents were approved. Now all that spin has been exposed as empty rhetoric as opposed to having any substance because the Minister and others have said this cannot be implemented and the reforms are not workable. Does the Taoiseach need more meetings of the Cabinet sub-committee to get a grip on health?

The Taoiseach: No, actually. As I said to the Deputy before, I devote one Monday in the month to Cabinet sub-committee meetings and, occasionally, if people are not available or whatever, we have them on a different day. I find it is better that way. One has timelines and issues that need to be dealt with.

No one doubts the scale of the challenge facing any Minister for Health. I recall the Deputy declaring the abolition of waiting lists entirely many years ago, but this never happened. Who knows what demands lie ahead from winter vomiting bugs to viruses to other things that come this way. The new Minister for Health, Deputy Varadkar, has a number of new personnel in his Department and in the HSE looking at the scale of what he faces. For instance, we recognise that in the longer term, the move towards universal health insurance will be a way to end a discriminatory and unfair system and bring about a situation where people have treatment based on their needs, which will reduce costs overall. The Minister is working hard on the development of that policy and on the determination of the range of costs.

Deputy Micheál Martin: He said he was not.

The Taoiseach: He is.

An Ceann Comhairle: I am afraid we are straying a bit from the original question.

The Taoiseach: The issue of waiting lists, to which the Deputy referred, has been in the news in recent days. I have heard authoritative sources from the HSE address this question. The manipulation of waiting lists has been denied both by the Minister and the HSE and they are very clear on that. The Deputy knows there is a €500 million overrun in the HSE and the Department of Health this year, so we have to start from 2015 and the budget next week and see the most practical and feasible arrangements that can be put in place to contain costs while

maintaining front-line service delivery.

In regard to the row we had about the medical cards, obviously, there was some very-----

An Ceann Comhairle: I apologise for interrupting the Taoiseach but we are straying way beyond this question. You were asked a simple question on when the Cabinet sub-committee last met.

The Taoiseach: I answered that. To clarify, people who lost their medical cards under the discretionary system and had them restored need not worry. They will continue for as long as necessary.

Deputy Gerry Adams: The Taoiseach said this particular sub-committee has met 27 times. The issue of health is one that affects every single family and probably one of the most important issues for people is to have the comfort of a health service which is fit for purpose. I accept what the Taoiseach said that it is a major challenge to try to straighten out the existing mess but the number of meetings falls far short of what is required because in the period of this Government, we have had a change of Ministers and the new Minister has set aside many of the timeframes, schedules and some of the commitments of the Government's programme of reform for the health service.

The number of people waiting on trolleys has gone up and down in Our Lady of Lourdes Hospital in my constituency as well as in other places. I also know many people have not had their medical cards restored. My constituency office is inundated with people who do not understand the outworking of the review, and I am sure it is the same elsewhere.

I have often pondered on the Taoiseach's role in trying to chair all these sub-committees and getting the business and mechanisms of Government joined up - not one of his strong points - cohesively and in a co-ordinated way. The number of meetings falls far short of what is required by this important sub-committee, given the challenges facing the health portfolio.

We are restricted because we cannot ask what is discussed at the meetings, which is a bit silly. It is not the Ceann Comhairle's fault. Is the Taoiseach confident that the amount of time this Cabinet sub-committee devotes to the issues placed on its clár, whatever they may be, reflects the importance of the issues and the great priority and concern many people have about our health services, the welfare of ill members of their family, the elderly and the people with disabilities?

The Taoiseach: The Cabinet sub-committee deals with a range of issues about health, whether general expenditure, the HSE implementation plan, the development of concepts such as money follows the patient, strong primary care and community systems, the hospital groups and their development to a point where they will make recommendations in due course about services and how best they can be provided, the complicated procedure that followed the announcement of the development of the national children's hospital, the Central Mental Hospital and the National Maternity Hospital going to St. Vincent's University Hospital, the development of primary care centres, of which there is one per month, the constant challenge of reducing agency costs for nursing, and the challenge arising from the Haddington Road agreement and general pay agreements. These are all issues plus other relevant features of the health system, including Healthy Ireland, the change in the nature of treatment of many issues, the development of new drugs, and dealing with drugs companies and costs. These are all part of the work of what is truly a massive organisation, between the Department of Health and the HSE and all

those who work for it. They are the areas at which the Cabinet sub-committee on health looks.

For instance, the concept of the development of universal health insurance from beginning right through to fruition is something that may take well into the second term of government before it is realisable. One must have the money following the patient, a strong primary care and community system and the hospital groupings all in place before that can happen. There are issues of insurance, costs and private health insurance and the necessity to have more people understand that they can enter this system much earlier than heretofore, thereby helping everyone.

Of all the Departments of Government, Health is one that affects every single person in one way or another and every single household. The Minister's challenge is to stabilise the health system in order that it can deliver the results we expect at the front line while at the same time manage it to a point where the evolution of universal health insurance, the development of the hospital groups and the provision of services throughout the country are in the best interests of the patient. The patient must be central to this.

It is not an easy issue to deal with in terms of contracts, renewal of contracts, the GP services for those under six and for those over 70. These are all elements of work which the Minister is overseeing. As a Minister who is new to that Department, he must have time to get a grasp of the priority issues with which he has to deal while at the same time seeing how costs can be contained in a massive Department where the situation is demand led and where it is impossible to determine what the scale of demand might be as it depends on the issue that might arise in any part of the country.

Taoiseach's Meetings and Engagements

5. **Deputy Joe Higgins** asked the Taoiseach if he discussed the Haass proposals with the Prime Minister of the United Kingdom when they last met. [30899/14]

6. **Deputy Joe Higgins** asked the Taoiseach if he will report on his meetings with the Prime Minister of the United Kingdom, David Cameron; and if he will make a statement on the matter. [35190/14]

7. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to or met the Scottish First Minister, Mr. Alex Salmond MSP recently; and if he will make a statement on the matter. [35200/14]

8. **Deputy Gerry Adams** asked the Taoiseach the number of conversations he has had, by phone or in person, with British Prime Minister David Cameron since the commencement of the summer recess. [35207/14]

9. **Deputy Gerry Adams** asked the Taoiseach if he will report on his conversations with Prime Minister Cameron and, in particular, their joint efforts to commence a new round of talks in the peace process in the autumn. [35208/14]

10. **Deputy Gerry Adams** asked the Taoiseach if he raised with Prime Minister Cameron the Government's concern at efforts by Unionist parties to undermine the North's Parades Commission. [35209/14]

11. **Deputy Micheál Martin** asked the Taoiseach the position regarding the lack of progress

in the implementation or acceptance of the Haass report; if his concerns are shared by Prime Minister Cameron; and if he will make a statement on the matter. [35632/14]

12. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to or met the First Minister or Deputy First Minister of Northern Ireland to discuss the Haass report; and if he will make a statement on the matter. [35634/14]

13. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to or met Prime Minister Cameron in relation to the North recently; and if he will make a statement on the matter. [35659/14]

14. **Deputy Micheál Martin** asked the Taoiseach the position regarding his September meeting with the First Minister; and if he will make a statement on the matter. [36512/14]

15. **Deputy Micheál Martin** asked the Taoiseach the position regarding the resignation of Mr. Alex Salmond; and if he will make a statement on the matter. [36513/14]

16. **Deputy Micheál Martin** asked the Taoiseach if he has discussed the new round of talks on Northern Ireland with Prime Minister Cameron; and if he will make a statement on the matter. [37622/14]

17. **Deputy Micheál Martin** asked the Taoiseach when he last visited Northern Ireland; and if he will make a statement on the matter. [37623/14]

18. **Deputy Micheál Martin** asked the Taoiseach if he has discussed the requests for a referendum on a united Ireland with the First Minister or Deputy First Minister; and if he will make a statement on the matter. [37651/14]

19. **Deputy Micheál Martin** asked the Taoiseach if he has discussed the requests for a referendum on a united Ireland with Prime Minister Cameron; and if he will make a statement on the matter. [37652/14]

20. **Deputy Richard Boyd Barrett** asked the Taoiseach if he discussed Ireland's corporate tax regime in any recent meetings he had with British Prime Minister David Cameron; and if he will make a statement on the matter. [37746/14]

The Taoiseach: I propose to take Questions Nos. 5 to 20, inclusive, together.

As Deputies will be aware, the Speaker of the Northern Ireland Assembly, William Hay, has announced his intention to resign as an MLA due to ill health. I know that I speak on behalf of all in this House in wishing the Speaker well and thanking him for the dedication and service he has given to the Northern Ireland Assembly. I know the Ceann Comhairle formed a very strong relationship with Speaker Hay and they were both responsible for the setting up of the North-South Parliamentary Forum, which I think will stand the test of time.

4 o'clock

The British and Irish Governments recently confirmed their intention to convene all-party talks involving both Governments. The Government is of the view that such talks are now required to overcome the current political impasse in Northern Ireland across a range of issues. The Government's priority is to ensure that the institutions of the Good Friday Agreement not only function, but work to the benefit of all. There have been continual discussions between

7 October 2014

the Minister for Foreign Affairs and Trade and the Secretary of State for Northern Ireland over the past number of weeks, including with the political parties in Northern Ireland, to get their assessment of the situation. I understand that the Minister and the Secretary of State are also meeting in Dublin this afternoon.

I have spoken with the British Prime Minister on a number of occasions. There has also been close engagement between our respective officials. The culmination of these engagements was the announcement on 28 September of the intention to convene a new round of talks, with the involvement of both Governments. The precise modalities of these talks will be worked out over the coming period. The Minister will stay in close contact with the Northern Ireland parties and with the Secretary of State in the immediate period ahead as preparations for the talks process get under way. The Minister was in the United States last week, where he had the opportunity to discuss the political situation in Northern Ireland and ongoing support for the process with the US Administration, including the United States Secretary of State and the Vice President.

The Irish Government remains firm in its support for the Parades Commission as the lawful authority on the issue of parades. The Parades Commission does a difficult job in challenging circumstances and its authority should not be undermined. I understand from conversations the UK Secretary of State has had with the Minister that she fully shares our concern that the lawful authority of the Parades Commission must not be undermined. Where specific contentious parades are concerned, experience has shown us that the best means of addressing them is through local dialogue and mediation.

I last spoke with the UK Prime Minister by telephone on Friday, 19 September. On that occasion we discussed the outcome of the Scottish referendum. We also discussed the political situation in Northern Ireland. The Prime Minister and I both want to see the institutions of the Good Friday Agreement working and delivering positive outcomes for the people of Northern Ireland. We maintain very close contact and this will continue in the period ahead. I expect to speak to the Prime Minister again at the European Council meeting later this month.

Last Friday, I chaired the North-South Ministerial Council plenary in Dublin Castle, where I met with the First Minister and the Deputy First Minister. I took the opportunity in advance of the meeting to discuss the current political situation with the First Minister and Deputy First Minister. I urged them to engage wholeheartedly in the new talks.

As regards related issues raised, while I have not had an opportunity to visit Northern Ireland in recent months, I expect to visit Enniskillen in November for Remembrance Sunday and Armagh in December for the next North-South Ministerial Council plenary. I have not discussed the request for a referendum on a united Ireland with the Prime Minister, the First Minister or the Deputy First Minister and I did not discuss Ireland's corporate tax regime during my recent conversations with the Prime Minister.

I have not had an opportunity to speak with or meet the Scottish First Minister Alex Salmond since or in the lead up to the Scottish referendum but I wrote to him recently to convey my personal greetings and good wishes following his decision to step down as First Minister and leader of the Scottish National Party. I intended to ring him but he was unable to take the call because of the follow through from the outcome of the referendum. I also told him that his achievements over the course of his career in politics have been many and impressive and that under his leadership, his party had irrevocably changed the politics of Scotland.

Deputy Micheál Martin: I object to Question No. 7, which asks the Taoiseach if he met the Scottish First Minister recently, being lumped with questions relating to Northern Ireland and relations within Northern Ireland between Britain and Ireland. The idea that questions about Scotland should be grouped with questions pertaining to Northern Ireland is absurd and whoever prepared that grouping should reflect on the matter. We could have an interesting session in its own right on the Scottish experience and whether the Taoiseach had meetings with Mr. Salmond.

I ask the Taoiseach to specifically answer Question No. 17, which asked him when he last visited Northern Ireland. As I did not hear the response to that question in his reply, he might tell me the date on which he last visited Northern Ireland.

The record of this House over the past three and a half years shows that the Government's approach to Northern Ireland has been defined by growing distance and detachment. I have pointed this out on repeated occasions. This is probably the first Government in decades which has been willing to accept the idea that disputes between parties in the North should be left to those parties. I put it to the Taoiseach that this was a complete negation of the entire approach which secured peace in the first place. He seems to be taking the view that the Government is an observer rather than a participant.

The commitment of Sinn Féin and the DUP to promoting their own interests first was always going to lead to vital communal issues not being addressed to the degree that they should have been. The ongoing positioning within the executive is not a good basis for effective government, and hence the need for the Haass talks to commence. I welcome that the two Governments have woken up to the seriousness of the situation and the need to get involved. They are now indicating that talks involving Haass need to resume in respect of a range of issues. However, I do not welcome the failure of the Taoiseach and his Government to state clearly and unambiguously that Dublin must be involved in every aspect of any discussion about changing the structures of power and power sharing arrangements within the edifice that has been created as a result of the Good Friday Agreement and subsequent agreements. I am somewhat concerned about the statement by the Minister for Foreign Affairs and Trade that he will simply be observing developments. That is not good enough. The 1998 settlement involved an international treaty. We changed our Constitution on that basis and our role in Northern affairs was acknowledged. I ask the Taoiseach to confirm that no step back from that position is acceptable and to give us an assurance that he will demand full Dublin involvement from the outset of any discussions about future structures and powers in Northern Ireland. There has been too much detachment over the past several years. I regret to say that but I have been pointing it out as diplomatically as I was able and a very serious situation is now emerging in Northern Ireland in terms of the structures there, the capacity to bring many of these issues over the line and the relationship between the Dublin and British Governments in regard to Northern Ireland. I was struck that when the economic programme was launched in Downing Street by the First Minister, Deputy First Minister and the British Prime Minister, there was no Dublin presence. The event was more than 18 months ago. That said it all.

I ask the Taoiseach the basic question of whether Dublin will be fully involved from the outset of any discussions about future structures and powers in Northern Ireland.

The Taoiseach: The fact that both Governments are getting involved in setting up talks means that we are concerned about what has happened and what has not happened. The people voted for devolved responsibility and authority to be given to the Assembly in Northern Ireland,

and that devolved responsibility was given. The problem was related to the working through of that authority and responsibility. Clearly, there is an issue within the Assembly about the implementation of the budgetary situation for Northern Ireland. It is not for us as a Government to get involved in the detailed discussions about financial allocations or the budget. As has often been pointed out, this Government and the Government that preceded it are co-guarantors of the Good Friday Agreement. The answer to the Deputy's question is "Yes", both Governments will be involved at the level of institutions and the agreements in doing everything we can to support their implementation, be it the Good Friday Agreement or the St. Andrews Agreement, or whatever. That is the responsibility and duty of the Government as a co-guarantor. When former US President Clinton visited Derry recently, he said that he was here 20 years and they should get on with the job. At last weekend's meeting, when I spoke to the First Minister and the Deputy First Minister, I made the point that the Government here had to make difficult choices in respect of the economy and the way the budgetary situation had deteriorated. We still had to make those choices and impose really difficult positions on many people. The economy is beginning to improve and there are signs of confidence in many sectors. It is not for us to determine how the budget for Northern Ireland is to be delivered nor do I have any intention of getting involved in that. The answer to the Deputy's question is yes, we will engage at full Government level, where that is appropriate.

The Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, is meeting with the Secretary of State, Ms Villiers, MP, today. They have had many discussions in the past month. I hope they can put together a structure and agenda for the talks and determine when they can commence. At that stage I will be happy to engage with the Prime Minister in leading the talks and the appropriate Ministers will also be engaged. I encourage the First Minister and Deputy First Minister and everybody else to get involved in this, to see if we can bring about some improvement in several areas.

The Deputy is aware of Dr. Haass's attempt at the end of last year to deal with parades, the past and flags. The US Administration is prepared to make some assistance and co-operation available here. The former Senator, Gary Hart, was in Northern Ireland some time ago.

We do not want these talks to be an interminable series of meetings where nothing happens. There are several priorities on a very broad agenda that should be focused on. I will wait to see the report from the Minister for Foreign Affairs and Trade and the Secretary of State to see where best these can lead. We are a co-guarantor of the Good Friday Agreement and we will see that we play our full part in attempting to work with all the parties to move this forward.

Deputy Micheál Martin: When was the Taoiseach last in the North?

Deputy Gerry Adams: I join the Taoiseach in thanking Speaker Willie Hay for the work he has done. I wish him and his wife well and hope that his health will improve. He worked with the Ceann Comhairle in setting up the North-South Parliamentary Forum. He was very fair in a difficult job in the Chamber. He was also very open to meeting one on the side to give advice on issues. He has been a friend of the process in the North.

That process, as I have said to the Taoiseach and have been saying quietly and diplomatically for the past year to anyone who wants to listen, is facing perhaps its biggest challenge since the Good Friday Agreement. There are three things converging to make that so, the failure of the Governments to honour aspects of the agreements from the signing of the Good Friday Agreement onwards, which are the responsibility of both Governments. That in itself is

wrong. They are in breach, particularly the British Government and, because it is an equal relationship and an international treaty, the responsibility falls on our Government. It gives those negative elements within Unionism who do not want to see change room to manoeuvre because if they think they can stop, delay or dilute processes that is what they will do. The Democratic Unionist Party, DUP, has increasingly been “Trimble-ised” in so far as it does not fully embrace the power-sharing and all-Ireland institutional arrangements. On top of that, since the coalition Government came to power in London there have been cuts in the budget, and austerity - a subject dear to the Taoiseach’s heart - being imposed. There is also an ideologically driven effort to do away with the welfare state. This has caused huge difficulties in England, Scotland and Wales and was one of the key points underpinning the Scottish referendum debate. We can all play politics with these issues but we know the people in the political institutions in the North who do not want change and we know those who want the maximum change.

Deputy Martin cannot resist painting this as two problem parties who cannot agree and need the two Governments to come rushing in. If he was ignorant of these matters that would be an excuse but he is not ignorant of them, he knows the players, the personalities and the parties involved. As someone who comes from the North, who is there every week and who represented people there for a very long time, I can see a convergence of these elements to form an anti-agreement nexus within Unionism. It is anti-process. It is against what is happening. For all that Martin McGuinness stretches himself and tries to do his best, along with others in those institutions, these people are not for moving forward. I am sure there are people like that in states throughout the world, who want things back the way they used to be, who would not allow women have votes or gay people to have rights but they are not allowed to stop the process because politicians lead and progressive politics set the pace.

I welcome the fact that these talks are going to start. I spent the summer talking to everyone I knew who I thought was progressive within the British system, including people who I suspect are spies but they had the right side of this. I went to them. I talked to them on the telephone. I did the same in the United States on two occasions to alert them and did the same privately with the Taoiseach. I told them we have a problem here and no one is trying to sort it out. We saw, through all the media coverage around the twentieth anniversary of the IRA sos, and the very poignant events around the death of Albert Reynolds, how much progress has been made and how much we as a people and others value that progress.

This is a huge challenge for the Taoiseach. His Government does not do the North well. His instinct is not good on it. I do not know how strong the Michael Collins spirit is within Fine Gael but the biggest achievement in politics on this island in the past 30 years was the collective effort of everyone involved in bringing forward the Good Friday Agreement and establishing the arrangements that have been in place since.

I will do everything I can to help. I wrote to the Taoiseach last week in detail about these matters. The Taoiseach is my Taoiseach when he represents us before the British and I will support him in all he does. We need to seize this opportunity to get a pro-agreement axis in place. That means that the Taoiseach has to be a champion for the Good Friday Agreement and all the other agreements.

The Taoiseach: I thank Deputy Adams for his comments. He can take it from me that, while he might feel we have not done all that we should do in respect of Northern Ireland, we take a real interest in it. He may be able to help us because there seems to be an attitude in Northern Ireland that says that Deputy Adams, as the leader or president of his party, does not

7 October 2014

allow the Deputy First Minister to make decisions on the issues that arise in the North particularly in regard to budgetary matters. I do not know whether this is true but I have listened to political comment from the North to the effect that when the discussions take place the matter goes before the *ard-comhairle* of the Deputy's party and that he might have a greater interest in issues in the Republic than in putting through the decisions he has to make. That may or may not be true. I do not know.

In so far as the Government is concerned, I received the Deputy's extensive list, from the Good Friday Agreement on. It contains several issues which would run for a couple of years. There are priorities, however, and we have a duty and responsibility as co-guarantor for Northern Ireland to stand up for the Good Friday Agreement. Champion or not, I would like to think that we could make some progress whenever the agenda is determined. I have spoken to the Minister, Deputy Charles Flanagan, about this. Obviously, he is meeting Ms Villiers today. We need to look at what we can do. We should see whether everyone is willing to move this forward.

I mentioned to Deputy Adams last week that I am concerned about the new issues for the judicial process and the legal people. Even though there is a new generation in Northern Ireland, the deep residue of all the issues of the past - the atrocities, the disappeared and all these things - needs to be dealt with. We need to explore how that can be done in the follow-through of these talks. As the Deputy is well aware, if all that past is translated into the facilities of the present, it will poison the system for the future. We need to look imaginatively at how the reservoir of unconcluded emotion is released. While it will not bring back anyone from either side who is gone, it is an issue that needs to be addressed.

I assure Deputy Adams that I believe it is possible to do something about parades and flags. The Parades Commission has to be strongly supported. I have discussed this with the First Minister and the Deputy First Minister. There is something we can achieve. There can be a practicality in regard to flags. The question of the past is an issue we need to address.

I would like to comment on what might happen if this does not work out and there is a failure to implement the decisions that need to be made from a budgetary perspective in Northern Ireland. The cuts are beginning to take effect in the PSNI. Libraries and other places are closing. If that continues, it could reach the point at which the Assembly collapses, which no one wants to see. In such circumstances, there would be further elections. This would raise the possibility of direct rule, which no one wants to see either. It is a case of deciding to get on with the business, in so far as that can be done. The Governments need to work assiduously together with all the parties to support the implementation of the agreements as we are bound to do.

Deputy Adams has my word that we will give the time and the effort to achieve progress where that can be done. There has to be a willingness on all sides to move it forward. It might be helpful if the Deputy, as the president and leader of his party, could clarify that there are no restrictions on the Deputy First Minister when he is making decisions in that role on behalf of the Assembly and in the interests of moving on. I understand the challenge in the case of welfare reform, which is a big issue in Northern Ireland, as it is down here. I explained to the Deputy First Minister the other day the nature of the changes we had to make here. We can support the difficult challenges arising from some of these decisions. It is a matter for the Assembly to make those decisions and it is a matter for this Government, as one of the co-guarantors, to work with the British Government and all the parties to move this forward. The Deputy has my word on that. It is to be hoped the agenda will be determined quickly and we will get these

talks under way. We will give it our best.

Deputy Micheál Martin: There has been very little movement on the North-South strand. Additional avenues could be pursued, new bodies could be established and the range of projects usefully addressed by the existing bodies could be broadened. Enterprise is one area that springs to mind. There could be significant gains through Enterprise Ireland and Invest Northern Ireland. I recall initiating the first initiative that ensured Northern Ireland companies could go on trade missions overseas with Enterprise Ireland and *vice versa*. That has been added to by the Minister, Deputy Bruton. While I welcome that, we could go further. There is no reason we could not have a single all-Ireland enterprise agency to deal with indigenous companies. Foreign direct investment is a different kettle of fish.

I am aware of the realities referred to by Deputy Adams. There has always been a strand within unionism that has been very negative towards what might be called “North-Southery”, or anything that involves an Irish dimension. Equally, all of us who have been involved over time know that a lot of politics has been played in Northern Ireland. As Deputy Adams said, everyone can play politics. It is a fact that parties go to Governments. This Government’s predecessor was put under pressure to get involved in X and do Y. The issue of parades is a classic example in this respect. I always recollect that both parties swore blind to the two Governments - to Gordon Brown, to Brian Cowen and to me - that they would use their point men to sort the parades. When they left Hillsborough, they told us not to worry about the issue. Both parties and the British Government were resiling from the independent Parades Commission for some reason at the time. The commission called a lot of it right from its inception, when it had strong personnel on board, a clear mandate and the backing of both Governments. Sometimes an independent body like that is the best and most effective way to resolve issues of this nature.

There is a great deal of suspicion about what is happening on the budgetary front. The huge subsidy that is coming from the British Government is a reality. It is asserted that certain key policy personnel within Sinn Féin in areas like employment actions were moved to one side. I read recently that the people in charge of the policy on the welfare front had come up with an agreement, only for it to be shelved. That is fuelling suspicion on the Unionist side. We cannot say we are totally innocent and the other side, if we want to use that perspective, is entirely to blame. I do not think that would be a fair analysis. Sinn Féin has taken decisions - for example, its education Minister has closed 125 rural schools - but it does not seem to want to take decisions on welfare within Northern Ireland. Sinn Féin might argue that such decisions would involve dismantling the welfare state, but I am not sure that would be entirely true. There are significant issues with how the budget from Westminster is allocated and structured. There has always been a heavy security dimension to that. Perhaps this could be revisited. One would suspect that there would be a political rationale for that as well. There are questions about how the budget is allocated and the various areas are given priority. At the end of the day, if an Executive is established and an Assembly is formed, it has to take decisions.

There are moves afoot to undermine the power-sharing arrangement. We need to examine them very carefully. There is a rather simplistic view that one could move straight to a majority-minority scenario. The Executive could be improved, for example, by providing for memorandums to flow far more freely between Ministers. There is too much concentration on the offices of the First Minister and Deputy First Minister, to the detriment of other Ministers who feel alienated. I refer particularly to Ministers from other parties. I am not playing politics when I say this. If one speaks to Ministers from other parties, they will say they are out of the loop on key issues more often than not. They do not get called in until the two larger parties

have made a decision. They are presented with a *fait accompli* at that stage. That is what is said. I always remember being told that no one would talk to David Ford when he was being touted as the forthcoming justice Minister. The DUP and Sinn Féin had decided during their negotiations on various issues that an Alliance person would be the Minister. When I met David Ford, he told me that no one had spoken to him about it. A little straight talking is needed here. It is not a one-way street. In a multi-party arrangement, there has to be parity of esteem for everyone involved. I accept that the electoral strengths of the parties involved must be reflected. No party should be left out of the loop on key issues or squeezed in some way simply because it is represented by just one Minister.

The issues I have mentioned can be resolved. Where there is a will, there is a way. The more fundamental question of the structure needs to be considered carefully. The First Minister has flown that particular kite by saying we need to look at this fundamentally. I would say to the Taoiseach that we need to be very cautious about engaging in that one. I accept that this is very difficult and challenging for all the parties involved. However, middle Northern Ireland, if we can use that phrase to describe people working in Northern Ireland and involved in middle ground or moderate opinion, is disillusioned with the Assembly and the Executive judging from any assessment of poll analyses and so on. The people I have met are genuinely disillusioned. This is a question of how one regains the confidence of middle ground opinion so that it does not turn off politics completely. A longer term issue for the institutions under the Good Friday Agreement is the question of how they and politics might evolve within the North.

I welcome the Taoiseach's comment that the Irish Government will be fully involved in all aspects of these talks. I join with his remarks on Mr. Willie Hay, who I have met quite a number of times. He is a decent individual who engaged significantly with us and was a problem solver as opposed to anything else. A member of the DUP, he made a distinctive contribution to parliamentary relationships North and South.

The Taoiseach: I thank the Deputy. I should think that, when one meets the existing bodies that are in place here, there is a great deal of work that can be done. I do not think one needs to form new bodies for the sake of doing it. That is always the case, be it with Waterways Ireland, InterTradeIreland or the agencies that are in place. There were quite a number of new faces around the table the other day at the North-South. I encouraged Ministers on both sides to engage with one another on a regular basis outside these meetings and to follow this thing through. The Minister, Deputy Bruton, was away in Singapore with the Northern Ireland trade thing. I think that is an important signal, if one likes. I actually said to Prime Minister Cameron that we should do a joint trade mission to a location where it might be appropriate. It would send out another strong signal of the close relationship between Ireland and Britain. I think that is something that we want to work on.

We have spoken before about the corporate tax rate in Northern Ireland versus here. There is an intention - or at least there was anyway - that, after the Scottish referendum, the question of a lower corporate tax rate for Northern Ireland might be approved or might come into being. That in its own way would add to the budgetary problems, I suppose, in Northern Ireland. There will be a loss of revenue, a loss of tax, if the rate is reduced, thereby putting pressure on other budgetary areas. Minister Ford has been very adamant about the impact of cutbacks on his area, particularly in terms of security, the PSNI and all of that.

We did send a number of personnel from Northern Ireland to Brussels on a permanent basis with the Perm Rep during the course of the Presidency so that they were fully informed on the

agrisector, trade and all the rest of it. And actually, when one considers their line of investment into the country, it is quite strong and people are choosing to go to Northern Ireland for specific reasons. I would never object to the island entity marketing itself as a location for investment. In fact, I think that, when I was in Japan and a number of other areas, we engaged actively with the First and deputy First Ministers, who both seemed to be in most of these places. It is very easy to make a case for the island of Ireland as distinct from having two separate presentations about a place that is so small, relatively speaking.

The charge being made about the president of Sinn Féin is that he is restricting his deputy First Minister from making decisions. Now, that is the charge. I cannot comment on it, except if it drifts any further, one will run into serious problems with penalties and an inability to have services provided if the budgetary decisions are not made. Obviously, some of these are very difficult. I take the Deputy's point about everybody being treated equally and that there should not be any undermining of the power-sharing arrangement. Minister Ford is an important entity and should be given his due respect for the office that he carries.

I do not have any objection here to having a debate on the issue as the agenda for the talks becomes apparent. People in the House here may well have some valuable contributions to make as to where we should position ourselves in terms of the Agreement and being a co-guarantor for that. Perhaps that might be an issue that we could address when the dates for the talks are finalised and the structure of the agenda is put in place. The Minister, Deputy Charles Flanagan, will report to Government as that evolves.

Deputy Gerry Adams: It is a bit difficult to know where to start.

An Ceann Comhairle: Maybe start with a few questions.

Deputy Gerry Adams: Let me start on a positive. It is my very strong view that all of these issues can be worked out with political will. It is my strong view that, whatever about the delays, convolutions and distractions, all of these matters will be worked out. The Taoiseach raised the question of whether I was placing restrictions on the Deputy First Minister. Sinn Féin is an Irish republican party. That means we believe in citizens' rights. If one wants to judge any society, one should judge it by the way it treats its poor, its sick, its elderly and its disadvantaged. This is why we are against austerity. It is not a geographical or political piece of manoeuvring. We are against it, sin é, regardless of whether it comes from the Taoiseach's Government or the Government in London.

As a member of an Irish republican party, I am an active united Irelander. I do not see it as just an aspiration or a piece of rhetoric. I think it is an achievable mission. Of course, we must get the Unionists comfortable, as it has to be a united Ireland in which they can feel secure and have ownership. That is what we are working on.

I outlined certain business in my remarks and asked questions on it. The Taoiseach, as is his wont sometimes, ignored those questions about the convergence of different events. But let us recognise this - at the core of some of the opposition is downright bigotry. It is not just anti-North-Southerly. It is anti-Catholic, anti-sectarian and anti-Presbyterian. It is in there and it is something we must face up to. This summer has seen a series of little nasty events in downtown Belfast and other places, racist attacks on the increase and nasty business. Thankfully, no one has been killed, but there are those out there who want to exploit any process of change for their own very narrow advantage.

7 October 2014

Folks should know what they are talking about. I was at Hillsborough. We made an agreement with the DUP. Teachta Martin knows this. The DUP brought it to the Orange Order, but the Orange Order rejected it because the UUP was playing party politics. That is the truth of it.

Deputy Micheál Martin: That is-----

Deputy Gerry Adams: That is exactly the truth of it.

Deputy Micheál Martin: You guys-----

Deputy Gerry Adams: Hold on. Bear with me.

An Ceann Comhairle: I must remind Deputy Adams that this is Question Time.

Deputy Gerry Adams: I understand.

An Ceann Comhairle: I have been liberal because of the need for discussion on some of these wider topics.

Deputy Gerry Adams: Sinn Féin agreed with the Haass proposals, even though they stretch us and those we represent, because we know that, in the longer run, we need harmony, tolerance and respect and we must appreciate that orange is one of our national colours. Our national flag has orange in it. It is not just green. Any unity of the people of this island has to include the unity of orange with the rest of us.

My first request is for the Government to take out the list and ask whether it has actively promoted North-Southery, built on the cross-Border implementation bodies to the degree that they could be and held the British Government to account for issues A, B and C. I attended Sinn Féin's Slógadh in Derry on Saturday. Acht na Gaeilge is still banned. One cannot use the Irish language in court in the North. The thousands of young people whom I meet in my former constituency, including my family members and garpáistí, are being raised through Irish, yet they have no legal right to that in terms of Acht na Gaeilge. There is no bill of rights. There is no civic forum, there is no all-Ireland civic forum and there is no charter of rights for the island. This list goes on and on. These are Government responsibilities and one cannot blame the DUP, the Unionists or Sinn Féin in this regard, as these are Government responsibilities and then the issue is to lead by example. Unionists are as pragmatic as the rest of us and have come a huge distance. The core I described as bigoted and sectarian does not reflect the finer attitudes and the spirit of the business, community or church sectors or of those who I meet every time I am in the North and who want this process to work.

The job of work is not to assure the Taoiseach of my relationship with the Deputy First Minister because in the North he is my leader, in the same way as the Taoiseach is my leader in this State and particularly in dealing with the British Government. The job is to make sure the Government is doing its job in respect of its co-equal responsibilities and obligations under the terms of the Good Friday Agreement and subsequent agreements. This is the challenge because we can do talks that go nowhere or that fiddle around the edges or that assure the people of both States that we are true to the Good Friday Agreement and that the Taoiseach will act as the co-equal guarantor of people's rights.

An Ceann Comhairle: Deputy Martin, who should be brief.

Deputy Micheál Martin: Question No. 7 on Mr. Alex Salmond is related to this issue. Will

the Taoiseach seek a meeting with the British Prime Minister in light of the result of the Scottish referendum? There have been post-referendum suggestions that the constitutional relationship between Scotland and the Westminster Parliament may be reconsidered, as may the entire constitutional edifice between Westminster and the rest, so to speak, which obviously then relates to Northern Ireland as well. As there has been commentary from all the leading British politicians, from David Cameron to Gordon Brown to the leader of the Labour Party, Mr. Miliband, I would appreciate it were the Taoiseach to comment.

When one talks about barriers and so on, one should be straight. As Members are aware, unionism has a problem with a united Ireland. Moreover, Sinn Féin has not helped that and they would perceive Sinn Féin as a barrier to it. For example, the Border poll thing suits the rhetoric and political agenda of Sinn Féin. It is great to say, “We want a Border poll”.

Deputy Gerry Adams: Deputy Martin should support it.

Deputy Micheál Martin: Come on, that is the point.

An Ceann Comhairle: Sorry, through the Chair please.

Deputy Micheál Martin: That is the politics that is damaging. I will put the question to the Taoiseach, namely, is this not the kind of politics that damages faith and undermines trust? What does having a quasi-referendum in County Armagh - when one knows the result anyway - say to the Unionist community? It is a bit like Crimea and so on, in that we will just have a partitioned one again; we will just have a poll irrespective of the context and so on.

Deputy Gerry Adams: How would Deputy Martin vote?

Deputy Micheál Martin: That is playing the politics Deputy Adams accused me and others of doing earlier. I put it to the Taoiseach that if we wish to build trust between the parties in the North, we should work the agreement to which we all signed up and under which there is an obligation on every party. The Good Friday Agreement was passed by the people of Ireland and they voted for that. They did not vote for it to be torn apart within years but they want it to be worked. If one talks to the middle ground people in Northern Ireland - I put it to the Taoiseach that he should go up and meet them - they want it to work. They want the politicians in the North to work the institutions and not to keep looking back to their electoral base time and time again, to the detriment of the institutions and the fulfilment of the potential of those institutions. This is at the heart of the current impasse in Northern Ireland and remains at the heart of the inability of the actors up there to get going and move it in terms of Northern Ireland and of those involved in the institutions, on all sides, to work the thing fully. Unfortunately, the reflex is to go back to one's own electoral base. The whole issue about economic disadvantage has not been addressed in any comprehensive way by the Executive or by both Governments. As for the people of east and west Belfast, it is a crying shame that, in many cases, the children there still do not complete their second level education and that years on from the Agreement, their health indices still are worse than anywhere in Europe. This is the kind of responsibility the politicians of the North should take upon themselves but they do not do it.

Deputy Gerry Adams: That is the Tory party cuts, as the Deputy is aware.

Deputy Micheál Martin: It was long before the Tory party cuts.

An Ceann Comhairle: Thank you.

7 October 2014

Deputy Gerry Adams: The Deputy knows that.

Deputy Micheál Martin: And I know a lot about it.

Deputy Gerry Adams: The Deputy does not know enough about it.

An Ceann Comhairle: Through the Chair please. I call the Taoiseach.

The Taoiseach: Deputy Adams has made an important distinction or clarification here that in Northern Ireland, the Deputy First Minister is his leader while down here, Deputy Adams is his leader. I must assume from this that the allegation made against Deputy Adams politically in Northern Ireland is that he is not restricting the Deputy First Minister from making decisions within the Executive that must be addressed by the Executive. That is what I take from the Deputy's clarification. Clearly, the MPs who are elected from Northern Ireland attend in London and argue for the case for the allocation of more resources for Northern Ireland. The Executive then is given responsibility and devolved authority to make decisions and that is a matter for the Executive. If that is a real problem that is becoming worse, then the inevitability at the end of the line means either the Executive collapses or one follows that with other elections or direct rule and nobody wants that.

At the North-South Ministerial Council held the other day, there was outright condemnation of the burning of the Orange hall in Newtowncunningham and of the burning of the Orange hall in Convoy, the latter of which clearly was arson. People were strongly of the opinion that this certainly is not the direction in which we wish to go. They were outraged by it and condemned it unreservedly. I have raised the question of Acht na Gaeilge and of the bill of rights and it is clear that others do not share that view.

Deputy Gerry Adams: There is no bill of rights here either.

The Taoiseach: As the Deputy is aware, I cannot force it upon them. Deputy Adams should believe that as things begin to improve in respect of the economy here, it might provide a small amount of additional flexibility to work on issues of importance in respect of the North-South bodies. The Government has been clear in this regard and, for instance, in respect of tourism and the Irish Open competition, it has been quite willing to have it allocated to Northern Ireland, as should be, on a regular basis. This will apply again for the future and the big advantage they have had, in terms of the wonderful support for the Giro d'Italia and the forthcoming British Open towards the end of this decade, will be important issues. As for encouraging Ministers on the North-South Ministerial Council to engage with one another, I refer to issues such as the Altnagelvin development and returning to a point at which, hopefully, the Government can assist with the A5. These are issues the Government must consider in terms of support that can be given from here to help Northern Ireland from an infrastructural point of view. However, the Government will engage in regard to the co-guarantorship of the agreement we have.

In response to Deputy Martin, I spoke to Prime Minister Cameron before the Scottish referendum and the last time I met him, we agreed we would have a meeting in Brussels at the next European Council dealing with climate change, emissions targets and so on. It may be necessary to have a meeting beyond that, by going to London. Senior civil servants were over there last week to make arrangements for the commencement of the talks and if it is necessary, I will be happy to do it and of course will advise the House of that.

I agree with Deputy Martin that there is no case at present for a Border poll. There is no

point in wasting time in having a divisive issue, when it is clear that the conditions are not there for it. Northern Ireland's own constitutional status was agreed when the Good Friday Agreement was signed. As the Ceann Comhairle is aware, the Agreement recognises the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland to continue to support the Union with Great Britain or a sovereign united Ireland. That is what the Good Friday Agreement actually sets out. It is important not to confuse the position here with Scotland, where the constitutional question was whether there should be an independent Scotland. Unlike Scotland, there never has been a significant political popular opinion seeking independence for Northern Ireland. It is a different matter and in that sense, there is no point in wasting time in having a divisive Border poll when the conditions are not relevant for it.

Deputy Micheál Martin: Absolutely.

The Taoiseach: Clearly, the conditions set out in the Good Friday Agreement for any Border poll mean they do not exist at present. I would be happy to have an engagement with Members when it becomes clear as to the agenda for and structure of the talks and to engage with all the parties and those Members of the House who may have constructive suggestions to make.

Written Answers follow Adjournment.

Order of Business

The Taoiseach: It is proposed to take No. 1, Civil Registration (Amendment) Bill 2014 [*Seanad*] - Second Stage; and No. 2, Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Bill 2012 [*Seanad*] - Second Stage. Private Members' business shall be No. 155, motion re agricultural industry.

Tomorrow's business after Oral Questions shall be No. 6, Workplace Relations Bill 2014 - Order for Second Stage and Second Stage and No. 2, Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Bill 2012 [*Seanad*] - Second Stage.

An Ceann Comhairle: As there are no proposals to be put to the House, I call Deputy Martin.

Deputy Micheál Martin: On health legislation, I asked the Taoiseach a detailed set of questions on a raft of legislation on the Order of Business some weeks ago that was to underpin the introduction of universal health insurance. I referenced the legislative basis for universal health insurance, when public hospitals would be given autonomy from the HSE, the hospital insurance fund, the patient safety authority and a raft of other measures. The Taoiseach said he would write to me and give me an answer to every item I instanced but I have not received his letter. I would appreciate a comprehensive response to those questions.

On the health Estimates that are coming up and the budget next week, I have asked that there would be a much more transparent budgetary process in regard to Estimates, something that was committed to in the programme for Government. We know what was going on from last year's correspondence between the HSE and the Department; we have learned now 12 months later what was going on then. If we had known on budget day last year what actually was going on behind scenes between the HSE and the Department and Minister, there would have been hell to pay here because it was shocking. Patient safety was raised by the HSE as a big issue at the time. A false budget was put before the House last year in terms of health. There is no other way of describing it. We were given the false figures on the day. I have asked the

Taoiseach will he commit to publishing the correspondence and engagement between the HSE and the Department of Health and the Minister for Public Expenditure and Reform on the health Estimate - that is a week to go - in order that we can make a reasonable assessment as to whether that health Estimate is a valid one in terms of the needs of the health service into 2015? We do not have any sense of that even now days before the budget.

In that context, I asked on the Order of Business last week would there be a debate on the report of the Irish Fiscal Advisory Council in terms of the budget. It is incredible, and it is a sign of considerable disrespect to the council, that we will not have a debate about its very considered opinions in advance of the budget. The entire Oireachtas, essentially, is ignoring what everyone agreed was an integral and essential part of our fiscal and policy framework. We do not even have an opportunity to debate it.

An Ceann Comhairle: Thank you, Deputy.

Deputy Micheál Martin: It is clear that we will not get that opportunity now. There has been no contact to suggest that we will; our Whip has been told that it will be after the budget. Again, that shows the undermining of Parliament and the fact that it is a peripheral body to what is happening in terms of policy formulation. Will the Taoiseach elaborate as to when we will have a debate on the fiscal council's report?

On the national cultural institutions Bill, we have had huge difficulty, as the Taoiseach knows, with the appointment of a person to the board of the Irish Museum of Modern Art. Will the Taoiseach indicate whether the Government is prepared to allow the Minister for Arts, Heritage and the Gaeltacht to come before the Dáil to answer questions on that specific issue and to make a statement on it? It is extraordinary that on an issue that has commanded so much public attention the Minister has not been in a position to come before this House.

An Ceann Comhairle: That is not on the Order of Business.

Deputy Micheál Martin: When will that Bill come before the House?

On the universities (amendment) Bill, which deals with the university sector, the latest reports unfortunately indicate that some of our universities have lost their positioning within the top 200 league table. Clearly, university funding is a core issue. Will the Taoiseach indicate when that Bill will be published?

The Taoiseach: It is projected that the universities (amendment) Bill will be published in the middle of next year.

In regard to the national cultural institutions Bill, the Minister for Arts, Heritage and the Gaeltacht will be in the Seanad this evening to take a Private Members' motion and also an Adjournment matter.

The Estimates have not been finalised yet in respect of a number of Departments. The discussions between the Ministers involved and the Minister for Public Expenditure and Reform will be taking place this week.

Deputy Martin raised the Fiscal Advisory Council report and Deputy Creighton raised a question with regard to it, the IMF report and the European Commission report and I have agreed that we should have a debate but I do not think we will have it before Wednesday of next week. We will allow for people to give their views on all of these matters.

Deputy Micheál Martin: You could not make it up.

The Taoiseach: You could make it up - very much so.

A Deputy: The Deputy was around for long enough.

The Taoiseach: I have a two and a half page reply in respect of the list of questions the Deputy asked last week. It is dated today, 7 October. I can give the Deputy a copy of it now before he leaves the Chamber if he wishes. He raised a point about the Department of Health having initiated a consultation process on the White Paper, that an independent thematic analysis of the submissions was under way and that the report should be finalised by the end of September 2014. Crowe Horwath was the company selected by means of competitive tender. It submitted the final report on independent thematic analysis of submissions in response to a public consultation on White Paper on Universal Health Insurance to the Department of Health on Friday, 3 October, and that will be published later. I will give the Deputy a copy of this reply.

Deputy Gerry Adams: On the provision for mental health services, the programme for Government commits to ensure early access to more appropriate services for adults and children and improved integration with primary care services. In respect of A Vision for Change, in the programme for Government, the Government commits to ring-fence €35 million from within the health budget to develop the mental health teams and services. I know from my own business and from my constituency that there is a dearth of proper provision for people who are suffering with mental health problems. Can the Taoiseach indicate the timeframe for the full implementation of A Vision for Change?

On the crisis in housing, the programme for Government commits to a staged purchase scheme to increase the stock of social housing. In 2013-----

(Interruptions).

Deputy Frances Fitzgerald: My apologies, a Cheann Comhairle.

Deputy Gerry Adams: That is okay.

An Ceann Comhairle: I think we need a new one.

Deputy Michael Healy-Rae: Leo fixed it.

Deputy Eric Byrne: The Minister sounded good on it.

Deputy Frances Fitzgerald: My apologies.

An Ceann Comhairle: I know the Minister did not mean for it to happen.

Deputy Gerry Adams: I am talking about the issue of the housing crisis and the Government's commitment to a staged purchase scheme to increase the stock of social housing. In February 2013, the homelessness policy statement committed to eradicating long-term homelessness by 2016. Could the Taoiseach tell us what is the timeline for acquiring the necessary housing stock? Could he give us an update on the homelessness policy statement and on what measures the Government is putting in place?

The Taoiseach: On the Deputy's last question, this is a matter of considerable priority for the Government, both the demand for houses, the question of social housing and the issue of

7 October 2014

homelessness and those who have been put out of dwellings because of an increase in the rent. I want the Deputy to understand that the Government will respond here next week by setting out a series of proposals in regard to housing, social housing, homelessness and so on as part of the budgetary decisions.

The Deputy asked about the mental health review and the Mental Health Act. The review was in two phases, the first phase of which saw a steering group produce an interim report in June 2012. An expert group was set up in August 2012 to examine the recommendations made in that interim report and it was originally intended to produce a final report in 2013. That deadline was extended in part to allow the group to consider the implications of the Assisted Decision-Making (Capacity) Bill 2013 for the future in terms of mental health legislation.

5 o'clock

The Bill has completed Second Stage and was referred to the select committee last December. A final meeting of the expert group took place on 16 September, work on finalising the report of the group is continuing and it is expected to be presented to the Minister of State, Deputy Lynch, in the near future.

Deputy Gerry Adams: Does the Taoiseach know when it will come before the Dáil?

The Taoiseach: No, but I will update the Deputy.

Deputy Michael Healy-Rae: I am obliged to say that I am a postmaster of a small post office. Will the Government implement the Grant Thornton report on our post office network? This week our postmasters have been informed of a reduction in their incomes of up to 25%. I ask this under the postal services (amendment) Bill and the Government's commitment to retain our vitally important post office network. I am sure the Taoiseach appreciates how important our post office network is.

The Taoiseach: The Bill is due for early next year. The previous Minister, Deputy Rabbitte, wrote to all Departments recommending a series of actions that could increase business for post offices and we are aware of the challenges they face.

Deputy Michael Healy-Rae: Does the Taoiseach support our post office network?

An Ceann Comhairle: We cannot deal with it.

Deputy Michael Healy-Rae: Does he?

An Ceann Comhairle: I call Deputy Kirk.

Deputy Michael Healy-Rae: I would like to hear him say it.

An Ceann Comhairle: Not on the Order of Business.

The Taoiseach: Some 300 post offices closed a number of years ago but that has been seriously reduced and we have recommended a series of actions whereby business can increase in post offices.

Deputy Micheál Martin: The Government has not. The new water charges must be paid through a bank account. Did the Taoiseach know that?

Deputy Paul Kehoe: Deputy Healy-Rae is raking it in. He has the Independent Member's allowance and a post office.

Deputy Michael Healy-Rae: I never bought a Minister's house.

Deputy Micheál Martin: The post office is excluded.

An Ceann Comhairle: Deputy Martin, a senior member of your party wishes to make a point. Deputy Kirk is on his feet. Would you stay quiet?

Deputy Seamus Kirk: The Housing (Miscellaneous Provisions) Bill, which passed through the Oireachtas some time ago, made provision for the introduction of a tenant purchase scheme. Will it be necessary for the Minister for the Environment, Community and Local Government to introduce a ministerial order or a statutory instrument to give effect to the primary legislation?

The Taoiseach: The Minister has given consideration to it as part of the housing situation and will more than likely address it in his proposals next week.

Deputy Peter Mathews: When will the education (admission to schools) Bill come before the House?

The Taoiseach: It is well advanced and I will advise the Deputy as to the current state of play.

Deputy James Bannon: By acknowledging the central role the Garda Síochána has played in providing security to the State and the people of Ireland since its foundation, there is much public concern about our bail laws and the number of people who commit crime a second and third time while out on bail. This undermines public confidence in the system. When will the bail Bill be introduced to improve the integrity of our system?

The Taoiseach: Although the draft heads of the Bill are at an advanced stage in the Department of Justice and Equality, I cannot give the House an assurance as to when it will be published.

An Ceann Comhairle: Progress is being made.

The Taoiseach: Yes.

Deputy John O'Mahony: When is the criminal justice (legal aid) Bill due to come before the House? Legal aid cost €50 million last year and a new EU directive is instructing that criminals be allowed to have a solicitor present when they are being questioned by gardaí or on identity parades. Instead of decreasing, legal aid spending will increase. Funding is there on demand, and while some of our more vulnerable people in other areas seem to be under pressure for funding, there seems to be no restriction on legal aid spending.

The Taoiseach: It is due for the middle of 2015.

Deputy Patrick O'Donovan: On promised legislation, I am sure the Taoiseach will join me in welcoming this morning's jobs announcement in Limerick. The maritime area and foreshore (amendment) Bill is No. 10 on the A list. When will it come before the House? The Bill is to reform the planning system in place in our harbours and estuary areas. Some of the existing legislation and regulations are regarded by those in the business as preventing the creation of badly needed jobs in places such as Foynes in County Limerick.

7 October 2014

The Taoiseach: It is progressing very well in the Department of Agriculture, Food and the Marine and is expected to be published in this session.

Deputy Michael Moynihan: Regarding the proposed social welfare legislation which will arise following the budget, letters that have gone out from the Department of Social Protection regarding the water charges contain a clause asking people to authorise that all future payments due from the Department of Social Protection be paid directly to a financial institution, thereby bypassing the An Post network. I encourage the Taoiseach, ask him and demand that he withdraw this clause and ensure any legislation coming before the House-----

An Ceann Comhairle: What legislation is the Deputy asking about?

Deputy Michael Moynihan: The social welfare Bill. I ask that the clause be excluded from the legislation and any future legislation.

The Taoiseach: In all these cases the choice is the person's.

Deputy Micheál Martin: No, the person has no choice.

An Ceann Comhairle: We cannot debate the issue.

The Taoiseach: If the Deputy gives me a copy of it I will examine it. I am informed by the Minister for Social Protection that when people are asked whether they want their allowances paid into a post office or a bank account, the vast majority nominate a bank account.

Deputy Michael Moynihan: There is no choice.

Deputy Lucinda Creighton: To follow up on Deputy Martin's point, last week the Taoiseach advised the House that there would be a debate on the report of the Irish Fiscal Advisory Council, which specifically deals with the budgetary outlook for 2015. It contradicts much of what we have heard from the Government in recent weeks regarding its budget plans. It seems extraordinary that the Taoiseach seems to have changed his mind and is now informing the House that a debate will take place after the budget, which would be pointless and futile. Perhaps the Taoiseach could clarify.

The Taoiseach: As the Deputy well knows, the details of the budget have not yet been finalised. The arrangements for a debate depend on the availability of the Minister. He has a very packed schedule between here and the presentation of the budget next week, as the Deputy is well aware. It is not due to any reluctance to have a debate, but simply a question of time and availability. The Ministers for Finance and Public Expenditure and Reform have hectic schedules for the next few days.

Deputy Micheál Martin: The Irish Fiscal Advisory Council report is irrelevant.

Topical Issues

School Funding

Deputy Lucinda Creighton: I thank the Minister for taking the time to come before the House and the Ceann Comhairle for selecting the topic. I raise the need to preserve parental choice for secondary schools. As a result of the sustained reduction in funding this Government

has introduced, more and more fee-paying schools are being forced to enter the free education system, which is a worrying trend. By and large, parents who send their children to fee-paying schools are not the elite or multi-millionaires the media would often have us believe, but rather, parents who choose to make sacrifices to give their children the best possible chance in life. They opt out of extra holidays, or any holiday. They work hard, pay taxes and save the State a large amount of money.

It is interesting and worrying to note that three long-established fee-paying schools entered the free education system this year, Gormanstown College in Meath, Newtown School in Waterford and the oldest school in the country, St. Patrick's Cathedral Grammar School, which happens to be in my constituency. This follows similar withdrawals by Kilkenny College and Wilson's Hospital School in Multyfarnham. A number of others have indicated that they, too, may be forced to leave the fee-paying system and join the public system. This is at huge cost to the State. The cost of educating children is not totally borne by parents but is also an obligation on the State. However, the annual cost of a pupil's education in a fee-paying school is €3,710 compared to €8,900 in a free education school. An independent report produced in recent months shows that should the 25,600 students who are currently in fee-paying schools be forced into the free education system, it would cost the State an additional €133 million per year. There is a major cost implication for the State.

I am also concerned about the education (admission to school) Bill, which Deputy Mathews raised already on the Order of Business, but perhaps I will get a chance to raise it in a moment.

Deputy Peter Mathews: I underline what Deputy Creighton has said. The cost of a pupil in a fee-paying school is €3,710 compared with €8,900 in a free education school. On the basis that there are 25,600 students currently being educated in fee-charging schools, the transfer over to full reliance on the State would cost the citizens of Ireland a staggering €133 million per year.

Fairness in education implies two levels, the first of which is that all children get a secondary education. The second is that if parents wish to support, in addition to that fairness of education in the secondary school classroom, additional elements such as sports and extra activities, and if they are willing to pay for them from their after-taxed income, that should be allowed. It is a choice of theirs. They set aside after-tax earnings which they could spend on themselves. It is wrong to shoehorn parents away from making that valid preference. Rather than immediate consumption, they set aside consumption in order to educate more widely and develop their children, in sports or in other ways. It is not fair to put the focus on the private fee-paying schools. It is not equitable. Even the teacher-pupil ratios in those schools have been disimproving as a result of the shoehorning.

There are other areas of economic benefit that the private schools provide. They have non-State-funded teachers. They have secretarial and administrative staff who are paid. The care-taking personnel receive income, as do catering staff, cleaners, medical and sickbay staff, maintenance and groundskeepers, financial support staff, bursars, night staff in boarding schools and security staff. All of these involve extra income being generated, extra families being fed and extra staff being employed in the economy as a result of the choice by some parents to bolster the education that should be equally and fairly provided to the children of the State.

Minister for Education and Skills (Deputy Jan O'Sullivan): I thank Deputies Creighton and Mathews for the opportunity to address this issue and to outline for the House the position

on post-primary education.

The Deputies will be aware of the challenging economic environment that forms the backdrop to all decisions relating to the public finances. While the Government has tried to protect front-line services, difficult choices had to be made to identify savings across all Departments.

Achieving savings in education is particularly difficult given the significant increases in the overall number of pupils in our schools. Teacher allocations to all second level schools are approved annually by my Department in accordance with established rules based on recognised pupil enrolment. The criteria for the allocation of posts are communicated to the management of schools annually and are available on the Department website. In accordance with these rules, each school management authority is required to organise its subject options within the limit of its approved teacher allocation.

At post-primary level and in accordance with existing arrangements, where a school management authority is unable to meet its curricular commitments within its approved allocation, my Department considers applications for additional short-term support, that is, curricular concessions.

The allocation process also includes an appeals mechanism under which schools can appeal against the allocation due to them under the staffing schedules. The appeal procedures are set out in the published staffing arrangements. The appeals board operates independently of the Department and its decision is final.

The deployment of teaching staff in the school, the range of subjects offered and, ultimately, the quality of teaching and learning are in the first instance a matter for the school management authorities. The Government's focus in recent years has been on operating a budgetary programme that is designed to return the Government finances to a sustainable basis. This included budget decisions which brought guidance provision within the staffing schedule allocation for post-primary schools and an adjustment to the ratio for fee-paying schools.

I acknowledge that bringing guidance within quota is challenging for schools. However, the alternative was to adjust the pupil-teacher ratio staffing allocations. The budget decision sheltered the impact for all DEIS post-primary schools by improving their standard staffing allocations.

The budgetary decision to increase the pupil-teacher ratio for fee-charging schools reflects the fact that fee-charging schools have resources, as Deputy Matthews stated, through fees charged, to employ teachers privately, an option that is not available to schools in the free education scheme.

The Government recognises the importance of ensuring that students from a Protestant background can attend a school that reflects their denominational ethos, while at the same time ensuring that funding arrangements are in accordance with the provisions of the Constitution.

The Department is open to having discussions with any fee-charging school which may be considering how best to continue to provide education to its pupils. Where such discussions occur, they will be conducted on a confidential basis. Five fee-charging schools have joined the free education scheme since the school year 2010-11.

Since 2009, cumulative savings of over €25 million have been realised as a result of the

changes to the staffing of fee-charging schools. That sum significantly outweighs any additional cost incurred as a result of schools entering the free scheme, and has also allowed for a much greater protection of free schools than would otherwise have been possible. On the financial argument, the savings have outweighed the costs to which the Deputies referred in relation to the schools that have come into the free scheme.

It has been the overarching policy of education in Ireland since the time of former Minister, the late Donogh O'Malley, who introduced free education in the 1960s, that free post-primary education should be available to parents while acknowledging that schools are free to choose to stay out of that scheme. The intention is that parents should have access to post-primary education that is free to their children. There were difficult decisions that had to be made in recent years and the changes that were made with regard to fee-paying schools were made in the context of a budgetary position which, I note, Deputy Creighton raised previously on the Order of Business with regard to the Irish Fiscal Advisory Council. We had to cut public spending to fit in with our commitments and this decision was part of that.

Deputy Lucinda Creighton: I thank the Minister. I appreciate that she is operating in difficult and constrained circumstances but it is a little disingenuous, perhaps not on her part but on that of her officials, to suggest that the €25 million somehow is directly connected to the cuts that have been specifically targeted at fee-paying schools, which, of course, is not the case. These cuts are across the education sector and that is somewhat misleading.

It is interesting that the Minister reflects on the fact that fee-charging schools have resources through fees charged to employ additional teachers, etc. This is the issue. They are being driven out of the fee-paying sector and into the free education scheme, which puts additional pressures on the public purse.

I fully subscribe to the vision of the late Donogh O'Malley. He was a visionary and his vision still has its imprint on Irish education. However, the essential point, which in a sense is reflected in the Constitution as well, is that every child deserves the same support from the State. Once every child is treated equally and every child is given the same degree of access and the same support by the State, which is the principle of universality, above and beyond that support by the State it is the choice of parents. Some parents choose to spend their additional disposable income on ski holidays or other options in terms of personal expenditure and some make significant sacrifices and forgo everything to send their children to a fee-paying school in order to further their children's education, and that choice is something that is now being diminished because of the choices of the Government. That is regrettable.

I look forward to when the Bill on schools admission policy comes before the House. Unfortunately, I will not have the opportunity to raise it now.

Deputy Peter Mathews: I again thank the Minister for being present and for her reply. I agree with Deputy Creighton that the Minister's officials are very selective in what they choose to present her with. If it was discovered that children in any type of school, be it voluntary or fee paying, were doing additional subjects paid for out of their parent's post-income tax income, it would be absurd if it was decided it would be better to change the ratio of teachers to pupils in the schools where those children happened to do music, dancing or sports outside of the school. Deputy Creighton is correct that one should provide a universally fair system of support on the teaching support salaries. The point is that anything extra that parents decide through the management of the school or through their own support of the school management is additional

and should not be penalised.

It was said the savings would amount to €25 million. What about all the caretaking staff, catering staff and cleaning staff that would have to be let go? Millions of euro are involved in that respect. The sum of €25 million is most selective. I blink and pinch myself because I do not believe it. Officials should not do that. It is more than misleading; it is totally disingenuous.

Deputy Jan O’Sullivan: The schools that have come into the free scheme have made the decision themselves. There are a relatively small number of fee-paying schools. It is not the case that choice is being entirely taken away. I hope all schools would have access to sport and music for students. We want to provide equality of opportunity for all children. That is why we have delivering equality of opportunity in schools, DEIS, for example, where we favour certain schools because they cater for children with disadvantaged backgrounds. I do not agree with Deputy Mathews, as I do not think the argument is as straightforward or simple as the one put forward by him.

I visited one of the schools that have come into the free scheme recently and the number of students has considerably increased. The school is now able to cater for a larger number of parents who wish to send their children to this school because now they do not have to pay fees anymore and they can afford to send their children there when they could not afford to send them there previously.

Concern was also expressed about the admissions to school Bill. I intend to provide plenty of opportunity for discussion. I reassure Deputies I have not closed my mind on any issue.

Road Safety

Deputy Dessie Ellis: Our communities have been plagued for years by the use of quad bikes and other similar all-terrain vehicles, ATVs. They are on our streets, in our parks and open spaces, and in built-up areas with foot traffic, including small children. People have been killed and injured by the misuse of these vehicles. In my area a young man was killed recently when he was thrown from one such vehicle. People are terrified out of their wits walking on paths in parks in particular.

Some of the people using the vehicles are as young as six or seven years old and they have little or no experience or even any supervision. The use of ATVs is accompanied usually by a complete disregard for safety or protective clothing. Helmets, pads or protective wear are never seen on the mostly young boys in and around estates, on parks and in green areas. The issue has been raised repeatedly at residents meetings, drugs task force meetings and joint policing committees, JPCs.

We must have rules and regulations on where such vehicles can be used, in addition to basic training requirements and licensing. We must also give the Garda clear guidelines to deal with them, how the vehicles can be seized and how repeat offenders can be stopped from using them. The proliferation of such vehicles at Christmas is a scourge for urban neighbourhoods. Parents must be more responsible and must also be held responsible. It is not my aim to criminalise anyone using such vehicles responsibly but to tackle their misuse which has a very severe anti-social element to it.

The old Dunsink landfill site in my area at any given weekend has 30 to 40 bikes and quads rallying through it all day and all night. Unfortunately, for residents living in the estates nearby, that means they cannot rest with the ceaseless noise. Plans by the local authority in Fingal to build a track that would be properly maintained and supervised at the top end of the site are welcome. Local authorities must be more proactive in providing amenities for young people. Dublin City Council has made positive moves in the provision of a local track in East Wall.

Senior gardaí and Dublin City Council officials are all aware that the use of these vehicles in public spaces and parks is a problem, but gardaí have told me that they do not have sufficient powers to seize and hold vehicles to tackle the problem. I introduced a Private Member's Bill on the issue in March. According to the Minister, the Garda Commissioner said that legislation was not required as no problem existed, yet a number of Deputies present agreed wholeheartedly with my Bill and reiterated the issues I had raised in my contribution. We know there is a problem, as do the people living in these areas. We do not accept the dismissal from the Minister.

In conversation, gardaí have repeatedly referred to a loophole which makes seizure difficult when vehicles are being operated in local authority designated public spaces and parks. Following any seizure that has been made, the vehicle must be returned on request and it is clear that those responsible continue to cause trouble. The cost in terms of damage to the green areas, shrubbery, trees and paths as well as fencing and playing fields is another major problem in hard-pressed communities that have suffered deprivation. We must act to restore our parks and greens to places of relaxation, community, wildlife and nature. We need safe and secure parks for all, not to have to look over our shoulders while out walking wondering when the next vehicle is coming up behind us.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Ann Phelan): I am responding to this Topical Issue matter on behalf of my colleague, the Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe.

I thank Deputy Ellis for raising this important issue. It is difficult to deal with the nuisance level of the problem outlined. The first concern of a Government when it comes to the use of mechanically propelled vehicles is safety. That applies to any form or use of such vehicles. I agree with what I understand to be Deputy Ellis's position, that people using mechanically propelled vehicles on green areas in public, such as in public parks, can sometimes pose a serious risk to members of the public. I do not believe anyone would disagree with him in that regard. The primary responsibility for using a mechanically propelled vehicle in a safe and socially responsible way rests with the person in charge of that vehicle. Misuse or anti-social use of such vehicles can pose a serious danger to the public. Unfortunately, there are people who use vehicles irresponsibly in public parks, just as there are people who drive irresponsibly on the roads.

The question at issue is what the law has to say about people using such vehicles on green areas in public. I am aware Deputy Ellis published a Private Members' Bill on this topic, as he outlined. I agree with him that the law should address the matter. An Garda Síochána has been contacted about the issue raised by the Deputy and has stated that it believes it has the necessary powers to deal with the cases in question under the Road Traffic Acts. Based on the definition of a "public place" and "mechanically propelled vehicle" in those Acts, the Garda is satisfied that road traffic law applies in public parks and that the powers granted to the Garda under the Road Traffic Acts may be exercised there. The powers allow the Garda to stop a mechanically

propelled vehicle and demand production of a licence or learner permit, as the case may be. Let us not forget that drivers of quadricycles must be licensed.

In addition, the Garda may inspect the vehicle for compliance with vehicle standards legislation. The legislation makes it an offence to drive without reasonable consideration, to drive carelessly and to drive dangerously. The Garda is satisfied that any of these charges could be brought, where appropriate, in the circumstances to which Deputy Ellis refers. End of Take The Garda has indicated that a prosecution could be brought in these circumstances under the Criminal Damage Act, if appropriate. The Garda has powers of seizure, detention, storage and disposal of vehicles under section 41 of the Road Traffic Act 1994. As the Garda Síochána is satisfied that the necessary powers exist to deal with the matters raised by the Deputy, it does not appear that further action is required.

Deputy Dessie Ellis: I have in my hand a simple Bill that was compiled with the help of Dublin City Council officials to address what senior gardaí, including superintendents and those on joint policing committees, JPCs, identify as a legislative problem. Like the Minister of State, Deputy Ann Phelan, the former Minister and Deputy, Mr. Phil Hogan, said that the Garda Commissioner sees no need for extra laws. Every garda on a JPC says this is wrong and must be re-examined as there is a problem with existing legislation that must be addressed. It has been repeated by the Minister of State that gardaí believe there is no problem but this is not true. The drugs task force, senior gardaí and Dublin City Council officials have raised this matter so the Minister of State should go back to the drawing board to find out where this information comes from. If the information has come directly from the Garda Commissioner, as in the past, it must be examined, although a new person now holds that position. We must find out why this information was given to the Minister of State because it is inaccurate.

I seek to reintroduce my Bill and have the issue I raise re-examined. We must look at the legislation properly because ordinary gardaí and superintendents recognise that there is a problem. They cannot all be incorrect so there is something wrong in the information supplied to the Minister of State. Can I reintroduce my Bill as it waited two years in a queue? It is an urgent issue - a matter of life and death in some cases - because people cannot rest in their local parks due to these vehicles. Gardaí cannot seize these vehicles because if they do so, they must give them back. Gardaí cannot hold on to the vehicles.

Deputy Ann Phelan: We are all trying to deal with these issues through county councils as they fall into the area of nuisance. On the issue of the consumption of alcohol in public places, county councils were able to introduce by-laws that reinforced the work of gardaí to deter such conduct. I suggest the Deputy ask Dublin City Council to introduce the by-laws necessary to underpin the work of the Garda. Nuisance can be difficult to deal with. The Deputy said people could be knocked down and killed and that is of serious concern, but I think Dublin City Council has a large role to play. I suggest the Deputy revert to the council.

Deputy Dessie Ellis: The definition under the Act is the problem. The problem does not lie with local authorities.

Pensions Levy

Deputy Mary Mitchell O'Connor: On 14 October the much anticipated budget for 2015 will be announced and rumours are rife about what will be cut. I voice the concerns of around

420,000 people who will learn next Tuesday whether their hard-earned savings will be taken from them again. I refer to those who contributed to a defined benefit pension scheme and who, since 2011, have been subject to a pension levy of 0.6%. A further 0.15% levy has been applied since last year's budget. This levy was originally to apply for four years to generate funds to create up to 100,000 jobs, among other things. The jobs are being created and the economy is improving, all of which is very welcome. The pension levy has served its purpose. Older people who were frugal and saved for their pensions were penalised and now deserve a break. The Government promised that the levy would be a temporary measure, so now is the time to show these people our appreciation for their help in steering the country from an economic and employment crisis. We must give something back. The levy was due to end this year but in the last budget it was extended and increased. If it continues indefinitely at a rate of 0.75%, the average fund will lose €36,400. If it is retained at 0.15%, workers will lose €9,500 on retirement. This cannot be allowed to happen any longer.

This morning I received another letter from a frustrated constituent in Dún Laoghaire:

I worked my whole life to build up a private pension fund just the same way I worked hard to own my own house and to contribute to private health insurance for the best part of 30 years. My wife and I are self-reliant. We save so we can spend. We don't have a penny of borrowings. I have never looked to the State for a penny and now, just as I come close to retirement age, I find €40,000 being stolen from my private property - a fund that is already diminished by the long-term underperformance of the pensions industry.

This is the reality for many who saved for private pensions. They are not the elite in this country but ordinary people who saved for old age. It seems we are punishing individuals who had the foresight to provide for old age, pay their taxes and prepare for retirement. These individuals paid their taxes through the difficult recession years of the 1980s and now they are being punished by another recession. They do not march in the streets or telephone Joe Duffy but they are still treated badly. I know the Minister of State is a man of his word. The people put their confidence in Fine Gael to be true to its word. The pension levy has met its objectives and I urge the Minister of State to abolish it next week and allow these people to enjoy their hard-earned retirement years.

Minister of State at the Department of the Environment, Community and Local Government (Deputy Paudie Coffey): I thank the Deputy for raising this matter that is of concern to her and many others. I am taking this Topical Issue matter on behalf of the Minister for Finance, Deputy Michael Noonan.

The Minister for Finance announced in his budget 2014 speech that the 0.6% pension fund levy introduced to fund the jobs initiative in 2011 would be abolished after this year. He did, however, introduce an additional levy on pension funds at a rate of 0.15% for 2014 and 2015 to continue to help fund the jobs initiative and also to help provide for potential State liabilities that may emerge from pension funds facing difficulties. The abolition of the 0.6% levy after this year and the application of the 0.15% levy for this year and next are reflected in the Finance (No. 2) Act 2013 which gave legal effect to these budget 2014 announcements.

The reduced VAT rate of 9% on tourism and certain other services was one of the very significant and successful measures introduced by the jobs initiative. It was due to end in 2013. In his Budget Statement the Minister announced the continuation of the reduced 9% VAT rate. He also announced that the air travel tax was being reduced to zero with effect from 1 April 2014.

The 9% VAT rate has helped to create thousands of new jobs as well as protecting existing jobs. Since the budget announcement about the reduction in the air travel tax, airlines have announced the opening up of new routes, resulting in significant increases in passenger numbers with the associated increase in tourism activity and employment.

The Minister for Finance also said in his Budget Statement that the additional 0.15% levy for 2014 and 2015 would be used to help make provision for potential State liabilities which may emerge from pre-existing or future pension fund difficulties, although funds from the levy would not be specifically set aside for this purpose. The Government decided that such liabilities will be met by the Exchequer as they arise.

The value of the moneys raised from the stamp duty levy on pension fund assets has been used over the period since 2011 to fund the wide range of measures introduced in the jobs initiative to protect existing jobs and create new jobs. These include expenditure measures such as the JobBridge and the Springboard schemes. Aside from the reduction in the VAT rate from 13.5% to 9% for the tourism and hospitality sectors, other tax measures introduced as part of the initiative include halving the lower employer PRSI rate.

With regard to the impact of the jobs initiative, the most up-to-date data, the Quarterly National Household Survey for quarter two, 2014, indicates an additional 40,300 individuals are employed in the economy when compared to same period in 2011. Furthermore, an additional 23,300 individuals are employed in the tourism and hospitality sectors, which are the sectors that specifically benefit from the reduction in the VAT rate from 13.5% to 9%.

The jobs initiative also included a number of current and capital expenditure measures, including a number aimed at retraining the workforce. The JobBridge scheme, for example, has exceeded the 5,000 places originally set out in the jobs initiative programme. Due to demand for places, extra funding was provided to the scheme, with funding for a weekly average of 6,740 places in 2014. As of the end of August 2014, the total number of internships taken up under JobBridge, the national internship scheme, had passed 32,000. Indecon economic consultants undertook an evaluation of the scheme in 2012, which was published in April 2013. Its report found that 61.4% of the JobBridge survey respondents were in employment within five months of finishing their internships.

The Government is conscious of the significant contribution of taxpayers generally to the rebalancing of the public finances and to the measures introduced to support and develop the economy. There has been progress in these areas. These efforts are ongoing, including the continuation of measures in the jobs initiative designed to improve the economic environment by providing the means to encourage job creation in the areas of our economy most likely to deliver employment in the shortest timeframe possible.

Deputy Mary Mitchell O'Connor: I thank the Minister of State for his response. I fully understand the pension levy has been put to good use. I ask the Minister State to ensure that ordinary decent people who saved for their pensions are not levied again next year. They did the right thing; they paid from the 1980s until now, when they want to enjoy their retirement. We gave a commitment with regard to a timescale. I ask that we do the right thing and I ask the Minister of State to keep this promise and give these responsible people a break in budget 2015.

Deputy Paudie Coffey: I will bring the Deputy's concerns, which I know are very strong, directly to the Minister, Deputy Noonan. I cannot second guess at this stage what exactly he

will include in his budget announcement on this day week, but I assure the Deputy her concerns will be brought to the attention of the Minister and his officials immediately.

Radio Broadcasting Issues

Deputy Willie Penrose: This issue has been exercising a number of people, including myself and numerous musicians over the years. The abject failure of our national airwaves to afford a forum for our talented Irish musicians has come to public attention again by way of an excellent polemic on the subject by Johnny Duhan, a Galway-based composer, singer and musician who is originally from Limerick. His pedigree goes back to Grannies Intentions and his song “Don’t Give Up Till It’s Over” is acclaimed worldwide.

Mr. Duhan’s well-argued and constructed thesis on the subject leads one to conclude he is on *terra firma* when he alludes to the French position, which is to guarantee air time for its own music. Nothing except the lack of goodwill and ambition is stopping Ireland from pursuing a similar policy. It appears that more than two decades ago the then French Government demanded and secured approval at EU level to introduce legislation which permits a quota system of at least 40% of French music to be played on French radio on the simple grounds that its culture and language were threatened by the proliferation of English-based popular music then taking root across the airwaves with no geographical boundaries.

With regard to equality of treatment for its citizens, there is no reason Ireland could not avail of a similar legislative exemption if the Irish Government had the will to pursue a similar policy. It is well argued by Mr. Duhan that we are more vulnerable than any other EU country as we are very near England, and as many of our singers generally sing in English we are more exposed and susceptible to the cultural influence of England and the US than any of our EU partners. Irish musicians and artists have a huge task to try to maintain and protect their cultural identity, as Johnny Duhan so eloquently put it in a recent article in the *Sunday Independent*. He asserts the fact that they manage to survive this mammoth struggle with such a low level of support from radio is a mark of the strength of their music, literary heritage and abilities.

I support unequivocally Mr. Duhan’s argument that there has been too much placid acceptance by the Government and authorities of the view that Ireland would not be allowed by the EU to legislate for a similar quota system as happened in France. Who advanced the rather spurious argument to back up this inaction, that the introduction of such legislation to pursue a quota system would give us an unfair advantage over our EU musical counterparts and so discriminate against them? It is nothing but a dose of bureaucratic twaddle; anything to portray ourselves as supplicants or poodles who must always be seen as good Europeans and always obedient. Johnny Duhan undermines this argument when he states our European musical counterparts have a clear advantage over the Irish by the fact they sing primarily in their own language, because radio audiences throughout Europe still have an appetite to hear a high proportion of music in their native tongue.

Radio is very important for musical acts. It can turn little-known acts into big acts and move them out of pub backrooms and into theatres. It can truly make or break an act. Sadly, in Ireland, it is breaking them in the wrong way, by breaking their backs because by and large it ignores them completely. Irish bands of all genres do not get fair airplay. Stations such as RTE and other commercial stations should have a quota for the amount of Irish music played and they should step up to the mark. We must remember it is Raidió Teilifís Éireann. France is the

only country in Europe with a specific quota for national music. In Ireland, there are voluntary commitments under the Broadcasting Association of Ireland licence whereby the Broadcasting Commission of Ireland makes certain independent stations play a certain amount of music. However, what is defined as Irish in these situations can be alarming. One Direction features an Irish man, Niall Horan, of whom Mullingar is very proud and he is a great personal friend, so it can be construed as Irish. Rihanna recorded vocals for a hit in Dublin and she became Irish. A Kylie Minogue hit, played off the radio some years ago, was classified as Irish because parts of it were recorded at Windmill Lane Studios in Dublin. Crazy loopholes such as these means we need a broad quota of Irish music.

RTE is meant to be a public service broadcaster, but its main stations do little for public service when it comes to broadcasting Irish music and Irish artists. In the UK, BBC radio promotes emerging acts with gusto but in Ireland the chances are one will hear the same international hit time and time again. The best daytime radio on RTE is Ronan Collins on Radio 1 because he has a genuine love and appreciation of Irish music and plays all sorts of music. Only John Creedon later in the evening is the same. For the most part, RTE Radio 1 and RTE 2fm care little for Irish music. It is time our national broadcasters started to take this matter seriously and I ask the Minister to ensure this is taken on board.

Deputy Jan O’Sullivan: I apologise on behalf of the Minister, Deputy White, who unfortunately cannot be here. I am taking the debate for him and I will convey to him the points raised by Deputy Penrose, particularly with regard to the research done by Johnny Duhan, whom I have met and who, I know, has great passion for this area. I will also convey the Deputy’s suggestion that the French have been able to find ways of implementing certain quotas for themselves.

The Broadcasting Act 2009 provides the statutory framework for the licensing and regulation of broadcasting in Ireland. The Act established the Broadcasting Authority of Ireland and sets out a range of general and specific objectives for the BAI including regulating content across all Irish broadcasting services. It is an independent statutory body and section 24 of the 2009 Act states that the authority shall be independent in the performance of its functions. The Minister, therefore, has no function in this matter.

Programming obligations are imposed on broadcasters under the Broadcasting Act 2009, which also sets out the objectives of the national public service broadcasters. In pursuit of these objectives, RTE and TG4 are charged, *inter alia*, with ensuring that their services reflect the varied elements which make up the culture of the people of Ireland and “have special regard for the elements which distinguish that culture and in particular the Irish language”. RTE and TG4 publish detailed commitments each year setting out how they intend to meet their public service obligations and objectives as set out in the Act. The extent to which the commitments entered into by the two public service broadcasters have been met is reviewed annually by the BAI.

Regulation of radio and television services, additional to those provided by the national public service broadcasters, is a matter for the BAI. Matters relating to broadcast content on commercial radio are the subject of contractual negotiations between the BAI and commercial radio operators. In submitting their initial licensing applications to the BAI, such broadcasters put forward commitments in regard to how they will deal with a range of broadcast issues, including public service commitments and, where appropriate, more specific commitments, for instance, in regard to the playing of Irish music.

If they are successful in their licence applications, these commitments form part of the terms and conditions of the relevant broadcaster's actual licence, compliance with which is monitored by the BAI. This policy approach is seen as appropriate in that it deals with the differing requirements of commercial and public service broadcasting. For commercial broadcasters, it is seen as an effective means of leveraging public service-type commitments that take full account of the specific broadcaster's business proposal. As for public service broadcasters, the existing process provides an iterative approach that is sufficiently flexible to ensure the changing needs of society continue to be addressed.

While the Minister fully supports the promotion of Irish music in our broadcasting services, the policy approach taken to this issue must be consistent with EU and Irish regulatory structures. While I know the Deputy challenges this, it is believed that a quota system for music could not therefore be based simply on the nationality of the musicians, singers or producers, thus discriminating against works produced by nationals of other member states. Such a move was considered in the past but fell foul of EU law on this basis. I take the Deputy's point that another EU country was able to do it. I am sure the Minister, Deputy White, will give full consideration to the information the Deputy has and the research he has done. It is important to ensure any quota system does not infringe on Article 18 of the Treaty on the Functioning of the European Union, which expressly prohibits discrimination based on nationality, and other provisions governing the fundamental freedoms under the treaty, such as Article 49 on freedom of establishment and Article 56 on free movement of services, in respect of nationals of other member states.

It is the Department's view that the best approach to be followed on this issue is one of direct engagement with the radio sector with a view to establishing a mutually acceptable treatment of Irish music. This is likely to produce a far more successful and sustainable position in regard to the broadcasting of Irish music than seeking the imposition of a quota.

The Deputy has made strong points and I will bring them to the attention of the Minister, Deputy White.

Deputy Willie Penrose: I am not surprised by the nature, tone and tenor of the argument which is political cowardice of the highest order. If the French can do it, why can we not do it? This is not about just playing Irish music for the sake of it, tokenism, a contractual obligation or a box-ticking exercise. Obviously listeners have to want to hear it, but if they are not hearing it at all, how can we foster a love for Irish music, in whatever genre - rock, pop, country, traditional, folk, and so forth?

If we are to introduce a quota, it must apply during the day, as there are stations which will fulfil their obligation by playing Irish acts or having specialist Irish shows late at night or very early in the morning in order to tick the boxes.

If Irish music gets multiple plays, these will sell the music and create a positive cultural environment where jobs can be created and careers sustained. More people will go to gigs by Irish acts and those acts will have the wherewithal and the means to bring their music abroad. Many Irish acts are making it abroad having been ignored by their own radio stations. Some Irish acts have to rely on YouTube to get their message out. I have spoken to Irish performers who say they are more appreciated abroad for being Irish musicians than they are at home. I think this is a joke.

7 October 2014

We are lucky with some of the local radio stations. Joe Cooney on Midlands Radio 3 makes a special effort to have a daily country music programme and gives Irish artists an opportunity to be heard. He takes in their tapes, CDs and everything else. That is going on every week. The same is true with Frank Kilbride and Joe Finnegan on Shannonside-Northern Sound. These people know their audience and are playing what the listener wants to hear. They are in effect showing the way. Why do our national and commercial stations not follow the same?

Many cannot break through internationally until they are given a chance by Irish radio. No one cared about Glen Hansard and The Frames until he came back from the Oscars clutching a statue, and even now we do not hear as much of him as we should. Snow Patrol had to appear on American television before they were taken seriously. Irish country music is filling hotel ballrooms and even cruise ships, yet I do not hear much of it on RTE radio. It is about time we recognised that this is an important area.

A fellow county man of mine, TR Dallas, has been at the head of this, as has the former Senator, Mr. Donie Cassidy. Everyone cannot be wrong. However, we are just little poodles; we accept everything that Europeans say. That is just a blather answer and absolute twaddle. I am asking that the Attorney General look at this to see why we cannot have the same level playing pitch as is available to the French, Canadians and everyone else. Let us protect what we have, promote what we have and be proud of what we have. We have a very sellable product. We need to give a chance to young musicians, songwriters and everyone else to make a living in our country and become national stars. When they do, of course, RTE and others want to fête them and have them on their shows.

I know of one group of six lads, the Willoughby Brothers, who are brilliant musicians. When they go abroad they are fêted. They have tried to get on an RTE programme, but have a better chance of winning the lotto. Six brothers: that is what we are left with.

An Leas-Cheann Comhairle: That is very interesting.

Deputy Jan O'Sullivan: I will certainly convey the Deputy's views. I know he will have an opportunity to discuss this with the Minister, Deputy White. According to the information I have, the cultural criterion in the case of France is a much narrower and more identifiable criterion than would be the case with what the Deputy proposes. I know the Deputy has a considerable amount of data on the matter, particularly Johnny Duhan's research. I am sure that would be considered.

I share the Deputy's views that programmes such as Ronan Collins's definitely give an opportunity to Irish musicians. As I stated in my original contribution, it is a condition of licence for some local radio stations that they play certain types of music. That is the case with many local stations. I am sure the Deputy will make a very strong case to the Minister and I will convey it to him as well.

6 o'clock

Civil Registration (Amendment) Bill 2014 [Seanad]: Second Stage

Minister of State at the Department of Social Protection (Deputy Kevin Humphreys):
I move: "That the Bill be now read a Second Time."

I am pleased to bring this very important and progressive legislation to the House. The Civil Registration Act 2004 represented a significant development in the provisions governing civil registration in Ireland. It was a major overhaul of legislation dating back to 1844. However, the decade since 2004 has seen extensive changes in Irish society. The civil registration service deals with life events, such as births, marriages, civil partnerships and deaths, which affect us all. It is crucial that the system be responsive and evolve to address the wide variety of situations that can arise.

The aim of the Bill is to drive further modernisation of the civil registration service so that it can best reflect the needs of society now and into the future. It was at an advanced stage of drafting when the current rules regarding pre-legislative scrutiny of legislation by the relevant Oireachtas committee were introduced. For that reason, it has not been through the process.

While there are many amendments contained in the Bill, I will focus in my introduction on only a few. First, the Bill provides for the compulsory registration of the father's name on a birth certificate. This is the first time that principle has been brought into legislation and is a very significant new policy provision. The Bill does provide for some exceptional circumstances where it may not be feasible to register the father's name.

According to the annual report of the General Register Office, 69,209 births were registered in Ireland in 2013. Of these, 2,675 were non-marital births where no father's name was registered. Where the parents of a child are not married to each other, the current legislation does not require the mother or the father to provide the father's details when registering the birth. The amendment addresses the current unsatisfactory position by making the provision of such information compulsory, other than in exceptional circumstances. This will underpin the rights of the child under EU legislation to have access to the details of his or her identity. Put simply, it will ensure children know who their parents are. This is a step towards ensuring full and accurate particulars are registered at the time of birth, which will be of significant benefit both to the child and future generations.

The issue of marriages of convenience is complex. The right to marry is a basic right, and marriage, as an institution, has particular protection under our Constitution. Our duty is to protect the institution of marriage in legislation. We are aiming to strengthen it by introducing provisions in this Bill which make it more difficult to broker a marriage of convenience in the State. EU citizens and their families have the right to move and reside freely within the territories of the member states. These rights also apply to non-EU national spouses of EU nationals. However, these rights are being abused by unscrupulous individuals who are using marriage laws in Ireland to gain an automatic right of residency in Europe.

The Bill provides that where a registrar forms a view that an intended marriage is a marriage of convenience based on a list of criteria set out in this Bill, he or she may refer the matter to a superintendent registrar. If the latter agrees with this opinion based on evidence, then no marriage registration form will be issued and the Department of Justice and Equality will be notified. The Bill contains similar provisions addressing civil partnerships of convenience.

The legislation will also introduce records of the deaths of Irish people normally resident in the State who die while on short-term absences abroad. Many public representatives have raised this issue in recent years. The death of a loved one while abroad is always a particularly tragic and difficult event. The new legislation will allow families to record the deaths of their loved ones in Ireland and thereby have some degree of comfort and closure. I take this op-

portunity to thank Deputy Seán Kyne for his work on a Private Members' Bill on the domestic registration of death records, which helped in the drafting of this provision. I also thank Senator Fidelma Healy Eames, who has campaigned for this issue to be addressed in legislation.

Irish society has been enriched by the choices made by people from other countries and cultures to live, work and raise families here. In certain instances, couples got married or entered a civil partnership in their country's embassy in Ireland. Unfortunately, these marriages and civil partnerships are not valid, as they were not carried out in accordance with Irish marriage law or civil partnership law. This Bill will, on a once-off basis, validate those marriages and civil partnerships that have already taken place in Ireland and which are still in existence. There will also be an opt-out for instances where both parties agree they do not want the marriage or civil partnership to be validated.

The Bill includes provisions which define "a place that is open to the public" in respect of the conducting of marriages and civil partnerships in a public place. In order to protect both parties to the marriage or civil partnership, the provision requires that the outdoor venue must be readily accessible to the public. The reasons are to avoid the possibility of coercion, fraud or lack of capacity on the part of the persons involved, prevent marriages or civil partnerships taking place in secret, and provide an opportunity for objections.

I will now summarise the main provisions of the Bill. Section 1 establishes the Short Title and collective citation of the Act. It further stipulates that the Act may come into force on such day or days as the Minister for Social Protection, by commencement order, may determine. Section 2 provides for the definition of the term "Principal Act" used throughout the Bill as the Civil Registration Act 2004.

Section 3 provides for the amendment of section 2 of the principal Act by inserting new definitions that are required for this amending legislation. This section also amends section 2 of the principal Act to make a marriage of convenience and civil partnership of convenience an impediment to marriage and civil partnership, respectively.

Section 4 provides for the amendment of section 17 of the principal Act to include that a superintendent registrar may designate a registrar to perform his or her functions where an absence such as extended leave or long-term illness occurs.

Section 5 amends section 19 of the principal Act and provides that a person who is a qualified informant must produce to the registrar any evidence, including documentary evidence, relating to a birth as requested by the registrar. The section further provides that a superintendent registrar may complete the registration of a birth where in exceptional circumstances a qualified informant has not signed the register to allow completion of the registration. In addition, the section provides that a child who has attained the age of 18 years may be considered as a qualified informant in respect of the registration or re-registration of his or her birth entry.

Section 6 amends section 22 of the principal Act and contains a number of amendments relating to the registration of the father's name where the parents are not married.

Section 7 provides for the re-registration of a birth and contains a number of amendments to section 23 of the principal Act.

Section 8 provides for the amendment of the principal Act by the insertion of a new section 23A which will provide for the re-registration of a birth of a child where the parents were not

married on the date of the birth, on foot of a court order. The section provides that a mother, father or the adult child may apply to re-register a birth on foot of a court order granted under section 35 or section 45 of the Status of Children Act 1987.

Section 9 provides for the amendment of the principal Act by insertion of a new section 25A which provides that where the parents of the child cannot agree on a surname, the registrar may complete the registration by leaving the surname blank or, in cases where a surname is already registered, the existing surname shall remain.

Section 10 provides for the amendment of section 28 of the principal Act to allow for a still-birth to be registered later than 12 months after its occurrence.

Section 11 provides that the definition of a qualified informant of a death is extended to include a cohabitant, next of kin, personal representative or religious superior of the deceased so that such person may register the death within three months.

Section 12 provides for the amendment of the principal Act by the insertion of a new section 42A which provides that early neonatal deaths be notified to the superintendent registrar of the area where the death occurred.

Section 13 provides for the amendment of the principal Act by the insertion of a new Part 5A which provides for a record of deaths of Irish citizens who die abroad and who were ordinarily resident within the State within five years prior to their death.

Section 14 amends section 45 of the principal Act to define “a place that is open to the public” in respect of outdoor venues for marriage.

Section 15 amends section 46 of the principal Act and provides that couples who produce a court order exempting them from giving three months’ notice of intention to marry will be required to pay the prescribed fee as set out in regulations. This section also provides that, where one or both of the people giving notice of intent to marry is a foreign national, they must provide to a registrar information and documentary evidence regarding their immigration status.

Section 16 amends section 51 of the principal Act to provide further clarity on the meaning of “place that is open to the public” for outdoor marriage venues.

Section 17 amends section 52 of the principal Act to provide that “place” in the context of where a marriage is conducted means a “place that is open to the public”.

Section 18 amends section 58 of the principal Act and provides for new procedures regarding potential marriages of convenience.

Section 19 amends the principal Act by the insertion of a new section 58A which provides for the validation of certain marriages carried out at a foreign embassy or diplomatic mission in the State.

Section 20 amends section 59A of the principal Act to define “a place that is open to the public” in respect of outdoor venues for civil partnerships.

Section 21 amends section 59B of the principal Act and provides that couples who produce a court order exempting them from giving three months’ notice of their intention to enter into a civil partnership will be required to pay the prescribed fee as set out in regulations. Section

21 also provides that where one or both of the people making a notification of their intention to enter into a civil partnership is a foreign national, they must provide documentation and information regarding their immigration status.

Section 22 provides for the amendment of section 59C of the principal Act by amending the validation period of a civil partnership registration form to six months from the date of the intended ceremony specified in the form.

Section 23 amends section 59D of the principal Act to provide further clarity on the meaning of “place that is open to the public” for outdoor civil partnership venues. This section also provides that the registrar is no longer required to issue a copy of the civil partnership registration form.

Section 24 amends section 59E of the principal Act to provide that “place” in the context of where a marriage is conducted means a “place that is open to the public”.

Section 25 amends section 59F of the principal Act and provides for new procedures regarding potential civil partnerships of convenience.

Section 26 amends the principal Act by the insertion of a new section 59I which provides for the validation of certain civil partnerships carried out at foreign embassies or diplomatic missions in the State.

Section 27 amends section 61 of the principal Act and provides that where a person is required to provide proof of identity to a Government body in the form of a life event certificate, the Minister may prescribe a reduced cost certificate for these purposes. This section also provides that the Minister for Arts, Heritage and the Gaeltacht, on application to him or her and on payment to him or her of any prescribed fee, shall allow a person to search certain historical registers online.

Section 28 amends section 64 of the principal Act and provides that where an entry in the register of births, stillbirths or deaths is based on false and misleading information, the Registrar General may direct a registrar to cancel the entry and, if required, register the details under a new entry. The section further provides that where a court order of nullity is provided for reasons other than an impediment, the entry may be cancelled in the register of marriages or civil partnerships as required.

Section 29 amends section 66 of the principal Act and provides for sharing of information with Departments and agencies under the relevant Acts for specific purposes so that the information may be used for policy and planning initiatives. Section 29 also provides for technical amendments following amendment of the Social Welfare (Consolidation) Act 2005 and the transfer of responsibilities from the Minister for Health to the Minister for Social Protection.

Section 30 amends section 67 of the principal Act and provides that the Minister for Social Protection may set the fee for certificates at a lesser amount if the certificates are required for official purposes by another Department to prove age, civil status or death. This section also provides that a fee, if any, shall be payable to the Minister for Arts, Heritage and the Gaeltacht in respect of the performance by that Minister of his or her functions under the principal Act.

Section 31 amends section 68 of the principal Act and provides that where the Registrar General has directed that an entry be registered or re-registered without the register being signed

by a qualified informant, the details of that entry shall be deemed to be valid.

Section 32 amends section 69 of the principal Act by the insertion of a new subsection (5A) which provides that a person shall be guilty of an offence if they fail to furnish evidence, including documentary evidence, where it is in their power to do so, when requested by a registrar.

Section 33 provides that a person guilty of an offence under new subsection 69(5A), referred to in section 32, shall be liable as laid out in section 70(2) of the principal Act.

Section 34 amends the First Schedule to the principal Act and provides for the deletion of the “age next birthday” of a deceased person in the register of deaths so that more accurate statistical information can be gathered based on the deceased person’s actual date of birth.

Section 35 amends the Immigration Act 2003 to include the Civil Registration Act 2004 in section 8 of that Act to allow the Minister for Social Protection to request information from certain information holders, as defined under that Act, for the purposes of the Civil Registration Act 2004.

Section 36 amends the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 to provide that legal relationships which took place in foreign embassies or diplomatic missions are deemed to have been entered into under the laws of that state. The section further provides that a legal relationship which took place in an embassy or diplomatic mission on or after 1 January 2011 is not included as these legal relationships are dealt with under section 26 of this Bill and recognised as civil partnerships under Irish law.

This Bill provides for a wide range of significant changes and improvements to the Civil Registration Act 2004. The registers of life events are very important public records; they have a serious impact on the lives of citizens and they must be robust and accurate. They record the most important events in our lives and they are the basis on which we validate our status in our interactions with the public and other agencies. They are also primary source documents for citizens and scholars.

In this Bill, I am introducing changes which enhance the civil registration process. Some of them involve major policy matters, as I have outlined, while others are technical but are designed to streamline the service or reduce complexity where feasible. My intention is that the civil registration service will continue to serve society and the public to a high standard and will be equipped to respond to our rapidly changing society. I look forward to an informed debate and to hearing Deputies’ views on the measures contained in the Bill.

Deputy Willie O’Dea: It is true to say that occasionally every Government does something good on which we can all agree - something which is intrinsically correct, very necessary and, if anything, overdue. This Bill, in principle, falls into that category and, therefore, we will not oppose it. The Civil Registration Act 2004 can be described as landmark legislation but despite that, it did not deal with a number of issues. A number of issues came to light as a result of the operation of the 2004 Act and, as the Minister of State noted in his opening statement, significant changes have occurred in Irish society over the past ten years. I understand the Bill is designed to meet those changes. I pay tribute to the various groups which campaigned for change and congratulate those Members who have pursued legislative initiatives in this area which have been taken on board by the Government. I also thank the General Register Office for its helpful suggestions, many of which are incorporated in the legislation before us.

The principal change introduced by the Bill is compulsory registration of the father's name on a birth certificate when a child is born out of wedlock. Every citizen is entitled to the fullest information about his or her identity. It is a fundamental human right. It is extraordinary that we are only providing for that in 2014, although I admit that previous Administrations did not cover themselves in glory in this regard. This Administration is now three and a half years down the road but, late though it may be, we welcome this overdue change. There are many reasons for making the change, not least of which are medical reasons. As the House will be aware, many conditions are genetic. I have no doubt that many people over the years have received incorrect medical treatment, and may even have died, as a result of the lack of knowledge about their fathers' genetic histories. There are also practical reasons for the change. If the father of a child born out of wedlock seeks to claim official recognition where the mother is unwilling to accede to the request, he has to fight the matter through the courts. Nobody deserves to be made to enter that casino. It can be a traumatic and time-consuming, not to mention expensive, experience to establish something that both father and mother know to be a fact.

The Minister of State indicated that the requirement can be waived in what he referred to as exceptional circumstances, which I understand is the phrase used in the Bill. I will now examine those exceptional circumstances to see how exceptional they are. It appears to me from my reading of the relevant section - I hope I am incorrect - that it will suffice for a woman simply to sign a statutory declaration prepared by a solicitor on her behalf to the effect that she does not know the identity of the father, and no further evidence will be required. This is a necessary and fundamental reform but if my interpretation of the section is correct, it offers an easy way out. Gone are the days when people in this country took oaths and statutory declarations very seriously. Many people are prepared to sign or swear statutory declarations at the drop of a hat. I cannot find anything in the section that compels or requires a woman in that situation to do other than make a statutory declaration that she does not know the identity of the father. She could also deny that she knows the whereabouts of the father. That is even easier. The man may have gone to England, Dublin or somewhere down the country and she no longer knows his location.

I do not regard that as sufficient reason not to register the name of the father and his last known address. He must have had an address at some stage. He would have had an address during the relationship and the mother would probably have known it. Why, therefore, is any reference to the father excluded in a situation in which the woman simply claims she does not know his whereabouts?

Nobody could argue with the validity of provision on situations in which the interests of the child are threatened or there is a danger to his or her safety. The registrar can make a value judgment in this situation. However, we should be seeking to make this legislation as watertight as possible because we certainly will not be returning to this subject during the lifetime of this Dáil. This is a necessary reform which has been sought widely and is supported by all sides of the House. We want to ensure it has some reality in practice.

In regard to the ongoing question of the right of adoptees to their birth certificates and the fullest of information about their birth, all the arguments in favour of the reforms that the Government has introduced with this Bill apply with equal force to adoptees. Availability to the parents' birth certificates in the case of adoptees has been a feature of the law of the United Kingdom for 40 years, and the sky has not fallen. The Government has indicated that certain constitutional issues arise in Ireland but the weight of opinion suggests there would not be a constitutional barrier to effecting this change. I ask the Minister of State to give the matter serious consideration and to outline the Government's intentions in this regard when he replies.

The Bill also deals with the problem of marriages and civil partnerships of convenience. A civil partnership or marriage of convenience can be called a scam or an artifice aimed at gaining immigrant status. Speakers in the other House referred to the controversy that surrounded non-nationals coming into the country to give birth to children who automatically became Irish citizens. That is a separate matter, however, and it has been addressed by a decision of the Supreme Court which the previous Government followed up with legislation. This is a different matter. One or two cases have been brought to my attention involving allegations of marriages of convenience, as defined in the legislation, but I question the extent of the problem in practice. All the evidence appears to be anecdotal. Perhaps by definition there are no official figures for the number of people involved but it does not appear to be a widespread problem.

We have to be careful because this is a sensitive area. A civil servant will be deciding in the first and, indeed, the second instance whether a marriage between an Irish person and a non-national is a marriage of convenience. We have to guard against overzealous civil servants erring on the side of caution. People will be aware that the issue of racial profiling raised its head not long ago. It was ugly and it did not do the reputation of the country any good. If that was to creep into this area, or even a suspicion of it, the reputational consequences for the country could be catastrophic. It also has the capacity to cause grave injustice. I wonder whether this section should be written more carefully so we can spell out exactly what we mean. What is the appeal system to the courts in a case like that, where the registrar decides that it is a marriage of convenience? Will legal aid be available to a person taking an appeal in that situation?

A welcome provision is the right of the family of someone, normally a resident in Ireland, who goes abroad for a short period of time and dies there, to have the fact of the person's death abroad recorded here. I applaud that provision because if I may cite a personal case, a close member of my family died in very tragic circumstances abroad some years ago. The family got a foreign death certificate and at the time they wanted to have the death recorded here but that facility was not available. This is a very welcome initiative for which I sincerely thank the Government.

Another major change in this Bill is the right of foreigners who get married in their own embassies here to have that marriage validated. At the moment such marriages are not recognised in Irish law. I take it these marriages will be automatically validated and if people want to opt out, they must go through the procedure of opting out. That applies to marriages still in existence, not those which have ended in divorce and a remarriage to somebody else. The section states categorically that the marriage is deemed always to have been valid not just from the commencement order of the legislation, but from the date of solemnisation. It seems somewhat contradictory in that case that matters such as intestacy, rights under wills and various other legal rights will not come into effect or be recognised until the section commences, although the marriage is backdated to the moment of solemnisation. Is there a reason for it?

Section 16(1)(6) contains something I have never seen in any legislation:

If subsections (1) to (5) would, but for this subsection, conflict with a constitutional right of any person, the operation of those subsections shall be subject to such limitation as is necessary to secure that it does not so conflict but shall otherwise be of full force and effect.

I am sure this is meant in very good faith but it is an extraordinary departure. The system is that when the Government brings forward legislation it secures the advice of the Attorney General who advises that the legislation is constitutional. It either is or is not. The Attorney

General does not always get this right but he or she gets it right 99% of the time. This provision seems to say, “We think this legislation is constitutional but it might not be and if not, it has to be operated only to the extent that it is constitutional”. That opens an extraordinary legal minefield. I do not think one can write law to say that if legislation is unconstitutional, it is valid in so far as it can be operated constitutionally. That is quite bizarre. A section could be thrown into any legislation to spare the Attorney General’s blushes and say if this proves not to be constitutional, we operate the part that is constitutional. I would be very reluctant and I think the Government should be reluctant to bring in legislation containing such a provision.

Section 17(b) is an amendment to section 59B of the principal Act and states:

Where one or each of the persons notifying the registrar under this section is a foreign national, the notification or copy of the court order shall be accompanied by such documents and information as may be specified by an tArd-Chláraitheoir regarding the immigration status of the foreign national concerned or any other matter . . .

Many of the foreign nationals in this country are fleeing persecution. Somebody genuinely fleeing persecution might not be granted asylum status because there may not be sufficient proof. Many left their home countries in a hurry with nothing other than the clothes on their backs. They might find it very difficult to have or produce all the information that the superintendent registrar will deem necessary.

My colleague, Senator Jim Walsh, asked me to refer to an amendment which he put down in the Seanad, which may be more appropriate to Committee Stage. It involves the recording of the death of an unborn child. He cited a case where an unborn child was killed as a result of a road accident in which, I think, the mother committed suicide. The Minister of State said that time was short but that he would consider the situation to see if he could bring forward an appropriate amendment in the Dáil to meet the point, which is a very valid one.

Deputy Kevin Humphreys: I will bring it forward on Committee Stage.

Deputy Willie O’Dea: I thank the Minister of State for confirming that.

Deputy Kevin Humphreys: If it is appropriate.

Deputy Willie O’Dea: There are matters of detail that we can deal with on Committee Stage but the legislation is by and large overdue, welcome and we will facilitate its speedy passage.

Deputy Aengus Ó Snodaigh: This is a wide-ranging Bill that, like Deputy O’Dea, I do not oppose. It deals with some oddities of the Irish registration system. One of these is that we are forever being told that very few laws can be retrospectively applied, yet in this Bill embassy marriages are retrospectively validated. That is a good thing but it proves that where there are sometimes intractable problems it can be done and is an admission that there was a fault in our law. We are plugging that gap to ensure that the over 3,000 marriages or civil partnerships that occurred in embassies between 2007 and 2010 are now recognised in law. That was a problem. Some people may have decided to have their marriages recognised by having a second marriage ceremony or solemnising the partnership originally performed in an embassy.

I read this Bill when it was published. It is one of those difficult Bills for which one needs the principal Act and has to bounce back and forth between the two. I understood the basis for some of it and decided to wait to listen to and read the Seanad debate on other parts, which

helped to clear up some of my questions. Obviously, the intention is to ensure fathers are registered on birth certificates. That is the primary element of this Bill. This is a good thing because it addresses the requirements faced by this country under Article 7 of the UN Convention on the Rights of the Child, which provides that “the child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents”. Article 8 of the convention provides that “States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference”. As I have said, it is a good thing that we are ensuring the problems and issues that were identified with the registration process in the past will be addressed. I will focus on particular peculiar elements of this legislation on Committee Stage. I will try to enhance the Bill to ensure any difficulties are addressed.

In essence, the child has a right to his or her identity, including knowledge of who his or her parents are. Under the current provisions, if the parents are unmarried there is no requirement to name the father on the birth certificate. This has caused problems for many fathers. Perhaps it explains why the mother’s name only is registered in 20% of non-marital births. As I came into the Chamber, I think I heard the Minister of State say that in 2008, just 5.4% of births were registered without the father’s name. That is a large number in some ways. I would like to know whether the number of unregistered fathers - a figure of 4,000 has been mentioned - remains the same. I know of instances in which the mother registered the name of the father at a later stage. While it might seem like many fathers are not registered at the time of birth, I suggest that the number of such cases reduces in the weeks and months following the birth. I do not know whether this Bill will make it more difficult to registered the father’s name after a period of time. If it will make it easier, that is a good thing in some ways. Later in my contribution, I will mention a peculiar case I came across in the course of my work as a Deputy. I think we manage to deal with every type of case under the sun in here. If there is an exception to the rule, somebody in this House will have come across it.

The Law Reform Commission has surmised that the reason for the non-inclusion of the father’s name on some birth certificates is the complexity of the current arrangements for registering the birth of a child of non-marital parents. This hiccup probably dates from a period when everybody was expected to be married and some of the institutions here nearly encouraged those who were not married to say nothing and hope it - the child, not the problem - would disappear. One of the legacies of that period with which we are dealing is the movement of very young children out of this country for the purposes of adoption on foreign shores. As much of that continues to emerge, I hope people will be able to access information on where exactly they came from. In my own family, one of my cousins was skirted away to England after her birth records were falsified by the nuns in charge of the institution in which she was born. I hope that legacy is being addressed. We must ensure something like that can never happen again. In the old days, the registration was done in the hospital, whereas now it is done by the registrar. That can cause its own difficulties. I welcome the Bill’s attempts to deal with some of these problems.

For practical and profound reasons, people need to know where they came from as children. It is a small world, and Ireland is even smaller. Information on our genetic backgrounds is vital, especially in this day and age when medical science enables us to identify and address at an early stage medical issues that can cause greater problems if they are not dealt with as children grow into adulthood. Some of these issues can lead to early death if the genetic make-up of the

child is not recognised and problems are subsequently not identified. If the names of the child's mother and father are on his or her birth certificate, and if the name of the father is correct, some of these difficulties can be easily identified as a first step. One of the problems with this legislation is that in the absence of DNA testing, there is no guarantee that the person named as the father on the birth certificate is in fact the father of the child in question. I should mention that a mother who gives a wrong statutory declaration is committing a crime. This is something that happens. Our society is not that pure. Many children have been reared by men who wrongly thought they were rearing their sons and daughters. It is something we cannot legislate for. I would never ask for the introduction of a system that would require every child, mother and father to be DNA tested. We have to take people on trust. This is one of the complexities we have to deal with when births are being registered.

I learned something about the registration of births when I dealt with a case that I will highlight as an example. The case in question ended up in the media eventually, so I will not use the mother's name. When she was in hospital after giving birth, she refused to name the father of her child on the birth certificate. She decided to register his name two weeks later when she accepted that the father was entitled to be named. When she went in, she found that someone had been registered as the father. It was a scam. Another woman on the ward registered a foreign national as the father so he would have the status of the father of an Irish-born child. That was not the problem. The Garda admitted it was a scam. The Office of the Registrar General accepted the mother's bona fides. It was hugely complicated to change the birth certificate at that stage. The woman had to get a solicitor, but she did not have any money. She was put in a dangerous predicament. All of a sudden, the real father was saying "why did you put this on that?". It took months, if not years, to get to the end of it. The woman in question could not travel abroad with her child because she could not get a passport in the absence of a signature from the man registered as the father. He would not sign it. She did not know who he was, although she had an address for him somewhere in Lucan. The procedures in the Office of the Registrar General were tightened significantly on foot of this case. It shows that people will go to huge lengths for the purposes of identity theft. Somebody's identity can be very valuable in this day and age. The case I have mentioned is an example of that. It is important in any of this legislation to appreciate that what we put down on birth certificates will stand the test of time, particularly for the child but also for the rest of the family.

I welcome section 6 of this Bill, which proposes the inclusion of a new section 22(1D)(c) in the Civil Registration Act 2004. This provision will allow a mother who "believes that providing the information is not in the best interests of the safety of the child" to opt out of her duty to name the father of the child. There are instances in which this is appropriate. The father might be abusive. It could be an incest or rape case. I hope this recognition of those realities will be able to stand the test. It might not be in the best interests of the child to learn in the initial years of his or her life that he or she is the product of rape or incest. I think every child should be entitled to find out when he or she is old enough. That would be between the child and his or her mother, or even the father of the family, as opposed to the father of the child.

It is an ethical dilemma. Does one force a mother to declare someone a rapist? In many instances, the case may not even have been concluded in court yet, so there could be implications. I welcome the fact that there is a facility whereby women in vulnerable and stressful situations are not forced to name the fathers. It may be necessary to ensure that the registrars are upskilled and trained to understand the peculiar situations that gave rise to this legal provision.

The Minister of State might address another matter when he is concluding, although I might

not be present, as I must go canvassing. It might also be addressed on Committee Stage, namely, a teenage mother who declares an older father where the girl is 15 years old and the boy is 16 or 17 years old. By declaring him the father, she could open up a situation in which he could face prosecution. This is not the case in reverse. In light of the law on legal responsibility that was passed in recent years, a boy of 16 or 17 years can be criminalised. I might have the exact age wrong, but it leads to a peculiar circumstance. It is now compulsory to report any instance of child sex abuse, which is what the case in question would be under the legal definition. As such, by adding the father's name to a birth certificate, the registrar would be obliged to inform the Garda. We should be aware that this situation needs to be considered. If the case involves a 15 year old and a 20 year old, I have no problem with the obligation, but we need to be careful about dragging young teenagers into the criminal system because of mistakes or experimentation. It is not my area of expertise but, in some ways, this is the nature of kids being kids.

Thankfully, being named on a birth certificate does not automatically translate into having rights. Mothers might be concerned about naming fathers because, for example, they have left abusive relationships. There can be a range of reasons. Understanding that naming the father does not automatically grant him access, custody or the like will form part of the education on this matter. It should be stated clearly when a mother who is seeking to register a birth asks for a packet. This legislation does not bestow further rights on unmarried fathers. On the other side, unmarried fathers deserve additional rights, but this is not the legislation in which to grant them. They should not have to fight for their rights, which is what they have been doing for many years, continuously chipping away in an attempt to get more hours of access to their own children here or there and all that flows from that.

The issue of marriages of convenience forms the other part of this Bill. It is complicated because, in some ways, every marriage is a marriage of convenience. Thankfully, most of us who are married are still in love and have everything that goes with that, for example, children. That said, how many marriages in Ireland and abroad were for the sake of convenience to remove the shame of having children out of wedlock? Are these not marriages of convenience?

In this case, however, marriages of convenience are those used to get citizenship or access to services within the State. At times, the tabloid media has made great play of it, but I do not know whether it is that large an issue. In Ireland, the number of marriages between EU and non-EU citizens has reduced recently. This could be a consequence of the downturn. We need to be careful not to stigmatise all of these marriages so that people do not presume they are scams. A witch hunt should not result from us setting the bar higher for couples who are genuinely in love and want to get married and settle down to spend the rest of their lives together. Just because one person is not an EU citizen does not mean a couple should be treated differently. We should examine whether this provision is reflected in other jurisdictions like France and Germany. Perhaps it has been applied across the board in a bid to protect the EU from the hordes of non-EU men coming to take EU women or *vice versa*.

The criteria such couples must satisfy, for example, the length of time they have known each other and the number and frequency of meetings prior to their marriage, are bureaucratic. I do not know how the Catholic Church will react to the question of whether people have lived together. It might not like us going down the road of telling people "fair dues" if they have been living together for a number of years and want to get a marriage licence. I do not have a problem with that, but questions like this often emerge when marriages of convenience, inconvenience or so on are being examined.

7 October 2014

I compliment the Minister of State on his comments. I was going to raise an issue during this debate that I raised previously and to which I received a letter in response. The issue can be addressed without interfering with the sanctity, as it were, of existing registers. We can register children who have died in the womb but would have survived otherwise, bar a tragic accident, as in the case raised by Deputy O’Dea and, in the Seanad, Senator Walsh. It shows that we are a caring society when we can change our laws to take account of exceptional circumstances. Hopefully, not many cases will be captured by such a change. The nature of democracy is that a citizen can raise a point and we can change the law in response. There is no cost involved in this instance and, as far as State policy is concerned, it is the recognition of a child who, bar unforeseen circumstances, would still have been alive and well.

Acting Chairman (Deputy Olivia Mitchell): I understand that Deputy Catherine Murphy is taking 20 minutes.

Deputy Catherine Murphy: Some 25 minutes, while sharing five minutes with Deputy Wallace.

Acting Chairman (Deputy Olivia Mitchell): Perfect.

Deputy Catherine Murphy: I welcome this legislation.

7 o’clock

While I wish to pay particular attention to one or two provisions, I also wish to reiterate or expand a little on some points made by other speakers. Obviously, this legislation involves a considerable amount of necessary tidying up. Society changes and legislation obviously should change to reflect this. Most people would accept that knowing the identity of one’s parents is important and this is part of what is required in respect of the right to know. While clearly this would also be addressed under adoption legislation, this would be absolutely essential to it. A balance of rights exists in respect of having, for example, the name of the biological father on the birth certificate, which I welcome. However, the key issue is always the right of the child and whereas adults can worry about current issues, the key issue here concerns future events and it is absolutely correct that this should be part of this legislation. I welcome a number of other provisions and as for mandatory registration, there are all sorts of issues in addition to the right to know. I believe there are custody issues that become important later on and it is better to have the facts regarding a child’s heritage set out at the earliest possible stage and obviously, this is the first item of public information that is available to do this.

Other speakers have noted there are some rare situations that are highly sensitive and which must be dealt with accordingly. As Deputy Ó Snodaigh noted, for example, the scenario in which both parents happen to be under age must be thought out. Members are dealing with scenarios affecting people in the future, not about events that have happened and, consequently, people could find themselves in a situation in which a criminal prosecution almost would be mandatory, once a name went onto a birth certificate, particularly with a baby being born to an under-age mother where the father also is under age. It is important to flag such scenarios and to make the point that they must be thought out, rather than waiting until a set of circumstances arises and then attempting to deal with it retrospectively, which always is the most unsatisfactory situation.

As for marriages and civil partnerships in the context of marriages of convenience, given the matchmaking that went on in 19th-century Ireland and given that civil registration was part

of the landscape from 1864 onwards with regard to most life events, it is ironic that Members in the 21st century are considering this as an issue, because marriages of convenience certainly were routine in the 19th century. This provision is bringing matters into line with other countries and I can understand why it is included in this legislation. However, Members would not be doing their job unless they made the point that there is a possibility of mistakes or of heavy-handedness, as already has been alluded to by Deputy O’Dea, and unless they were to ask for this provision to be fleshed out to a greater extent. For example, if this will involve an appeal to the courts, one must ask about a person’s ability to fund such an appeal, because this will be a civil case rather than a criminal case. Timelines and such things would become quite an issue if it was going to be a protracted process. Consequently, Members must be extremely careful in this regard. It is absolutely correct that this provision be included but it is a question of how it will be handled. Those cases that are genuine but which could perhaps be misinterpreted by an individual are the ones that will cause problems. I am referring to cases on the fringes rather than it being a central issue. There sometimes is a disproportionate relationship within marriages of convenience and as one also can find a vulnerable person within such a relationship, there can be other social consequences.

On the transfer of data, a provision in the legislation allows the Minister to reduce the cost of certificates if the transfer is between Departments. However, I met a group of people last week who were involved in the mother and baby homes and they made the point that were a number of them to carry out research, it would be really important for them to have the scope to do so and for the cost not to be prohibitive. It can be extremely expensive to conduct such research and I believe situations will arise outside the work of Departments that must be considered from the perspective of providing relief. For example, I understand the research carried by Catherine Corless cost approximately €3,000. She was obliged to research each birth in the institution concerned and did the State a great deal of service. Others should not be prohibited and a mechanism should be put in place whereby provision could be made for situations with a social dividend, even if it was a retrospective provision. It will be important to give consideration to such a measure.

The main aspect of this legislation with which I wish to deal probably is the one to which no one has alluded. It is in section 27 of the Bill and is in respect of the transfer of data in the case of electronic records that people will be able to search online. There has been something of a debacle in this area. My primary interest is in genealogical research and given that the census records for the 19th century have not survived, census substitutes become all the more important. Consequently, resources such as the General Register Office, GRO, records are extremely important and we should not fall out of line with Northern Ireland, which has placed its indices online and one can apply for them. One can cut down the cost by narrowing down one’s search and it is extremely important to have good indices online. Not long ago, the Minister for Social Protection helped to launch the publication of the indices to the GRO online on the *irishgenealogy.ie* website, which is housed within the Department of Arts, Heritage and the Gaeltacht. However, an issue then arose with the Data Protection Commissioner, who insisted that the records be taken down. They have not yet been put back up and I understand some dialogue is under way between the Departments. It may well be dependent on this legislation but I am unsure about that. However, the point is the aforementioned records actually are online, up to 1958, on the website of the Church of Jesus Christ of Latter-day Saints. In an amazing irony, one can go outside the country to do the research and I am unsure whether people always understand this. It is possible to narrow down one’s search. If, for example, one is researching a very popular name such as Patrick Murphy, 100 Patrick Murphys may have been born in

1901 and if one pays €4 for each record, it becomes a very expensive proposition. However, this can be narrowed down by having good indices in which, for example, the mother's name is included. While they were not included until the 1920s, if the maiden name of the mother is included, it can narrow down one's search considerably. The legislation has not specified precisely what is meant by the indices. Will they be limited to the quarter or will the date of birth be provided? Will the mother's name be given? Such details are quite important if people are to be encouraged to research their family history. It is a highly topical pastime at present and I do not believe it will subside.

There is quite a difference in the records one can search online. This legislation seems to create a difference between the records one can search online and those one can get on walking into that awful building in Werburgh Street that I am embarrassed to call our research facility. On picking up one of the large ledgers, getting the index and finding the date one wants, one can research a record right up to last year but if one searches the records electronically, a restriction applies in respect of records that are registered more than 100 years, 75 years and 50 years in the case of a birth, a marriage and death, respectively. We must recognise that in the future most people will get their information online rather than by way of a hard copy. We will have to return to that aspect in respect of this legislation.

The General Register Office, GRO, must recognise that part of its function is to assist in research or to provide for research in a more meaningful way. One is only allowed to get three or four records per day in the research facility in Werburgh Street. It is extraordinary that there is such a limit on the number of records one can get. It is related to the allocation of scarce resources in terms of the number people who are available and working in that office.

During the debate on the freedom of information legislation, I raised a number of issues, including the issue of whether these are public or private records. I believe these to be public records. There is a good reason they should be public records. There were public records from 1864 onwards.

In the case of marriages, such registrations were to protect against people committing bigamy. In the case of births, people have researched where they have been in a mother and baby home, an industrial school or an orphanage. The period of 100 years applying to those records is way too long in such cases. In the case of a death, it may be important to research what ailments presented in a particular family. There can be various reasons to support that these need to be public records. I withdrew an amendment I have had tabled to the Freedom of Information Bill having been given an assurance in this respect, and I understand the GRO got legal advice to be sure that this was the case. I was told that the general records of the GRO, that is the register of births and so forth, are public documents, which are subject to freedom of information legislation and readily accessible, and that one can check these documents without recourse to legislation. I want that confirmed in regard to this legislation. I want the Minister of State when he concluding the debate to confirm that these are public records.

The difficulty in terms of records being available online under a different regime compared to the records that are available on walking into the records office is an important paradox. It may be possible to produce those records if some safeguards were put in place. I understand the need for safeguards in terms of people's personal information. I have raised similar issues in a different context in recent weeks. A distinction could be made between providing a certified copy and a research copy to ensure that the document could not be used as an official document and that distinction would allow for research to be done. There are ways of dealing with this

and allowing for what has become not only an important pastime but an important industry. An international company located on the quays currently employs 80 people. Having regard to the size of the Irish diaspora, there is a prospect of many people being employed in both the public and private sector in the genealogy area.

It is important that Northern Ireland and the Republic operate pretty much around the same regime. If one goes onto the website of the General Register Office Northern Ireland, GRONI, one can get indexes online. One pays for the record in the same way as one pays for the record here and it is posted to the person. I acknowledge a limit applies in respect of the Northern Ireland website in the same way as has been provided for in this legislation. The Minister of State might address the reason the electronic format and the hard-copy format are treated differently. I can understand if that is a holding situation where something needs to be thought through because different arrangements apply in different countries.

I spoke about the awful office in Werburgh Street, which was a former labour exchange. I gather it was renovated during the Irish Presidency of the EU, but the facility is not an acceptable. A campaign was launched when the research room was located in Lombard Street. The facility there was tiny and it was difficult to do research in it. Some of the ledgers were bigger than the space available to go through them. The process is that one looks through the ledger and then requests the record. The facility moved to the Irish Life Mall and the space there was satisfactory. It was to be fitted out with an online facility but it then became too expensive and turned out to be a victim of the cutbacks. The only place that could then be found for the facility was the awful building in Werburgh Street. Visitors come to this country to research their family history and that is one of the places we expect them to go. It is badly signposted. There are only one or two sockets available in the room and one cannot even recharge a laptop. The toilet facilities are inadequate. It is not good enough. The fact that there is a limit on the number of certificates one can get in a day limits even professionals who are researching on behalf of others. Something needs to be done about that. We are limiting rather than allowing the research to happen.

A radical programme was initiated in 2000 and a great deal of money was invested in setting up the system online. The online system is available for current records but the historical records are not available to the public. Some of the records are available online and I do not understand why people cannot work with the records that are available and work on those records to be done incrementally. It would be valuable to have the records in a digitised format available for research, even if they are the records to which access is restricted in terms of 50 years, 75 years and 100 years. A sizeable number of those documents are online.

People of Irish heritage have a great affinity with this country. We should foster and encourage that. The way to do it is to permit people to dip their toe in the water and find some connection to Ireland. For many people, the GRO records are that connection but we must make the process easier, bearing in mind that a small fortune has been spent on the online system, involving a great deal of work. Some 27 million index records were transferred from a manual system to a comprehensive database of index records and 5 million register pages were scanned. That process is not complete in respect of all the records but a large amount of the work is complete. Many people feel a degree of frustration about the GRO having a digitised copy and that digitised copy not being available to the general public and to professional researchers.

This area probably has not been the main area on which people have wanted to focus. It is an area of particular interest to me. I was made special rapporteur on a committee on which

both the Minister of State and I served. I am special rapporteur of the committee on which the Minister of State served. We held hearings last year and at the beginning of this year and I am working on finalising the report. There are great opportunities in the area, but our legislation must be capable of delivering an easier, simplified means of searching. People will no longer trawl through piles of paper if they can get something online. We must get our heads right regarding where we are going with this. Could the Minister of State address why there is a difference between what one can get electronically and by visiting the office? I welcome many of the provisions in the legislation. There will be the possibility of amendments, and I am considering some. There is a sensitivity about the handling of particular elements, some of which I have drawn attention to. In general, the legislation is welcome.

Deputy Mick Wallace: On the compulsory registration of fathers' names on birth certificates, Article 8 of the UN Convention on the Rights of the Child states that state parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference. The Bill is in line with the rights of the child in the sense of allowing a child to know the identity of both parents. The inclusion of the name of an unmarried father on a birth certificate accords him no additional rights regarding his child. Unmarried fathers have no automatic legal rights in respect of their children. This is despite the fact that in 2012, 35% of births in Ireland occurred outside marriage. It is outrageous that such a large proportion of fathers are in such a precarious legal situation regarding their children. This disparity between the rights of men and women to their children - the fact that an unmarried father's only means to obtain guardianship rights to his child is either through a joint agreement with the mother, which can be problematic, or through the courts system - unfairly discriminates against fathers. The law should not have such a negative and distrustful attitude towards unmarried fathers. Our legislation needs to be more supportive of the principle of co-parenting, where it is possible. Our legislation is out of date and out of touch. Has the Government any plans to improve fathers' rights?

The question of amending the 2010 Adoption Act was raised in the Seanad, where there was a call for birth certificates of adopted people to include the names of their biological parents, although this is not part of the Bill. Why should adopted children not have the same right to know their biological parents? This is very important for the identity of the adopted person and for the purposes of obtaining a medical history. As Senator van Turnhout stated, we need to be more proactive in reducing the stigma that has existed in Ireland regarding adoption. The Bill will amend the existing Civil Registration Act to extend the time limits for the registration of still births. While this is a welcome change, amendments were tabled in the Seanad relating to where a pregnant woman died and it was proposed that the unborn child who died along with her be entitled to a birth certificate. The eighth amendment to the Constitution, which acknowledges the right to life of the unborn, has caused enough problems and puts women's lives at risk. Enacting legislation on foot of a flawed constitutional provision which most people think should be repealed, as borne out by recent opinion polls, would be a retrograde step.

The amendments relating to marriages of convenience raise concerns, mainly through the extension of the role of the registrar and superintendent registrar. Under the new Bill, they will be mandated with forming opinions based on value judgments about whether a union between two people is genuine. Not only could couples in genuine, loving relationships be subjected to unnecessary intrusions into their private lives, but the superintendent registrar will be allowed to refer cases deemed suspicious to the immigration authorities. These new powers will have the potential to change lives significantly and will be in the hands of a small number of people.

How will these people be recruited, will they be trained or qualified in anti-discrimination law and standards, and will they be equipped to recognise the cultural context in which a marriage takes place? If the service is not adequately regulated, given that the issue will arise involving non-Europeans, there is a significant danger of racial profiling, stoking prejudices and the further stigmatisation of migrants. We have seen only too well in Ireland how law enforcement services, if not adequately policed, can become abusive and corrupt.

Deputy Seán Kyne: The Bill contains an array of changes to the Civil Registration Act 2004 which better reflect society. Among the changes are the validation of marriages and civil partnerships carried out in foreign embassies in the State, new provisions to deal with marriages or civil partnerships of convenience, the conferring of a duty on both parents of a child to comply with the registration of the birth of the child, and the conferring of a new duty that the father's name and contact details be provided on the birth certificate, which is important as everyone has a right to know their parents and the father of a child has a right to be involved in his child's upbringing. There are circumstances in which a mother can refuse to provide such information, namely, where she does not know the identity or whereabouts of the father or she believes that providing the information is not in the best interests of the safety of the child. In this case, the statutory declaration shall contain and, as necessary, exhibit information, particulars and evidence relating to that belief.

I presume regarding not knowing the whereabouts of the father of the child, the issue is whether the father must concur that he is the father. Perhaps there should be some clarification of it. If the father is in England but the mother is confident that he is the father of the child, what must she prove? Why does she not have to disclose the name of the father if she does not know his whereabouts? I note the different treatment of civil partnership and marriage and the confirmation that marriage enjoys greater protection under law than civil partnerships. This is yet another reason we need to implement marriage equality, access to equal civil marriage to all regardless of sexual orientation, and I look forward to the referendum campaign in 2015.

Another change concerns an issue on which I have been working since my election to the House in 2011. In 2012 I introduced a new Bill, as the Minister alluded to, the Civil Registration (Amendment) (Domestic Registration of Death Records) Bill. I did so due to legal shortcomings concerning the registration of the deaths of Irish people while abroad. These shortcomings were acutely experienced by a number of Irish families who had experienced the trauma of a relative dying abroad. The law does not permit the registration of such deaths, with the result that no record of the deceased person exists on an Irish register and no Irish death certificate or equivalent can be issued. I am delighted the legal obstacles which impeded the introduction of these important measures have been overcome, enabling the Tánaiste and Minister for Social Protection, Deputy Burton, and the Minister of State, Deputy Kevin Humphreys, to proceed with this comprehensive Bill in a way which alleviates the burden for those who lose a loved one abroad. It has been a while coming and the delay in introducing this common-sense change to the law has, understandably, been of concern to parents who have suffered such grievance.

Some Members may remember the "help bring them home" campaign in Galway, which was established following one family's experience of losing a son while on holiday in the US following a swimming accident. In 2010, Galway city councillor, Pdraig Conneely, led a delegation which appeared before an Oireachtas committee on this issue. The Civil Registration (Amendment) Bill 2014, which was published in July and which has completed its passage through the Seanad, will finally address this sensitive issue. I am delighted the legal obstacles which impeded the introduction of these important measures have been overcome, enabling the

7 October 2014

Ministers to proceed with this comprehensive Bill to amend the Civil Registration Act 2004 in such a way as to ease the burden for those whose loved ones die abroad.

Debate adjourned.

Message from Select Committee

Acting Chairman (Deputy Olivia Mitchell): The Select Sub-Committee on Health has completed its consideration of the Health (Miscellaneous Provisions) Bill 2014 and has made no amendment thereto.

Agriculture Industry: Motion [Private Members]

Acting Chairman (Deputy Olivia Mitchell): I understand Deputy Ó Cuív, who has 40 minutes, is taking 25 minutes and sharing with Deputies Cowen and Moynihan.

Deputy Éamon Ó Cuív: I move:

That Dáil Éireann:

notes:

— the importance of agriculture as Ireland's largest indigenous industry;

— that Article 39 of the Lisbon Treaty sets out the EU wide objective of ensuring a fair standard of living for farmers;

— the historic reduction in direct EU supports through the Common Agricultural Policy Pillar 1 with the single farm payment to Ireland reduced by €42 million per annum from €1.255 billion to €1.213 billion, approximately a 10% cut in real terms, with a further 14 per cent decrease in Pillar 2 payments;

— that the long-term sustainability of the agri-food industry in Ireland requires an adequate and fair market price return for farmers;

— that the ongoing manipulation of the market by big supermarkets and large processors is driving down prices for primary producers; and

— the need to ensure a level playing field between all actors in the agri-food industry, namely primary producers, processors and retailers with a fair return to each sector;

condemns the Government and the Minister for Agriculture, Food and the Marine for failing to protect farmers from unfair treatment by retailers and processors; and

calls on the Government to:

— confirm its role and the remit of the EU under Article 39 of the Lisbon treaty in supporting Irish agriculture and establishing and overseeing a fair, effective framework for the market to operate within;

— ensure that the Minister emphasises the protection of farmers as the cornerstone of domestic and EU agricultural policy;

— work with EU Agriculture and Rural Development Commissioner-designate, Phil Hogan, to prioritise the re-balancing of power in the agri-food industry in order to ensure farmers get a fair, sustainable price for their produce;

— work, at an EU level, to ensure the objectives of Article 39 of the Lisbon treaty are fully achieved; and

— introduce a €200 per head beef genomics scheme payment in 2015 to support the vulnerable suckler cow sector.

We all recognise the right of all workers to get a fair day's pay for a fair day's work. Regardless of the industry, workers are entitled to make a decent standard of living from their hard work and effort, yet today in the Irish agricultural industry the primary producer in the food chain is being systematically undercut. The cornerstone of the industry, the family farm, is being whittled away by mounting pressure on price and market manipulation.

The ongoing beef crisis is a clear case in point. Some 80,000 dry-stock farmers are seeing their work and effort sapped by large processors and supermarkets. Interestingly, the *Irish Farmers' Journal* last week reported that a farmer in Ireland could expect to get €350 less than a farmer in Britain for the same-type animal. This is a toxic cocktail of short-term greed and Government indifference and it is destroying the basis of Irish agriculture.

My party introduced this Private Members' motion to highlight the increasing pressure that ordinary farmers are under across the country. Of course, this pressure has massive repercussions, not only for the Irish economy but for rural life and society. I am delighted to see here the Minister of State with responsibility for rural development, Deputy Ann Phelan, because I note, on the issue of the shape of rural society, it is not only about the economy. Often we talk about the society as if it was an economy but the economy is only a means to an end, in terms of creating a society that is a good place for people to live in. It is striking when one looks at the 1916 Proclamation, where there is interesting sentence which talks about pursuing "the happiness and prosperity" because they recognised that it was not all about economy. The economy was hugely important, prosperity was important, but so was the happiness of the people. In other words, the society that we are trying to create, which, in terms of Irish agriculture, is centred around the family farm rather than some corporate-type farming, is vital to rural society.

Agriculture is also our largest indigenous industry. On the agri-food sector, the Ministers' colleague, the Minister of State, Deputy Tom Hayes, was in my village, Corr na Móna, today looking at the sawmill. Fair play to Deputy Kyne, he made it back quicker than I did. I had a bit of car trouble on the way back.

Deputy Patrick O'Donovan: Deputy Ó Cuív should have car-pooled.

Deputy Éamon Ó Cuív: Deputy Kyne is not going back the same way as I am going back. It reminds me of the day that Mr. Vincent Browne suggested to me on a television programme that I take the train home and I pointed out to him that there are no trains to Corr na Móna. Then he asked why I do not take the bus and I equally pointed out to him that there is no bus to Corr na Móna. One is confined to the car where I live.

Deputy Patrick O'Donovan: Deputy Ó Cuív was in Government long enough. One would imagine he would have sorted it.

7 October 2014

Deputy Éamon Ó Cuív: It would be impossible to provide the kind of bus service-----

Acting Chairman (Deputy Olivia Mitchell): Would Deputy Ó Cuív stick to agriculture?

Deputy Éamon Ó Cuív: -----that would leave me there whenever I decided I wanted to go home. As I am sure Deputy O'Donovan will be aware, as a Deputy one does not normally get home at sociable hours. I cannot see the day that there will be a bus service to Corr na Móna at one o'clock or two o'clock in the morning. Maybe this Government will promise it, like many other things they promised before they came into power.

The agrifood sector has weathered the storms of the recession to continue to play a central role in our economic life. Agriculture provides 60% of employment within the agrifood sector, which supports over 300,000 jobs across the country. Agriculture, including forestry, is still the engine of the rural economy. When one attacks and undermines the basic unit of that industry, the family farm, it will have implications for the broader economy.

Looking to the future of the industry, the sweep of the Food Harvest 2020 objectives sets out a bold vision for what we can achieve in Ireland. On a document prepared by the previous Government, it would be fair to say that the Minister has certainly bought in to trying to increase the take from agriculture. The major investment in both on-farm facilities and broader industrial capacity over the past decade has enabled our largest indigenous industry to grow and expand. There is untapped potential for the agricultural sector to flourish as the main employer in rural Ireland. However, this will be dead in the water if the price return to farmers is completely hollowed out.

The price has become vital in the context of the reduced funding available in the latest round of CAP funding and no matter what way we dress it up, there is quite a drop in funding. For example, direct payments between 2011 and 2013 dropped by 10%. They are down again this year and they will be way down next year, and the new CAP is a much smaller CAP than the last one. The Rubicon of reducing the CAP budget has been crossed and will inevitably come under further pressure in future years. EU subsidies will be harder to maintain over the next round of negotiation. This highlights the pressing need to emphasise a fair price return for farmers in the future. When the issue of export refunds was mentioned to officials on a recent visit to the European Union, the "No" was so firm. If the market will not pay the price and the subsidies are reducing, one can understand the pressure the farmers will come under.

Under Pillar 1, the single farm payment to Ireland has been reduced by €42 million per annum, from €1.255 billion to €1.213 billion, a 3.3% cut. With modest inflation of 7% over the period of the CAP, this is a 10% cut in real terms over the seven year period. Under Pillar 2, €2.2 billion in EU funding for Ireland amounts to €313 million per year. This is a 14% decrease in EU funding. With inflation at 7%, this is a 21% cut in EU funding over the seven year period. As that got cut, of course, the matching funding from the Government got cut. Overall, Ireland will see a reduction of 10% in Pillar 1 and 21% in Pillar 2 up to 2020. This fall in funding will be felt inside the farm gate in every farm in Ireland over the long term. This shortfall must be met by a fair return to farmers for their produce from processors and retailers. Under current manipulation, the CAP is effectively being exploited by these big supermarkets and processors to subsidise themselves by keeping farmers financially viable via State aid rather than through a fair price.

Addressing the issue is vital to the long-term viability of the agrifood industry in Ireland.

All we have to do is think back to last Christmas and the manipulation of the vegetable and horticultural sector, and the huge effect that had on producers. We are aware of the situation with liquid milk. When one buys a litre of a milk in a shop for €1, for example, 11 cent less of the price goes to the farmer now than was the case in 1995 and 11 cent more goes to the processor, or the supermarket. In most cases the processor is a co-operative, however, and we know the money is not going to co-operatives. That is despite the fact that the labour input into a litre of milk in a supermarket is minimal because the processor puts it on the shelf and customers take it off the shelf. All the supermarket has to do is provide the space and to scan the barcode at the checkout. In many supermarkets staff do not even have to do that because people scan the barcode themselves at the automated checkout.

In the past year since the price issue came up it is interesting how many times the Minister said we should let the market look after itself. It took the Minister a long time to set up the beef discussion group but it is only a talking shop. The Minister will tell me one must allow the market to function, as that is what he has said to me previously

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I said a lot more than that.

Deputy Éamon Ó Cuív: The reality is that we do not say the market should dictate to the consumer because we realise that if were to do so, the very powerful interests would manipulate consumers and they would lose out. We have a significant amount of international and national law to ensure consumers cannot be abused. The ordinary farmer is the other weakest player. A producer group is a step in the right direction but a very small one. It is a little naïve to expect such a group to solve the problem. It is important for the Government to set out a framework in which the market can operate, and that through legislation both in this country and the European Union we would ensure a level playing pitch for all players. If the Minister believes that is already the case then he should talk to a liquid milk producer, a vegetable producer, a potato grower, a horticultural producer, a strawberry grower or beef farmer.

The Government has abandoned its role as the custodian of a fair market. It has left farmers exposed to the power of processors and massive supermarkets who call the shots. The single farmer does not stand a chance against multinational companies who have revenues that rival the revenue of small countries. Some supermarkets are even bigger in power than some of the smaller countries and transnational in character.

The Minister should have stepped in to intervene at the beginning of his Ministry. He knew he would play a pivotal role in the European negotiations and he should have stood up for ordinary farmers across Europe. To put it mildly; the Minister has shrunk from the challenge. When we were discussing the Common Agricultural Policy, CAP, I kept asking the Minister what he was doing about price. The issue is fundamentally European as well as national as farmers across Europe are affected. Given the reducing subsidies provided by the new CAP, price should have been a cornerstone of discussions.

It is interesting to examine EU law. Article 39 of the Lisbon treaty sets out the objective of securing “a fair standard of living” for farmers. It is an integral part of EU agricultural policy. Given the multinational composition of large supermarkets and processors in the interconnected agrifood market on the Continent, it is vital that a joined-up EU approach is taken. Whether in the dairy, beef or vegetable sector, farmers can be left vulnerable to big supermarkets manipulating prices. It is important that the European Union would take the lead in achieving that

across the Continent.

The successful passage of EU Agriculture Commissioner designate, Phil Hogan, through scrutiny in the European Parliament last week moves him closer to taking up the position in the coming weeks. The Minister must work closely with him to achieve a strong, fair market framework in Europe. The future of European agriculture is reliant upon a fair price for a good product. The success of the CAP in achieving food security and underpinning agriculture as the cornerstone of the rural economy and rural communities is reliant upon a fair price return. I note with concern that the Government's counter-motion fails to address the Lisbon treaty provisions.

The beef crisis is threatening the livelihood of dry stock farmers throughout Ireland. Dramatic falls in price have been caused by a combination of arbitrary specification changes by processors and artificial trade barriers with Northern Ireland and Great Britain due to the influence of supermarkets. The quality assurance scheme has been exposed as a tool for processors to artificially suppress prices. We are in favour of quality assurance but it cannot be a method by which the supermarkets and processors artificially penalise farmers for perfectly good cattle and set barriers that have no justification in terms of quality of animal or meat.

The suckler cow sector is being hammered by the fall in price, which means the backbone of the beef industry is under threat. The current crisis comes hard on the heels of the fodder crisis in 2013, which pummelled the income of dry stock farmers. Teagasc revealed that cattle-rearing farms saw incomes decline by 22% to €9,469 in 2013 due to higher production costs associated with severe fodder shortages early last year. The beef crisis is hitting an already exposed group. The crisis is having a greater impact in certain parts of the country than others. The shift in prices is driving struggling farmers over the edge, which will damage production, employment and the prospects for future growth under Food Harvest 2020.

The crisis has illustrated the grave imbalance at the heart of agriculture. Primary producers are at the mercy of a system that is immensely more powerful than they are. Large processors are eroding margins while big supermarkets are working to expand their share of the final price. The misuse of labelling and specifications to achieve that reveals the way the power is used by those who have it, to manipulate the market.

I have set out the problems at hand and the Government's responsibility to address them. They are the steps that should be followed by the Minister, Deputy Coveney, to get to the very root of the issue. It will take time to change the situation on a Europe-wide basis. I hope the Minister will convince the new Commissioner designate - I will certainly try to do so - that he should make a fair return to all farmers across the European Union, so that from the east to the west and from north to south, farmers and family farms - the cornerstone of European agriculture - will be defended. In the meantime farmers face another hazard: as discussed during Question Time, next year will see the smallest payments over a 14 year cycle to farmers under the CAP. This will happen because, as the Minister knows, GLAS will not pay out significant money next year and REPS and AEOS payments will be minimal.

Farmers must pay bills now and we propose something very simple. There should be an introductory payment next year of €200 per head under the beef genomics scheme to bolster suckler cow income levels. This can be contrasted with the €80 proposed by the Minister.

Deputy Simon Coveney: Has the Deputy costed that?

Deputy Éamon Ó Cuív: I have, yes. The Minister keeps saying I live in cloud cuckoo land but I have not heard him criticise the Irish Farmers Association which wants more money to be spent under GLAS, though we all know this cannot be done.

Deputy Simon Coveney: The IFA is very happy with GLAS as we will spend €260 million per year through GLAS when it is up and running.

Deputy Éamon Ó Cuív: The IFA has sought that €260 million next year.

Deputy Simon Coveney: It has not.

Deputy Éamon Ó Cuív: It has. It seeks €500 million under Pillar 2 next year. The Minister should check his facts as leaflets on this were distributed to every farmer at the national ploughing championships. The Minister must not deny the facts as I can go to my car and get the leaflet for him if he so wishes. My proposal is cheaper than what is sought by the IFA.

Deputy Simon Coveney: The IFA wants 30,000 farmers in GLAS and that will take until next summer, at least.

Deputy Éamon Ó Cuív: The IFA wants a full year's payment and €150 million in next year's budget - it has stated this time and again. We were lobbied on this in the Alexander Hotel.

Deputy Simon Coveney: The Deputy knows that nobody is seriously saying that.

Deputy Éamon Ó Cuív: Is the Minister saying the IFA is not serious about this?

Deputy Simon Coveney: I am saying nobody is seriously suggesting that €150 million-----

Deputy Éamon Ó Cuív: The IFA is suggesting just that.

Acting Chairman (Deputy Olivia Mitchell): The Deputy and Minister should not engage in debate because the Deputy only has three minutes left.

Deputy Éamon Ó Cuív: This is a very good debate. The IFA is suggesting this and it is on all the literature.

Deputy Simon Coveney: It is the first time Deputy Ó Cuív has taken the IFA seriously.

Deputy Éamon Ó Cuív: I will argue with the IFA and say it is wrong when that is the case as I am entitled to do so. I take everything the IFA says seriously, even if I do not agree.

We suggest that payments should be levelled over the seven year cycle as this would be easily done. An introductory payment of €200 should be paid as this would encourage farmers to join the genomics scheme for three years, something the Minister hoped to achieve. This would produce more data on the genetic base of the farming herd.

We call for the immediate establishment of an independent beef regulator to investigate, assess and advise on sharp practices in the beef industry and to try to determine who gets what from the animals provided to factories - something the French are doing. We need to learn who is making a profit from this because this information would highlight much of what we seek today. A beef regulator would give ordinary farmers a strong and independent representative in this David and Goliath battle that would stand up for a fair return. Also, Britain has a food ombudsman and Ireland has not provided for this in the new Bill - we need one.

7 October 2014

Since I was appointed as the Fianna Fáil spokesperson on agriculture I have argued that two pillars are required to make Irish agriculture strong. First we need the CAP to be fairly distributed, on an objective basis, across the various schemes. Second, the issue of fair prices for farmers must be addressed. I have always advocated this two-pillar policy.

I think it is fair to say that the Minister gives the impression of being the Minister for agribusiness but not the Minister for farmers.

Deputy Simon Coveney: That is the impression the Deputy tries to sell.

Deputy Éamon Ó Cuív: It is the impression people get from the Ministers' speeches. The Minister should read his own speeches. We want good family farms in Ireland and we want all of the land to be farmed. We want people to get a fair return for their products. We believe it is vital for the future of rural Ireland, the quality of food produced here and the image of Ireland as a green country that we maintain the family farm as the cornerstone of agriculture. We must not allow corporate farming that decimates rural Ireland.

Deputy Barry Cowen: I thank Deputy Ó Cuív for tabling this relevant and important motion. We all rightly acknowledge the pivotal role of agriculture in our economy - that is stating the obvious. It has played that role in recent times when many other sectors were under severe pressure and it underpinned many communities in rural areas. We all acknowledge that it is the largest indigenous industry in the country and the beef sector is a major component of this. Members on both sides of the House know that Food Harvest 2020 is a vital blueprint for the sector's future and I acknowledge the commitment of this Minister and Government to the policy, which was initiated by the last Government. I have heard the Minister give credit to previous office holders on this plan and I welcome this.

Growth in the sector is due in no small part to commitments in Food Harvest 2020 and there has been similar growth in the medical technology and computer technology sectors in recent years. Thankfully, many jobs have been created in these sectors, particularly in the food and drink sector, as the Minister noted. I hope the Minister will use his influence, as we conclude deliberations on the coming budget, and do all he can to reduce the tax burden in areas such as the universal social charge. The universal social charge was an emergency tax for a period of emergency. Despite all of the Government's promises before the last election it now acknowledges the universal social charge for what it is and I hope the Government takes advantage of the opportunities that exist, according to the economic indicators, to make this change. There are opportunities for many more jobs in the sectors I mentioned and a prudent reduction in the tax burden will help in this regard.

Potential progress in agriculture is under pressure because of the beef crisis. The Minister knows this and has sought to engage with the sector and with stakeholders but nothing has come of this to give those involved in the industry the confidence to believe the impasse has been avoided. The motion is clear and concise. We are disappointed because it appears that the Minister has taken a hands-off approach to the sector in the negotiations.

8 o'clock

This concerns us. This is why we want to state quite clearly that we ask the Dáil to support our proposal on the €200 genomics payment to support the suckler cow sector.

The Minister will ask whether this is costed. Let us believe it costs more than €100 mil-

lion. It would be a once off payment and, like the universal social charge, it would be an emergency solution for an emergency situation. This is how vital a component is required to allow the industry to flourish thereafter. The Minister must take on board such a request. He must acknowledge the input and effect it could have. If the Minister believes it would not have this effect, that it is pie in the sky and, as he has called it, auction politics, it is far from it.

We ask the Minister again, having previously done so at the request of Deputy Ó Cuív, to reconsider the prospect of putting in place a beef regulator, not necessarily to set price because we know this cannot be done and that one cannot interfere in the market in such a fashion, but a regulator could act in an independent fashion to assess the malpractice and underhand practices which allegedly occur in the business.

I ask the Minister to seriously consider the other components of the motion, including creating an ombudsman for the supermarkets. In light of the recent appointment of Commissioner-designate Hogan, I hope the Minister works with him, as soon as is possible and practicable, to explore the potential which exists in what is contained in section 39 of the Lisbon treaty. It is a blueprint by which the Minister may be able to regulate the market in such a way as to help improve the situation and the price and allow the sector play its part. This would be in addition to the ways and means by which the Minister and the Minister for Finance can help the industry to flourish and play its part in the continued recovery of the nation.

Deputy Michael Moynihan: I welcome this opportunity and I commend Deputy Éamon Ó Cuív on tabling the motion so we can discuss agricultural issues. Agriculture is one of our main industries and is the backbone of rural communities the length and breadth of the country. Prior to the summer we discussed the beef crisis, and sought a regulator to be put in place so the agricultural sector could have confidence that somebody would be its guardian with regard to the situation which developed in recent months.

This time 12 months ago premium prices were being paid, but the industry almost collapsed in December and January. A major issue arose with regard to flagging dangers and alerting farmers to them. Farmers went in a particular direction producing bull beef, which had been the catchphrase for the previous two or three years. All of a sudden the specifications, guidelines and rules were changed and prices were cut accordingly. I wrote to the Minister in recent weeks with regard to the quality assurance scheme. To be perfectly honest, the response I received explained my letter back to me and stated it was up to other people to deal with the quality assurance scheme. We must examine how it was manipulated to cut prices for farmers as a serious issue arises.

When the Minister called a crisis meeting of all stakeholders in the beef industry on Holy Thursday this year there was a sense that a movement would be made and parameters would be set in place to ensure the viability of farming. That was six months ago but nothing has happened. A huge number of farmers are utterly frustrated with the system. Beef and suckler farmers are looking at their margins which have been absolutely cut. Those on family beef farms tell me if they had any substantial repayments they simply could not meet them. Family dairy farms considering the potential which will exist when quotas go on 1 April next year wonder whether they would be wise to invest. They are very cautious. Some farmers have bought into it and I hope there will be a future for them. The Minister stated he accepted there would be a danger with regard to milk prices in the coming months and farmers are very concerned.

We must examine the level of confidence which exists in the farming sector. Any family

beef farms with substantial borrowings, children in school, house mortgages and borrowings for sheds and investments are simply unable to make their repayments. They cannot make them this year. This is the fundamental issue, although we can talk about the beef industry and the excellent product we have, which is renowned the world over and which we have produced for years. Over the past 20 years family farms have bought into regulations to ensure a premium product is on the market.

Deputy Ó Cuív mentioned agri-industry. At the ploughing championships and elsewhere farmers have stated there is too much emphasis on agri-industry and we must pull back to the primary producer. Throughout the country, people on fertile land and marginal land are willing to try to make a living, raise families and keep rural communities going. We have many other industries and ancillary businesses, but if we do not have a viable agriculture industry, whether in dairy, beef or tillage, we will not be able to keep these communities going.

I ask the Minister to deal in his remarks with the special investigations unit of the Department and state whether it will be rebranded or replaced. It has done huge damage. In April or May it went to a farm with minor transgressions regarding cross compliance and almost treated the farmer and his family as absolute criminals.

Other issues arise with regard to red tape and bureaucracy. At the beginning of the CAP negotiations, and when the first draft came out in October or November 2011, everybody in Europe and Ireland stated it was an opportunity to reduce red tape and that farmers had been working under a huge bureaucratic red tape machine for the past 20 years or more. I am sorry to say I cannot see anything in the new proposals which will reduce red tape for family farms; they will probably generate more red tape.

I know of people who wanted to clear some scrubland which had been grazed by cattle for the previous 50 or 60 years but it was described as forestry by the Department. The definitions used by the Department and common sense on the part of officials needs to be examined. Some officials are absolutely excellent in how they deal with farmers, but some take the regulations to the letter of the law and almost delight in putting pressure on family farms.

The core issue is the crisis in the beef industry. Deputy Cowen spoke about the need to take emergency action in the short term and I agree with this. The information I have received from people who keep suckler cows is that they are thinking about changing and looking at other options. Those with larger herds are considering the viability of the sector. Their sons and daughters are choosing not to work on the farms. We must face this crisis. We have stated throughout the world that our beef industry produces a primary product. The suckler cow scheme is very important in this regard and it must be enhanced. Something must be done in this regard. There is no point in having summits in Dublin Castle, which, I believe, have been referred to as “the last supper”. It is no longer acceptable as we need real action, such as examining the machinery available through the various treaties of the European Union and elsewhere. Within the European Union, the various treaties of the European Union or elsewhere, it is time for real action in that regard because many farmers are only coming out of the 2012 and 2013 fodder crisis. Some of them have huge debt overhang. Some of the smaller - and even the larger - merchants and co-ops will outline the figures for what was borrowed to keep the farm going and they are only just coming out of those massive debts.

Based on the weather particularly in my part of the country and probably throughout the country, 2014 has been an exceptional year for farming. One would think that after that farm-

ers would be in good form, but they are anxious and concerned. The people in most danger are those with borrowings, whether it is for their own mortgage, for a shed or for other farm investments. They cannot make their repayments. The banks claim they are lending money to the agrisector, but I am afraid that they are not. They are binding it up in red tape and pointing to different issues.

The last debate we had in this area was on a regulator for the beef industry. It was shut down and we were told it could not be done. It has to be done. There must be an *ard stiúrthóir* or somebody to decide whether farmers are getting a fair price. Last week's *Irish Farmers' Journal* highlighted a €300 difference between Irish farmers and those in the UK. What is the red tape that is causing is the difference? What needs to be ironed out? What needs to be challenged within the European system-----

Deputy Simon Coveney: The Deputy should know the answer to that question.

Deputy Michael Moynihan: ----- to ensure that farmers here are getting a fair price for their product? They are conforming to all the regulations and are producing a top-quality product of which we are all proud. However, we need to give them a fair chance.

Acting Chairman (Deputy Brian Walsh): I ask the Deputy to conclude his remarks.

Deputy Michael Moynihan: I will conclude. We need to give them fair chance. We need to ensure that the primary producer is at the core of any policy for agriculture in this country and at the core of the industry.

Minister for Agriculture, Food and the Marine Deputy Simon Coveney: I move amendment No. 1:

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

“notes:

- the importance of agriculture as Ireland’s largest indigenous industry;
- the successful negotiation of the new Common Agriculture Policy during the Irish Presidency in 2013 which secured Pillar 1 funding of €8.5 billion for Ireland in the period 201420;
- the negotiation by Ireland of the €2.2 billion funding under the Rural Development Programme 2014-2020, to which a further €1.9 billion was added by this Government; and
- the importance of export markets to a strong Irish agri-food sector;

acknowledges:

- the dramatic increase in agri-food output and exports under this Government’s stewardship of Food Harvest 2020 to €10 billion;
- that the long-term sustainability of the agri-food industry in Ireland requires a continued focus on improving profitability on Irish farms and on competitiveness and efficiency along the supply chain;

7 October 2014

— the success of the Origin Green campaign in this context; and

— the need to ensure a level playing field between all actors in the agri-food industry, namely primary producers, processors and retailers with a fair return to each sector, recognising that this is a pan-EU issue, given the very high level of exports of Irish agri-food products; and

supports:

— the ongoing efforts of this Government to re-balance power along the supply chain, through the Competition and Consumer Protection Act 2014 and through the public consultation on the establishment of producer organisations in the beef sector, which are intended, *inter alia*, to increase farmer bargaining power in the supply chain;

— the Government's continuing commitment to the development of the beef industry, including through direct investment in 2013 of more than €40 million for the beef genomics scheme, technology transfer and other measures, and the provision of €295 million for the beef genomics scheme in the draft Rural Development Programme 2014-2020;

— the establishment of a Beef Forum, increase in marketing funds for the beef sector and efforts to increase transparency on pricing and specification for farmers; and

— the Government and the Minister for Agriculture, Food and the Marine in their continuing efforts to develop the agri-food sector and improve the profitability of Irish farmers.”

I wish to share time with Deputies O'Donovan, Kyne, O'Mahony, Connaughton and McNamara.

Acting Chairman (Deputy Brian Walsh): That is agreed.

Deputy Simon Coveney: I thank the Deputies opposite for bringing this motion before the House as it gives us an opportunity, which is always welcome from my perspective, to debate the Government's approach to agriculture.

The Fianna Fáil motion is based on Article 39 of the Lisbon treaty. It is important for people to understand what that states because the Deputies opposite only picked out a small portion of that article. It states:

1. The objectives of the common agricultural policy shall be:

(a) to increase agricultural productivity by promoting technical progress and by ensuring the rational development of agricultural production and the optimum utilisation of the factors of production, in particular labour;

(b) thus to ensure a fair standard of living for the agricultural community, in particular by increasing the individual earnings of persons engaged in agriculture;

(c) to stabilise markets;

(d) to assure the availability of supplies;

(e) to ensure that supplies reach consumers at reasonable prices.

and so on.

In other words, this is about providing a modern food-production system across the European Union through family farms to ensure we have a competitive market operating here so that we can see an industry grow and ensure farmers get a fair return for what they produce. That is exactly what we have tried to achieve and, in my view, have achieved through the negotiations over the newest Common Agricultural Policy.

It is important to remind the House that when the Government took office the predictions were that the CAP would reduce its funding by 30%.

Deputy Éamon Ó Cuív: Did the Minister believe that?

Deputy Simon Coveney: That was what Deputy Ó Cuív's Government left behind.

Deputy Éamon Ó Cuív: No, it was not.

Acting Chairman (Deputy Brian Walsh): The Minister without interruption.

Deputy Simon Coveney: It does not happen.

Deputy Barry Cowen: Was it the previous Government that set those figures?

Acting Chairman (Deputy Brian Walsh): Deputy Cowen, sorry-----

Deputy Simon Coveney: No it was not, but-----

Deputy Barry Cowen: Well the Minister should not try to-----

Deputy Simon Coveney: ----- that was the figure that was being predicted previously.

Deputy Éamon Ó Cuív: We always do that.

Deputy Simon Coveney: Well, the Deputies are upset and they should be because they were not advocates for agriculture at the time.

Deputy Éamon Ó Cuív: I am not upset at all; I am just-----

Deputy Simon Coveney: What has been delivered in the CAP, which has been welcomed by all farming organisations, has been a €12.5 billion package for Irish agriculture between now and 2020. Instead of a 30% reduction in direct payments, it is 3%. In Pillar 2 we are ensuring that the average spend in rural development programmes over the next seven years is about €565 million, which is the same as the average spend for the past seven years, which the Deputies opposite seem to have conveniently forgotten about. In fact, in those negotiations in the last minute, the Taoiseach secured an additional €100 million or so in Pillar 2 payments.

This evening's debate contains the usual attempts to distort what has been really good for Ireland in the new CAP, which was a fundamental change from where the Commission was going and it was just as well for Irish agriculture. However, what is most concerning for me is that the three speeches I have heard this evening made no mention of productivity, genera-

tional change, land mobility, new markets, competitiveness or modernisation of Irish agriculture. There was none of that. It is all just, “We need more money”, which paints agriculture in Ireland as if it does not have the capacity to make money from the markets as it is doing now.

We are having difficulties in the beef sector; this has been a very difficult year. I accept that and we have debated it on numerous occasions.

Deputy Barry Cowen: What is new in that?

Deputy Simon Coveney: I will come to that because unfortunately there is nothing new in Fianna Fáil’s motion apart from a proposal to give €200 per animal to every suckler farmer in the country even though we have a beef genomic scheme that has gone to the Commission to be considered for approval. When we asked for observations during a public consultation process, there was no mention of this €200 per animal coming from Fianna Fáil. It was a last-minute conversion in the week of the World Ploughing Championships which it is now following with a Private Members’ motion.

Deputy Barry Cowen: What is the Minister’s solution?

Deputy Simon Coveney: If one looks at-----

Deputy Éamon Ó Cuív: That is because-----

Acting Chairman (Deputy Brian Walsh): The Minister without further interruption. Deputy Ó Cuív was not interrupted during his contribution.

Deputy Éamon Ó Cuív: I was.

Acting Chairman (Deputy Brian Walsh): I ask Deputies to extend the Minister the same courtesy.

Deputy Éamon Ó Cuív: I was constantly interrupted by Deputy O’Donovan and the Minister.

Deputy Simon Coveney: It is to the credit of Fianna Fáil when in government that it set in train Food Harvest 2020. Unfortunately since then, I have not seen any policy from Fianna Fáil in opposition in terms of the implementation of Food Harvest 2020 and taking those targets forward. However, let us consider progress on the targets so far. We have virtually achieved the target on beef already - in fact double the target set by Fianna Fáil, which was to increase the value of beef exports by 20%. We are already at 39%.

The target for increase in value of dairy outputs was 50%. We are already at 42% and we have not even moved away from quotas yet.

Deputy Barry Cowen: What are this year’s figures?

Deputy Simon Coveney: In pigs against a target of 50%, we have already achieved 54%. In sheep the target was 20% and we have already achieved 19%. So Irish agriculture is forging ahead. There are always difficulties; every year some sector will have difficulty with price because we export 90% of everything we produce, which creates vulnerability.

Does Deputy Ó Cuív really believe that by putting a beef regulator in place we will have somebody in an office in Ireland who will be able to go to Riyadh, Berlin or Barcelona - or

London for that matter - to regulate the price they are selling Irish beef there? In some kind of fantasy proposal he seems to be suggesting that somehow an Irish regulator will be able to determine the price of Irish beef on the shelves and in restaurants in different parts of the world.

Deputy Éamon Ó Cuív: We could do. Has the Minister determined-----

Acting Chairman (Deputy Brian Walsh): The Deputy will have an opportunity to respond tomorrow evening.

Deputy Éamon Ó Cuív: Has the Minister determined what it is sold for?

Deputy Simon Coveney: In terms of those markets-----

Deputy Éamon Ó Cuív: A regulator could determine, as the French are doing-----

Acting Chairman (Deputy Brian Walsh): I ask Deputy Ó Cuív to allow the Minister to continue without interruption.

Deputy Simon Coveney: The French do not export large volumes of beef; the French beef industry provides beef for its own marketplace, which is much easier to regulate than a market that exports 90% of what it produces.

Deputy Éamon Ó Cuív: They are not against regulation in principle.

Deputy Simon Coveney: The Deputy should know that, but it seems he does not.

In terms of market access issues, the Government has worked tirelessly to open up new markets for Irish produce, the objective being to ensure we are not large commodity producers of food but premium producers targeting premium markets across the world. In the past three years I have led trade missions to China, the United States, Algeria, Japan, Qatar, the United Arab Emirates and Saudi Arabia, in all of which we are making rapid progress. China, in particular, is a hugely exciting market, especially for dairy and pork products and seafood. In the not too distant future, it will also be an exciting market for beef.

In the past 12 months we have achieved agreements on beef access with Japan, Singapore, Egypt and Iran. We have gained access for sheepmeat to Singapore, South Africa, the United Arab Emirates, Canada and Russia. We have secured access to Austria and Serbia for pork. What market access did Deputies opposite secure when their party was in government?

Deputy Barry Cowen: Will the Minister check his facts, for God's sake?

Deputy Simon Coveney: I have checked them. In the coming weeks Irish beef will be the first beef from Europe to enter the US market for 16 years.

In terms of the domestic beef sector, I agree with the Deputies that this has been a very difficult year for many beef farmers. However, I do not buy into the view that everybody is now looking at leaving beef production and that no young people are going into farming. In fact, there are more young people trying to get into agricultural colleges than ever before. There is a sense of excitement in terms of the numbers of young people seeking to develop a career in the food industry.

Deputy Barry Cowen: Not in the beef sector.

7 October 2014

Deputy Simon Coveney: As I said, all of the agricultural colleges are full. Teagasc management has repeatedly approached me seeking more staff for the colleges to meet the growing numbers on a month-by-month basis.

We need to restructure the beef market. The Deputies are correct that beef farmers are in a position of weakness when they negotiate with very large processors. They go with a trailer load of cattle and are price takers, which is wrong. That is why we are introducing a new policy - I hope Deputies opposite will contribute to the ongoing public consultation on it - which will see producer organisations representing large numbers of farmers as a collective. It is about having a professional negotiator to engage on their behalf on price, specification, age, species, markets and so on. This type of system works effectively in other parts of Europe. We want to see groups of 3,000, 5,000 or 7,000 beef farmers having collective access to a professional body which will negotiate on their behalf to ensure they achieve the best deal possible in terms of a premium price for the products they are producing. That is the type of structural market change we need, as opposed to a vague idea about a regulator without clarity as to what it would actually do, or some notion of changing prices without having any way of doing so. The way to improve the negotiating position for primary producers of food is by improving their bargaining capacity with processors and retailers. We will do this effectively through producer organisations.

We are also improving the information flow to farmers. For example, we have launched a Beef PriceWatch online tool which enables farmers to see what each factory is paying for different grades of animals right across the country. This will help to address the allegations regarding cartels and other issues that are understandably causing farmers considerable concern. Making accurate, up-to-date beef price data available to farmers will ensure there is transparency around these issues.

Fianna Fáil Deputies claim the beef forum has been a talking shop. In fact, it has been quite the opposite. After only two meetings, we already have a detailed report from Mr. Michael Dowling who is the author, as the Deputies know, of the beef section in Fianna Fáil's Food Harvest 2020 strategy. He has written an update of that strategy for the beef forum, which we are working to implement. If the Deputies actually knew what was happening at the forum, they would know about this.

We have also seen increased funding to Bord Bia which is spending €3.5 million in marketing Irish beef strategically in the markets we need to target, including Italy, the Netherlands, Germany and parts of the United Kingdom. Conveniently, however, the Deputies made no reference to this.

In terms of supports for the beef industry, this year we will spend more than €40 million on direct supports for the suckler beef sector, €23 million on the beef genomics scheme, €10 million on a beef data programme which is linked with the genomic scheme, €5 million on beef discussion groups and some €2 million as a residue from the suckler cow welfare scheme. Let us not forget that when we took office, suckler beef farmers were getting €40 per cow under that scheme. The Government has doubled the payment, as per our commitment under the rural development programme.

Deputy Michael Moynihan claimed that the suckler herd was disappearing before our eyes. The data show that 776,500 cows calved this year in the suckler herd, 1.5% less than last year. The year 2013 saw the highest ever price for beef in Ireland, being 15% up on what was being

given two years earlier. For anybody under the impression that in the past three or four years there was strong pricing in beef markets, that is not the case. This year prices are down some 11%, on average, from last year's all-time high. That is not to say the situation is good; it is not good. Many beef farmers have lost money this year and are operating within very tight margins. However, it is simply not true to claim they are seeking in large numbers to get out of beef production. When one considers the prices being paid for store cattle in Irish marts this year which are as high as, if not higher than, last year when factory prices were at their highest ever level, it does not suggest to me that this is a sector about to collapse.

Let us not get into predicting doom. We must try to fix problems and increase the negotiating capacity of farmers.

Deputy Barry Coveney: Those farmers are depending on the Minister.

Deputy Simon Coveney: Yes, they are depending on me and I will not fail them. I have made it clear that the Government prioritises the beef sector as part of its agricultural policy. That is what we are doing under the CAP and, in particular, the RDP. We will continue to support the sector in the budget next week.

Deputy Barry Coveney: I certainly hope so.

Deputy Simon Coveney: There is nothing in this Fianna Fáil motion in terms of a strategic change in the agriculture sector. The budget will be delivered next week and that party has nothing to offer. Do the Deputies opposite even know that for the past 12 months we have been engaged in an agri-taxation review with the Department of Finance? There have been no suggestions as to what we should announce next week in respect of taxation changes that might help farmers. The Fianna Fáil Party has nothing to offer.

Deputy Michael Moynihan: Farmers cannot pay their bills.

Deputy Éamon Ó Cuív: Has the Minister even read our motion?

Deputy Simon Coveney: I have read it. The Deputies are getting upset, rightly so, because they are not representing agriculture. I genuinely do not know what the Fianna Fáil Party represents.

Deputy Barry Coveney: The Minister adopted our policy on Food Harvest 2020 - thank God he did. He can do something for beef farmers next week, if he so wishes. I am sick of his talk.

Deputy Simon Coveney: I hope the Deputies have some policies that will help us to implement Food Harvest 2020 and the follow-on strategy we will develop which will build on the sense of Food Harvest 2020. That was a very important and significant policy document.

Deputy Barry Coveney: I have complimented the Minister on his adoption of it.

Deputy Simon Coveney: Just as I have always acknowledged that it was produced by the Deputy's party. However, the motion does not build on it. That is a fact.

Deputy Barry Coveney: We have made specific proposals to address the immediate challenges facing the beef sector.

Deputy Simon Coveney: It is left to the Government to build on the potential of Food Harvest 2020 and that is what we are doing.

Before concluding, I note that it is quite extraordinary that six months out from the abolition of dairy quotas which will facilitate the Irish dairy industry to grow to its full potential over time, there is no mention of that industry in a broad Fianna Fáil motion on agriculture.

Different sectors of agriculture will have difficult years at different times. This year was a difficult year for the beef sector and we are trying to respond to it as best we can by way of structural changes in the marketplace. Next year we may well see real difficulties in dairy markets, not because quotas are going but because of the difficulties in dairy product pricing globally into the future which will impact on dairy product prices in Ireland. We need to work collectively to respond to that with appropriate policy, and we will do that. Let us talk about the facts in terms of what we are dealing with rather than trying to pretend things are an awful lot worse than they actually are.

Deputy Patrick O'Donovan: I welcome the opportunity to speak on agriculture and rural affairs in general. I also welcome the Minister's comments on young farmers and the pressure he is coming under from Teagasc in regard to teaching numbers in agricultural colleges. There is a college in Pallaskenry in my constituency, which I have mentioned to the Minister on a number of occasions, and the teaching numbers in it are being stretched. If we are to deliver the type of education we require for the next generation of farmers, we require a level of investment there.

I welcome the recent announcements by many of the dairy companies, in particular in the Munster area, of significant capital investment, which was not referred to by any of the Opposition speakers. This will create real and tangible jobs in the Limerick, Cork and Kerry areas. I also welcome the Minister's comments on producer organisations and the possibility of negotiating on behalf of farmers.

The most regrettable thing missing from the Fianna Fáil motion is not statistics or a reference to the Lisbon treaty, which it negotiated. Deputy Ó Cuív went out of his way to oppose it at the time.

Deputy Éamon Ó Cuív: I never-----

Deputy Patrick O'Donovan: He was actually pro that one.

Deputy Éamon Ó Cuív: I never-----

Deputy Patrick O'Donovan: Sorry. Deputy Ó Cuív was pro that treaty but was against subsequent ones. The one thing this motion lacks is credibility because if one fell through the ceiling of the House tonight and listened to Deputy Ó Cuív complaining about the state of rural Ireland, one would say he was never in government, not to mention sitting at the Cabinet table. In the past three budgets Fianna Fáil brought in, the only references to agriculture were those in regard to what it was going to cut out of agriculture. The one thing that is missing from this motion is a scintilla of credibility.

Deputy Ó Cuív was right when he said the farming family is at the centre of agriculture and the development of agriculture. It is regrettable, therefore, that when he had a chance when he was sitting at the Cabinet table that he did not stand up for the installation aid or the early retirement scheme when the previous Government sent them down the river, along with a lot of others schemes which it did away with when it had the opportunity.

Deputy Éamon Ó Cuív: Is this Government going to bring them back?

Deputy Patrick O'Donovan: The previous Minister for Finance made only passing remarks about the agriculture industry, which is in stark contrast to what the Minister for Finance, Deputy Noonan, has done since he went into Government.

Not to leave Fianna Fáil out on its own, its future, or potential, coalition partners have some right little ditties for the farming community, including a land tax. I have not heard it mentioned for a long time. Perhaps Deputy Martin Ferris will tell us about it. Will it be in Deputy Mary Lou McDonald's proposals tomorrow when she finally reveals what Sinn Féin has in store for us by way of a budget? Will the land tax proposal, which Sinn Féin proposed, be included?

In a previous debate, Sinn Féin referred to unworked farm assets. In my part of west Limerick, an unworked farm asset is bad land, and Deputy Ó Cuív will know a lot about that coming from the west as well as about severely handicapped land. Deputy Martin Ferris and his party want to tax it. This is a great opportunity to discuss what is happening in agriculture.

I wish the Minister well in his negotiations with the Department of Finance. He has delivered up to now and I have no doubt he will deliver next week as well.

Deputy Seán Kyne: I welcome this debate on our most important indigenous industry. I also welcome the level of money coming in under the CAP budget between 2014 and 2020 - €8.5 billion under Pillar 1, €2.2 billion for rural development and €1.9 billion from the Government.

This time next year we may be discussing issues in regard to challenges in the dairy sector but there are great opportunities in that sector post-quota. The expansion by the major dairy companies in certain parts of the country was alluded to by the previous speakers. Not every part of the country will be able to develop a dairy sector, including marginal areas in the west of Ireland, but I hope that this time next year, we will not be discussing the plight of the smaller dairy farmers. However, there are certainly great opportunities in that sector.

As the Minister said, there is concern in the beef sector. I welcome what has been done in developing new markets, the increased funding for Bord Bia and marketing the great product we have. As the Minister stated, numbers in the suckler sector have stabilised. I know there has been some concern that post-dairy quota there would be a shift. Dairy numbers will increase at the expense of suckler numbers. There is no evidence of that yet and, hopefully, next year we will continue to see a strong beef suckler cow sector. The beef suckler cow is very important on the marginal lands, in particular in the west of Ireland. They are great at converting marginal quality forage into milk. That is the beauty of that animal. Those areas are constrained by land type and the protected status of land. Therefore, it is important we continue to have a strong direct payment system for those suckler farmers in the west.

I welcome the funding for the beef genomic scheme and the commitment under the RDP in regard to the disadvantaged area scheme, or the area of natural constraints scheme, the single payment scheme and GLAS. The beef genomic scheme is very important. The €80 is hugely important to maintain the beef sector. I hope it will be maintained in this year's budget, if not increased to some degree.

Last Friday we debated the issues surrounding GLAS. Again, it is very important we have had a continuation of the agri-environmental schemes from REPS to AEOS I, AEOS II and

AEOS III and latterly to GLAS. This money is very important to farmers in those areas along the west coast and in other more marginal areas, many of whom are constrained by the land they have. Where there is designation, they are not able to reclaim the land, plant or invest in wind turbines, for example. There are ongoing concerns in regard to that scheme. I will provide the Minister with a possible solution to that impasse later and ask him to pursue it, if possible.

Deputy Simon Coveney: We will look at that.

Deputy John O'Mahony: I welcome the opportunity contribute briefly to the debate and to discuss the opportunities and challenges in Irish farming, following the successful negotiation of CAP last year and the budget of approximately €11 billion from Europe and almost €2 billion in Government funding over the next six years. I congratulate the Commissioner for Agriculture and Rural Development, Phil Hogan, on his appointment and wish him well. It is a key appointment for Ireland and he certainly demonstrated last week in no uncertain terms that he was on top of the brief even before he got his feet under the table. I hope all our MEPs will work closely with him in securing a good deal for Europe, but in particular for Ireland. It is a commissionership we always treasured when we had it in the past and we should do so again.

As was said by speakers on both sides, agriculture has been the mainstay of our economy, stretching the length and breadth of the country, since the foundation of the State. It has helped us to survive many recessions and depressions. In my constituency of Mayo, 12,500 farmers farm 700,000 acres and receive direct payments of €113 million. There are always challenges and we have seen the ball being lobbed from one side to the other this evening. As I said, in any market driven economy, we will have issues like the fodder and the beef crises, which have been spoken about, and the commonage issues. However, it is vital to strike the right balance in supporting production, in increasing exports to meet the targets of Harvest 2020 and in protecting vulnerable farmers on low incomes who must farm areas with poor land and in special areas of conservation. That balance has been struck by the Minister and I hope it will continue to be struck.

The beef crisis is a huge issue but I am glad prices have stabilised somewhat. The crisis emerged because of a reduction in demand and an increase in supply. I welcome the efforts of producer groups in this regard and I hope the budget will offer support to the beef sector to help it overcome this crisis.

The issue of young farmers has been mentioned. Some young farmers do not appear to meet the European criteria. I ask that they be brought within the fold in order that the young farming population can remain in this sector.

Deputy Paul J. Connaughton: I welcome the opportunity to speak on this broad topic. As Deputy O'Donovan spoke about Pallaskenry college, it would be remiss of me if I did not mention the agriculture college in Mountbellew, which in recent years has been bursting at the seams with new students wanting to get into agriculture and agribusiness. I ask the Minister to do all he can to ensure the college is properly staffed. Mountbellew is somewhat different from other Teagasc colleges in that it is privately run but it needs all the support it can get. As one of the last remaining colleges in the west, it receives farmers from County Donegal, throughout Connacht and as far south as County Cork. The college also offers courses towards the green certificate for people who see a future in farming on the land. That course is also over-subscribed. Young men and women throughout the country want to get into this sector.

The issue that arose this year is the pressure on the beef and suckler sector. The suckler cow is everything in Connacht. The cost of keeping suckler cows has become excessive in recent years, which creates pressure for the entire area. If prices decrease, the cost becomes excessive and uncompetitive. We all know the importance of the suckler cow scheme, but that did not stop the party opposite from cutting it in 2009. It also cut the disadvantaged area payment, installation aid and the early retirement scheme in 2009. It is important we restore these areas. As Deputy O'Mahony noted, 300 young farmers lost out because installation aid was cut overnight. These are the same people the Minister is trying to assist under the young farmers scheme, with great difficulty.

Deputy Éamon Ó Cuív: This Government did not bring it back.

Deputy Simon Coveney: We looked after young farmers.

Deputy Paul J. Connaughton: I welcome that young farmers have been looked after under the new Common Agricultural Policy negotiations, which was not mentioned.

Regardless of how much money is provided for the suckler cow sector, exporting is the key to supporting the industry. Every farmer who goes into a mart wants to see buyers and confidence around the ring. Deputy Ó Cuív did not mention the markets the Minister has visited or reopened. That is the key to success. Increasing the number of cattle exports will put pressure on the beef industry. We can put as much money as we want into addressing the issue but I would rather give the money to Bord Bia in order that it can export the product the Deputy says is doing so well. Our suckler farms are important, especially in the west, and we should give them the support they deserve. We have doubled what the party opposite cut in 2008.

Deputy Michael McNamara: I wish to express my appreciation to Fianna Fáil for tabling this motion. I agree with much of what is in the Fianna Fáil motion, with the exception of the proposal to increase payments under the beef genome scheme to €200 per cow. Much as I would like to see that happen, it is simply unrealistic. I think Fianna Fáil will acknowledge that if it were in government, it would not increase the payment to €200.

Deputy Éamon Ó Cuív: For one year.

Deputy Michael McNamara: Deputy Ó Cuív can speak again later in the debate. I hope to be able to speak without interruption because I have just three minutes. At no time was €200 per cow the amount. It was announced as a payment of €200 but it was cut before it was ever paid, even during much better years. The country continues to face a deficit because we are not taking in more than we are spending by any means.

One would have to be deluded to think there is not a problem in the agriculture sector, the beef sector in particular. Policies pursued in agriculture and food by successive Governments, including Fianna Fáil Governments and this Government under the Minister's stewardship, have facilitated the manipulation of the market by large processors to the detriment of primary producers. Deputy Connaughton nailed it in his contribution because he said it is all about exports. The Minister announced some time ago that we have to maintain the level of live exports to keep the processors honest.

Deputy Simon Coveney: They are up 15%.

Deputy Michael McNamara: Two boats are licensed to transport cattle from Ireland to

third countries. One boat is licensed to bring them to France and two are licensed to take them to England. More boats were licensed to carry live exports from this island to many other countries in 1970 than is the case today and there were more live exports than compared with the present. It is good that we are in a position to process more product because it adds value, creates employment and increases the reputation of Irish beef abroad. We can package and market it. It is not good, however, when departmental policy removes part of the market, namely, live exports. The European Court of Justice has ruled that national rules must not go beyond what is necessary to achieve the main purpose of the Council regulation on the protection of animals during transport and that they must not result in additional costs or technical difficulties which disadvantage producers in a member state or prevent attainment of the objective of eliminating technical barriers to trade in live animals. Our rules discriminate between boats that bring cattle to Ireland and boats that take cattle out. The Minister of State at the Department of Agriculture, Food and the Marine, Deputy Tom Hayes, told me this was a matter of animal welfare. That does not stack up because, if animal welfare was the concern of the Department, all boats transporting cattle in our territorial waters would be subject to these regulations.

Deputy Simon Coveney: It would not be because we do not control all boats in our territorial waters.

Deputy Michael McNamara: If the Minister, in his role as Minister for Defence, does not have a role in supervising boats in our territorial waters or boats which dock in Ireland, I am more worried than I was at the start of this debate. I am not being flippant; we have a role in patrolling the issue. The reality is that since as far back as the 1990s and the days when Deputy Rabbitte said that departmental officials were getting presents from Larry Goodman, departmental policy has favoured processors and made sure that as few cattle as possible leave Ireland on the hoof. That is not a bad policy *per se* but it is a bad policy when it is used by processors to drive down prices. That is what they are doing, and they are doing it on the Minister's watch.

Deputy Simon Coveney: For the record, live records are up 15% this year on last year's figures.

Deputy Michael McNamara: The number of boats is not up.

Deputy Martin Ferris: I commend Fianna Fáil on tabling this motion. I listened with great interest to the debate thus far. It was ironic to hear the Minister's presentation on how wonderful things are for the farming community and how great farmers are doing. He claims that everything is up.

Deputy Simon Coveney: I did not say that.

Deputy Martin Ferris: The reality is that large numbers in our farming community are on their knees. The Minister knows it, I know it and Deputies McNamara and Connaughton knows it. They are on their knees because a cartel is in operation and the market is being manipulated by the cartel and by the multiples. The figures are frightening. In the farming section of today's *Farming Independent*, Joe Heney calculated that he is getting €600 less for a Friesian steer now than he got in 1988. He took inflation and the single farm payment into account and did his sums. He is getting €3.30 per kilogram for O and P grades. Meanwhile, Tesco is selling fillet steak at €35.94, rib eye steak for €26.65 and minced round steak for €8.40 per kilogram. These are the people out there who are crucifying the producer, the small farmer in the west. The people whom Deputies from the west represent are on their knees. These are the people who

had farm assist taken from them. These are the people who have no social structures or anything to help them. The big barons can manipulate the market any time they want to by calling on their feeders to surplus the market and bring down the price of cattle. That is what they do. They have access to the database, maybe not legally, but the Minister and I, and every Deputy knows that. They use it to manipulate the market and the prices.

There are the multiples, the Tescos, and all those big companies. I commend the Minister for the work he has been doing to try to get Tesco and others to resolve the issue of an island of Ireland label. The chief executive officer of Dawn Meats objected to it, saying it was wrong, that he would oppose it and he called on other barons to do likewise. These people have influence over governments and Departments. That is why the beef producers in the west and south west are on their knees. They are victims of a cartel that is manipulating the market. The Minister and every Deputy knows that.

Deputy Simon Coveney: Is there a cartel across Europe as well because we are at European level prices for beef?

Deputy Martin Ferris: It is €3.30 a kilo. Is that the average European price? No it is not.

Deputies McNamara and Connaughton mentioned live exports. If the Minister does not get live exports up and running quickly to take the surplus second grade cattle out of the country it will collapse further. That will make matters worse, absolutely worse, for the producer and will have huge social consequences, particularly for people on marginal land, people who are struggling to survive and get up on their feet and get going.

The Minister has a responsibility. I have a lot of faith in him, believe it or not. He is quite good at his job but he needs to grow a pair of balls and take on the multiples and the beef barons. They cannot be allowed to get away with it. They have manipulated the farming organisations. They have sucked everybody into what they are doing. They are destroying rural Ireland and all our constituents and they are allowed to get away with it. All of us together must make a stand and say loud and clear that the Larry Goodmans and people like him, the cartel, will stop and have to stop. The multiples must not be allowed to decide that they will not accept an island of Ireland label in order that they can manipulate the market for their selfish ends. I could ask the Irish people to boycott them if they do not relax what they are doing now, charging €35.95 a kilo when the farmer is getting €3.30 a kilo. That is grotesque. It is wrong and it is criminal. It must be resisted and the Minister must stand up against it.

Deputy Michael Colreavy: I note that the Minister thanked Deputy Ó Cuív for putting forward his motion and then began to tear it asunder. There is no doubt that beef farmers and sheep farmers, when we had the ridiculous proposals on commonage, vegetable growers and many groups of farmers are suffering.

Some may think that agriculture is important only to farmers, the initial food producers. That is not the case. Over the past few years, when the failures of neoliberal economics caused such massive economic damage to this nation, the only functioning part of Ireland's indigenous economy was agriculture, and to a lesser extent the tourism industry. This benefitted every man, woman and child in the State, not just people in rural areas, during the darkest of those dark days. Despite the trumpets our economic spring or summer has not yet arrived.

Agriculture, farmers and rural areas are once more at great risk because of Government failure to ensure a fair and balanced framework where beef farmers, processors, shops and

shoppers can each get a fair deal. It is all a question of fairness. The framework is so heavily loaded against producers in favour of processors and multinational supermarkets that there is a strong case to be made for an examination by the Competition Authority or maybe even by the fraud squad. If that needs to be done at European level, let it be done because it is patently and obviously price fixing at its worst. That is what is happening, changing specifications in order to control the volume, in order to keep the price low for the processors taking in the cattle. It is scandalous and is bringing small farmers to their knees. Some of them see no future.

The Minister also said that the Fianna Fáil motion did not come up with any proposals to build upon food harvest 2020. I will come up with one, as a spokesman on communications, energy and natural resources: biomass. For an agricultural nation we produce a relatively small amount of biomass. An increase in our output would not only help diversify our agricultural sector, it would also help us reach our renewable energy targets.

Biomass is a widespread resource and can be divided into waste produce and purpose grown material. Waste produce can come from agriculture, forestry, households and sewage. Purpose grown material consists of crops which can be grown quickly for the purpose of creating biomass. Ireland has a strong agricultural sector but its contribution to renewable energy production from biomass and waste has been well below the EU average. The recent partial merger of Bord na Móna and Coillte should aid in the development of Irish biomass production.

A report carried out by BW Energy into alternatives to relying on wind energy to reach renewable energy targets found that the existing power station at Moneypoint, County Clare could provide a solution to Ireland's energy needs if we were to use biomass. Moneypoint, the largest fossil fuel power generator in Ireland, currently supplies around 25% of Irish power generation demand. It plays a key strategic role in the Irish power system with associated implications for how the 2020 renewable power generation target is met.

Biomass boiler technologies and the international biomass market are well established. Both biomass co-firing and full conversion are proven as technically viable and economically attractive for large coal fixed power stations such as Moneypoint. Following the scaling up of the international biomass market and technical advances in boiler design, co-firing with biomass, or conversion to biomass generation at the key Moneypoint coal station, should now be evaluated as a real option to meet the 2020 target.

Unless the threat to agriculture is taken seriously, we will all be poorer. We need fairness first, particularly in the beef and vegetable trade, and we need to take seriously the other options available, particularly in respect of biomass.

Deputy Brian Stanley: I concur with much of what has been said in this debate. The west has been mentioned often. I represent a midlands constituency and there has been a particular price problem for the beef and grain sectors this year. I know this has to do with the vagaries of the world production system for grain. We cannot do much about some of those things but where we can we must act.

The reform of the Common Agricultural Policy, Pillar 2, has been finalised but there is great disappointment in County Laois that under the last round the single farm payments to a few farmers, fewer than the fingers on my hand, were between €150,000 and €200,000. That is obscene. It should have been capped and we asked for it to be capped at €50,000. That is a huge problem.

Deputy Simon Coveney: It is capped at the lowest figure we were allowed to cap it at.

Deputy Brian Stanley: I heard that at the time but we have the commissionership now and Mr. Hogan needs to plough ahead with that to look for reforms.

Farming is a crucial part of the economy of my own county. There are 3,300 farms which generate an annual output of €200 million. There is a great deal of off-the-farm income and industry related to this.

9 o'clock

In a county with a small industrial base, there are 1,400 people working directly in the food and drink sector. That is to be welcomed. I hope we can improve on that.

The prices being paid to farmers for their produce is the big issue in this debate. The Fianna Fáil motion refers to the manner in which farmers are being treated by large retailers and processors. This issue, which has been well rehearsed, is clearly a problem. Retailers and producers are using their muscle to force farmers to accept lower prices for a range of produce. Not too long ago, I saw a piece of roast beef that a woman had bought in a shop for her Sunday roast. The farmers are getting between €3 and €4 a kilo, but she had paid multiples of that. I understand there is a cost in processing, but I suggest that in between processors like Dawn Meats are creaming it off and making it. This is totally unacceptable. Deputy Martin Ferris has asked the Joint Committee on Agriculture, Food and the Marine to hold hearings on the matter. I hope those hearings take place. Similarly, I hope progress can be made on the issue of beef prices.

I would like to mention another issue that is relevant at this time of year. We should not have a repeat of the fodder crisis, given that it was a really good year for silage and crops. We have had severe weather events in recent years. We had a small taste of it last weekend. I hope similar weather events do not cause severe hardship again this winter. We welcomed the Department's efforts last year to address these problems in co-operation with the Minister and the Department in the North. Those efforts were aimed at ensuring the maximum efforts were deployed to alleviate some of the more severe cases that arose. In the aftermath of last year's crisis, we proposed that a sub-committee be established within the Department of Agriculture, Food and the Marine, with the input of other Departments as necessary, to draw up a contingency plan. Has that happened? Such a plan would be valuable if another fodder crisis or some other difficulty were to be caused by severe weather events. Are contingency measures in place? The Minister might give us an update on what is happening in that regard.

I was reading lately that Teagasc has estimated that one third of all stand-alone farms are not viable. This problem was also mentioned by the Minister in the debate. I listened carefully to what he had to say about the importance of the family farm. No one would disagree with that. We want to ensure farms are viable in order that as many people as possible are on the land producing quality food for a quality industry. We know the importance of it. The fact that 90% of beef is exported means it is a great cash earner for the State. We must do everything possible to deal with this issue in support of that. I meet many farmers when they come into my clinics to talk about these matters. I know that the activities of many beef farmers would not be viable without the cheque in the post. They sometimes have to eat into the cheque in the post to cover farming expenses. That is not sustainable. The price of beef must be increased. I implore the Minister to work with his EU colleagues and with the new Commissioner, the former Minister, Phil Hogan, to push this agenda. The power of the large processors and retailers must be cur-

tailed. It has to be broken. Farmers need to be getting a guaranteed fair price for their produce. That is all they ask. I hope we can achieve that.

Deputy Thomas Pringle: I welcome the opportunity to contribute to this debate about beef prices. Beef farmers are facing a crisis because of the prices they are getting for their cattle and their stock. I agree with what Deputies McNamara and Martin Ferris had to say about the issues in the beef sector. There is no doubt that the beef market in this State is controlled by a small number of processors who manipulate and control the prices that farmers can achieve for their stock when they take it to the mart. That is the crux of the problem for the beef sector in this country. The average income of beef farmers is between €12,000 and €13,000 per annum. It is not viable for them. They are struggling. Farmers along the west coast, particularly in County Donegal, are depending on this sector.

There are just three operators in the processing sector. This is what they do. Their natural tendency is to maximise their profits. They do this by manipulating prices. That is what they set out to do and that is what they do. The problem, unfortunately, is that this activity is not policed in this State. I recognise that live exports have increased. I looked at the Bord Bia figures today. The Minister mentioned that there has been increase of 15%, but I suggest we should set a target of achieving an increase of 30% or 50%. That would provide the competition in the marts that we are all talking about. If the processors have to compete, they will end up paying a living, reasonable price for the stock they buy from farmers.

Over the past 15 or 20 years, hundreds of small abattoirs had to close after increased regulations and standards were forced on them. When they were forced out of the market, it took many people who would have been buying cattle at marts out of the marts and out of the cattle-purchasing sector. That is one example of how the processors have managed to get rid of competition. Competition was further diminished when live exports were reduced. The processors have all the control. While I accept the Minister set up the beef forum, I suggest it merely involved politely asking the processors to do something to improve the way they deal with farmers and to increase their prices. It had no teeth. The Minister must have some teeth if he is to enforce the requirement on the processors to act reasonably and responsibly.

I do not believe the multiples play a huge part in Ireland in terms of the prices that farmers can get. We export 90% of what we produce through the factories. If the multiples here were paying better prices, it would not trickle down because it would involve no more than 10% of the stock that goes through processors. The big problem is the control the factories exert on the market in this country.

We need to think about to where this leads back. I read an article today tracing the genesis of the crisis in the beef sector back to last year's horsemeat scandal. The rationale for the article was that the supermarkets and multiples in England started to put pressure on processors to ensure they stuck rigidly to certain specifications. The processors then used those specifications to push down the prices at the marts. What has happened in the Department in the period since the horsemeat crisis threatened our beef sector? Has there been any follow-up on the horsemeat crisis? Are there any prosecutions outstanding? Is anything happening that will force the processors to act responsibly in the future? That is the kind of pressure we need to put on them if we are to ensure they behave responsibly.

We should ask the Competition Authority to examine the operation of this country's beef sector, with a particular focus on processing. If we are to address this issue, we must look seri-

ously at the competition aspect of it. I saw a quote from the Minister today to the effect that the Competition Authority has suggested that the beef sector is very competitive. When I went through the Competition Authority's website, I could not find any reference to the investigation of the beef sector. I did not see any evidence of an outcome of an investigation containing a finding that the sector is competitive. The Minister should be asking the Competition Authority to assess the level of competition in the beef sector. He also needs to increase live exports and ensure processors have to pay reasonable prices for their produce.

Debate adjourned.

The Dáil adjourned at 9.10 p.m. until 9.30 a.m. on Wednesday, 8 October 2014.